



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – May 2015

Chair's Message

Tena M. Pate

The Commission kicked off the month of May by celebrating Public Service Recognition Week which offered Commissioners Coonrod, Davison and I the opportunity to publicly recognize the contributions our statewide FCOR team members provide the Commission and the State of Florida on a daily basis. We capped off the week of recognition with our Annual Awards Ceremony and presented awards to several Commission employees who went above and beyond expectations to provide outstanding service. Our highest accolades went to Dawn Mikola - Overall Commission Employee of the Year, Jessica Ghent - Field Office Employee of the Year, and Fernando Sanchez – Central Office Employee of the Year.

The Commission traveled to Brevard County mid-month for two days of hearings and once again the teamwork demonstrated by our Commissioners, Region III and Central Office staff was exemplary. Big thanks to 18th Judicial Circuit State Attorney Phil Archer and his staff for serving as our gracious hosts for the hearings. Several guests were able to join us and observe our processes including Representative John Cortes, Representative Bruce Antone, Helen Franta with Speaker of the House Steve Crisafulli's Office, Director Stephen Salvo from the Brevard County Sheriff's Office, and representatives from the Florida Department of Law Enforcement, Department of Corrections, and local law enforcement agencies. During the two-day hearings, the Commission heard a total of 298 cases, with approximately 88 victims, victims' and inmates' family members and supporters participating.

I am a firm believer that involvement in public safety organizations and events is an excellent opportunity to both learn from other professionals, as well as share our own best practices, and this month there were several opportunities to do just that. The first was the FCCD (Florida Council on Crime and Delinquency) Chapter II Annual Distinguished Service Awards Dinner where I was asked to update the membership on the Commission's current projects and programs. During the event, I was pleased to also be able to see Commission staff members Michelle Whitworth presented with the Distinguished Service Award in Criminal Justice and Josh Johnson installed as the Chapter's incoming Board Secretary. The second event was APAI's (Association of Paroling Authorities International) Annual Training Conference in Columbus, Ohio. Commissioners Coonrod, Davison and I were able to attend valuable training sessions regarding parole and discuss pertinent issues with our national and international counterparts. Over the past year I have served as APAI's Victim's Committee Chair and while at the conference I was honored to be elected as the Vice President for the association as well. I look forward to serving as Vice President of this international and highly respected association. The final event was the Attorney General's Annual Preventing Crime in the Black Community Conference in which the Commission hosted two different workshops. Due to its popularity last year, we again held the crime prevention panel session 'The Impact of Crime: The Good, The Bad and the Ugly' to educate youth attendees on the long-lasting consequences of committing a crime and a new session lead by victims' advocate Gretchen Casey on the topic of restorative justice.

Lastly, FDLE released Florida's 2014 Annual Crime Report this month which indicated that crime is down 4.9% since 2013. This significant decrease is a testament to the efforts all of our state's public safety agencies work collectively to accomplish and we should all take pride in the contributions we've made to keep our state safe. I invite you to continue reading this report to learn more about the Commission's accomplishments during the month of May.

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.

In May, our out-of-town parole hearings were held in Brevard County, and both days were well attended, particularly by Department of Corrections (DOC) institution staff in the area. Many had never attended a parole hearing before and commented that it gave them a better understanding of the process.

We are making great progress with updating our Operations procedure directives, and this month we finalized and published updates to three procedure directives originally issued more than three decades ago: Preliminary Hearings, Final Parole Revocation Hearing Notices and Judicial Notices. Please take a few moments to familiarize yourself with these updates/changes.

During May we also finalized our preparations for the Victim Offender Dialogue training taking place in June. In addition to meeting with DOC to educate them about the victim-centered approach inherent in this addition to our Victim Services programs, we also secured their support and assistance in our training process, which includes a visit to an institution and limited inmate participation. We are hoping to offer VOD services to victims and victim families in the very near future.

Accomplishments: May 2015

Office of the Commission Clerk

The number of cases docketed included: 825

- Parole – 72 (3 granted, 3 denied)
- Conditional Medical -0 (0 granted, 0 denied)
- Conditional Release - 177
- Addiction Recovery Supervision - 33

Revocations

- Warrants Issued - 145
- Cases Reviewed and Prepared for Docket - 52*

**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 - 252
- Victims Located - 30
- Status updates to victims on parole, conditional medical and clemency cases – 347
- Assisted victims who attended parole or clemency hearings - 23

Field Services

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

- Parole Interviews - 53
- Revocation Interviews - 224
- Revocation Hearings - 67
- Total Interviews and Hearings for the Month - 344

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	1	5	5	1	5
PENDING CLEMENCY CASES	With Hearing: 483 W/o a Hearing: 4 Total Cases: 487	With Hearing: 854 W/o a Hearing: 12 Total Cases: 866	With Hearing: 834 W/o a Hearing: 9 Total Cases: 843	With Hearing: 1,688 W/o a Hearing: 22 Total Cases: 1,710	With Hearing: 1,124 W/o a Hearing: 13 Total Cases: 1,137

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: May 2015

- FCOR achieved 100% prompt payment compliance.
- Submitted 105 requisitions, 7 Security request, 4 revisions to the website, 140 invoices, 115 inner office requests and made 40 deliveries.
- Responded to Auditor General Auditor's request.
- Director of Administration and the Accounting & Budget Administrator are Certificated Contract Managers.
- Submitted revisions to the P-card policy.
- Prepared Safety article for new letter and distributed Wellness information.
- Working on the Object Code Conversion project.

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: May 2015

- Legal has completed over **27** court actions (including responses, briefs and motions) over the past month.
- Litigation trends:
 - There is an increase in the courts looking very closely into conditions of supervision. This is especially true for sex offenders due to the problems arising with homeless sex offenders. For example, if an

inmate needs adult sex offender conditions, then there may not be anything in the record to support the 1000' condition. The appropriate, complete record should be reviewed in those cases where the Commission has discretion.

- There are also continued challenges into “needs further program participation.” Often the inmate has a record of program participation; however, the argument is made to the court that this is not the programming that the Commission is looking for based on the recommendations to a specific institution. Caution should be exercised when using this as a factor if the inmate’s record and the Commission’s recommendations does not clearly enunciate the support for it, as this would leave it wide open to an *Alday/Thomas* challenge. It would then result in a request for a remand from the court.
- Sunshine Law links:
 - PDF version of the Sunshine Manual and the Law Enforcement Guide:
<http://www.myfloridalegal.com/sun.nsf/sunmanual>
 - Two-hour audio presentation available for free at:
<http://myfloridalegal.com/pages.nsf/Main/A142321A365C83168525791B006A54E5>
- Recent court orders include:
 - **Williams v. Commission**: upholding the PPRD modification for “a need for further program participation” when considered in totality with the Commission’s referral to the “Charlotte Life Path Program.”
 - Cases which are good examples of how our actions intersect with other legal considerations:
 - In **Tuggerson v. DOC & FCOR**, the releasee was challenging his revocation of release many years later. He stated that since the revocation of release was unlawful, then his time was miscalculated for later imposition of a prison releasee reoffender sentence. The court rejected his argument and denied his petition seeking immediate release.
 - The case of **Carter v. DOC**, reemphasizes the long-standing rule that the challenger cannot side-step the rules of criminal procedure for challenging convictions by filing a habeas petition.

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: May 2015

- Attended the out of town vote in Melbourne to serve as a conduit between the Commission and attending legislators.
- Briefed leadership and staff on what to expect during the 2015 Special Session.
- Met with legislators to discuss proposed Commission legislation and budget.
- Attended Executive Office of the Governor Legislative Affairs Director’s Meetings.
- 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: May 2015

- Prepared talking points for the Commission’s Annual Employee Awards Ceremony.
- Prepared talking points for the Preventing Crime in the Black Community conference.
- Prepared media packets and distributed a media advisory for the Brevard County vote.
- Edited June Employee Newsletter.
- Created media messaging for upcoming Victim-Offender Dialogue Program Facilitator training.

Monthly Accomplishments Report

- Attended professional development training on crisis communication hosted by the Florida Public Relations Association-Capital Chapter.
- Participated in a Facebook manager and government social media webinar.
- Participated in Office for Victims of Crime's "Getting Out of the Box: The Key Ingredients to Cultivate Collaboration" webinar.
- Prepared talking points and distributed a press release for Chair Pate's new position as APAI Vice President.
- Attended Corrections Data Center (CDC) training provided by the Division of Operations.

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: May 2015

- The Office of Executive Clemency is preparing for the second clemency meeting of 2015. Copies of the reports prepared for the Clemency Board are sent to the applicants as well as notifications of the specifics of the date and time of the meeting. Comments from those applicants regarding whether or not they will be attending the meeting are tracked and any concerns relayed to the Clemency Board.
- Several staff members in this office have received a refresher course on the subject of restitution via the tutelage of Fernando Sanchez with the Office of Clemency Investigations and nearly all have completed the training. This will provide applicants who owe restitution an opportunity to fully understand and be aware of any unpaid restitution obligations at the commencement of the clemency process.

Webpage Statistics

- <https://FCOR.state.fl.us> has received 2,817,878 hits with 1,097,140 searches for Restoration of Civil Rights (RCR) grants.
- 125,638 names were located and 76,850 certificates have been printed.
- Currently 376,543 RCR certificates are available for printing through the www.FCOR.state.fl.us 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: May 2015

- Prepared investigations for the upcoming June 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 May 12, 2015, Commission Investigators Brandy Fortune-Berman and Caroline Goodner assisted Lori VanCamp and Patti Razor in providing a full day of training related to clemency investigations for the Region 1 Quincy/Milton field offices.
- On May 14, 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..
- Congratulations to Fernando Sanchez who received an award for the Commission's Central Office Employee of the Year and to Michelle Whitworth who received the annual Distinguished Service Award for Criminal Justice from the Florida Council on Crime and Delinquency, Chapter Two.