



FLORIDA COMMISSION ON OFFENDER REVIEW

A Governor and Cabinet Agency Created in 1941



COMMISSION ACTIVITIES

YEAR IN SUMMARY STATISTICS

DEPARTMENT REPORTS

2020
ANNUAL
REPORT

FLORIDA COMMISSION ON OFFENDER REVIEW



Commissioner Richard D. Davison, Vice Chairman
Commissioner Melinda N. Coonrod, Chairman
Commissioner David A. Wyant, Secretary
(Pictured from left to right)

FLORIDA BOARD OF EXECUTIVE CLEMENCY

Nikki Fried, Commissioner of Agriculture
and Consumer Services

Ron DeSantis, Governor

Ashley Moody, Attorney General

Jimmy Patronis, Chief Financial Officer
(Pictured from left to right)



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FCOR Mission Statement

Ensuring public safety and providing victim assistance through the post prison release process.

CHAIRMAN'S MESSAGE



Dear Governor DeSantis and members of the Cabinet, Senate President Simpson, and Speaker Sprowls:

With the support of our partners in criminal justice and the dedication of our diligent staff, the Commission continued its commitment to protecting the residents and visitors of the great state of Florida. While COVID-19 required the Commission to change some of our processes and procedures to ensure the health and safety of our staff and the public, we were still successful in fulfilling our responsibilities during the 2019–20 fiscal year. This year, the Commission continued to provide accurate information to the Clemency Board for clemency hearings and we held three successful out-of-town hearings before COVID-19 caused us to hold all hearings and meetings telephonically. The Commission also continued to strengthen relationships with other public safety and law enforcement agencies on a local, national, and global scale.

Included in our many accomplishments for this year is our immediate and effective response to COVID-19. The Commission was able to switch to remote and telephonic operations, implement office health and safety policies, and adapt to numerous changes as COVID-19 developed, while maintaining our commitment to excellence.

The following annual report explains in detail what we've accomplished this fiscal year. Some highlights include:

- The Commission successfully completed the Florida Department of Corrections Bureau of Internal Audit's Inspections and Evaluations Audit of the Florida Commission on Offender Review's Memorandum of Understanding with the Florida Department of Highway Safety and Motor Vehicles for the use of DAVID. The Department deter-

mined there were no findings, and that the Commission is in compliance with the agreement terms and conditions and that internal controls exist to adequately prevent, deter, and detect fraud and/or misuse of the DAVID system.

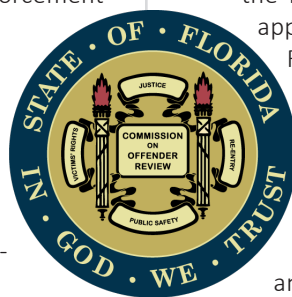
- The Commission held additional hearings for Conditional Medical Release (CMR) cases in response to the demand for CMR as a result of COVID-19. Although these hearings were initially added to ensure the Commission was as responsive as possible to CMR referrals from the Department of Corrections, the Commission has adopted this practice permanently.
- On January 21, 2020, the Board of Executive Clemency called a special clemency meeting. At this meeting, the Rules of Executive Clemency were revised to allow applicants owing restitution to be eligible to apply for Restoration of Civil Rights (RCR). The Office of Executive Clemency revised its procedures, publications, and website to reflect this revision and immediately implemented the change for all clemency requests received on or after January 21, 2020.

The year 2020 has been one with many challenges and the Commission has risen to meet each one with professionalism and diligence. I look forward to continuing our important work and furthering the Commission's vital role in Florida's criminal justice system by ensuring public safety through the post release process.

Respectfully,

Melinda N. Coonrod

Melinda N. Coonrod, Chairman





MELINDA N. COONROD
Chairman

Commissioner Melinda N. Coonrod began her criminal justice career in 1992 when she was appointed to serve as an assistant state attorney for the Second Judicial Circuit. In this role, Commissioner Coonrod prosecuted perpetrators of crimes, advocated sentencing of those found guilty, and worked closely with victims and various law enforcement agencies. She later served as an administrative hearing officer with the Florida Department of Agriculture and Consumer Services Division of Licensing, where she presided over hearings involving the denial, suspension, and revocation of licensure. Additionally, Commissioner Coonrod has represented children before the courts as a certified court-appointed guardian ad-litem, provided training seminars to various law enforcement agencies, and instructed graduate and undergraduate courses at the Florida State University College of Criminology and Criminal Justice. Commissioner Coonrod received a

bachelor of science degree from Florida State University College of Business and a doctor of jurisprudence from Nova University.

Commissioner Coonrod was initially appointed by the governor and Cabinet on June 26, 2012, and was unanimously confirmed by the Florida Senate on April 29, 2013. Coonrod was reappointed by the governor and Cabinet on June 13, 2018 to serve a second six-year term, and was confirmed by the Florida Senate on May 1, 2019. She is a member of the Tallahassee Bar Association, Association of Paroling Authorities International, and the Florida Council on Crime and Delinquency.



RICHARD D. DAVISON
Vice Chairman

Commissioner Richard D. Davison began his criminal justice career in 1989 as an assistant state attorney in the Ninth Judicial Circuit where he prosecuted juvenile delinquency, misdemeanor, and traffic cases in jury and non-jury trials. In 1991, he became the staff attorney for the Florida House of Representatives Committee on Criminal Justice. He then served as an assistant statewide prosecutor for Florida's Office of Statewide Prosecution where he prosecuted white collar crime, organized crime, and other criminal enterprises.

Following the creation of the Florida Department of Juvenile Justice in 1994, Commissioner Davison served as that department's director of legislative affairs, assistant general counsel, and deputy secretary. Subsequently, Commissioner Davison was appointed deputy secretary of the Florida Department of

Corrections. Prior to his appointment to the Commission, he served as legal counsel for the Gadsden County Sheriff's Office.

Commissioner Davison received a bachelor of science degree from Florida State University and a doctor of jurisprudence from the University of Florida in 1988. Commissioner Davison was appointed by Governor Scott and the Florida Cabinet on August 19, 2014, and was confirmed by the Florida Senate on April 29, 2015 to serve a six-year term extending until June 30, 2020. He is a member of the Florida Bar Association and serves as a counselor for the Florida American Legion Boys State.



DAVID A. WYANT
Secretary

Commissioner David A. Wyant began his law enforcement career in 1994 as a patrol officer with the Bartow Police Department. In 1996, he was promoted to serve as a detective in the Special Investigations Unit where he investigated narcotic, vice, and other high-profile crimes. For his efforts in this role, Commissioner Wyant was selected as the Bartow Chamber of Commerce Police Officer of the Year in 1997.

After serving in the community-focused policing squad bike patrol unit, Wyant returned to the role of detective in 2002 where he was responsible for investigating economic, person, and property crimes as well as homicides. In 2006, Commissioner Wyant was promoted to serve as the department's sergeant of detectives and was appointed as the deputy chief in 2014, subsequently earning numerous commendations

and the Polk County Police Chiefs Association Officer of the Year Award.

Commissioner Wyant received a bachelor of arts degree in Criminal Justice from St. Leo University in Tampa and is a graduate of the FBI National Academy in Quantico, Virginia. He was appointed by Governor Rick Scott and the Florida Cabinet on May 10, 2016, and was confirmed by the Florida Senate on May 5, 2017 to serve a six-year term extending until June 30, 2022. He is a member of the Florida Police Chiefs Association, the FBI National Academy Association, the Florida Council on Crime and Delinquency, and the Association of Paroling Authorities International.

COMMISSION HISTORY

In the early 1800s, state prisoners were leased to Florida companies as laborers. This convict leasing system ended after the notorious Tabert case. Martin Tabert was a young prisoner convicted of stealing a ride on a freight train, after which he died as a result of the brutal treatment administered by the lumber company boss to whom he was leased. An incensed public demanded the discontinuance of leasing prisoners, but prison overcrowding, the high cost of housing, and pressure for better treatment of prisoners set the stage for opportunists to peddle their influence in the pardoning of prisoners. The Pardon Board was created by the 1885 Florida Constitution and was composed of the governor and Cabinet. Due to the limitations of the pardon system, the Florida Parole and Probation Commission was established in 1941. The Commission selected sentenced inmates for parole release and its field staff provided supervision. In 1975, the responsibilities of the supervising field staff were transferred to the Florida Department of Corrections (Department). Below is an abbreviated timeline outlining the Commission's role in Florida's criminal justice system.

1978 The Florida Legislature enacted the Objective Parole Guidelines Act, requiring the Commission to develop and implement rules and criteria upon which parole decisions were to be made. It required the development of guidelines according to an acceptable research method based on the seriousness of the offense and the likelihood of a favorable parole outcome. The act also provided for reorganization of the agency into functional areas.

1983 Under Sentencing Guidelines, the Commission retained paroling authority primarily for inmates whose offenses were committed prior to October 1, 1983.

1988 The *Victim Assistance Law* was enacted and provided that the crime victim, or family of the victim, have the opportunity to provide input into the decision-making process.

1988 The *Conditional Release Program* was enacted and provides that inmates convicted of certain crimes, and who have served at least one prior felony commitment at a state or federal correctional institution or have been sentenced as a habitual offender, violent habitual offender, violent career criminal, or sexual predator, shall be released under supervision on their tentative release date subject to specified terms and conditions established by the Commission.

1989 *Control Release Authority* was established. This legislation directed the Commission to develop a system of uniform criteria to determine the number and type of inmates released into the community in order to maintain the state's prison population between 99% and 100% of its total capacity. The *Control Release Program* became effective September 1, 1990, and over the next four years, 75,000 inmates were released through this program.

1992 *Conditional Medical Release Program* was established. This program authorizes the Department to recommend to the Commission terminally ill or permanently incapacitated inmates for early release due to their medical conditions.

1996 The Commission began reviewing and establishing *presumptive parole release dates* (PPRD) for inmates convicted of capital felonies with 25-year minimum mandatory terms.

2001 The Legislature created the *Addiction Recovery Supervision Program* and placed it under the Commission's administration. The law requires the Commission to set the terms and conditions of supervision, and to address alleged violations of supervision if the offender fails to abide by the conditions.

2010 During legislative session, SB 200, a victim-friendly bill was passed and became law on July 1, 2010. The new law amended ss. 947.16, 947.174, and 947.1745, F.S., giving the Commission authority to increase the interval between parole consideration re-interviews to within seven years for parole eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S. For victims and their families, reduction in the frequency of parole opportunities lessens the trauma, stress, and financial burden associated with the potential release of an offender.

2013 HB 685 was signed by the governor on June 5, 2013, and became law on July 1, 2013. The law expanded the list of crimes eligible for subsequent interview dates to be set within seven years to include the act or attempt of kidnapping, and the crimes of robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, or an attempt thereof of any of these crimes in which a human being is present and a sexual act is completed or attempted. The sexual act or attempt thereof does not apply to the kidnapping offenses.

2014 SB 1636 was passed and the name of the Commission was changed from the Florida Parole Commission to the Florida Commission on Offender Review.

The Legislature passed HB 5303, which reassigned the responsibility for appointing capital clemency counsel from the Justice Administrative Commission to the Board of Executive Clemency. Under the bill, the Board may only appoint private counsel with the fees paid from funds appropriated to the Commission.

FACTS ABOUT THE COMMISSION

The Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and ex-offenders. The Commission functions as a quasi-judicial, decision-making body.

Commissioners preside over approximately 36 meetings annually at the Central Office in Tallahassee and various locations throughout the state to encourage participation by victims, victims' families, and inmates' families who would otherwise not be able to attend. While offenders are not present at these hearings, the Commission provides a victims coordinator and an inmate family coordinator to assist both parties during the proceedings. Commissioners make a variety of determinations regarding parole and other releases during the hearings. In addition, the Commission reviews releasees' supervision status every two years, or as directed by the Commission.

Every parole eligible inmate has a constitutionally protected right to proper consideration for parole, and these proceedings must be conducted as required by law. In both parole and conditional medical release, testimony and pertinent information may be provided by the victims, the victim's family, representatives of the inmate, and the inmate's family. This proceeding is often the first opportunity for a victim, or family member of a victim, to provide input in a non-adversarial venue. If parole is granted, the commissioners will address victim restitution issues, as well as special conditions needed to ensure the protection of the citizens in our state and the successful re-entry of the offender into society. The commissioners may also hear from law enforcement, state and private attorneys, and other interested parties.

During meetings, the Commission also conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The Commission makes final determinations with regard to revocation of post release supervision, where a releasee may have violated the conditions of their release. When the Commission determines that the releasee is guilty of a willful and substantial violation, the Commission may order the violator's return to state prison to complete service of the original term of imprisonment.

The Commission serves as a cost-saving mechanism for the taxpayers of the state of Florida by conducting revocation hearings for post release supervision violators in informal surroundings conducted before an investigator, and usually

held at a county jail, with witnesses to the violation providing pertinent testimony. The United States Supreme Court has fully sanctioned the state's use of these less costly proceedings, with limited due process requirements. Probation revocation hearings, by contrast, require that proceedings be conducted in a courtroom before a judge, with an assistant state attorney prosecuting the case, and generally an appointed public defender representing the offender.

The governor and members of the Cabinet sit as the Clemency Board and set forth the Rules of Executive Clemency. The Commission operates as the administrative and investigative arm of the Board. Clemency is a constitutionally au-

thorized process. The forms of clemency include: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights; restoration of alien status under Florida law; and capital case (death penalty) reviews.

In Florida, when a person is convicted of a felony, they lose the right to vote, serve on a jury, hold public office, and possess a firearm. Administered by the Commission, the clemency process provides the means through which an offender may have some or all of their rights restored.



Commissioner Wyant, Chairman Coonrod, and Commissioner Davison (pictured left to right)

Commission Quick Facts

- Functions as a quasi-judicial, decision-making body.
- Responsible for the careful selection of candidates who are appropriate for parole.
- Holds 36 hearings per year, including hearings held throughout the state to encourage participation by victims, victims' families, and inmates' families who would otherwise not be able to attend.
- Administers parole, conditional medical release, control release, conditional release, and addiction recovery release supervision.
- Acts as the administrative and investigative arm of the governor and Cabinet who sit as the Board of Executive Clemency.

Parole

The Commission administers parole (Chapters 947, 948, and 949, Florida Statutes), a discretionary prison release, which allows an inmate who has been granted parole to serve the remainder of his or her prison sentence outside of the confines of the institution. Once released, the parolee is subject to strict conditions of supervision set by the Commission. The Commission monitors the parolee's progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If a parolee is found to have willfully and substantially violated the terms and conditions of his or her supervision, the Commission may return the parolee to prison.

Inmates eligible for parole are those who committed:

1. Any felony committed prior to October 1, 1983, or those who elected to be sentenced "outside the guidelines" for felonies committed prior to July 1, 1984;
2. All capital felonies committed prior to October 1, 1995, except:
 - a.) murder or felony murder committed after May 25, 1994;
 - b.) making, possessing, throwing, placing, or discharging a destructive device or attempt to do so which results in the death of another person after May 25, 1994;
 - c.) first degree murder of a law enforcement officer, correctional officer, state attorney, or assistant state attorney committed after January 1, 1990; and
 - d.) first degree murder of a justice or judge committed after October 1, 1990.
3. Any continuing criminal enterprise committed before June 17, 1993; and
4. Any attempted murder of a law enforcement officer committed between October 1, 1988, and October 1, 1995.

On June 30, 2020, there were 3,959 inmates who were eligible for parole and 424 releasees on parole supervision. In FY 2019–20, the Commission made 1,419 parole determinations and granted parole to 41 inmates.

Conditional Medical Release

In 1992, the Florida Legislature created the Conditional Medical Release Program (section 947.149, Florida Statutes), a discretionary release allowing the Commission to release inmates on supervision who are "terminally ill" or "permanently incapacitated," and who are not a danger to themselves or others. The Department is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the Commission. The Commission monitors the offender's progress through periodic med-

ical reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked, and the offender returned to prison if the Commission determines that a willful and substantial violation has occurred. The Commission also has the authority to return the offender to custody if his or her medical or physical condition improves. The Department has recommended 180 inmates for release in the past three fiscal years. The Commission granted release to 94, or 52.2%, of those recommended by the Department during those three years. In FY 2019–20, the Commission granted 35 of the 65 inmates recommended by the Department for conditional medical release, or 53.8%.

Conditional Release

In 1988, the Florida Legislature created the Conditional Release Program (section 947.1405, Florida Statutes) and placed it under the administration of the Commission. This program is a non-discretionary release program and requires mandatory post prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as habitual offenders, violent habitual offenders, violent career criminals, or designated sexual predators.

Inmates who are subject to conditional release and have completed their incarceration are supervised by the Department for the remainder of their sentences. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If a conditional releasee is found to have willfully and substantially violated the conditions of supervision, the Commission may return the offender to prison. On June 30, 2020, there were 2,945 offenders on conditional release supervision, and in FY 2019–20, the Commission set terms and conditions for 5,317 releasees.

Addiction Recovery

The Florida Legislature created the Addiction Recovery Supervision Program (section 944.7431, Florida Statutes) in 2001 and placed it under the Commission's administration. This program requires mandatory post prison supervision for offenders released from a state correctional facility who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. Upon release, the offender is subject to strict conditions of supervision set by the Commission. The Commission monitors the offender's progress and conducts revocation hearings when alleged violations are reported. If the Commission finds the offender willfully and substantially violated the terms and conditions of supervision, the Commission may return the offender to prison. During FY 2019–20,

1,035 offenders were placed in the program. As of June 30, 2020, there were 240 offenders on addiction recovery supervision.

Control Release

The Florida Legislature created the Control Release Authority (section 947.146, Florida Statutes) in 1989 with the members of the Commission acting as the release authority. When active, control release is utilized as a prison population management tool to keep it at less than 99% of the total capacity. Currently, the Commission is not reviewing the inmate population for discretionary release under this authority as there are sufficient prison beds to house the current prison population. Today, a small number of control releasees remain under supervision. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the offender returned to prison if the Commission finds a willful and substantial violation has occurred.

Clemency

The governor and members of the Cabinet sit as the Clemency Board and set forth the Rules of Executive Clemency. The Commission operates as the administrative and investigative arm of the Board. Clemency is a constitutionally authorized process. The forms of clemency include: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights; restoration of alien status under Florida law; and capital case (death penalty) reviews.

In Florida, when a person is convicted of a felony, they lose the right to vote, serve on a jury, hold public office, and possess a firearm. Administered by the Commission, the clemency process provides the means through which an offender may have some or all of their rights restored.

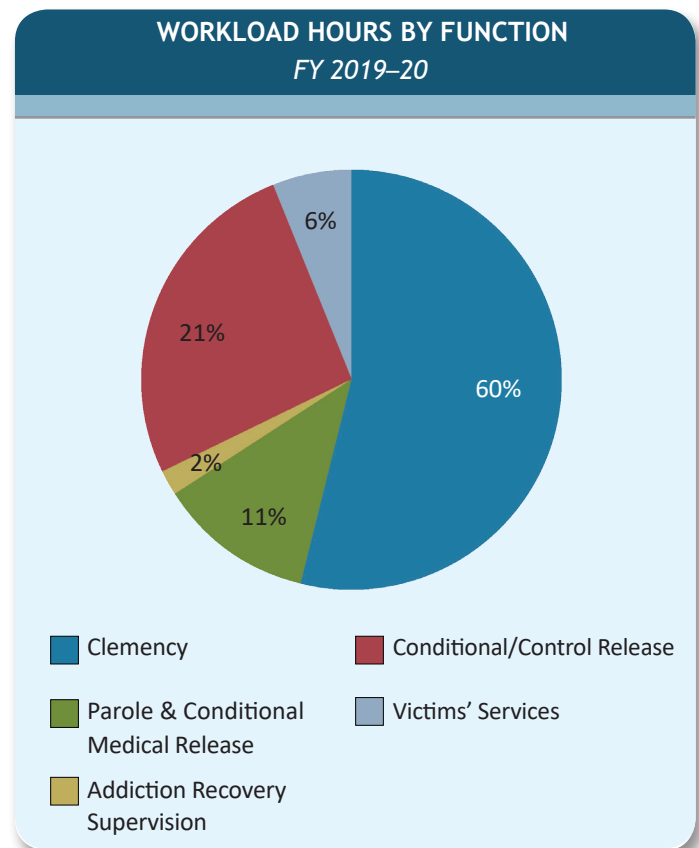
Individuals seeking any form of clemency must start the process by submitting an application and the required court documents to the Office of Executive Clemency (OEC). Detailed information is available online at www.fcor.state.fl.us.

Victims' Services

Victims' Services provides direct, personal service to crime victims and their families through the parole, conditional medical release, control release, conditional release, addiction recovery supervision, and clemency processes. Staff strive to reduce victimization through education within an environment of compassion, dignity, and respect. The section is proactive in educating victims and informing them of their rights. Central Office, in coordination with Field Services, attempt to locate all victims to inform them of their right to be present, informed, and heard in the clemency or Commission processes.

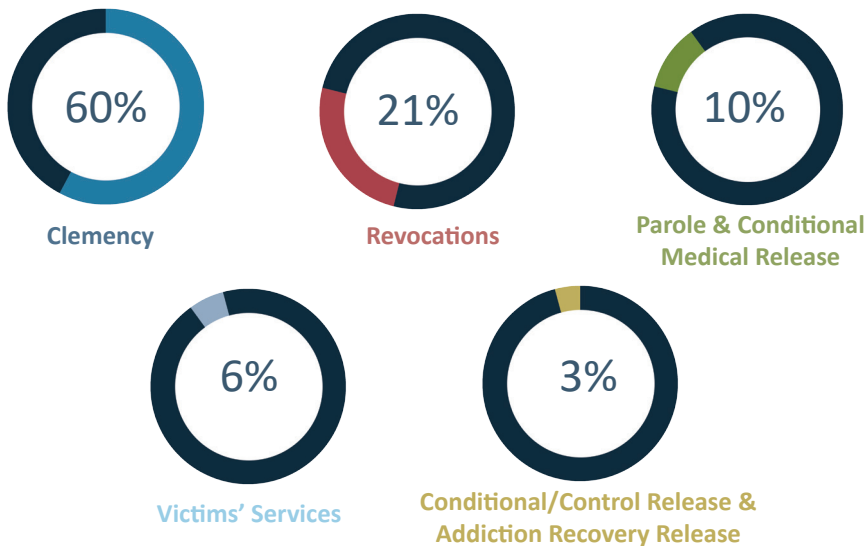
Victim input is important at every stage of the clemency, parole, and conditional medical release process and is crucial to informed decision-making. Victim participation can impact a variety of decisions, including clemency and conditional medical release. Restitution, special conditions of supervision, and treatment programs for the offender are also impacted. If a victim chooses not to participate in this process, the person may still request to be notified and informed of upcoming proceedings and the Commission's or Clemency Board's actions concerning those proceedings. Victims make the decision as to what extent they wish to participate in the process.

The Victims of Crime Act was enacted in 1984 and provides federal funding to assist state, local, and private nonprofit agencies to provide direct services to crime victims. Staff offers assistance to victims and their families by responding to their emotional needs, providing the necessary support and resources available to help stabilize their lives after victimization, and providing information on the criminal justice system and its operations. This section is proactive in seeking ways to broaden the services that are available to victims.



YEAR IN SUMMARY STATISTICS

WORKLOAD HOURS BY BUDGET ACTIVITY



ACTIVITY	HOURS
Clemency	140,821
Revocations	48,173
Parole & Conditional Medical Release	23,188
Victims' Services	15,002
Conditional/Control Release & Addiction Recovery Release	7,544
TOTAL FY 2019–20	234,728

Clemency Services

- 4,525 clemency applications were received in FY 19–20.
- 24,400 pending clemency applications.*
- 4,244 clemency cases were completed in FY 19–20.

Conditional Medical Release (CMR)

- 65 inmates were referred for CMR in FY 19–20.
- 35 inmates were granted CMR in FY 19–20.

Offender Revocations

- 1,443 revocation determinations were made in FY 19–20.
- 100% of revocation determinations were completed within 90 days of final hearing.
- 1,853 warrants (excluding amended warrants) were issued in FY 19–20.

Victims' Services

- 27,426 assists to victims were provided in FY 19–20.

Parole

- 1,419 parole determinations were made in FY 19–20.
- 3,959 inmates were eligible for parole release on June 30, 2020.
- 424 inmates were under parole supervision June 30, 2019.
- 41 inmates were granted parole in FY 19–20.
- 43 inmates were released on parole in FY 19–20.

Conditional Release

- 5,317 inmates were placed on conditional release supervision during FY 19–20.
- 2,945 inmates were under conditional release supervision on June 30, 2020.

Addiction Recovery Release

- 1,035 inmates were placed on addiction recovery release supervision during FY 19–20.
- 240 inmates were under addiction recovery release supervision on June 30, 2020.

*As of July 1, 2020

FINANCIAL DISCLOSURE

BUDGET CATEGORY	APPROPRIATED BUDGET	ACTUAL EXPENDITURES AS OF JUNE 30, 2020	BALANCE AS OF JUNE 30, 2020
Salaries (GR)	\$8,082,841	\$7,989,980	\$92,861
OPS	\$1,330,442	\$1,330,442	\$0
Expense	\$1,016,363	\$1,015,480	\$883
OCO	\$13,771	\$13,689	\$82
Contracted Services	\$263,525	\$136,281	\$127,244
Risk/Insurance	\$94,434	\$94,434	\$0
Lease/Purchase Equipment	\$25,600	\$25,565	\$35
Human Resources	\$48,141	\$48,141	\$0
Data Processing - DC	\$449,214	\$449,214	\$0
Total	\$11,324,331	\$11,103,226	\$221,105

PERFORMANCE MEASURES

19

Parolees successfully completed their supervision without revocation within the first three years.

1,491

Number of parole and conditional medical release determinations.**

90.5% Of parolees have successfully completed their supervision without revocation within the first three years.

1,443

Number of revocation determinations.

27,426

Number of victim assists.

99.9% Of cases placed before the Commission/Clemency Board containing no factual errors.

4,244

Number of clemency cases completed.

8,740

Number of conditional release/addiction recovery decisions**

100% Of revocation cases were completed within 90 days of final hearing.

An additional 1,115 clemency cases were also completed that have been determined eligible and fully investigated by Commission investigators but are awaiting final action by the Board.

** Number includes re-docketed cases.

DIVISION OF OPERATIONS

The Division of Operations is the largest unit of the Commission and is comprised of four sections: the Revocations Unit, Victims' Services, Office of the Commission Clerk, and Field Services. Twelve field offices are divided among five regional areas across the state with each region staffed by an administrator who directs the day-to-day activities of the professionals and support staff assigned to offices located within the region.

Operations is responsible for multiple functions in the administration of post prison supervisory release programs. These supervised release programs include parole, conditional medical release, control release, conditional release, and addiction recovery release supervision. Through Field Services staff, Operations conducts parole interviews, administrative hearings for alleged violations of supervision, as well as clemency investigations for the Board of Executive Clemency.

Operations Accomplishments: FY 2019–20

The Commission held out-of-town meetings in Brevard County in July 2019, Manatee County in October 2019, and Broward County in February 2020, making access to the meetings more convenient and less costly for victims and inmate supporters. The meetings were well attended by victims' families, inmate supporters, Department of Corrections' staff, state attorneys, and law enforcement agencies. Due to COVID-19, the out-of-town meeting scheduled for Duval County in April 2020 was canceled.

The Division of Operations coordinated with the Department of Management Services to continue to hold all in-town votes at the Betty Easley Conference Center.

The Director of Field Operations continued to provide assistance to various State Attorney Offices regarding juvenile resentencings and other parole-related matters.

The Director of Field Operations made office visits to the Broward, Melbourne, Miami, Ocala, Quincy, and Tampa field offices.

Regional Administrators, Commission Investigator Supervisors, the Chairman, Director of Field Operations, and Director of Clemency Investigations attended a statewide management meeting held in the Tampa office in September 2019 to discuss various topics.

During this fiscal year, the Florida Department of Corrections Bureau of Internal Audit, Inspections, and Evaluations conducted an Audit of the Florida Commission on Offender Review's Memorandum of Understanding with the Florida Department of Highway Safety and Motor Vehicles for the use of DAVID. The Department determined there were no findings, and FCOR is in compliance with the agreement terms and conditions and that internal controls exist to adequately prevent, deter, and detect fraud and/or misuse of the DAVID system (unauthorized access, distribution, use, modification, or disclosure of personal data).

Office of the Commission Clerk

The Office of the Commission Clerk (OCC) receives thousands of cases each year that staff prepare and process for the

Commission's review and action. They include conditional release interviews, parole interviews, parole release plan investigations, addiction recovery interviews, conditional medical release recommendations, supervision reviews, requests for modifications of the conditions of supervision, eligibility reviews, and special requests from the Department.

Office of the Commission Clerk Accomplishments: FY 2019–20

During the fiscal year, the Clerk's office continues to provide a precise and timely work product, while also responding to public inquiries regarding the parole process. Staff participated in various trainings and attended a week-long Florida Council on Crime and Delinquency conference. Due to the COVID-19 pandemic, staff prepared to conduct and process the Commission meetings telephonically.

The number of cases docketed in FY 2019–20 included:*

- Parole: 1,170
- Conditional Medical Release: 69
- Conditional Release: 7,410
- Addiction Recovery Release Supervision: 1,340
- Control Release: 0

** Individual cases may be docketed multiple times throughout the year; therefore docketed case totals may be higher than actual case totals.*

Revocations

Revocations reviews all violation reports, prepares arrest warrants, updates the National Crime Information Center/ Florida Crime Information Center (NCIC/FCIC) databases, responds to requests from law enforcement agencies, coordinates the extradition of violators, and performs functions relating to the docketing and processing of cases for Commission action involving review of supervision and violations of supervision.

Revocations Accomplishments: FY 2019–20

During this fiscal year, staff focused on ensuring an accurate and efficient work product as public safety is one of our paramount goals. Workflow was restructured to comply with the constraints of telecommuting during COVID-19. A new report was created to ensure deadlines were met in all cases. In addition, an initiative continuing the training of

Revocation staff on an individual and team level was continued to improve skills and foster team building. Staff members also attended Pryor training and many staff completed certification processes as required.

- Warrants Issued: 1,845
- Cases Reviewed and Prepared for Docket: 1,452*

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

Victims' Services

Victim assistance is a key tenet of the Commission's mission and is considered vitally important. Article I, Section 16(b) of Florida's Constitution, and sections 947.06 and 960.001, Florida Statutes, address the need to protect the rights of victims of crime and the need for victims' input in the criminal justice process.

Victims' Services provides direct, personal assistance to crime victims and their families, ensuring their opportunity to participate in the parole, conditional medical release, control release, conditional release, addiction recovery release supervision, and clemency processes.

Victims' Services Accomplishments: FY 2019–20

The Commission was awarded the Victims of Crime Act (VOCA) grant for the 2019–20 year. The grant provides funding for the government analyst and two staff assistant positions. The positions provide services to the clemency victim population. The funds are also used for staff training and conferences, and printing Victims' Services brochures that are used to educate victims about our services.

To reduce paper files, the Victims' Services staff scanned parole supervision review case information in the Commission Management System (CMS) and ensured that these documents were also scanned into On-Base. This is an on-going project. Staff also worked on a special project to allow staff to conduct case reviews to ensure documents entered in Superdocket/CMS are also scanned into On-Base. Staff purged files of offenders who are deceased or have expired their sentences.

Staff attended the 45th National Association of Victim Assistance (NOVA) Annual Training Event on July 22–25, 2019, in Phoenix, Arizona. The four-day training provides various workshops related to victim issues. Staff also attended the Office of Attorney General, Florida Crime Prevention Training Institute (FCPTI) Victim Services Practitioner Designation Update course in Tampa, Florida. The three-day course (24 hours) is designed as an update for those who completed the Victim Services Practitioner Designation course. The updated course provided new information on the legal rights of crime victims, such as Marsy's Law, and discussed the concept of restorative justice. It also offered skill development in the areas of cultural competency, the provision of services across generations, and death notifications in the age of social media

and technology. The training is funded through our VOCA grant.

- Requests for Information by Victims: 3,335*
- Status Updates Provided to Victims: 11,233*
- Victims Located: 630*

*Includes parole, conditional medical release, clemency, and conditional release cases.

Field Services

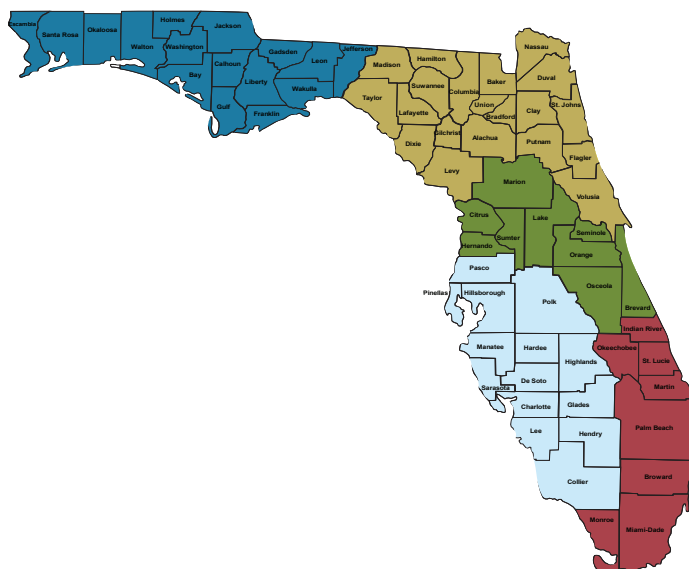
Field Services is responsible for performing a variety of functions, including acting as hearing officers when conducting revocation hearings.

Regarding the parole release process, Field Services Investigators conduct inmate interviews at the correctional facilities, perform investigations, and make recommendations regarding the establishment of a presumptive parole release date (PPRD) for parole eligible inmates.

Duties also include making recommendations regarding changes to an inmate's PPRD and whether to release on parole, conducting investigations for parole and conditional medical release plans, and locating victims or relatives of victims. Clemency-related duties include conducting full investigations for the Board of Executive Clemency.

Field Services Statewide Activity Totals: FY 2019–20

- Parole Interviews: 1005
- Revocation Interviews: 2,054
- Revocation Hearings: 523
- Total Interviews and Hearings: 3,582



DIVISION OF ADMINISTRATION

The Division of Administration serves as a liaison to the Governor's Office of Planning and Budgeting, the Office of Program Policy Analysis and Government Accountability, the Auditor General, the Florida Legislature, the Department of Financial Services (DFS), the Department of Management Services (DMS), and the Department of Corrections' Information Technology section. The Division 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. This Division has fiscal responsibility for the agency, including preparation of the agency's Legislative Budget Request, management of the Commission's operating budget, the Long Range Program Plan, and purchasing of all commodities and services for the agency. Additionally, the division is responsible for preparing data, statistics, and financial information.

Administration Accomplishments: FY 2019–20

This fiscal year, the Division of Administration submitted 405 requisitions, approved 352 purchase requests, processed 1,086 invoices, made 55 business deliveries, completed 110 work orders, addressed 40 maintenance issues, completed 261 PAR actions in People First, submitted 208 Security Access Requests, and processed 1,148 vouchers.

Administration monitored the completion of performance evaluations and expectations, and the commission received a 100% success rate for the completion of performance evaluations and setting expectations. All Commission staff completed diversity, sexual harassment awareness, code of ethics, and Americans with Disabilities Act training and each regional office was provided an Anytime CPR Annie Doll Kit for on-site training. Also, all Commission financial disclosure forms were received by the Commission on Ethics.

Additionally, Administration provided COVID-19 assistance to Commission offices statewide. Administration facilitated agreements with staff regarding COVID-19 leave; handled mail and deliveries per COVID-19 guidelines; purchased and coordinated IT support for telework; coordinated delivery of orders during lockdown; responded to COVID-19 issues; tracked expenses and hours related to COVID-19; secured specialized cleaning vendors; located and purchased PPE for staff use disinfectant, and hand sanitizer for Commission offices; processed COVID-19 emergency leave transfers; created Families First Coronavirus Response Request form; processed Emergency Paid Sick Leave and Emergency Family & Medical Leave Requests; implemented new FMLA tracking form; implemented Families First Coronavirus Response Act (FFCRA) policy; distributed thermometers and masks; reported expenses to the State Emergency Operations Center daily; created a FFCRA Child Confirmation Form; submitted Office of Policy and Budget reports and State Emergency Response Team reports; and reported weekly to the Governor's office regarding COVID-19.

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.

General Counsel Accomplishments: FY 2019–20

The Office of the General Counsel was actively involved in litigation during FY 2019–20 in both state and federal court, opening 259 new cases. The office filed 550 court pleadings, motions, responses, proposed orders, briefs, and the like to challenges made against the Commission's authority, challenging the Commission's decisions, and challenging the Office of Executive Clemency's actions and decisions.

Legal staff responded to 568 public records requests.

Additionally, the Office of the General Counsel provided scores of legal opinions to the Commissioners, Central Office, and staff within the five regional offices.

OFFICE OF LEGISLATIVE AFFAIRS

The Office of Legislative Affairs is charged with directing and overseeing the Commission's legislative program as the agency's chief legislative advocate. This office interacts with all members and staff of the Florida Legislature; the Office of Program Policy Analysis and Government Accountability, and the appropriate Joint Legislative Committees; the Governor's Office of Policy and Budget; the Governor's Office of Legislative Affairs; and the legislative affairs directors of all state agencies, particularly those in the areas of law enforcement and criminal justice.

Legislative Affairs Accomplishments: FY 2019–20

The Office of Legislative Affairs provided information regarding various Commission functions to legislators, legislative committee staff, the Office of Policy and Budget, and the Office of Program Policy Analysis and Government Accountability.

The Commission's operating budget for FY 2020–21, as provided by HB5001, is \$11,905,596 (\$11,785,362 in General Revenue Funding and \$120,234 from Trust Funds).

The agency's operating budget includes funding for 132 full-time employees (FTEs).

In addition to maintaining the Commission's base funding, the legislature and Governor also approved:

- \$24,739 for rent for the Miami office space;
- \$24,821 to replace one of the state vehicles; and
- \$376,250 for a new clemency database.

OFFICE OF COMMUNICATIONS

The Office of Communications is charged with overseeing the agency's internal and external communications and public information programs, with the director acting as the agency's chief spokesperson. This office responds to daily inquiries from local, state, and national media organizations, as well as to public information and public records requests. It is also responsible for the production of all publications and informational materials disseminated to legislators, media, and key stakeholders throughout the state and nation.

Communications Accomplishments: FY 2019–20

The Office of Communications designed and produced Commission publications and reports, including the Long Range Program Plan (LRPP), the annual report, COVID-19 reports and memos, monthly reports, and quarterly staff newsletters.

Communications also created and implemented the Commission's COVID-19 communications plan to include daily updates, the writing and dissemination of new policies and procedures, memos, and other communications and materials to keep the agency informed of the unfolding situation, to support the health and safety of staff, and to support Commission operations.

In addition to responding to daily inquiries from local, state, and national media outlets, as well as the general public regarding regular Commission business, the office of Communications also fielded an increase in inquiries related to the impact of COVID-19 on our statutorily mandated duties.

Communications composed daily emails for the 2020 National Crime Victims' Rights Week (NCVRW), which was held virtually this year as a result of COVID-19. The office also prepared and presented a training seminar for the Florida Council on Crime

and Delinquency (FCCD) Training Institute.

Communications also prepared presentation and speaking points for internal and external events and engagements, including in-office events and the Commission business meeting and annual staff awards ceremony.

Communications provided media messaging, materials and on-site and virtual media relations for weekly parole hearings and Board of Executive Clemency hearings.

This office maintained the Commission's external and internal websites, to include weekly updates related to COVID-19, ongoing audits, and graphic and content edits necessary to maintain these invaluable resources for constituents and employees.

Communications also supported Commission staff as needed by creating, proofing, editing, and updating materials, including but not limited to, reports and materials for The Office of Executive Clemency, Clemency Investigations, The Office of Administration, and Legislative Affairs; and brochures for Victim's Rights.

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 co-located with the Commission for ease of operation and coordination of functions. OEC was created in 1975 to process applications for executive clemency requiring approval of the governor and requisite members of the Cabinet. The coordinator is appointed by the governor and Cabinet and is responsible for coordinating all clemency meetings, referring applications for investigation, and serves as the official custodian of all clemency records.

Office of Executive Clemency Accomplishments: FY 2019–20

On January 21, 2020, the Board of Executive Clemency called a special clemency meeting. At this meeting, the Rules of Executive Clemency were revised to allow applicants owing restitution to be eligible to apply for Restoration of Civil Rights (RCR). Applicants who apply for RCR and have outstanding restitution will be processed under the category of Restoration of Civil Rights With A Hearing. This office revised its procedures, publications, and website to reflect this revision and immediately implemented the change for all clemency requests received on or after January 21, 2020.

In addition to processing requests for restoration of civil rights (RCR), the office determines eligibility for full pardons; pardons without firearm authority; pardons for misdemeanors; specific authority to own, possess or use firearms; remission of fines and forfeitures; restoration of alien status under Florida law, as well as requests for review regarding commutations of sentence. This fiscal year, the Office of Executive Clemency (OEC) received a total of 4,525 applications for all forms of clemency. Of the applications OEC reviewed, applications were either forwarded to the Office of Clemency Investigations for an investigation, or the applicant was deemed ineligible and the applicant was notified of their options.

The office receives, tracks, and responds to correspondence and calls received in the Governor's Office of Citizen Services regarding the clemency process, as well as emails received daily by the clemency web email address. OEC responded to Citizen Services requests and clemency web inquiries pertaining to the status of individuals seeking clemency and procedural questions. Office staff respond to questions and assist applicants in completing their requests for clemency. Clemency's toll-free information number received 20,442 calls in FY 2019–20. This number does not include calls made directly to the posted (850) 488-2952 number. Information and applications for clemency are distributed daily by mail or from the website.

The office provides verification and documentation for RCR and all other forms of clemency requested by law enforcement agencies, state attorneys, public defenders, licensing agencies, and supervisors of elections. During FY 2019–20, staff prepared 4,386 "Gold Seal" letters for inquiring criminal justice agencies.

OEC prepared the pre and post-notifications for all applicants who were on quarterly Executive Clemency Board meeting agendas for With a Hearing Cases. OEC staff is responsible for preparing the meeting agenda, notifying those applicants who appear on the agenda, tracking those who indicate they will/will not attend, notifying applicants of the results of the meeting and preparing Executive Orders for signature by the Board and filing with the Secretary of State

The March and June 2020 Executive Clemency Board meetings were canceled due COVID-19. The applicants who were on the March agenda were heard at the September 2020 meeting.

The Coordinator works continually with the Governor and Cabinet members' clemency aides on the interpretation of the Rules of Executive Clemency and stays abreast of new state and federal legislation that may have a direct or indirect impact on the clemency process in Florida. The Coordinator also responds to research inquiries regarding clemency and provides information to persons conducting federal and state surveys on clemency procedures in Florida.

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, commutation of sentence, remission of fines, and capital punishment cases. Clemency Investigations provides training, resource materials, and support to Field Services staff in all clemency matters.

General Clemency Investigations

Clemency Investigations provides daily investigative and research support to the Board. Field Services staff, along with this office, conducts confidential investigations on all applications that are referred to the Commission for investigation. This office also conducts quality assurance reviews on each of these investigations, and all eligible cases are presented to the Board.

The office conducts investigations on all Requests for Review for Commutation of Sentence applications, provides customer service to clemency applicants, and conducts clemency data research and analysis for all internal and external requests.

The type of clemency investigation primarily depends on the severity and nature of the offense and the form of clemency relief being sought. The Rules of Executive Clemency (Rules) provide detailed information regarding the list of offenses that determine the processing category. The depth and scope of each investigation vary by type and each has a different waiting period after completion of sentence.

Restoration of Civil Rights (RCR) investigations are classified as: Without a Hearing and With a Hearing. Without a Hearing investigations are those where offenders, depending on the offense or conviction, are eligible for consideration only after five years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, if no crimes have been committed and if the applicant has not been arrested for a misdemeanor or felony for the five years prior to the date the application is being reviewed. With a Hearing investigations are those where offenders with more serious offenses are eligible for consideration only after seven years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

All With a Hearing investigations, including non-RCR, provide a broad picture of the applicant's history and activities, which assist the Board in making informed decisions. They include, but are not limited to, criminal convictions; history of adjustment to incarceration or supervision; criminal record; traffic record; payment of fines, court costs, public defender fees and victim restitution; history of domestic violence; alcohol and substance abuse history; voter registration information; as well as judicial, state attorney and victim input. The office conducts quality assurance reviews on each of these investigations and obtains the Commission's advisory recommendation for submission to the Board. Clemency applicants are mailed a copy of their investigative report prior to each scheduled Board meeting.

Capital Punishment Case Investigations

In capital punishment cases, by Rule, the Governor may direct the Commission to conduct an in-depth investigation. Clemency Investigations is responsible for coordinating the clemency interview of the death row inmate conducted by the Commission. Investigators research the case history, including offense(s) of conviction, complete criminal record, institutional record, social and psychological information, co-defendant information, and trial and appellate court information. This office is the point of contact for clemency counsel and acts as a liaison between counsel and the Florida Department of Corrections. The office coordinates with Field Services staff to conduct an investigation on the inmate and conduct interviews, if possible, with the trial attorneys who prosecuted and defended the inmate, the presiding judge, and the inmate's family. In addition, the office coordinates with the Attorney General's Office to allow victims of record to provide any comments to be included with the final report to the Board. Clemency Investigations compiles this information together with the Commission's findings and conclusions and provides it to the Board to assist in the consideration of a commutation of death sentence to life.

Office of Clemency Investigations Accomplishments: FY 2019–20

Clemency Investigations implemented changing policies, including workflow processes, in response to COVID-19 related to compliance with staff safety, office sanitation, social distancing, and adherence to CDC guidelines. Established and coordinated temporary teleworking arrangements, flexible work schedules, distancing work stations, and acquired and distributed laptops and IT equipment for all staff.

This fiscal year, Clemency Investigations revised training manuals and several templates related to conducting comprehensive investigations, determining eligibility reviews and performing quality assurance reviews; conducted quality assurance investigations for all cases heard at the quarterly Clemency Board Meetings; provided all clemency data research and analysis for agency reports, public records requests, and various ad hoc reports; produced an annual report for the Board on the status of individuals whose rights were restored for the prior two calendar years; provided bi-monthly teleconference training to field offices, in-person training, and updated procedure directives; implemented revisions to the Rules of Executive Clemency adopted by the Clemency Board; and provided training to the Department of State in reviewing court records and various related databases to assist in their initial determination of information relating to felony convictions and voter eligibility.

CONTACT INFORMATION

General Information

Florida Commission on Offender Review
4070 Esplanade Way
Tallahassee, FL 32399-2450
www.fcor.state.fl.us

For general inquiries about the Commission:
publicaffairs@fcor.state.fl.us (850) 922-0000

Clemency

For information regarding clemency applications for restoration of civil rights; full pardons; remission of fines; commutation of sentence; and specific authority to own, possess, or use firearms, call toll-free (800) 435-8286, or email clemencyweb@fcor.state.fl.us.

Victims' Services

For notification of inmate hearings and release information contact Victims' Services toll-free (855) 850-8196 or email victimquestions@fcor.state.fl.us.

Inmate Supporters

For information regarding an inmate's parole, conditional medical release, conditional release or addiction recovery supervision or for information about attending a Commission hearing call toll-free (800) 335-3396. To submit a statement of support, email inmatessupporter@fcor.state.fl.us.

Revocations

For information regarding violations of supervision, warrants, or other revocation matters, call (850) 488-0611 or email revocations@fcor.state.fl.us.

Public Affairs

All press inquiries should be directed to the Communications office at (850) 921-2816 or publicaffairs@fcor.state.fl.us.

All legislative inquiries should be directed to the Legislative Affairs office at (850) 921-2804.

Commissioners

Melinda N. Coonrod (850) 487-1980
Chairman
Richard D. Davison (850) 488-0476
Vice Chairman
David A. Wyant (850) 487-1978
Secretary

Division of Administration

Gina Giacomo (850) 488-3415
Director
Monika Holden (850) 488-3417
Human Resources Administrator
Karen Carter (850) 921-2815
Accounting and Budgeting Administrator

Division of Operations

Kim Dickey (850) 488-0611
Director of Central Office Operations
Laura Tully (850) 922-6137
Director of Regional Operations
Ian Berry..... (850) 488-0611
Revocations Supervisor
Dawn Mikola (850) 487-3259
Victims' Services Supervisor
Megan Higgins (850) 488-1293
Office of the Commission Clerk Supervisor

Office of Clemency Investigations

Stephen Hebert (850) 487-1175
Director

Office of Communications

Angela Meredith (850) 921-2816
Director

Office of Executive Clemency

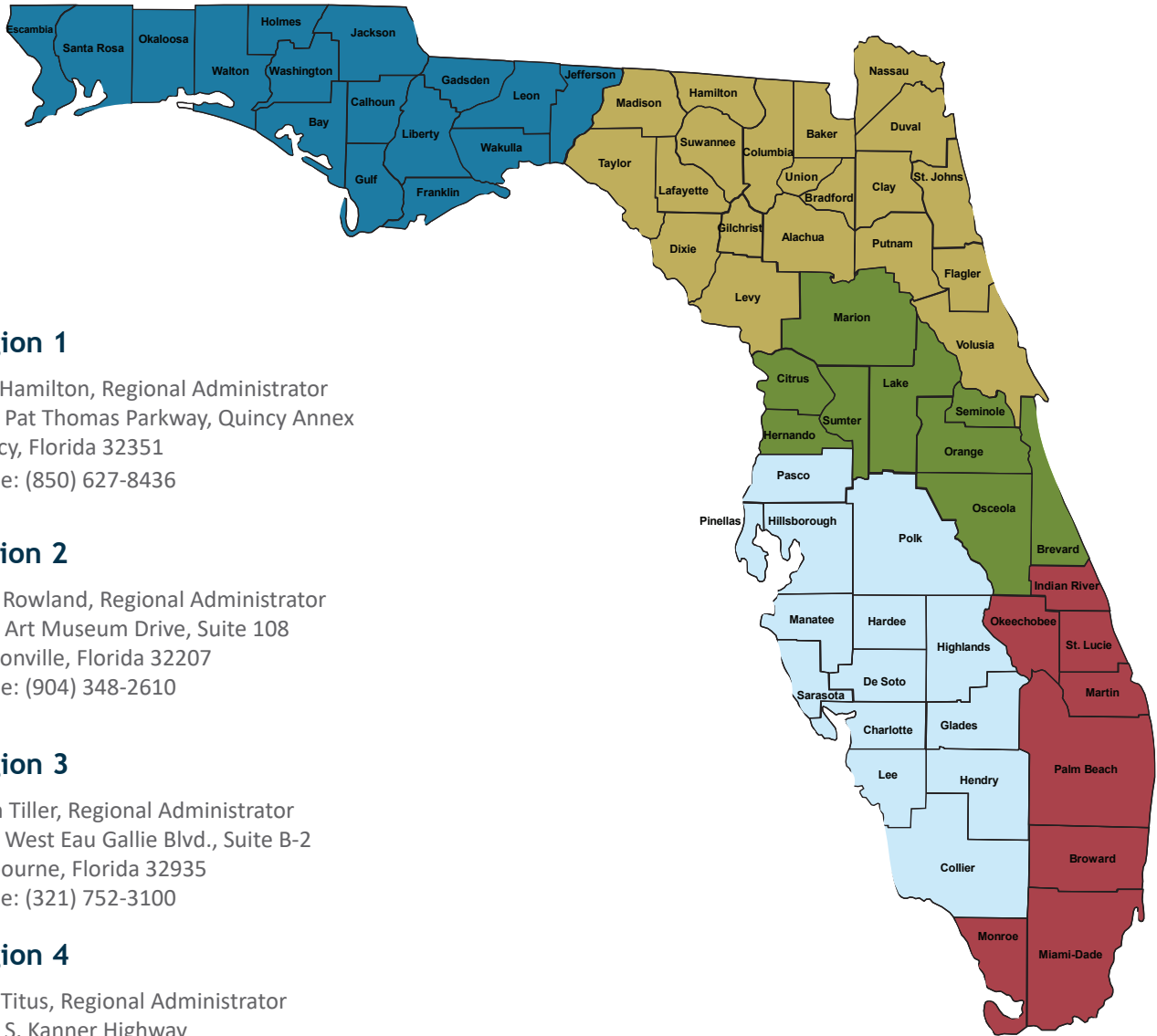
Michelle Whitworth (850) 488-2952
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▶ Region 4

Julie Titus, Regional Administrator
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 Stuart, FL 34994
 Phone: (772) 223-2540

▶ Region 5

Lori VanCamp, Regional Administrator
 1313 North Tampa Street, Suite 310
 Tampa, Florida 33602
 Phone: (813) 233-2530

Field Services

Field Services staff are responsible for carrying out the Commission's duties at a regional level, including conducting administrative hearings for alleged violations of supervision, performing clemency investigations for the Board of Executive Clemency, conducting inmate interviews at the correctional facility and making appropriate recommendations, conducting investigations for parole release plans, and locating victims or the relatives of victims.



FLORIDA COMMISSION ON OFFENDER REVIEW

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