



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – February 2015

Chair's Message

Tena M. Pate

This month we held the first of three Commission Business Meetings scheduled for 2015. Ms. Jenny Nimer, Department of Corrections (DOC) Deputy Secretary of Community Corrections, presented on the Department's recent staffing changes, programming developments and upcoming training classes. We were also provided an abbreviated training by Evelyn Ploumis-Devick with Correction's Bureau of Staff Development and Training regarding our two partnership programs: Today's Woman Facing the Future Program and R.E.A.C.H. for Success.

There is no more effective way to educate our stakeholders about the depth and breadth of our agency's responsibilities than for them to attend a Commission hearing and witness firsthand the preparation and detail given to each case. That's why I am grateful that Senator Audrey Gibson, Vice Chair of the Senate Criminal Justice Committee, accepted our invitation to attend a recent hearing and relay her experience to her fellow committee members. While we may have more than 50 parole cases scheduled for any given Hearing docket, most of the cases are not ripe for an actual parole vote.

Also this month I was invited to Ottawa, Canada to present to the Canadian Parole Board on parole, victims' services and provide leadership training. My visit coincided with discussions in the Canadian Parliament about proposed anti-terrorism legislation in response to an October 2014 attack by an extremist who shot and killed a Canadian soldier guarding the country's war memorial, and his subsequent attempt to continue his rampage in their Parliament building. Like the U.S. has been doing since 2001, they are debating issues in their country about what (if any) individual rights should be sacrificed to ensure a nation's safety. As one would imagine, these were lively debates.

Approximately every three years the Commission undergoes an audit by the State of Florida to ensure that we are upholding and performing our duties and responsibilities to the state, and this month we welcomed members of the Auditor General's Office to our office. These professionals will be assessing us until June and as I relayed to them, I look forward to their input on the ways we can improve our processes. I hope at audit's end they will confirm what I have long suspected, that FCOR is a model agency.



Continuing our training initiative, several FCOR staff toured the Florida Division of Emergency Management's Emergency Operations Center this month led by Bureau Chief Leo Lachat. Staff was educated on how the state prepares and reacts to natural disasters like hurricanes and floods, and other emergencies including hazardous material spills. We were also reminded of a state agency's role in the emergency management process.

Lastly, we celebrated Black History Month with daily "On this Day in Black History" emails provided by Revocation's Twanya Keaton and a staff luncheon and program highlighting influential African American pioneers, a Martin Luther King's speech recited by Joshua Johnson and a beautiful musical presentation by the Commission staff choir, The Voices. Commissioner Davison gave a moving

keynote speech which expanded the theme of Black History Month to all of mankind through the poetry of Sam Walter Foss's "The House by the Side of the Road," which reads:



Let me live in a house by the side of the road
Where the race of men go by –
The men who are good and the men who are bad,
As good and as bad as I.
I would not sit in the scorner's seat
Nor hurl the cynic's ban –
Let me live in a house by the side of the road
And be a friend to man.

As we enter the next 60 days of legislative session, let us continue to work together to provide the best service possible to the citizens of our state. I invite you to continue reading this report to learn more about the goings-on at the Commission during the month of February, 2015.

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.

Accomplishments: February 2015

It has been a busy and exciting month in the Operations Division. I am honored and humbled to have been recently selected as the agency's Chief of Staff and look forward to continuing to give the Commission and the citizens of Florida my very best effort. Also, we conducted interviews for and hired our new Legislative Analyst, Robby Holroyd. We welcome Robby to our team and know how excited he is to excel in his new role.

We are continuing to prepare for the FCOR audit by working with various FCOR departments to ensure that all of the information requested by the auditors thus far has been compiled. Fully educating the auditors on our processes and procedures in the areas of post-release supervision and revocations has been another focus.

The FCOR Conditional Release Workgroup met again in February to begin laying out the process and procedure for the agency's involvement earlier in the conditional release process. Regional Administrator Tom Hamilton, along with members of our Central Office team, compiled a list of interview questions for Commission staff to utilize as they meet with conditional release eligible inmates at approximately 18 months in advance of release. Ultimately our goal is to ensure as successful re-entry as possible for those offenders under our jurisdiction.

Another initiative getting a great deal of our attention this month was the development of the Victim Offender Dialogue (VOD) Program. The VOD is a victim-centered program designed to provide victims of violent crime the opportunity to participate in one face-to-face meeting with their offender in a safe and structured setting. The program is victim-centered and can only be initiated by a victim. A VOD program will allow the Commission to enhance victim assistance

by supporting the healing process of victims and allowing offenders to learn about the impact of the crime on victims and to take direct responsibility for their behavior.

Office of the Commission Clerk

The number of cases docketed included: 578

- Parole – 87 (1 granted to guideline sentence, 1 denied)
- Conditional Medical - 5 (4 granted, 0 denied, 0 deceased prior, 1 continued)
- Conditional Release - 447
- Addiction Recovery Supervision - 39

Revocations

- Warrants Issued - 166
- Cases Reviewed and Prepared for Docket - 104*

**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 - 238
- Victims Located - 38
- Status updates to victims on parole, conditional medical and clemency cases – 284
- Assisted victims who attended parole or clemency hearings – 15

Field Services

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

- Parole Interviews - 90
- Revocation Interviews - 186
- Revocation Hearings - 52
- Total Interviews and Hearings for the Month - 328

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	1	2	1	2	2
PENDING CLEMENCY CASES	With Hearing: 520 W/o a Hearing: 11 Total Cases: 531	With Hearing: 839 W/o a Hearing: 11 Total Cases: 850	With Hearing: 887 W/o a Hearing: 4 Total Cases: 891	With Hearing: 1,792 W/o a Hearing: 22 Total Cases: 1,814	With Hearing: 1,154 W/o a Hearing: 20 Total Cases: 1,174

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: February 2015

- FCOR achieved 100% prompt payment compliance.
- Submitted 26 requisitions, 19 Security request, 7 revisions to the website, 116 invoices and made 31 deliveries.

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- Presented Administration Business report
- Responded to Auditor General auditors request and Completed Auditor General Information Technology survey
- Assisted with Bill analysis
- Revised acceptance letter for new employees.

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: February 2015

- **Johnson v. FCOR:** this prior conditional releasee and frequent violator argued that the Commission was unable to place him on conditional release in the past or in the future. The court found that the Commission acted lawfully placing the challenger on supervision the multiple times that it did since the inmate was properly eligible for supervision and since he continued to fail to successfully complete his terms. Any challenges to future release on supervision were dismissed as not ripe for the court's review. The court also dismissed the challenges to the Department's gain time calculations based on the failure to exhaust administrative remedies through the Department prior to seeking court relief.
- **Trujillo-Penate v. FCOR:** This case involved a conditional releasee challenging his revocation for violations based on new sale of cocaine charges that were abandoned by the state attorney's office and not prosecuted. The court upheld the revocation based on the findings of fact by the examiner and the preponderance of the evidence, reaffirming that conviction of the new charges is not necessary to sustain a violation.
- **Gearhart v. FCOR:** in this conditional release challenge, the inmate argued that the revocation for violations of his sex offender conditions were not willful and infringed on his constitutional rights. The court systematically reviewed and rejected the inmate's arguments finding that the revocations were supported by competent and substantial evidence and did not entitle the inmate to immediate release from incarceration.

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.

Accomplishments: February 2015

- Prepared and distributed Commission hearing invitations to Florida legislators.
- Conducted a presentation at FSU to discuss legislative processes with political science student majors.
- Prepared information and talking points for Chair to present the Commission's Legislative Budget Request to the House Justice Appropriations Subcommittee.
- Attended the opening of the 2015 Florida Legislative Session and appropriate House and Senate committee meetings.
- Met with various legislators and staff to discuss proposed Commission legislation.
- 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: February 2015

- Prepared talking points for the Commission's Business Meeting and Black History Month presentation.

Monthly Accomplishments Report

- Prepared Power Point presentation and talking points for Canadian Parole, Victims' Services and Leadership Training.
- Prepared speech for Women's History Month program at Wakulla Correctional Institution.
- Participated in the National Institute of Corrections webinar "Offender Reentry: The Value of Victim Involvement".
- Continued planning for National Crime Victims' Rights Week in April.
- Presented Communication's accomplishments at Commission Business Meeting.

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: February 2015

- February has brought several staff changes. Brandee Davis, previously a Staff Assistant, was promoted to Administrative Assistant II. Tanya Gutierrez-Tapia was previously employed as an OPS Senior Clerk and was promoted to a Staff Assistant position. Ryan Schenck was chosen by Chair Tena Pate for the position of Personal Assistant. We were then able to bring Antoine Dickey onboard and anticipate the arrival of Matthew Slade Walker in early March. Both Antoine and Slade will staff the front lines by fielding all incoming clemency calls.
- Our office and Clemency Investigations met for a second time for the purpose of coming together to discuss topics of interest. This meeting has enabled us to all understand that we are working as a team even though we are two separate offices and we are able to share ideas and ask questions as a group which educates everyone in attendance.

Webpage Statistics

- <https://FCOR.state.fl.us> has received 1,470,107 hits
- 1,072,579 searches for Restoration of Civil Rights (RCR) grants; 121,824 names were located and 75,184 certificates have been printed.
- Currently 376,380 RCR certificates are available for printing through the www.FLrestoremyrights.com website.

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: February 2015

- Prepared investigations for the upcoming Clemency Board Meeting in March, 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 February 12, 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 February 18, 2015, Trevor Leininger was hired as a part-time OPS Clerk.
- On February 20, 2015, a clemency database workgroup met to discuss strategies and plans to enhance the MAC Documents feature of the database to add capabilities in our clemency file management system for scanning documents.