



FLORIDA PAROLE COMMISSION

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Commissioner/Secretary

FLORIDA PAROLE COMMISSION Monthly Accomplishments Report June 2014

~CHAIR'S MESSAGE~ Tena M. Pate

The month of June closes a historical chapter for the Florida Parole Commission as we transition into a new agency name, Florida Commission on Offender Review, which more accurately conveys the roles and responsibilities the Commission carries out on a daily basis. With the approval of the Governor, the Commission received full funding during the 2014 Legislative Session, including the addition of nine full-time clemency employees, a research specialist and a \$46,500 increase in OPS funds for clemency phone operators. The support and resources received from the legislature and the Governor are immensely appreciated and will ensure the Commission is able to continue to provide vital services to Floridians.

This Commission's Annual Awards ceremony was also held this month which allowed Commissioners Cohen, Coonrod and I to honor our team, specifically those that have excelled in their positions, upheld the mission of the Commission and made a positive impact on the staff. Top honors were awarded to Christan Jackson who received the Central Office Employee of the Year award, Mills Rowland who received the Field Office Employee of the Year award, and Tawanna Hays who received the Overall Employee of the Year award. Additionally, several Superior Awards were presented to individuals and groups that made significant advances for the agency. All award recipients were presented certificates of appreciation and recognized by leadership and fellow employees for their exceptional efforts.

The Commission hosted its second Executive Clemency Board Meeting of the year on June 18th with the offices of Executive Clemency, Clemency Investigations, and our five regional offices (in 12 locations) successfully completing more than 70 clemency cases for Board consideration. The team's coordination, dedication and attention to detail, continue to allow clemency hearings to be performed in an organized and timely manner.

Finally, the Commission family including staff members, current and past Commissioners and other special guests bade farewell to Commissioner Cohen with a celebration of his service. Although, Commissioner Cohen elected not to seek another term, he graciously agreed to serve in his respective position until the end of July 2014. We thank Commissioner Cohen for his service to the Commission.

As we usher in a new and exciting time for the Commission, we remain steadfast in our mission to ensure public safety and provide victim assistance through the post prison release process. It has been my pleasure and honor to serve as Chair of the Florida Parole Commission, and now as we look ahead to the new challenges and opportunities the Florida Commission on Offender Review will present, I'm thrilled to know I am joined in these efforts by such a dedicated team working to protect the citizens of Florida.

I invite you to continue reading all the Commission's June accomplishments below.

Respectfully,

Tena M. Pate

COMMISSION SECTION ACCOMPLISHMENTS

Office of Legislative Affairs

Kevin Reilly, Director

- Drafted and distributed the End of Session Report for the 2014 Legislative Session to staff.
- Attended the Executive Office of the Governor Legislative Affairs Director's Meetings.
- Organized plans for the senior leadership retreat and training in August.
- Began planning 2015 Legislative Agenda.
- Prepared for meeting with DC regarding earlier involvement with CR inmates.
- Conducted ongoing legislative constituent relations regarding various Commission functions.

Operations

Shana Lasseter, Director

- Updated and prepared for distribution to all Florida Sheriffs correspondence soliciting the support and cooperation of all local law enforcement agencies to achieve and ensure our common goal of public safety. The mailing serves as a friendly reminder that supervised offenders arrested for committing new crimes are required to be held for up to 72 hours without a warrant pursuant to s. 947.141(2), Florida Statutes. On occasion, supervised offenders are arrested on new criminal charges and allowed to post bond long before the supervising officer or the Commission are aware of the violation and are able to establish a hold on the offender. The Commission strives to send this information out annually and avoid the release of alleged violators prior to the Commission being notified of the offender's arrest.
- In addition to receiving full budget funding during the 2014 Legislative Session, the Commission also received funds to hire additional staff, including a research analyst position to support special projects and to evaluate the efficiency and effectiveness of the Commission's programs. Additionally, this much needed position will develop strategies to improve the agency and maximize the services delivered by the Commission, thereby allowing the Commission and Clemency Board to enhance public safety by providing the Commissioners and the Governor and Cabinet with better tools and more information to assist them in making the most informed decisions possible. The application process for the position closed in June and qualified candidates will be interviewed in early July.
- At the request of the Office of the General Counsel, examiners were advised to take extra care in establishing for the record the reason(s) why an offender has been denied the appointment of legal counsel at a revocation hearing. To this end, examiners were reminded of the following: (1) Always complete the back of the hearing notice in its entirety, especially the questions related to Gagnon; and (2) Begin using the revised Denial of Appointment of Legal Counsel template, which now includes drop down boxes regarding the subject's gender and check boxes relating to the subject's lack of a colorable claim and complexity. Legal provided further direction for the field through the following: The analysis should be as follows:
 - A. First, determine if the claim is timely. It will almost always be timely as long as not brought up during the middle of the hearing. If the claim is timely, DO NOT check the box.
 - B. Second, determine if the releasee has made a colorable claim that they are not guilty or that there are reasons justifying/mitigating the violation. If the claim is not colorable, they should check the "colorable claim" box along with the corresponding box. They should then note the reason why the claim is not colorable on the lines below. Some things to keep in mind:
 - a. "Colorable claim" is a pretty low standard to meet. If there is some basis in fact to support the releasee's claims, then it is colorable. If there is no basis in fact, then it is not colorable.
 - b. If the releasee has made a colorable claim, then DO NOT check the box.
 - C. Third, the examiner then must determine the complexity. Regardless of if the colorable claim box is checked or not, the examiner must still go to the complexity determination. Both of the boxes must be checked and the lines supporting these two boxes (with the basis for why it is not complex and why the subject is capable of understanding/advocating for himself) must be filled in to properly deny legal counsel.
 - a. If the reasons are complex, then counsel should not be denied; even if the subject is capable of understanding/advocating.

- b. If the reasons are not complex, but the subject is not capable, then counsel should not be denied.
- Commission staff members continue to work closely with the Department of Corrections on a myriad of topics and projects. This month, meetings and discussions were held regarding rules of the Interstate Compact Agreement and both agencies worked tirelessly to ensure documents and forms utilized by the Department which refer to the Commission were updated to reflect the new name. Additionally, a significant number of these forms were translated to Spanish for the Department's use.

Office of the Commission Clerk

Cases Docketed:

Parole	99
Conditional Medical	5
Conditional Release	585
Addiction Recovery	91
TOTAL	780

Month	Paroles		Conditional Medical Release		
	Granted	Denied	Granted	Denied	Deceased prior
June	3	0	2	2	1

Imaging

- June 2014 totals for Imaging Inmate Records (IRIS):

Completed Documents	2,202
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Revocations

STATISTICS:

Warrants Issued	186
Cases Reviewed and Prepared for Docket	187

Include Parole, Conditional Medical Release, Conditional Release, Addiction Recovery Release and/or Control Release.

Victims' Services

	June 2014
Victims' requests for information on parole, conditional release, and conditional medical cases	238
Victims Located	91
Status updates to victims on parole, conditional medical and clemency cases	660
Assisted victims who attended parole or clemency hearings	42

Field Services

Field Services' Statewide Activity Totals

	June 2014
Monthly Interviews and Hearings Conducted:	
Parole Interviews	73
Revocation Interviews	215
Revocation Hearings	59
Total Interviews and Hearings for the Month	347

REGION I:

- COURTESY INTERSTATE COMPACT TASKS:
 - Region I performed no notices and no hearings.
- PENDING CLEMENCY CASES:
 - With a hearing: 627
 - Without a hearing: 22
 - Total Cases: 649
- TRAINING:
 - Examiners Gallogly and Simmons attended FCCD Security Threat Group Training at Santa Rosa CI on 5/28/14.
 - Examiner Gallogly participated in a re-entry seminar at Blackwater CF on 6/25/14.
- MISCELLANEOUS:
 - Examiner Gallogly presented to the Escarosa Victim Coalition on the role of the Commission, especially as it relates to victims.

REGION II:

- COURTESY INTERSTATE COMPACT TASKS:
 - Region 2 had five (5) requests to conduct Courtesy Preliminary Hearings from Interstate Compact.
- PENDING CLEMENCY CASES:
 - With a hearing: 876
 - Without a hearing: 31
 - Total Cases: 908
- PERSONNEL ACTION:
 - Parole Examiner Armand Malcolm started on 6/2/2014 in the Jacksonville Office. Welcome Armand!
- COMMUNITY SERVICE:
 - Examiner Cliff Rowan is a volunteer through the Florida Gaurdian Ad Litem program in Columbia County.
 - Examiner Gary Fox is a volunteer and coach with the Special Population Activities Recreation Council (SPARC) in Volusia County.
 - Regional Administrator Mills Rowland is a Supervision Group Leader for the Stephen Ministry through the Beach United Methodist Church and the Church of Eleven22.

REGION III:

- COURTESY INTERSTATE COMPACT TASKS:
 - Region III received two requests for probable cause hearings.
- PENDING CLEMENCY CASES:
 - With a hearing: 950
 - Without a hearing: 11
 - Total Cases: 961
- PERSONNEL ACTION:
 - Examiner Edward Segno retired on 6/30/14. Congratulations!
- MISCELLANEOUS:
 - Examiner Will Whitehouse received a Commission Superior Award for his suggested use of technical software.
 - Region III had a record month for RCR cases, great job!
 - Employee performance evaluations completed for all employees.
 - Bid for Melbourne P&P office space to include FPC staff ended and an intent to award announced, waiting for end to protest period for further information.

REGION IV:

- COURTESY INTERSTATE COMPACT TASKS:
 - 0 - Notice of Hearing/Postponements
 - 2 - Probable Cause Hearing
- PENDING CLEMENCY CASES:
 - With a hearing: 2,204
 - Without a hearing: 42

- Total Cases: 2,246
- TRAINING:
 - June 12, 2014 Region IV visit by Sarah Rumph

REGION V:

- COURTESY INTERSTATE COMPACT TASKS:
 - 6 requests for hearings received.
- PENDING CLEMENCY CASES:
 - With a Hearing: 1,154
 - Without a Hearing: 38
 - Total Cases: 1,192
- TRAINING:
 - Helen Williams Lester completed the Webinar Training – Native American Gangs – Basic Trends and Dynamics
- COMMUNITY SERVICE:
 - Kip Astrom and Patti Razor attended the monthly Pinellas Ex-offender Reentry Coalition meeting.
 - Patti Razor attended the FACC meeting and is a board member.
- MISCELLANEOUS:
 - Region V celebrated Lindsay Harris’ (Examiner Jerry Harris’ daughter) graduation for high school with pizza and cake following the June staff meeting. Lindsay was also recognized for her work in the collection of over 1,300 pairs of shoes as a school community service project. The shoes will be refurbished and donated. Lindsay received a gift card to Nike from her school for taking first place.

Administration

Gina Giacomo, Director

The Division of Administration’s primary accomplishments in the month of June 2014 included: Accounting achieved 99% prompt payment on invoices. The Division of Administration achieved full utilization in all five key functions of the utilization matrix. Administration team member Christan Jackson received the Central Office Employee of the Year.

Submitted a budget amendment, Prepared budget documents, Submitted and tracked six security access requests, Completed seventy three requisitions for the purchase of goods and services, Submitted seven Maintenance Requests, made fifty one deliveries, Submitted five changes to the DC web team for the Commission’s web sites, Approved forty two purchases and hundred twenty six invoice reconciliation in MFMP, processed VOCA invoices and reimbursement receipts, Worked in partnership with DOC to conduct the Commission statewide annual property inventory, Drafted Capital Case Attorney contract, Held numerous meeting and submitted many information technology programming requests to DOC due to the Commission name change, Notified numerous Federal, State, and County agencies in addition to vendors of the Commission name change, and Eighty three new state FCOR ID badges for Central Office.

Assisted Communications in the redesign of the Commission’s websites and assisted with graphic revisions, Participated as members of the Commission Management System and the Training team, Provided staff information on Wellness, Improved the process of making deliveries to other state agencies, entered monthly FLEET information, assisted with the storing of one hundred and three clemency boxes, tracked sun pass accounts, Obtained new loading zone passes, addressed phone issue across the state, revised both clemency conference rooms into workstations, and responded to Banking services survey and several DFS pcard inquiries.

Provided supervisors with an updated performance expectation timeline regarding the 2014-2015 expectations, Provided employees information regarding: The Central Office Resources, Free seminar about fraud prevention, BRACE for the Storm Workshops - Be Ready Florida, prepared certificates for award recipients, Assisted in updating the Team Board and “Recognizing our shining stars”, Notified employees that they were recipients of the 2014 bonus, member of the Commission’s Employee Activities Committee, Coordinated the June Employee Enrichment Series, arranged for The First Florida Credit Union to visit and provide staff with information, monitored and assisted staff with completing their Financial Disclosure Form for 2013, Coordinated quarterly Commission safety meeting, providing Safety Committee with information received from the Interagency Advisory Council meeting on safety and loss prevention meeting, Statewide

Agency Coordinator and the Payroll Coordinator for the 2014-2015 FSECC Campaign, provided staff with new veterans' preference requirements, assisted employees with FMLA request and organized the Commission's wellness challenge. Division employees attended trainings/meetings on the following topics, (2) FASAAD Administration meeting, (2) Purchasing Director meeting, (1) Human Resource meeting, (2) Activities committee meeting, (1) Florida's Accountability Contract Tracking System training, (2) Interagency Advisory Council meeting, (1) Big Bend SHRM Meeting, (3) My Florida Marketplace (MFMP) training, (1) Veterans' Preference workshop hosted by DMS and Veterans' Affairs, (1) monthly Operations Conference call, (1) Flair User Group meeting, (1) Why people support us and why they resist us, (6) SLATS meeting, (1) Advance Contract Monitoring training, and (3) Attended "Eat that Frog" seminar

Office of Clemency Investigations

Steve Hebert, Director

Pending Clemency Cases July 1, 2014

Types of Clemency Cases	June 2014
RCR Cases	12,043
Without a Hearing Cases (956)	
With a Hearing Cases (11,087)	
Non-RCR Cases*	8,080
Total Pending Clemency Cases	20,123

* Full Pardon, Specific Authority to Own/Possess/Use Firearms, Remission of Fines, Commutation of Sentence and Request for Review.

Highlights / Accomplishments for the month of June 2014 for the Office of Clemency Investigations include:

- On June 2, 2014, the Office of Clemency Investigations welcomed Harry Ivey as he was hired as a part-time OPS Parole Examiner to conduct eligibility investigations on Restoration of Civil Rights cases.
- On June 3, 2014, several employees in our office had a wonderful learning opportunity by attending Oral Arguments at the Florida Supreme Court to observed cases being argued before the Justices.
- On June 12, 2014, the Director of Clemency Investigations provided training to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations and the Rules of Executive Clemency.
- On June 18, 2014, the Governor and Cabinet, sitting collectively as the Clemency Board, held its second quarterly Clemency Board Meeting at the Capitol. The Commission completed and submitted 71 in-depth clemency investigations for Full Pardons, Firearm Authority and Restoration of Civil Rights for consideration by the Board. The Coordinator of the Office of Executive Clemency presented the cases to the Board, and the Chair provided detailed information related to the Confidential Case Analyses and processes to the Board Members in response to their inquiries.
 - This office researched the specific reasons why applicants requested restoration of their civil rights. We reviewed the 46 Restoration of Civil Rights cases heard at the June 18, 2014 Clemency Board Meeting. Several applicants indicated multiple reasons in their statements to our examiners, and the following information is a brief summary of what our research revealed:
 1. 87% of the applicants specifically indicated that they were interested in regaining their right to vote, sit on a jury or hold public office.
 2. 30% 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.
 3. 7% of the applicants did not provide any specific reason for requesting their civil rights.
 4. 35% of the applicants voted in an election without having their civil rights restored.
- The Offices of Executive Clemency and Clemency Investigations conducted criminal history reviews and developed information to produce the annual Restoration of Civil Rights' Recidivism Report provided to the Clemency Board on July 1, 2014, as required by Rule 18 of the Rules of Executive Clemency.
- Conducted capital punishment clemency investigations and coordinated interviews for death row inmates.
- Conducted quality assurance reviews of all clemency investigations completed by regional field offices.

- Reviewed Restoration of Civil Rights cases for eligibility prior to sending them out to field offices for in-depth field investigations to be conducted, and conducted Request for Review investigations for commutation of sentence applications.

Office of Communications

Molly Kellogg-Schmauch, Director

- Finalized Florida Commission on Offender Review (FCOR) seal and received proper approval for usage.
- Drafted and distributed FCOR name change press release to the media.
- Coordinated Florida Channel interview and drafted talking points for Chair promoting agency name change.
- Created transition plan for name change using branding messages and standards for Commission on Offender Review.
- Provided staff with detailed, step by step instructions on name change transition and correct usage.
- Drafted letter to criminal justice partners to publish in newsletters to stakeholders.
- Updated agency materials with new name and seal including:
 - All press kit and media materials
 - All website content, attachments and corresponding downloads
 - Social media site
 - Agency Overview PowerPoint Presentation
 - Agency overview brochure and Victims' Services brochure
 - Office of Executive Clemency Rule Booklet
 - Clemency Timeline
 - Hearing Day Signage for lobby
- Provided media relations at quarterly Executive Clemency hearing and weekly parole hearings.
- Redesigned annual Clemency Recidivism Report.
- Designed capital clemency counsel advertisement.
- Updated the Clemency by the Numbers reference document.
- Drafted op-ed in response to Pew Report findings.
- Drafted Annual Awards ceremony talking points.
- Prepared Welcome Letter for FCCD Conference.
- Coordinated and responded to all Commission related public records and media requests.

Executive Clemency

Julia McCall, Clemency Coordinator

This month's focus continues to be to stay on top of applications as they are received in the Office of Executive Clemency along with performing the post Clemency Meeting tasks. On June 18th, the Executive Clemency Board heard 71 cases with 31 applicants appearing personally or being represented before the Board. Four cases were addressed through victim representation by letter which was entered into the record. Nine (9) pardons were granted, as well as two (2) Specific Authority to Own, Possess or Use Firearms. Fourteen (14) applicants were granted Restoration of Civil Rights. Executive Orders will be prepared and signed by the Clemency Board and mailed to the applicants.

This office has also completed a major project to assist the Office of Clemency Investigations. Since September 2013, staff has been reviewing applications that have been sent to the Field Offices for investigation to determine current eligibility for clemency. Of the 7,187 cases reviewed, 328 of those cases were found to be ineligible based on basic eligibility factors; pending charges, incarceration, under supervision or deceased. Elimination of ineligible cases allows those who are eligible to move more efficiently through the process. We plan for this audit to become a standard in assisting the Office of Clemency Investigations.

Efforts are also being made to process as many eligible RCR cases as possible through the final stages of the process so those being granted will be able to register to vote for the upcoming primary in August.

WEBPAGE STATISTICS

- The Florida Parole Commission has received 1,350,870 hits with 1,003,090 searches for Restoration of Civil Rights (RCR) grants.
- 111,021 names were located and 70,169 certificates have been printed.

- Currently there are 375,833 RCR certificates available for printing through the www.FLrestoremyrights.com website.

Legal Office

Sarah Rumph, General Counsel

We had many orders for June. I have included a hefty number this month.

The first case is a conditional release revocation case. In Dillard v. FPC the releasee was arguing that his violation based on incidents arising from a phone harassment and domestic battery was solely supported by hearsay. The court held that the police officer's testimony regarding the observation of the victim's appearance and bruises were direct evidence supported by the victim's hearsay statements and were sufficient for revocation.

Next, in McCloud v. Florida, the former parolee was requesting reimbursement of the money he paid towards victim restitution, contending that since it was not ordered by the court in his case, the Commission could not have ordered it as a condition of his parole. The court rejected this argument and upheld the Commission's authority to impose this condition on parole based on statute as well as the former parolee's own consent to be released under such a condition.

Since we are about to be inundated with initial interviews, I have included the next two cases regarding initials. In Clarke, Barry v. FPC, the inmate argues that the aggravator for the vulnerability of the victim (a five year old) was unlawful, that the Commission should have given him the same structure as his co-defendant, that the Assistant State Attorney should not be allowed to present against him when the ASA previously represented the co-defendant and that the Commission did not apply mitigation. The court rejected these challenges finding that the particular vulnerability of the victim as a very young child was not an element of the underlying felony murder aggravated child abuse; that there was no Constitutional violation treating the inmate's case differently from the co-defendant's case where they had different facts, records and histories; that the ASA's appearance was allowed by law in the public hearing; and that as long as mitigation is considered, the Commission is not required to score for it in its discretion.

The second initial PPRD case is Mitchell v. FPC. This case also challenged the assessment of the aggravators. The inmate contended that the facts as recorded in the documents relied upon by the Commission were not the same as what actually happened. The court upheld that the Commission is entitled to rely on the documents if they are competent and persuasive evidence and that the Commission is not retrying the inmate on the conviction. The court also rejected his challenges to the Commission's decision not to mitigate for his exceptional program achievements.

In the final case, a conditional release case, Tommy Lee Gaines v. DOC, et al., the court rejected the inmate's arguments that he was entitled to his forfeited gain time and that he did not receive proper notice of his violation. The court rejected these arguments on the merits but also noted that the inmate's constant filings were abusive of the writ process and barred.