



THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – March 2016

Chair's Message

Tena M. Pate

As March draws to a close, so does my time with the Commission. What a journey it's been, and this past month is a great example of all that the agency can and does accomplish with this incredible team.

March 2nd was an important day, not just for me, but for the Commission as well. I am still amazed by the resolution presented to me by Governor Scott and the kind words spoken by the Governor and Cabinet members meant more than I can express. I would be remiss if I did not share that honor with you, my team. It is because of your hard work and dedication that the Commission has achieved so much. Thank you.

The same day, the Governor and Cabinet named Commissioner Coonrod and Commissioner Davison as your new Chair and Vice-Chair, respectively. Having had the privilege to serve side by side with each of them for the past couple years, I know that the Commission will continue to thrive under their leadership and guidance. Congratulations to both of them on their well deserved appointments.

The Board of Executive Clemency held its first clemency hearing of 2016 at the Capitol on March 3rd and the meticulous work of our clemency staff resulted in a successful hearing with 85 cases placed before the board for consideration.

In observance of Women's History Month, I was asked to speak to students at Godby High School regarding my career in public safety and also to the staff at Franklin and Calhoun Correctional Institutions. In preparation for these events, I had the chance to revisit the accomplishments of the women that came before us and laid the groundwork we enjoy today. I was reminded that there are no limits to what women can achieve and every step we take today allows future generations to soar even farther.

As the month drew to an end, I was overwhelmed by the sendoff I received and was incredibly touched by each and every one of you who attended, sent well wishes through emails, cards, or notes, assisted with the festivities, or contributed in any way to making my last day at the Commission one to remember. I will miss you and look forward to seeing all you accomplish in the future.

Please continue reading to learn more about the many achievements of the Commission during the month of March.

Sincerely,
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.

The Region IV Miami office moved to its new location on March 1, 2016. They are now at:

401 N.W. 2nd Avenue S. Tower - Rm 607

Miami, Florida 33128

Phone: (305) 349-1293; Fax: (305) 349-1295

With the transition to our new Chair and Vice-Chair, Operations staff updated all letterhead and other templates on the shared K drive with Chair Coonrod and Vice Chair Davison's names and new titles. If you have found any templates that have not been updated, please contact Jeffrey Rigdon or Melissa Becker.

National Crime Victims' Rights Week is April 10-16, 2016, and our Victims' Services staff has organized a webinar entitled "How NOT to be a victim of crime" scheduled for Thursday, April 14, 2016 from 12:30 to 1:30pm. This lunch and learn event will teach you how to avoid becoming a victim of identity theft, credit/debit card fraud, home burglary and much more. I hope you can join us.

We are coming into the home stretch on the APAI conference, with final decisions being made regarding vendors and events, and hotel and travel accommodations being finalized. We are happy to note that our prison tour this year will include the canine program, "Prison Pals N Pups" at the Work Camp at Tomoka CI, which should be enlightening for all.

Accomplishments: March 2016

Office of the Commission Clerk

The number of cases docketed included: 907

- Parole – 85 (3 granted, 2 denied)
- Conditional Medical -9 (5 granted, 4 denied, 0 deceased prior to the vote)
- Conditional Release - 626
- Addiction Recovery Supervision - 90

Revocations

- Warrants Issued – 187*
- Cases Reviewed and Prepared for Docket - 171*

**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 - 215
- Victims located - 68
- Status updates to victims on parole, conditional medical and clemency cases – 202
- Assisted victims who attended parole or clemency hearings - 29

Field Services

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

- Parole Interviews - 61

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- Revocation Interviews – 243
- Revocation Hearings - 80
- Total Interviews and Hearings for the Month - 384

| REGION | I | II | III | IV | V |
|-----------------------------------|--|--|--|--|--|
| COURTESY INTERSTATE COMPACT TASKS | 2 | 0 | 4 | 1 | 6 |
| PENDING CLEMENCY CASES | With Hearing: 341 W/o a Hearing: 10 Total Cases: 351 | With Hearing: 727 W/o a Hearing: 32 Total Cases: 759 | With Hearing: 753 W/o a Hearing: 22 Total Cases: 775 | With Hearing: 1,440 W/o a Hearing: 72 Total Cases: 1,512 | With Hearing: 911 W/o a Hearing: 32 Total Cases: 943 |

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: March 2016

- FCOR achieved 100% prompt payment compliance.
- Submitted 37 requisitions, 10 security request, 36 purchase request, 97 inner office requests, 13 work orders and made 9 deliveries.
- Responded to DFS pcard and voucher inquiries
- Distributed Wellness information
- Staff prepared documents for in-coming Chair
- Assist with preparing for the APAI conference
- FCOR had no on-demand payments
- Participated in CQC meetings, contact person for applicants
- Attended the Grants Consortium Workshop, Attended EEO/AA Meeting and the Classification & Organizational Management Meeting w/DMS

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: March 2016

Since the last summary on February 26, 2016 we have completed **19** court actions (responses, briefs, motions, etc.).

Instead of incorporating a couple of our orders, I wanted to bring your attention to the following two cases reported in the AGO's Appellate Alerts:

- 1) Regarding an issue of importance to clemency: Clarke v. United States, SC15-506 (2/11/16); **for the purposes of gun ownership, a guilty plea for a felony for which adjudication was withheld does not qualify as a conviction.**

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The Eleventh Circuit certified a question of Florida law regarding gun ownership. Florida law prohibits an individual from owning or having a firearm if the individual has been convicted of a felony. The question before the Court in this case was whether or not a guilty plea for a felony for which adjudication was withheld qualifies as a conviction. The Florida Supreme Court held that for the purposes of gun ownership, a guilty plea for a felony for which adjudication was withheld does not qualify as a conviction.

<http://www.floridasupremecourt.org/decisions/2016/sc15-506.pdf>.

- 2) Regarding an issue of importance for public records: Gray v. Lutheran Social Services, 2014 CA 4647 (12/1/14); **court did not grant relief to activist who used public records law strictly for personal gain.** The Plaintiff made frequent public records requests to various private entities that contract with Florida public agencies. He filed such a request with Lutheran Social Services. He then sued and asked for attorney's fees when they did not produce the records in a timely fashion. The Court found that Gray abused the process and declined to award any relief. The Court said, "Further the [Public Records] Act was not designed to create a cottage industry for so-called 'civil rights activists' or others who seek to abuse the Act for financial gain." (Order attached.) This case was recently affirmed on appeal in 1D14-5793.

Other Legal things to be aware of:

- Oral Arguments in the death penalty case sent back from the United States Supreme Court, *Hurst*, will be before the Florida Supreme Court on May 5th
- The next PQC meeting will be April 14th where five applicants for the pending vacancy will be interviewed.
- Brandi has finished uploading ALL of the statutes into the K:drive/STATUTES folder. We now have 1941-1996 available; 1997 to present are available online. BE CAREFUL - THESE ARE NOT LOCKED AND COULD BE ACCIDENTALLY MOVED OR DELETED! ***BIG THANK YOU TO BRANDI FOR THIS!***

Most importantly, Legal wishes **Chair Pate** good luck on her future plans and hopes that we have served her well through the years.

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: March 2016

- Handled issues pertaining to the Commission during the final two weeks of 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 and budget issues 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: March 2016

- Prepared talking points for Women's History Month speaking engagements at Godby High School, Franklin CI and Calhoun CI.

- Crafted article regarding upcoming conference for APAI newsletter.
- Continued production of Commission history video.
- Crafted and distributed press release announcing appointments of Chair Coonrod and Vice-Chair Davison.
- Updated Commission collateral including letterhead, website content, etc in advance of leadership transition.
- Compiled roles and responsibilities to Commissioner Coonrod for review.
- Provided press materials and media relations for the March 3rd Executive Clemency Board Meeting.
- Finalized details for NCVRW staff event in April.
- Met with DC IT web team regarding Intranet site design and build.

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: March 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 March we had screened **all** of the cases. Executive Clemency was also assisted by two staff members from the Office of Clemency Investigations. Eligible cases will be forwarded directly to the field for investigation and applicants who have been determined ineligible will be notified and full instructions and guidance for the next steps.
- 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 Presidential Primary took place on Tuesday, March 15th. Executive Clemency was able to assist both citizens and the Supervisors of Elections by working flexible hours in the mornings and in the evenings of both Monday prior to the election, election day and the two days that followed at which time provisional votes are decided. Between the Office of Executive Clemency and Clemency Investigations, there were a total of approximately 450 calls on election day.
- We are looking forward to our next challenge to move cases through the clemency process more expeditiously.

Webpage Statistics

- <https://FCOR.state.fl.us> has received **13,690,824** hits with **1,174,822** searches for Restoration of Civil Rights (RCR) grants.
- **139,943** names were located and **82,587** certificates have been printed.
- Currently **376,846** 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: March 2016

- On March 3, 2016, the Governor and Cabinet, sitting collectively as the Clemency Board, held its first quarterly Clemency Board Meeting. The Commission completed and submitted 85 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 61 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:

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- 87% of the applicants specifically indicated that they were interested in regaining their right to vote, sit on a jury or hold public office.
- 31% 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.
- 10% of the applicants did not provide any specific reason for requesting their civil rights.
- In addition, 34% of the applicants voted in an election without having their civil rights restored.
- On March 10, 2016, training was provided to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations.
- On March 17, 2016, the Offices of Executive Clemency and Clemency Investigations held a joint meeting to share information and exchange ideas between the two offices.
- 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 field investigations, provided customer service to clemency applicants, and assisted in the development of clemency data requests.