



# THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

*Monthly Accomplishments Report – August 2015*

## Chair's Message

*Tena M. Pate*

The Commission was able to expand our reach and share our knowledge of public safety and parole by participating in a variety of opportunities both state and nationwide this month.

As Commission Chair and Chair of the Association of Paroling Authorities International's crime victims committee, I was invited to Washington, D.C. to participate in the National Institute of Correction's (NIC) Meeting of National Experts: Post-Conviction Victim Services. The event brought leaders together from across the nation to review and discuss victim services in post-conviction settings and identify collaborative opportunities to create a cohesive and efficient integrated service model for states that want to enhance their current victim services.

Commissioners Coonrod and Davison, along with several staff members, traveled to the 86th Annual Florida Council on Crime and Delinquency (FCCD) Conference and Training Institute in St. Petersburg this month to enhance their knowledge of public safety, as well as discover new opportunities to improve the services we provide the residents of our state. While in attendance, Commissioners and staff also had the pleasure of supporting FCOR's Director of Administration, Gina Giacomo, who was elected and installed as the organization's state president for the 2015-16 term.

Upon the conclusion of the FCCD conference, the Commissioners and related staff remained in Pinellas County for two days of hearings. Several guests from the area joined us to observe the hearing process including Representative Chris Sprowls; Lara Medleyn and Wesley Davis with Representative Colleen Burton's Office; Karen Whaley with Representative Ben Albritton's Office; State Attorney Bernie McCabe; State Attorney Mark Ober; Assistant State Attorney Bruce Bartlett; Assistant State Attorney 12th Circuit Shanna Hourihan; Hardee CI Warden Travis Lamb; Assistant Warden Larry Olson and staff members; Hernando CI Lieutenant Catherine Block and Sergeant John McCarron; Hardee County Sheriff Arnold Lanier; and representatives from the Florida Department of Law Enforcement, Department of Corrections, Department of Juvenile Justice and local law enforcement agencies. The teamwork demonstrated by our Commissioners, Region V and Central Office staff was once again top-notch and their commitment truly shined. Over the course of the two day proceedings, the Commission heard a total of 306 cases, with approximately 133 victims, victims' and inmates' family members and supporters participating.

In closing, all of the contributions the Commission makes to public safety are valuable, but I believe that the most important work we do is striving to make a positive impact on those we come into contact with. As part of the Commission's ongoing Crime Prevention Initiative, we had nine juveniles under the supervision of the Florida Department of Juvenile Justice Probation and Intervention Services observe our hearings in Pinellas County this month. These young people sat and listened to one case after another and not only heard the serious consequences that come with the commission of a crime but also witnessed the very personal and sometimes heart-wrenching affect it has on the families of both the victims and offenders. Once the docket was complete, Commissioners Davison, Coonrod and I hosted a question and answer session with them and were able to see that some of them had truly been affected by what they had seen and heard during the hearing. Although we will most likely never know the full impact we had on any of these young people, or the others touched by the Commission's Crime Prevention Initiative, my hope is that a seed of knowledge and awareness will be planted in them and grow into a life full of success instead of a life of crime. I invite you to continue reading this report to learn more about the Commission's accomplishments during the month of August.

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.*

I want to thank Region V for the outstanding job they did preparing for our out-of-town vote in Gulfport this month. The hearings were extremely well attended by visitors, special guests and a number of juveniles involved in the DJJ system who came to observe. I believe the testimony they heard was impactful, especially to the juveniles, one of whom noted in his survey that he could personally relate to the cases because "my dad has life in prison."

In addition to our usual monthly Operations conference call, we also conducted two conference calls in preparation for the APAI 2016 Annual Training Conference to be held in Daytona Beach Shores. We are currently working on developing a conference theme and programming, as well as logistics and special events. About mid-month, we presented our Legislative Proposals and Budget Requests to OPB and other staff from the Governor's Office, and later attended the annual FCCD Institute in St. Pete.

We are continuing to utilize all available resources to increase efficiency, and to that end FCOR gained access to DOC's FAST system for tracking visitation at institutions as well as to the DC74 screen for information on inmate drug screens in prison, which will be helpful to investigators during clemency investigations. We also met with P&P and OIT staff in their Central Office to resolve CDC programming issues and we are continuing to refine our codes to more accurately reflect our data.

### Accomplishments: August 2015

#### Office of the Commission Clerk

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The number of cases docketed included: 821

- Parole – 113 (3 granted, 2 denied)
- Conditional Medical -9 (8 granted, 0 denied, 1 deceased prior to the vote)
- Conditional Release - 593
- Addiction Recovery Supervision - 105

#### Revocations

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- Warrants Issued - 184
- Cases Reviewed and Prepared for Docket - 205\*

*\*includes parole, conditional release, addiction recovery release, and 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 - 265
- Victims located - 36
- Status updates to victims on parole, conditional medical and clemency cases – 354
- Assisted victims who attended parole or clemency hearings - 32

## Field Services

Field Services' Statewide Activity Totals / Monthly Interviews and Hearings Conducted:

- Parole Interviews - 55
- Revocation Interviews - 240
- Revocation Hearings - 50
- Total Interviews and Hearings for the Month - 345

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	2	1	2	3	7
PENDING CLEMENCY CASES	With Hearing: 436 W/o a Hearing: 4 Total Cases: 440	With Hearing: 818 W/o a Hearing: 12 Total Cases: 830	With Hearing: 822 W/o a Hearing: 17 Total Cases: 839	With Hearing: 1,614 W/o a Hearing: 31 Total Cases: 1,645	With Hearing: 1,073 W/o a Hearing: 12 Total Cases: 1,085

## 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: August 2015

- FCOR achieved 100% prompt payment compliance
- Submitted 11 requisitions, 57 Security request, 2 revisions to the website, 98 invoices, 115 inner office requests, 6 work orders and made 34 deliveries
- Responded to the Statewide Energy Plan and to the Salaried FTE Count
- Submitted the ADEBI Survey
- Attended security threat group training
- Prepared Safety article for new letter and distributed Wellness information
- Attended the 360 Training Classes
- Submitted Designated Governmental Entity Agreement to DMS and submitted updated contact information to Collective Bargaining Units
- Hosted State Securities Corporation Agent site visit
- Employee Performance Reviews completed

## 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: August 2015

- Since the last summary on July 27, 2015 we have completed 15 court actions (including responses, briefs and motions). We continue to have some room to breathe and work on our other research projects as well as get a jump on the responses already showing up due for the fall.
- Recent litigation trends: We have had some challenges recently that are difficult to discern the nature of, but no trends to report on for this month!
- Attached orders include:
  - **Nordstrom v. Commission:** This is a case where the inmate was attempting to have the Court order the Commission to place him on conditional medical release. The Court denied the petition because such is solely discretionary with the Commission plus he did not even show that he attempted to seek conditional medical release and was denied.
  - **Cheatham v. Commission:** In this case, the inmate had originally filed a petition seeking the declaratory judgment action (the kind mentioned in previous legal summaries). That action was denied by the lower court and he appealed it to the district court. In a final order, the district court affirmed the lower court's action and referenced two opinions regarding dismissals of judgment actions. We now have one of our cases to cite to in our responses to these actions in the circuit court.
  - **Crespo v. Sec. Dept. of Corrections:** I included this case because I know how hard Mark had to work on it. After several responses back and forth between the court, the inmate and Mark, the federal petition challenging suspension of a presumptive parole release date was denied in a thorough 23 page final order. The court noted that the claims were untimely and not exhausted properly, but they were also without merit; the Commission's suspension did not violate any due process rights. The court ended with a note indicating that the United States District Judge found Mark's arguments persuasive and were adopted in its final order. Mark's hard work paid off!

## Office of Legislative Affairs

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

### Accomplishments: August 2015

- Drafted and presented legislative proposals for the 2016 Session to OPB and the Governor's Office.
- Attended Executive Office of the Governor Legislative Affairs Director's Meetings.
- Conducted ongoing legislative constituent relations regarding various Commission functions.
- Attended Out of Town Vote in Pinellas County.

## Office of Communications

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

### Accomplishments: August 2015

- Attended Florida Public Relations Association Annual Conference.
- Prepared letters regarding Crime Prevention Initiative to potential education and public safety partners.
- Prepared media packets and distributed a media advisory for the Pinellas County vote.

- Continued layout and design of FCOR Intranet site.
- Continued Historical Commissioner Video project planning.
- Hired and trained new Public Information Specialist.

## 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: August 2015**

- It's working! The new telephone messaging system for Executive Clemency and Clemency Investigations. Executive Clemency is now tasked with tending to all calls regarding clemency as of last month. Callers are no longer transferred to the investigative office as many times there is no additional information regarding their status in the clemency process. There are exceptions when calls will be directed to the investigative office if needed to better serve the caller. This same process is being utilized for Executive Clemency staff which allows them the opportunity to pull the case and provide a well-informed response. This office is also gearing up for the September Clemency Meeting and notifying applicants whose cases will be heard at that time.

#### **Webpage Statistics**

- <https://FCOR.state.fl.us> has received **5,928,635** hits with **1,121,601** searches for Restoration of Civil Rights (RCR) grants.
- **129,150** names were located and **78,341** certificates have been printed.
- Currently **376,627** RCR certificates are available for printing through the [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com)

## 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: August 2015**

- On August 13, 2015, 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 August 18, 2015, the Offices of Executive Clemency and Clemency Investigations held a joint meeting to share information and exchange ideas between the two offices, focusing primarily on efficiencies in the scanning of documents related to clemency cases.
- Prepared investigations for the upcoming September 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, attended multiple training classes, and assisted in the development of clemency data requests.