



# FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

*Monthly Accomplishments Report – April 2015*

## Chair's Message

*Tena M. Pate*

The final month of legislative session, the events of National Crime Victims' Rights week, and a myriad of other observances made April a busy, yet productive month at the Commission.

For the Commission's third annual observance of National Crime Victims' Rights Week (NCVRW), a comprehensive campaign was designed around this year's theme – Engaging Communities and Empowering Victims. The four-part plan included 'A Conversation about Crime Victims' Rights' - a panel presentation hosted by the Commission focusing on victims' rights issues and services in Florida's post conviction processes for our stakeholders including lawmakers, public safety partners and crime victims' advocates; a cyber security presentation by FDLE Cyber Security Analyst Kevin Wiggins for Central Office and Region I Commission staff; a community awareness campaign with targeted social media posts and emails for the general public and staff to raise the awareness of current partnerships and resources regarding crime victims' rights; and regional staff participation in NCVRW events held around the state.

The NCVRW panel presentation was held on the 22nd floor of the state capitol building and featured State Attorney William "Willie" Meggs, The Peyton Tuthill Foundation founder Pat Tuthill, Director of Victim Services & Criminal Justice Programs for the Office of the Attorney General Emery Gainey, and victims' advocate Cecilia McAdams. The event was also streamed live on the Florida Channel's website for real time viewing by Commission staff statewide and other interested viewers. All four components of FCOR's 2015 NCVRW campaign were unmitigated successes and allowed us to raise the profile of the week, as well as the integral role FCOR's Victims' Services team plays in the lives of crime victims' lives.

On Administrative Professional's Day we celebrated the Commission's support staff and their day to day dedication to our mission. Without each of them, the commissioners and leadership team would not be able to carry out the important work we are tasked to do and are appreciative for all they do.

As the Florida Senate entered the last week of regular session, Commissioner Richard Davison received confirmation on his 2014 appointment by the Governor and Cabinet with a unanimous vote. Meanwhile, the House of Representative's regular session concluded before the state's budget was finalized. The House and Senate will reconvene for a special session to pass a budget in advance of the June 30 deadline. Once final, we will be notified of our agency's fiscal year 2015-16 budget appropriation.

Lastly, the Commission often shares best practices with other public safety agencies and our processes have been recognized as a model for parole both nationally and internationally. Recently we've presented to the Canadian parole board, appeared in a National Institute on Corrections webinar regarding victim services in the parole process, assisted the Rhode Island Parole Board with enhancing the services they offer to crime victims and the Commission's media policy regarding victim interaction was published as an example in The National Parole Resource Center's Public and Stakeholder Education Toolkit. Our efforts were once again acknowledged this month when we received word that the Arkansas Parole Board plans to implement a modified version of the Commission's revocations hearing summary to enhance their state's existing process.

Moving into the month of May we will continue to strive to enhance the growth and betterment of our staff and our communities while upholding our mission of ensuring public safety for the citizens of Florida. I invite you to continue reading this report to learn more about the Commission's accomplishments during the month of April.

Respectfully,



Tena M. Pate, Chair

## Division of Operations

*The Division of Operations is comprised of four sections: Revocations; Victims' Services; Office of the Commission Clerk; and Field Services. Twelve field offices are divided into five regional areas across the state. Operations is responsible for multiple, diverse functions relating to the administration of post-prison supervisory release programs. These supervised release programs include parole, conditional release, conditional medical release, addiction recovery, and control release supervision. The Division, through its Field Services' staff, conducts administrative hearings for violations of supervision, as well as clemency investigations for the Board of Executive Clemency.*

This month, Chair Pate, Kim Dickey, Kristin Lambert, Paula Bryant, Ryan Schenck and I had the opportunity to meet with DOC's Community Corrections Bureau Chief Shari Britton and Sr. Management Analyst Amy Datz to discuss the results of their P&P Officer survey, sex offender placements, conditional release violators returning to the community with the same residence plan, and exceptions for offenders on conditional release with curfews. Discussions also touched on providing more lead time for P&P Officers to place homeless sex offenders; best practices for accommodating frail, sick and paralyzed inmates upon release; the collection process for training/trust fund; and clarification of how curfews and travel conditions are set for those on conditional release supervision. I look forward to meeting with Shari and her team regularly to continue to streamline and improve our shared mission of successful reentry for supervised offenders.

On the Victims' Assistance front, I'm excited to announce that FCOR will begin training staff in Victim Offender Dialogue (VOD) practices in June, as we prepare to launch the first VOD program in Florida's state system. VOD is a victim-centered program designed to provide victims of felony crimes the opportunity to participate in one face-to-face meeting with their offender in a safe and structured setting. The program can only be initiated by a victim.

### **Accomplishments: April 2015**

#### **Office of the Commission Clerk**

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The number of cases docketed included: 825

- Parole – 145 (4 granted, 4 denied)
- Conditional Medical -7 (3 granted, 4 denied)
- Conditional Release - 757
- Addiction Recovery Supervision - 169

#### **Revocations**

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- Warrants Issued - 217
- Cases Reviewed and Prepared for Docket - 174\*

*\*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 - 235
- Victims Located - 45
- Status updates to victims on parole, conditional medical and clemency cases – 500
- Assisted victims who attended parole or clemency hearings – 35

## Field Services

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

- Parole Interviews - 86
- Revocation Interviews - 263
- Revocation Hearings - 59
- Total Interviews and Hearings for the Month - 408

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	3	4	3	2	4
PENDING CLEMENCY CASES	With Hearing: 495 W/o a Hearing: 5 Total Cases: 500	With Hearing: 852 W/o a Hearing: 15 Total Cases: 867	With Hearing: 865 W/o a Hearing: 6 Total Cases: 871	With Hearing: 1,706 W/o a Hearing: 25 Total Cases: 1,731	With Hearing: 1,132 W/o a Hearing: 20 Total Cases: 1,152

## 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: April 2015

- FCOR achieved 100% prompt payment compliance.
- Submitted 73 requisitions, 19 Security request, 3 revisions to the website, 98 invoices, 130 inner office requests and made 10 deliveries.
- Executed a MOU between FCOR and DMS for Tampa office janitorial services.
- Responded to Auditor General, auditor's request.
- Coordinated Nominations for the Employee of the Year and the site visit with First Florida Credit Union.
- Assisted with Bill analysis.
- Participated in the VOCA site visit.
- Working on the Object Code Conversion project.

## 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: April 2015

- **Nerey v. FCOR:** This certiorari review focused on the calculation for setting an initial interview. The Commission determined that due to the minimum mandatory provisions of 25 years and 3 years running consecutively, the inmate was eligible after 28 years. The inmate argued that even though his sentences were to run consecutively, his minimum mandatory terms should be run concurrent based on a 2006 correction of sentence order by the sentencing court. The DCA held that the statutory language that the minimum mandatory provisions of consecutive sentences are to be run consecutively (§ 947.16(2)(g), F.S.) is clear and unambiguous, denying relief.
- **Inmon v. FCOR:** This certiorari review focused on one challenge by the inmate that statutory changes allowing sentencing courts to object to parole release violated ex post facto rights. The DCA noted that this argument has been soundly rejected by the courts and clearly upholds this by dismissing any dicta that is arguably contrary.
- **Rollins v. FPC:** The DCA in this case wrote an opinion to address the claim by the inmate that he was entitled to a transcript of the revocation hearing. The court made it clear that conditional release is not equal to probation and a transcript is simply not required by a releasee's very limited due process rights; the petitioner failed to establish that his case necessitated more.

## 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: April 2015

- Coordinated Commissioner Davison's successful Senate Confirmation.
- Attended appropriate House and Senate committee meetings.
- Met with legislators to discuss proposed Commission legislation and budget.
- Attended Executive Office of the Governor Legislative Affairs Director's Meetings.
- Conducted ongoing legislative constituent relations regarding various Commission functions.

## Office of Communications

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

### Accomplishments: April 2015

- Coordinated Commission's National Crime Victims' Rights Week events including a panel presentation focused on crime victims' rights in the post conviction process, a social media campaign, a Cyber Security staff presentation by FDLE Cyber Analyst, Regional NCVRW event participation.
- Distributed a press release for Commissioner Davison's Senate confirmation.
- Prepared talking points for the Florida Council and Crime and Delinquency Chapter II awards ceremony.
- Attended the Big Bend Victim Assistance Coalition's victims' rights week award luncheon.
- Added Victim Services resources and links to the FCOR website.
- Provided media relations for weekly parole hearings.

## 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: April 2015

- Coordinator, Julia McCall, and Clemency Investigations Director, Stephen Hebert, spoke before the General Counsel's Association regarding Clemency 101 at the request of our General Counsel Sarah Rumph. We were able to dispel many of the myths of this very complicated subject and deliver some very pertinent information about the process. We have also received a request to return for a second session and provide additional information.

#### Webpage Statistics

- <https://FCOR.state.fl.us> has received 1,697,490 hits
- 1,089,342 searches for Restoration of Civil Rights (RCR) grants; 124,286 names were located and 76,256 certificates have been printed.
- Currently 376,498 RCR certificates are available for printing through the [www.FLrestoremyrights.com](http://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: April 2015

- Prepared investigations for the upcoming Clemency Board Meeting, conducted investigations on capital punishment clemency cases and Requests for Review for Commutation of Sentence cases, conducted quality assurance reviews of all field investigations, provided customer service to clemency applicants, and assisted in the development of clemency data requests.
- On April 6, 2015, Brendan Fraser was hired as a part-time OPS Commission Investigator to conduct clemency eligibility investigations.
- On April 9, 2015, the Director of Clemency Investigations provided training to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations.
- On April 16, 2015, the Director of Clemency Investigations and Coordinator of the Office of Executive Clemency presented an overview of the clemency functions and duties of the Commission to the General Counsel's Association.
- On April 21, 2015, our office provided a complete dinner along with a donation of \$160.00 for the residents of the Ronald McDonald House in Tallahassee.
- On April 23, 2015, Commission Investigators Brandy Fortune-Berman and Caroline Goodner assisted Lori VanCamp, Patti Razor and Helen Williams in providing a full day of training related to clemency investigations for the Region V Tampa/Arcadia field offices.
- On April 28, 2015, the Offices of Executive Clemency and Clemency Investigations held a joint staff meeting to share information and exchange ideas between the two offices. Michelle Whitworth provided an overview of the clemency process related to capital punishment cases.