



THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – February 2016

Chair's Message

Tena M. Pate

While February may be shorter on days than most months, it certainly was not evident in the productivity made in all facets of the Commission.

Thanks to the diligent work of our research analyst Paula Bryant and Chief of Staff Shana Lasseter, the results of our annual survey were assessed and a detailed report released indicating the areas in which we've advanced in the last year, as well as those areas that still need some improvement. This valuable tool has provided you, the Commission's staff, a way to honestly voice your opinions and concerns and the information that has been collected has been tremendous. Your input has been the guiding light in which the leadership team and I have followed to set the agency's course and I truly appreciate the importance you placed on providing your timely and sincere feedback. The survey results once again revealed that training programs continue to be an important component of professional growth and through the efforts of our dedicated training team; we will continue to make them a high priority.

Florida is once again proud to be the host state for the upcoming Association of Paroling Authorities International's annual training conference in May and the progress made by the Commission's planning committee thus far is nothing short of amazing. The Commission last hosted the conference in 2012 and, in addition to gaining invaluable knowledge of the practices of others, we were able to highlight the advances Florida has made in parole and post prison release processes for members who attended from around the globe.

Lastly, Commission staff came together this month to observe Black History Month and to honor those individuals who made significant contributions. Twanya Keaton kept us informed with daily "On this Day in Black History" messages and the committee wrapped up the month with a staff luncheon and program highlighting influential African American pioneers. Thank you to Commissioners Coonrod and Davison for providing remarks, Sylvia L. Howard for presenting the keynote address, and all staff members who assisted in making the event a success.

I invite you to continue reading this report to learn more about the Commission's accomplishments during the month of February.

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.

February may have been a short month, but we still managed to get a lot accomplished. I hope you had a chance to review our FCOR survey results. You'll notice that many staff members requested training in Excel and other software, and I'm happy to report we have planned beginning Excel classes in the next few months, with a component available to field staff as well. More information will follow as we firm up the location and date/times.

Please review our conference call minutes from last month (Jeff Rigdon can email them to you if you don't have them), as we have a lot of detail about the issue of DC deferring recommendations during the revocation process. Remember too that a Spanish version of the Conditional Release notice and waiver are on the K drive to use with violators who need it. Finally, there was discussion during that most recent conference call that we change our monthly conference call meetings to quarterly, and I will honor that request. A new meeting and host schedule will be distributed soon.

Accomplishments: February 2016

Office of the Commission Clerk

The number of cases docketed included: 631

- Parole – 76 (4 granted, 2 denied)
- Conditional Medical -5 (2 granted, 3 denied, 0 deceased prior to the vote)
- Conditional Release - 471
- Addiction Recovery Supervision - 79

Revocations

- Warrants Issued – 176*
- Cases Reviewed and Prepared for Docket - 155*

**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 - 245
- Victims located - 69
- Status updates to victims on parole, conditional medical and clemency cases – 267
- Assisted victims who attended parole or clemency hearings - 19

Field Services

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

- Parole Interviews - 52
- Revocation Interviews - 217
- Revocation Hearings - 57
- Total Interviews and Hearings for the Month - 326

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	2	1	2	3	4
PENDING CLEMENCY CASES	With Hearing: 364 W/o a Hearing: 14 Total Cases: 378	With Hearing: 742 W/o a Hearing: 25 Total Cases: 767	With Hearing: 760 W/o a Hearing: 21 Total Cases: 781	With Hearing: 1,467 W/o a Hearing: 54 Total Cases: 1,521	With Hearing: 944 W/o a Hearing: 25 Total Cases: 969

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: February 2016

- FCOR achieved 98% prompt payment compliance.
- Submitted 21 requisitions, 12 Security request, 104 invoices, 21 purchase request, 10 CSA, 108 inner office requests, and made 23 deliveries.
- Assisted the Miami office with moving.
- Distributed Wellness information.
- Submitted VOCA grant application through Egrants.
- Updated the EEO/Affirmative Action Plan and distributed to FCOR staff.
- Completed the agency 211 listing.
- Update the Commissioner application, advertized position, participated in CQC meeting, contact person for applicants.

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: February 2016

Since the last summary on January 25, 2015 we have completed **20** court actions (responses, briefs, motions, etc.).

I have included the following orders for your review:

- 1) Parole Orders:
 - a. Elkins v. FCOR: In this lengthy challenge, the petitioner was arguing that the Commission improperly declined his parole. His numerous arguments include: the Commission could not rely on the circumstances of his prior parole violation in its parole decline order; the Commission could not rely on his original crime, disciplinary conduct, another parole violation, or his prior criminal record; the Commission has no authority to give him an extended interview date for his next interview; the Commission used his co-defendant's criminal history as his own; the Commission should not have relied on his alcohol use to decline him parole; and the Commission overlooked his positive achievements in prison. The Court rejected these arguments as either not supported by the record or the petitioner failed to meet his burden of showing that the Commission abused its discretion. The decision to not authorize his release on parole was upheld.
 - b. Williams v. FCOR: In this initial parole date establishment case, the petitioner challenged the salient factor score, the assessment of aggravators, and the Commission's general authority and discretion in parole matters. The Court held that the salient factor score and aggravators were supported by the record. The Court also held that the Commission is not required to use the objective parole guidelines that were in place when he committed his crimes but is to use the guidelines that are in place at the time of the initial interview. One other claim that the Petitioner raised is that the Commission is not treating all parole-eligible inmates equally by assessing them differently in scoring. The Court held that the Petitioner failed to establish that he was similarly situated with another inmate with a different score and that any unequal treatment occurred based on discriminatory reasons (such as race, religion, etc.)
- 2) Conditional Release: Hardee v. FCOR: this releasee violated his terms and conditions by possessing drug paraphernalia. He argued that the Commission did not properly notice him of his violation, that it failed to

appoint him counsel, that there was insufficient evidence of his possession, that the revocation order was improper, that the hearing officer was not impartial, and that the violation was not sustained as evidenced by a jury finding him not guilty of the possession. The Court rejected the arguments finding that the releasee admitted to the possession of paraphernalia (which was found on his person in his sock). The Court also rejected the challenges to the noticing, the factfinder, the denial of appointed counsel, the revocation order, and the revocation based on a crime that he was found not guilty of by a jury.

- 3) Conditional Medical Release: Peterson v. FCOR: this particular inmate contended that he was entitled to conditional medical release and the Commission should not have denied him such based on the seriousness of his crimes. The Court held that the clear language of the statute allows the Commission to deny conditional medical release based on the entire record.

Since the last legal summary:

- I completed the second week of the FDLE Senior Leadership Program. My research on conditional releasees in revocation status with mental health issues continues to develop and take shape into an excellent project. The program will next meet in April.
- The PQC process started and the pending Commissioner vacancy is currently advertised. The next PQC meeting will be March 24th.

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: February 2016

- Handled issues pertaining to the Commission during the 2016 Legislative Session.
- 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.
- Met with Legislators to discuss funding programs within FCOR.
- Worked with Legislators and Staff to try and get amendment run to clean up the language associated with the FCOR name change bill of 2014 (SB1636 2014)
- Monitored the Budget Conferencing processes.

Office of Communications

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

Accomplishments: February 2016

- Provided press materials and media relations for weekly hearings.
- Held planning meeting with newsletter committee in preparation for March publication.
- Continued planning for 2016 APAI Conference.
- Completed comprehensive timeline of Commission's history.
- Completed interviews with Commissioners for historical/training project.
- Began writing script for Commission historical video.
- Researched and compiled supporting documents and media for Commission historical video.
- Compiled biographies of all former Commissioners.

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: February 2016

- On November 1, 2015, this office commenced an after-hours special project to assist the Office of Clemency Investigations. At the commencement of November there were **1,566** Restoration of Civil Rights available to screen. As of the end of February we were below 410. Eligible cases will be forwarded to the field for investigation and applicants who have been determined ineligible will be notified and full instructions and guidance for the next steps. We are excited about being able to complete this project by our deadline in mid March and jump on another challenge.
- 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.

Webpage Statistics

- <https://FCOR.state.fl.us> has received **12,470,723** hits with **1,165,565** searches for Restoration of Civil Rights (RCR) grants.
- **138,245** names were located and **81,813** certificates have been printed.
- Currently **376,824** 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: February 2016

- On February 11, 2016, Commission Investigator Brandy Fortune-Berman assisted Lori VanCamp and Helen Williams from Region 5 in providing a full day of training related to clemency investigations for the Region 2 field offices.
- On February 18, 2016, training was provided to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations.
- Prepared investigations for the upcoming March 3rd Clemency Board Meeting, published a new training manual related to telephone procedures, 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.