



THE FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – May 2016

Chair's Message

Melinda N. Coonrod

May was a whirlwind of activity as the Commission held two days of hearings in Jacksonville, welcomed a new Commissioner, hosted visitors from around the globe at the Association of Paroling Authorities International Training Conference, and sponsored a crime prevention panel at the Preventing Crime in the Black Community Conference for the third year in a row.

After a brief public interview period with each of the three candidates during the May 10th Cabinet meeting, the Governor and Cabinet members selected David A. Wyant as the Commissioner to fill the vacancy left upon Chair Pate's departure in March. Commissioner Wyant has significant experience in law enforcement and criminal justice and will make an excellent addition to the Commission.

Commissioners Davison, Morris and I traveled to Jacksonville to hold two days of hearings on May 11th and 12th and welcomed several notable guests including Florida Department of Corrections staff, wardens and circuit administrators. Over the course of the two-day period, 439 cases were heard with over 149 victims, victims' and inmates' family members and supporters participating.

Thanks to the dedication and commitment of FCOR's conference planning committee, Florida hosted a very successful Association of Paroling Authorities International's annual training conference this month. More than 180 attendees from across the country and around the globe traveled to the four-day conference in Daytona Beach to expand their knowledge, share best practices, foster key relationships, recognize outstanding achievements and prepare for the future of parole. During the conference's annual awards luncheon, the Commission's name change transition campaign led by Communications Director Molly Kellogg-Schmauch won APAI's CARE award which recognizes excellence in best practices of public and stakeholder education. The positive feedback APAI has received from attendees on all aspects of the conference has been tremendous.

Closing out the month, I traveled to the Attorney General's Annual Preventing Crime in the Black Community Conference in Miami where the Commission held the always popular crime prevention panel session 'The Impact of Crime: The Good, The Bad and the Ugly' for the third year in a row. Consisting of three successful parolees and one crime victim, the panel members strive to educate the conference's youth attendees on the long-lasting consequences of committing a crime.

Please review the remainder of May's report for a complete overview of the Commission's monthly accomplishments.

Sincerely,
Melinda N. Coonrod
Chairman

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: May 2016

Office of the Commission Clerk

The number of cases docketed included: 698

- Parole – 98 (4 granted, 0 denied)
- Conditional Medical -6 (4 granted, 2 denied, 0 deceased prior to the vote)
- Conditional Release - 495
- Addiction Recovery Supervision - 99

Revocations

- Warrants Issued – 154*
- Cases Reviewed and Prepared for Docket - 141*

**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 - 192
- Victims located - 39
- Status updates to victims on parole, conditional medical and clemency cases – 255
- Assisted victims who attended parole or clemency hearings - 27

Field Services

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

- Parole Interviews - 53
- Revocation Interviews – 191
- Revocation Hearings - 61
- Total Interviews and Hearings for the Month - 305

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	3	3	0	0	2
PENDING CLEMENCY CASES	With Hearing: 305 W/o a Hearing: 6 Total Cases: 311	With Hearing: 690 W/o a Hearing: 41 Total Cases: 731	With Hearing: 734 W/o a Hearing: 23 Total Cases: 757	With Hearing: 1,330 W/o a Hearing: 79 Total Cases: 1,409	With Hearing: 888 W/o a Hearing: 31 Total Cases: 919

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: May 2016

- FCOR achieved 100% prompt payment compliance.
- Submitted 66 requisitions, 11 security request, 144 invoices approved , 64 purchase request, 128 inner office requests, 9 work orders and made 25 deliveries.
- Completed Monthly budget documents for the Chairman's office.
- Distributed Wellness information.
- Assist at the APAI conference.
- Distributed Information to Central Office Employees setting performance expectations .
- Updated Agency Organizational Charts.
- Updated Agency Contact Matrix for DMS.
- Completed 2016 Human Resource Officers survey for DMS.
- Distributed Training information and collected completion certificates.
- Submitted updated Agency Performance Expectations (corrected Agency Name).
- FCOR had no on demand payments.
- Attended Security Governance Trends & Best Practices at FDLE hosted by AST.
- Responded to DFS pcard and voucher inquiries.
- Printed Payroll Reports.
- Conducted the Wireless Device Audit.
- Conducted interviews for the OPS Position.
- Handled the Central Office flooding.

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: May 2016

- Welcomed the Commission's new General Counsel on May 16, 2016.
- During the month of May, the Office of the General Counsel generated thirty-one (31) court filings, including briefs, responses, motions, orders, and notices.
- The Office of the General Counsel will assist with the preparation of the Regulatory Plan, as required by section 120.74, Florida Statutes.

Court Orders

During the Month of May, the Commission received eleven (11) positive orders, including eight (8) from state courts, two (2) from federal courts, and one (1) denial of a petition for writ of certiorari from the United States Supreme Court. These orders are of the nature reaffirming long-held and long-standing precedent governing some of the more common challenges presented against the Commission, e.g., forfeiture of credit for gain time earned and denial of credit while on supervision when conditional release is revoked, extension of PPRD dates, and the like.

Most importantly, on May 26, 2016, the Florida Supreme Court issued its opinion in Atwell v. State, Case No. SC14-193. Petitioner Atwell was sixteen (16) years old in 1990, when he committed first-degree murder and was sentenced to a

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mandatory term of life with the possibility of parole after twenty-five (25) years. Atwell's PPRD was set for the year 2130, some 140 years after he committed the crime. The issue before the Court was whether Atwell's sentence is constitutional in light of the recent United States Supreme Court holding in Miller v. Alabama, 132 S.Ct. 2455 (2012). Miller held that the Eighth Amendment "forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile offenders." Essentially, the Florida Supreme Court held that a sentence like Atwell's, while not *literally* a sentence of life imprisonment without the possibility of parole, is, for all intents and purposes indistinguishable from such a sentence because with a PPRD of 2130, it is a "virtual certainty" that Atwell would spend the rest of his life in prison.

The Atwell Court held that "Florida's existing parole system, as set forth by statute, does not provide for individualized consideration of Atwell's juvenile status at the time of the murder, as required by Miller, and that his sentence is virtually indistinguishable from a sentence of life without parole" and "is therefore unconstitutional." The Florida Supreme Court ordered the case remanded for resentencing in conformance with chapter 2014-220, Laws of Florida, the legislature's statutory fix for the United State's Supreme Court's Miller ruling. Essentially, Atwell and others like him will all be resentenced. A trial court may indeed resentence the offender to a life term, but the offender's sentence must be reviewed by the trial court after twenty-five (25) years to determine if a sentence modification is warranted. We are still reviewing the opinion and considering the potential implications for the Commission.

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: May 2016

- 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.
- Provided Staff with Bills Summary on 5/3.
- Contact Legislators and staff about attending the out of town vote and APAI Conference.

Office of Communications

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

Accomplishments: May 2016

- Provided media relations for new Commissioner appointment at Cabinet meeting including press release creation and distribution and updating all Commission collateral.
- Crafted and distributed press release for Jacksonville hearing.
- Provided press materials for Jacksonville hearing.
- Executed APAI conference plan and programs including special event staffing and media relations.
- Designed talking points and presentation graphics for Preventing Crime in the Black Community conference panel.
- Provided ongoing media relations and internal employee communication efforts.

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: May 2016

- May brings us to saying goodbye to Jenna Hurst, OPS Senior Clerk. Jenna was one of two staffers who are considered the “front line and voice of clemency.” As a call taker with our office, you are the first contact person who provides explanations and guidance to callers pursuing all forms of clemency. Jenna will be leaving us and going to a Career Service position with the Department of Education. So now commences the interview process.
- 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. With the upcoming primary election in August and the general election in November, we have seen a steady increase in applications and anticipate a continued trend in the upcoming months.

Webpage Statistics

- <https://FCOR.state.fl.us> has received **15,541,109** hits with **1,193,417** searches for Restoration of Civil Rights (RCR) grants.
- **142,562** names were located and **83,813** certificates have been printed.
- Currently 376,969 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: May 2016

- The Director of Clemency Investigations participated in the Association of Paroling Authorities International (APAI) conference in Daytona Beach, Florida, with other members of the Commission as we were the host agency for this annual conference attracting parole authorities from across the U.S. and the world.
- Brendan Fraser was hired as a full-time Commission Investigator.
- Created a new training manual related to quality assurance reviews of Without a Hearing investigations.
- Prepared investigations for the upcoming Clemency Board Meeting, conducted investigations on Requests for Review for Commutation of Sentence cases, conducted quality assurance reviews of field investigations, provided customer service to clemency applicants, continued user testing on enhancements to the clemency database, and assisted in the development of clemency data requests.