



THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – January 2016

Chair's Message

Tena M. Pate

Based on this month's accomplishments, I can assure you that the Commission hasn't lost one bit of momentum since entering the New Year and I'm excited about the progress we will continue to make throughout 2016.

January brought with it the beginning of legislative session and a reminder of how interconnected all of our agencies are, especially within the criminal justice arena. We are mindful of the changes that may transpire in the coming weeks and we will continue to lend our expertise and assistance on any and all public safety related issues through the end of session.

In observance of Florida First Responder Appreciation Week, Commissioners Coonrod, Davison and I hosted a breakfast reception to recognize the dedication and bravery of the first responders who offer protection and security to both staff and visitors during our weekly hearings. These FDLE and Capitol Police officers are an integral, and much appreciated, part of our agency and I am pleased that we were able to honor them and their service to the Commission once again. As you know, this year marks an incredible milestone for the Commission – our 75th Anniversary. We've already incorporated the new logo into our letterhead, website and social media sites and many other projects and materials are in the works to promote the long and rich history of the Commission throughout our celebratory year.

You may have seen the familiar faces of a few of our retired Commissioners over the past month who have returned to assist while we transition into the next phase of the Commission with the appointment of a new Chair and the selection of a new Commissioner. It's always nice to welcome them back and benefit from their years of experience.

The Commission held two days of hearings in Miami-Dade County at the end of the month. Graciously hosted by State Attorney Katherine Fernandez Rundle and her staff, the hearings were attended by several notable guests including Chief Antonio Brooklen of the Miami Gardens Police Department, Warden Glen Morris and Assistant Warden Lori Norwood of the Dade Correctional Institution, Assistant Warden Kavell Scott and Classification Supervisor Willie Bowens of Everglades Correctional Institution, FDC Assistant Regional Director Larry Mayo, FDC Circuit Administrator Sunny Ukenye, Dr. Regina B. Shearn of the Corrections Transition Program, and Virginia Morgan with Representative David Richardson's office. Over the course of the two-day period, 477 cases were heard with over 75 victims, victims' and inmates' family members and supporters participating.

In closing, on January 18 we honored Dr. Martin Luther King, Jr. and had an opportunity to revisit the incredible 'I Have a Dream' speech and the letter he wrote from a Birmingham jail. His emboldened words never cease to have an impact and his message of love, equality, acceptance and justice apply today just as they did nearly 53 years ago.

I encourage you to continue reading to learn more about the Commission's many achievements during the month of January.

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.

We enjoyed our two days of winter in January 2016 and are looking forward to an exciting, fast-paced New Year! Early in the month, Sarah Rumph, Kim Dickey and I had a fruitful meeting with FDC concerning waivers in absentia and revocations for offenders housed in other states. We also worked closely with our Victims' Services staff to discuss how best to maximize our VOCA funds for the benefit of the victims we serve.

We continue to move forward in our host role regarding the 2016 APAI Annual Training Conference in May, this month focusing on transportation, sponsors and communication details. We also conducted parole hearings in Miami-Dade County this month, addressing a large number of cases during the two-day period. The hearings were well attended and operated extremely smoothly thanks to FCOR Region 4 staff and our host, the Miami-Dade County State Attorney's Office!

I want to thank everyone who participated in the 2016 FCOR Survey for your comments and suggestions. Please feel free to provide feedback on the survey results we shared with you.

Accomplishments: January 2016

Office of the Commission Clerk

The number of cases docketed included: 1,009

- Parole – 118 (3 granted, 2 denied)
- Conditional Medical -0 (0 granted, 0 denied, 0 deceased prior to the vote)
- Conditional Release - 783
- Addiction Recovery Supervision - 108

Revocations

- Warrants Issued – 155*
- Cases Reviewed and Prepared for Docket - 149*

**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 - 121
- Victims located - 77
- Status updates to victims on parole, conditional medical and clemency cases – 396
- Assisted victims who attended parole or clemency hearings - 22

Field Services

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

- Parole Interviews - 38
- Revocation Interviews - 200
- Revocation Hearings - 51
- Total Interviews and Hearings for the Month - 289

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	1	4	3	0	3
PENDING CLEMENCY CASES	With Hearing: 356 W/o a Hearing: 11 Total Cases: 367	With Hearing: 729 W/o a Hearing: 23 Total Cases: 752	With Hearing: 777 W/o a Hearing: 19 Total Cases: 796	With Hearing: 1,505 W/o a Hearing: 48 Total Cases: 1,553	With Hearing: 972 W/o a Hearing: 22 Total Cases: 994

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: January 2016

- FCOR achieved 100% prompt payment compliance.
- Submitted 19 requisitions, 6 Security request, 96 invoices, 19 purchase request, 90 inner office requests, 3 work orders and made 30 deliveries.
- Assisted with the Newsletter.
- Completed the Alternative Fuel Survey.
- Distributed Wellness information.
- Submitted P-card procedure directive to DMS.
- Completed bill analysis.
- Participated in Operations statewide conference call.

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: January 2016

Since the last summary on December 23, 2015 we have completed **19** court actions (including responses, briefs and motions).

- I have included the following orders for your review:
 - **Lewis v. FCOR & FDC:** This conditional release case involved a challenge to eligibility as well as revocation based on a curfew violation. The court upheld that the petitioner (inmate) was eligible for conditional release due to his conviction as a habitual offender. As to the revocation, the court noted that the petitioner admitted violating curfew as well as to lying to the monitoring dispatcher upon call. The court also rejected the claim that the petitioner violated curfew for religious reasons. He claimed that Thanksgiving was his religious holiday. The court stated that the probation officer may allow an exemption or extension for verified and pre-approved religious activities. In this case there was no verification or prior approval, but only an after-the-fact argument.
 - **Brewer v. FCOR:** This PPRD establishment and suspension case challenged the aggravations assessed, the amount of months assessed in each aggravation, and the suspension in light of his acceptable

release plan. The court upheld the PPRD establishment finding it congruent with the Commission's prior PPRD establishment for the same inmate. The court also upheld the suspension finding that the determination of acceptable parole risk is statutorily reserved to the Commission and that the court was limited only to reviewing if the Commission's discretion was abused. The court found no abuse of that discretion.

Since the last legal summary:

- I started the FDLE Senior Leadership Program in January. This program will last until October. As part of the program, a research paper is required and I will be concentrating my research on conditional releases in revocation status with mental health issues. This is a troublesome area with no easy solution and ripe for research. I look forward to looking into it as the program continues.
- The Cabinet met on Thursday the 21st and appointed 4 of the 5 CQC members for the upcoming opening. It is my understanding that the fifth member will be appointed on March 2nd. I will be working with them as they undertake this very important business over the next few weeks.

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: January 2016

- 2016 Legislative Session Kicked off in January. (as opposed to March as it will generally starts in most years.)
- 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)

Office of Communications

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

Accomplishments: January 2016

- Crafted and distributed press release for Miami-Dade hearing.
- Provided press materials for Miami-Dade hearing.
- Conducted interviews with Chair and Commissioners for historical/training project.
- Continued planning for 2016 APAI Conference.
- Held preliminary 2016 National Crime Victims' Rights Week planning meeting.
- Arranged First Responders Week reception.

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: January 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 January we were below **700**. 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 **11,493,912** hits with **1,158,860** searches for Restoration of Civil Rights (RCR) grants.
- **135,794** names were located and **81,239** certificates have been printed.
- Currently **376,782** 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: January 2016

- On January 14, 2016, training provided to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations.
- On January 19, 2016, the Offices of Executive Clemency and Clemency Investigations held a joint meeting to share information and exchange ideas between the two offices. Sarah Rumph, General Counsel, gave a presentation on post-conviction proceedings.
- Completed the processing of 100 boxes of 3,281 closed central office clemency files that were sent to the Storage Records Center in accordance with approved retention schedules.
- Prepared investigations for the upcoming 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.