



THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – December 2015

Chair's Message

Tena M. Pate

As 2015 comes to a close, we reflect on our accomplishments of the past year and set our sights on the future. The strides of the Commission have been tremendous and greatly exceeded my expectations. Here are just a few highlights of what we were able to achieve together.

2015 Year in Review

- Commissioner Richard Davison received confirmation by the Senate during the 2015 Legislative Session.
- The transition and implementation of our agency name was completed.
- FCOR's online staff directory was launched with the assistance of the Florida Department of Corrections.
- In observance of the 2015 National Crime Victims' Rights Week, we hosted 'A Conversation About Crime Victims' Rights' panel presentation at the Florida Capitol.
- The Commission coordinated a Victim Offender Dialogue (VOD) facilitator training session for state agency victim services professionals.
- A new digital clemency case reference software program was implemented and successfully utilized at both the September and December hearings.
- We broadened our crime prevention initiative to educate at-risk youth of the consequences of poor life decisions by inviting multiple groups to observe out of town hearings.
- The Commission shared best practices with other public safety agencies and associations and was recognized as a model for our processes.

Our accomplishments throughout December kept up the high standards, beginning with the 27 staff members who participated in the yearlong 360° Leadership Training Program and received recognition at the Commission's December business meeting. Under the leadership of Executive Clemency Coordinator Julia McCall, participants dedicated two days a month honing their leadership, public speaking, and presentation skills. As training continues to be a vital component in the evolution of the Commission, I look forward to seeing how we can implement the strategies and practices of the 360° Leadership program in future projects.

The Board of Executive Clemency held its fourth and final clemency hearing of 2015 at the Capitol on December 9. Once again the diligent work of our clemency staff resulted in a successful hearing with a total of 70 cases placed before the board for consideration.

This month I had the honor of addressing the attendees of the Smart Justice Summit to whom I presented an overview of the Commission's important role in Florida public safety history, as well as an update on the vital programs the Commission carries out to protect the citizens of Florida. It was incredibly gratifying to share our agency's successes and network with other dedicated professionals to forge a path for the future. As I've said before, these relationships are vital to achieving our goals. As Louisa May Alcott once penned, "It takes two flints to make a fire."

Our accomplishments were also showcased in our newly printed 2014-15 Annual Report and at our combined business and goals meeting. We set the bar quite high at the start of the year, but it was clear in both the annual report and the meeting just how well we rose to the occasion. I'm confident that we will continue to set and exceed expectations well

Monthly Accomplishments Report

into 2016. We concluded the month as we do every year, by coming together as a team for our holiday brunches and gatherings in our central and regional offices. These events remind us of the importance of taking a moment to enjoy each other's company and to recognize our good fortune.

We have much to look forward to in 2016 including the celebration of FCOR's 75th Anniversary. We will be honoring this incredible milestone in a number of ways in the coming months including the use of a commemorative logo on our letterhead, website, and other documents to mark this diamond anniversary.

In closing, I recently announced that my last day with the Commission will be March 31, 2016. It's been an amazing journey, which was only possible because of the incredible team that I have had by me every step of the way. I refuse to see this as an 'ending'. The relationships that were forged here with all of you, as well as those in state government, criminal justice and beyond, will endure. Please continue reading this report to learn more about the Commission's many accomplishments during the month of December.

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.

December brought with it a round of holiday and law enforcement events including the US Marshals Service's Annual Open House; and the very successful Big Bend Law Enforcement Annual Christmas Breakfast, which was coordinated this year by Commissioner Coonrod. In addition, Chair Pate was a plenary speaker at the 2015 Justice Summit, sponsored by the Smart Justice Alliance, where she spoke about the Commission's accomplishments and its vital role within the criminal justice community. It was great to reacquaint ourselves with some of our criminal justice partners during this time of year.

On the APAI Conference front, we have firmed up our list of program speakers and are ready to submit it to the APAI Executive Board for approval. We are also on task with our other host committee duties, including hotel accommodations, communications, transportation and securing exhibitors.

Finally, topics covered during the December Operations call included CMR turnaround times, the GREC pilot project at Gadsden Re-Entry Center and reminders about timeframes from both Revocations and Commission Clerk's Office. Jeff Rigdon can provide minutes of those meetings if you need more detail.

Accomplishments: December 2015

Office of the Commission Clerk

The number of cases docketed included: 913

- Parole – 105 (4 granted, 3 denied)
- Conditional Medical -3 (1 granted, 1 denied, 1 deceased prior to the vote)
- Conditional Release - 687
- Addiction Recovery Supervision - 118

Revocations

- Warrants Issued - 217
- Cases Reviewed and Prepared for Docket - 180*

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

Victims' Services

- Victims' requests for information on parole, conditional release, and conditional medical cases - 231
- Victims located - 68
- Status updates to victims on parole, conditional medical and clemency cases – 309
- Assisted victims who attended parole or clemency hearings - 24

Field Services

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

- Parole Interviews - 49
- Revocation Interviews - 230
- Revocation Hearings - 67
- Total Interviews and Hearings for the Month - 346

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	2	1	3	1	8
PENDING CLEMENCY CASES	With Hearing: 364 W/o a Hearing: 7 Total Cases: 371	With Hearing: 742 W/o a Hearing: 18 Total Cases: 760	With Hearing: 778 W/o a Hearing: 20 Total Cases: 798	With Hearing: 1,535 W/o a Hearing: 42 Total Cases: 1,577	With Hearing: 988 W/o a Hearing: 20 Total Cases: 1,008

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: December 2015

- FCOR achieved 100% prompt payment compliance.
- Submitted 21 requisitions, 9 security request, 36 invoices, 30 purchase request, 104 inner office requests, and made 47 deliveries.
- Revised procedure directive.
- Submitted 1099 Checklist.
- Distributed wellness information.
- Submitted the Administration Business Meeting report.
- Attended 360 graduation, Next Generation and Chad Snyder briefing.
- Distributed new hire packages to Field offices.
- Attended training on the Transparency Florida and Public Records.

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: December 2015

Happy Holidays. I will be out next week, so you are getting your legal summary early this month.

Since the last summary on November 25, 2015 we have completed 28 court actions (including responses, briefs and motions). That's almost double August's total. What a whirlwind!

- Recent litigation trends:
 - I have had some unusual legal arguments trending this month challenging venue issues (where the court case is heard) and jurisdictional issues (if the court has the authority to hear the case).
 - There is an uptick in challenges to eligibility for conditional release.
 - The contention that the Commission has violated the inmate's rights to fair consideration for parole is also prevalent.
- I have included the following orders for your review:
 - **Brown v. FCOR & FDC:** In this interesting case, the conditional releasee had five convictions, only one of which was eligible for conditional release. The inmate contended that the eligible case ran first and the ineligible cases ran consecutive so he finished his sentence in full in prison under the Canty ruling. The court rejected his arguments finding that the clear language of his sentencing documents are that the eligible conviction runs after the ineligible convictions. Therefore, when he was released early by virtue of his gain time, he was properly subject to conditional release.
 - **Wilson v. FCOR:** The parole-eligible inmate in this case challenged the Commission's modification of his PPRD based on a need for further programming. He generally contended that the Commission did not adequately inform him of what programming he needed to do before he reached his EPRD and that the Commission failed to explain why he needed programming. The court found the arguments without merit and that the Commission met its obligations based on a review of the complete record.
 - **Calderon v. FPC:** This parole-eligible inmate demanded a release date or mitigation of his PPRD based on his deportation status, as well as raising other challenges to his initial date calculation. The court rejected his arguments finding there is no entitlement to mitigation or release simply because he is deportable.
 - **State v. Lambrix:** This is an active death warrant case for Mr. Lambrix. In his final appeals through the state court, he contended that he is entitled to clemency records as part of his public records request. After a hearing in which we participated, as well as other agencies, a final order was issued. This order reviewed all of these public records requests individually, including our objections to the clemency records. In the final pages (43-44) the court denied the request, sustaining our objections based on a long line of case law. Also of interest is the denial of the request to the Office of the Governor (pages 35-36).
- Since the last legal summary:
 - I attended a presentation on Cybersecurity for General Counsel Offices and received great information on necessary NSTE protocols.
 - All mandatory public records training has been completed this month.
 - The Legal Office's intern, Cyrus, has completed his work for now and returned to Michigan.
 - The Rules Committee made great progress in its work this month, even with the distractions of the Commission holiday celebration and it will continue to meet in the New Year.

If I can answer any questions regarding any of the above, let me know. Have a Happy New Year!

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: December 2015

- Attended House and Senate Committee Meetings relating to the Commission.
- Attended Executive Office of the Governor Legislative Affairs Director's Meetings.
- Conducted ongoing legislative constituent relations regarding various Commission functions.
- Met with Legislators to help educate and better inform them about the roles of the commission.
- Worked with OPB, EOG, and Legislators on proposed legislation relating to the Commission.
- Presented at the Commission's Annual Business Meeting.

Office of Communications

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

Accomplishments: December 2015

- Presented goals report at December Business meeting.
- Prepared December Business meeting talking points for Chair Pate.
- Crafted and distributed press release announcing Chair Pate's final date at Commission.
- Completed and distributed December employee newsletter.
- Attended Public Records Request training.
- Began filming for historical/training video.
- Provided press materials and media relations for the December 9th Executive Clemency Board Meeting.
- Finalized and distributed the 2014-15 Annual Report to staff, legislators and stakeholders.

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: December 2015

- On November 1, 2015, this office commenced an afterhours special project to assist the Office of Clemency Investigations. This project pertains to the review and full screening of application cases currently in the Clemency Office which are set to be forwarded to the field offices for investigation. At the commencement of November there were **1,566** Restoration of Civil Rights available to screen. As of the end of December we were below **1,000**. Eligible cases will be forwarded to the field for investigation and applicants who have been determined ineligible will be notified and full instructions for the next step indicated. This is a win-win for all parties.
- OEC continues to screen daily submissions of applications in an expeditious manner in order to notify the applicants early on of their status in the first phase of a two-phase process.
- The last Executive Clemency Board meeting was held on December 9, 2015. Of the 70 cases called, 50 individuals appeared in person before the Board as applicants or family, friends, attorneys, or victims in support or opposition. The remainder of the month is utilized to prepare Executive Orders and start preparing for the next meeting in March.

Webpage Statistics

- <https://FCOR.state.fl.us> has received **10,652,296** hits with **1,151,999** searches for Restoration of Civil Rights (RCR) grants.

- **135,206** names were located and **80,784** certificates have been printed.
- Currently **376,746** RCR certificates are available for printing through the 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: December 2015

- On December 9, 2015, the Governor and Cabinet, sitting collectively as the Clemency Board, held its fourth quarterly Clemency Board Meeting. The Commission completed and submitted 70 in-depth clemency investigations for consideration by the Board. The Chair provided detailed information related to the Confidential Case Analyses and processes to the Board Members in response to their inquiries. In addition, this office researched the specific reasons why the 47 RCR applicants were requesting their rights. Several applicants indicated multiple reasons in their statements, and the following is a brief summary of what our research revealed:
 - 87% of the applicants specifically indicated that they were interested in regaining their right to vote, sit on a jury or hold public office.
 - 28% of the applicants specifically indicated that they were interested in obtaining their civil rights to help them with employment, ranging from specific licenses or occupations to general job opportunities.
 - 4% of the applicants did not provide any specific reason for requesting their civil rights.
 - In addition, 23% of the applicants voted in an election without having their civil rights restored.
- On December 10, 2015, the Director of Clemency Investigations and Michelle Whitworth joined the FCOR Leadership Team at the Commission Business Meeting and provided an update on the accomplishments of our goals for this year.
- On December 17, 2015, training provided to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations.
- Revised one investigation procedure directive, prepared investigations for the upcoming Clemency Board Meeting, 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.
- Conducted investigations on capital punishment clemency cases and Requests for Review for Commutation of Sentence cases.