



THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – November 2015

Chair's Message

Tena M. Pate

Teamwork is the heartbeat of a successful organization and the Commission's accomplishments throughout November have shown us the tremendous results we can achieve when collaborating with each other; our stakeholders; and valued state agency partners.

We began and concluded the month with the expression of gratitude. On Veterans Day we honored the brave men and women who courageously serve our nation, and on Thanksgiving we joined in fellowship with current and former staff as we returned thanks for our many blessings.

The Commission continued its commitment to training opportunities throughout the month. Misty Pearson represented the Office of General Counsel on November 4 at the 'Building Trust in the Workplace' seminar hosted by the City of Tallahassee. Jeff Rigdon and Julia McCall began the Certified Public Manager program which is administered by FSU's Center for Public Management and focuses on developing public managers and supervisors in government agencies, businesses, and non-profits. As training continues to be an integral part of the Commission's evolution, I look forward to seeing how we can implement the new practices, ideas and strategies that we've gained from these opportunities.

I was asked to provide training to the Florida Council on Crime and Delinquency's membership during the first quarterly board meeting this month and took the opportunity to share my philosophy on leadership and the methods I've employed throughout my career to achieve personal and professional success. FCCD State President Gina Giacomo oversaw the two-day meeting that brought together representatives from criminal justice agencies from around the state and if the first meeting was any indication, this will be a banner year for FCCD.

Mid-month I traveled to Orlando to participate in the third annual Sayfie Review Leadership Summit. This invite-only event united government, business, academic, non-profit, and media leaders from around the state and nation for a singular goal – achieving a prosperous future for Florida. The Summit facilitated roundtable discussions and expert panels in a non-partisan environment that produced inspired solutions to problems facing our state, the exchanging of ideas, and the promise of future partnerships.

November's accomplishments prove what an asset the Commission is to the state of Florida and its citizens. Our continued growth and rejection of complacency are trademarks of this agency. I fully expect them to continue through December and into the coming year.

I encourage you to continue reading to learn more about the Commission's many achievements during the month of November.

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.

With only two votes in November and a couple of holidays to boot, you would think activities would slow down for Operations, but instead we kicked into high gear, firming up our program plans for APAI and even conducting a brief site visit to the Daytona Beach facility where the institute is being held. We have had remarkable success with the number of speakers willing to participate in the 2016 APAI conference, and the program committee is very pleased with the array of subjects they'll be covering, including psychopathology, decision fatigue and implicit bias in parole decision-making. We were pleasantly surprised this month to learn that former Commissioner Monica Morris will replace Keith Hardison as the Chief Administrative Officer with APAI, and we look forward to working closely with her as we move forward with our institute preparations.

This month we also said goodbye to a terrific employee, our former Legislative Affairs Assistant Robby Holroyd, a familiar face (and voice) to FCOR staff in Central Office and the field. Robby worked in various positions throughout the agency in his (almost) four years with us, and we wish him the best in his new role as Government Affairs Manager for the Children's Services Council of Broward County. Another of our employees, Jeff Rigdon, began Certified Public Manager's training this month, which is a nationally-recognized program for training and developing public managers and supervisors. Florida's CPM Program is administered by the Florida Center for Public Management, which is part of the Askew School of Public Administration at Florida State University.

Accomplishments: November 2015

Office of the Commission Clerk

The number of cases docketed included: 578

- Parole – 66 (2 granted, 3 denied)
- Conditional Medical -5 (2 granted, 3 denied, 0 deceased prior to the vote)
- Conditional Release - 447
- Addiction Recovery Supervision - 78

Revocations

- Warrants Issued - 167
- Cases Reviewed and Prepared for Docket - 158*

**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 - 221
- Victims located - 46
- Status updates to victims on parole, conditional medical and clemency cases – 268
- Assisted victims who attended parole or clemency hearings - 28

Field Services

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

- Parole Interviews - 62
- Revocation Interviews - 176
- Revocation Hearings - 55
- Total Interviews and Hearings for the Month - 293

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	5	3	2	1	3
PENDING CLEMENCY CASES	With Hearing: 375 W/o a Hearing: 7 Total Cases: 382	With Hearing: 752 W/o a Hearing: 18 Total Cases: 770	With Hearing: 789 W/o a Hearing: 19 Total Cases: 808	With Hearing: 1,559 W/o a Hearing: 37 Total Cases: 1,596	With Hearing: 1,003 W/o a Hearing: 12 Total Cases: 1,015

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: November 2015

- FCOR achieved 98% prompt payment compliance.
- Submitted 26 requisitions, 11 Security request, 105 invoices, 32 purchase request, 77 inner office requests, 2 work orders and made 26 deliveries.
Assisted with the Newsletter.
Revised Procedure Directive.
- Completed the Statewide Financial Statement Compliance Checklist.
- Distributed Wellness information.
- Submitted the 2015 SEFA Federal Management Rep. Letter.
- Responded to AG auditors request.
- Attended 360 Training.
- Completed bill analysis.
- Submitted Administration section of the annual report.
- HR arranged for Capital Insurance, Voya Financial and First Florida Credit Union for CO.
- Renewed SAM Registration for the VOCA grant.
- Attended training on the new Federal Grants Tracking System.
- Responded to the Crime Insurance renewal survey.
- Participated in Operations statewide conference call.

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: November 2015

Happy Thanksgiving! Since the last summary on October 26, 2015 we have completed 19 court actions (including responses, briefs and motions).

- Recent litigation trends:
 - We have seen several arguments from revoked conditional releasees that their conditional release was void because they did not get their interview by FDC prior to release. The courts continue to reject this argument once paperwork is provided showing that FDC states the interview was conducted.
 - There is also an increase in challenges to the calculations of tentative release dates and maximum release dates by FDC after a revocation. These appear to be a second wave of Cauty-type challenges. On these, we usually file a limited response with the Commission documents and advise the court that only FDC has jurisdiction over calculating dates.
 - Continued challenges to the finding that inmates need further program participation keep flowing in to the courts.
 - We also continue to see challenges every month to the Commission's failure to state both the reasons and record support for its parole determinations.
- I have included many orders this month due to the wide variety we have received:
 - **Smith v. FCOR:** As an example of the trends noted above, in this action, the conditional releasee challenged his placement on conditional release stating he did not receive his interview as required by statute. The court rejected the argument, finding that the releasee's claim was contrary to the record, that the conditions were not an abuse of discretion, and that conditional release is mandatory.
 - **Harrison v. FCOR, FDC:** This is a final order from a Division of Administrative Hearings (DOAH) proceeding reaffirming the applicability of the statutory prohibition on inmates filing rule challenges with the Division.
 - **Clark v. FCOR:** In this case the court rejected the inmate's attempt to file a rare petition called a "Petition for Quo Warranto." The court dismissed it for a failure to state a minimal case for relief under this action as well as under an alternative action.
 - **Mobley v. FCOR:** This case gave the Commission a chance to really apply its victory in the 11th Circuit Court of Appeals case of Jones. The court accepted the applicability of Jones and noted that the inmate's constitutional ex post facto challenges to an extended 7-year subsequent interview period were without merit.
 - **Blue v. FCOR:** This parole eligible inmate was seeking a recalculation of his initial presumptive parole release date done in 1983 based on a change to his original sentence by the courts in 2011. The court held that the challenge to an action that was known to the inmate as early as 2011 was untimely. Additionally it was without merit because the inmate's overall sentence structure did not change and the importance of the original calculation diminishes with the passage of time.
 - **Greggs v. FCOR:** I included this First District Court of Appeal opinion only because it is our first opinion received with the newly-appointed Honorable Thomas Winokur on the panel.
- **BIG CHANGE FOR LEGAL** – we are taking advantage of our increased personnel (with Brandi Smith) and centralizing all public records requests. ALL PUBLIC RECORDS REQUESTS will now be responded to and tracked by Brandi. However, continue to use the 'FCORLegal' mailbox for emailed requests.
- Since the last legal summary, Mark and I had an opportunity to sit down with the new General Counsel for FDC, Kenneth Steely. We also attended a luncheon with the Honorable Robert Wheeler as speaker and Misty attended training for "Building Trust in the Workplace." Each was a great opportunity for us.

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: November 2015

- Attended House and Senate Committee Meetings relating to the Commission.
- Attended Executive Office of the Governor Legislative Affairs Director's Meetings.
- Conducted ongoing legislative constituent relations regarding various Commission functions.
- Met with Legislators to help educate and better inform them about the roles of the commission.

Office of Communications

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

Accomplishments: November 2015

- Completed archival catalogue of the Commission's digital photos.
- Designed the Commission's 2015 Annual Report.
- Designed 2016 APAI Conference logo.
- Continued planning for the 2016 APAI Conference.
- Prepared Goals report for December meeting.
- Prepared Communications report for December Business Meeting.
- Crafted and distributed press release regarding Chair Pate's 'Distinguished Alumni' recognition award.
- Finalized Commission 75th Anniversary logo and incorporated into Commission collateral.

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: November 2015

- On November 1, 2015, this office commenced an afterhours special project to assist the Office of Clemency Investigations. This project pertains to the review and full screening of application cases currently in the Clemency Office which are set to be forwarded to the field offices for investigation. At the commencement of November there were **1,566** Restoration of Civil Rights available to screen. As of November 30, 2015, we have fully **197** cases. Eligible cases will be forwarded to the field for investigation and applicants who have been determined ineligible will be notified and full instructions for the next step indicated. This is a win-win for all parties.
- OEC continues to screen daily submissions of applications in an expeditious manner in order to notify the applicants early on of their status in the first phase of a two-phase process.

Webpage Statistics

- <https://FCOR.state.fl.us> has received **9,288,834** hits with **1,142,855** searches for Restoration of Civil Rights (RCR) grants.
- **133,013** names were located and **79,946** certificates have been printed.
- Currently **376,723** RCR certificates are available for printing through the www.FLrestoremyrights.com

Office of Clemency Investigations

The Office of Clemency Investigations is charged with investigating, reviewing, evaluating, and reporting to the Clemency Board in all types of clemency cases, including, but not limited to, the restoration of civil rights, restoration of alien status under Florida law, full pardons, firearm authority, commutations of sentence, remission of fines, and capital punishment cases.

Accomplishments: November 2015

- Prepared investigations for the upcoming December Clemency Board Meeting, conducted quality assurance reviews of all field investigations, provided customer service to clemency applicants, attended multiple training classes, and assisted in the development of clemency data requests.
- Conducted investigations on capital punishment clemency cases and Requests for Review for Commutation of Sentence cases.
- On November 12, 2015, training provided to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations.
- On November 13, 2015, Delacey Parramore was hired as a full-time OPS Clerk.