



FLORIDA PAROLE COMMISSION

TENA M. PATE, CHAIRMAN
MONICA DAVID, VICE CHAIRMAN
FREDERICK B. DUNPHY, SECRETARY

CHARLIE CRIST, GOVERNOR
BILL MCCOLLUM, ATTORNEY GENERAL
ALEX SINK, CHIEF FINANCIAL OFFICER
CHARLES H. BRONSON, COMMISSIONER OF AGRICULTURE

LETTER OF TRANSMITTAL

September 30, 2010

Jerry L. McDaniel, Director
Office of Policy and Budget
Executive Office of the Governor
1701 Capitol
Tallahassee, Florida 32399-0001

JoAnne Leznoff, Council Director
House Full Appropriations Council
221 Capitol
Tallahassee, Florida 32399-1300

Skip Martin, Staff Director
Senate Policy and Steering Committee on Ways and Means
201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, *Florida Statutes*, the Long Range Program Plan (LRPP) for the Florida Parole Commission is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives, and measures for the Fiscal Year 2011-12 through FY 2015-16. This submission has been approved by me, Tena M. Pate, as Chairman of the Commission. The link to the LRPP, located on the Florida Fiscal Portal, may be found on the Commission's website at: <http://www.fpc.state.fl.us>.

Should you have any questions regarding this document, you may contact me at 487-1980.

Sincerely,

A handwritten signature in black ink, appearing to read "Tena M. Pate".

Tena M. Pate
Chairman

COMMITTED TO PROTECTING THE PUBLIC

OFFICE OF THE CHAIRMAN
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**FLORIDA
PAROLE COMMISSION**
4070 ESPLANADE WAY, TALLAHASSEE, FLORIDA 32399-2450

TENA M. PATE
Commissioner/Chairman

MONICA DAVID
Commissioner/Vice-Chairman

FREDERICK B. DUNPHY
Commissioner/Secretary

LONG RANGE PROGRAM PLAN



**PREPARED
FOR
THE
OFFICE OF POLICY AND BUDGET**

**FISCAL YEAR 2011-12
THROUGH
FISCAL YEAR 2015-16**

SUBMITTED SEPTEMBER 30, 2010

TENA M. PATE, CHAIRMAN

FLORIDA PAROLE COMMISSION

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MONICA DAVID, VICE CHAIRMAN
FREDERICK B. DUNPHY, COMMISSIONER

GINA GIACOMO, DIRECTOR OF ADMINISTRATION
JANE TILLMAN, DIRECTOR OF LEGISLATIVE AFFAIRS
KAREN HUFF, BUDGET AND ACCOUNTING ADMINISTRATOR

4070 ESPLANADE WAY
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THE FLORIDA CABINET



Charlie Crist
Governor



Bill McCollum
Attorney General



Alex Sink
*Chief Financial
Officer*



Charles Bronson
*Commissioner
Of Agriculture*

AGENCY MISSION AND GOALS

MISSION STATEMENT

~To Ensure Public Safety and Provide Victim Assistance Through the Post Prison Release Process~

GOALS

The Commission has seven goals designed to provide for public safety and increased efficiency, while striving to meet the Commission's approved performance measures and standards. The Commission's goals are:

1. To select individuals appropriate for parole.
2. To ensure informed decision-making (both Parole Commission & Clemency Board).
3. To guarantee timely decisions.
4. To ensure informed decision-making (Restoration of Civil Rights/RCR Level I *automatic application* cases).
5. To ensure informed decision-making (Restoration of Civil Rights/RCR Level I *automatic electronic* cases).
6. To ensure informed decision-making (Restoration of Civil Rights/RCR Level II cases).
7. To ensure informed decision-making (Restoration of Civil Rights/RCR Level III cases).

OBJECTIVES OF THE FLORIDA PAROLE COMMISSION

GOAL 1. To select individuals appropriate for parole.

OBJECTIVE 1A: To identify individuals who will succeed as law-abiding citizens.

GOAL 2. To ensure informed decision-making (Commission and Clemency Board)

OBJECTIVE 2A: To provide complete and accurate information to the Parole Commission and Clemency Board.

GOAL 3. To guarantee timely decisions.

OBJECTIVE 3A: To complete the revocation process within specific timeframes.

GOAL 4. To ensure informed decision-making (RCR Level I *automatic application* cases).

OBJECTIVE 4A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights' Level I *automatic application* cases are made containing no factual errors.

GOAL 5. To ensure informed decision-making (RCR Level I *automatic electronic* cases).

OBJECTIVE 5A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights' Level I *automatic electronic* cases are made containing no factual errors.

GOAL 6. To ensure informed decision-making (RCR Level II cases).

OBJECTIVE 6A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights' Level II cases are made containing no factual errors.

GOAL 7. To ensure informed decision-making (RCR Level III cases).

OBJECTIVE 7A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights' Level III cases are made containing no factual errors.

SERVICE OUTCOMES and PERFORMANCE PROJECTION TABLES

GOAL ONE

GOAL #1: To select individuals appropriate for parole.

OBJECTIVE 1A: To identify individuals who will succeed as law-abiding citizens.

OUTCOME: Percent of parolees who have successfully completed their supervision without revocation within the first two years.

Baseline Year 99/00	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
90%	85%	85%	85%	85%	85%

The Commission exceeded its projected goal of 85% for FY 2009-10. There were 32 inmates paroled during the reporting period, with 31 or 97% successfully completing their supervision without revocation within the first two years of release.

GOAL TWO

GOAL #2: To ensure informed decision-making.

OBJECTIVE 2A: To provide complete and accurate information to the Parole Commission and Clemency Board.

OUTCOME: Percent of all cases placed before the Parole Commission and Clemency Board containing no factual errors.

Baseline Year 99/00	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
83%	98%	98%	98%	98%	98%

The Commission exceeded its projected goal of 98% by placing 99% of its cases before the Commission and the Clemency Board with no factual errors in FY 2009-10.

GOAL THREE

GOAL #3: To guarantee timely decisions.

OBJECTIVE 3A: To complete the revocation process within specific timeframes.

OUTCOME: Percent of revocation cases completed within 90 days of final hearing.

Baseline/ Year 99/00	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
95%	99%	99%	99%	99%	99%

The Commission completed 1,369 revocation cases within 90 days after the final hearing for 99% in FY 2009-10.

GOAL FOUR

GOAL #4 To ensure informed decision-making.

OBJECTIVE 4A: To ensure that information used to determine eligibility status for Restoration of Civil Rights' (RCR) Level I *automatic application* cases contains no factual errors.

OUTCOME: Percent of RCR Level 1 *automatic application* cases placed on executive orders to the Clemency Board containing no factual errors.

Baseline Year 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
TBD	99%	99%	99%	99%	99%

The Commission requested this goal and performance measure in response to recommendations made in the Operational Review in Auditor General Report No. 2010-010 published September 2009. The measure was approved by OPB in 2010 with FY 2010-11 determined to be the baseline year to begin the collection of this data.

GOAL FIVE

GOAL #5: To ensure informed decision-making.

OBJECTIVE 5A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights’ (RCR) Level I *automatic electronic* cases contain no factual errors.

OUTCOME: Percent of RCR Level I *automatic electronic* cases placed on executive orders to the Clemency Board containing no factual errors.

Baseline Year 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
TBD	99%	99%	99%	99%	99%

The Commission requested this goal and performance measure in response to recommendations made in the Operational Review in Auditor General Report No. 2010-010 published September 2009. The measure was approved by OPB in 2010 with FY 2010-11 determined to be the baseline year to begin the collection of this data.

GOAL SIX

GOAL #6: To ensure informed decision-making.

OBJECTIVE 6A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights’ Level II cases contain no factual errors.

OUTCOME: Percent of RCR Level II cases provided to the Clemency Board on preliminary review lists containing no factual errors.

Baseline Year FY2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
TBD	99%	99%	99%	99%	99%

The Commission requested this goal and performance measure in response to recommendations made in the Operational Review in Auditor General Report No. 2010-010 published September 2009. The measure was approved by OPB in 2010 with FY 2010-11 determined to be the baseline year to begin the collection of this data.

GOAL SEVEN

GOAL #7: To ensure informed decision-making.

OBJECTIVE 7A: To ensure that eligibility determinations and investigatory information provided to the Clemency Board for Restoration of Civil Rights' Level III cases contain no factual errors.

OUTCOME: Percent of RCR Level III cases provided to the Clemency Board for hearing containing no factual errors.

Baseline Year 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
TBD	99%	99%	99%	99%	99%

The Commission requested this goal and performance measure in response to recommendations made in the Operational Review in Auditor General Report No. 2010-010 published September 2009. The measure was approved by OPB in 2010 with FY 2010-11 determined to be the baseline year to begin the collection of this data.

Linkage to Governor's Priorities

Governor's Priorities

#1 – Protecting Our Communities

- GOAL 1. To select individuals appropriate for parole.**
- GOALS 2, 4-7. To ensure informed decision-making.**
- GOAL 3. To guarantee timely decisions.**

#2 – Strengthening Florida's Families

- GOAL 1. To select individuals appropriate for parole.**
- GOALS 2, 4-7. To ensure informed decision-making.**

#3 – Keeping Florida's Economy Vibrant

- GOALS 2, 4-7. To ensure informed decision-making.**

#4 – Success for Every Student

#5 – Keeping Floridians Healthy

#6 – Protecting Florida's Natural Resources

The Commission's Long Range Program Plan (LRPP) aims to commit the agency's existing resources to ensuring public safety for the citizens of this State in an effective and efficient manner. The Commission's highest priority is to ensure public safety. The Commission's current seven goals are identified to reflect and link to Governor Crist's "Protecting Our Communities" initiative, which seeks to ensure that Florida's citizens are safe. The Commission's goal *to select individuals appropriate for parole* emphasizes the commitment of the Commission to make the most deliberate, informed decisions possible when considering releasing an inmate back into the community on parole.

Also, the Commission's goals 1, 2, and 4-7 (*to select individuals appropriate for parole; to ensure informed decision-making*) link to the Governor's priority #2, "Strengthening Florida's Families." This is achieved by selecting individuals for parole release who demonstrate rehabilitation and who have used their time in prison time to get an education and learn skills so that when they are released into a community they can provide for themselves as well and provide for their families. This also holds true for the accurate assessment and identification of those persons eligible to have his/her civil rights restored and then granted. Once granted, those persons have a much better chance to seek out self-help programs and resources within the community that will help them gain employment and contribute to the welfare of the family unit and themselves. By gaining self respect through positive,

healthy relationships and gainful employment, these persons are less likely to reoffend thus keeping the family unit intact, while also reducing crime in the community.

Further, the Commission links its goal *to ensure informed decision-making* to another of the Governor's priority initiatives: "Keeping the Florida Economy Vibrant." This is done through staff training and implementation of the Commission's quality assurance measures, which maximizes the Commission's resources and ensures fiscal responsibility. Having highly trained, professional staff assisting persons seeking restoration of their civil rights allows those individuals granted their civil rights to seek better jobs and become more responsible citizens within the community. This results in fewer tax dollars being spent to support them and their dependents, thus allowing those dollars to be spent elsewhere as needed.

TRENDS AND CONDITIONS STATEMENT

The purpose of the *Post-Incarceration Enforcement and Victim Rights' Program* is:

- to set conditions for releasees to provide maximum assurance of public safety;
- to quickly return offenders to incarceration when conditions are violated;
- to provide accurate information to the Clemency Board; and
- to locate victims and victims' families so they can provide input into the decisions of the Parole Commission/Clemency Board if they choose.

The Florida Parole Commission's LRPP for FY 2011-12 through FY 2015-16 is a five-year plan based on established and proposed goals and objectives. In the development of the LRPP, the Commission reviewed and evaluated the services and activities funded in the current year to determine their effectiveness and efficiency. In response to recommendations made in an operational audit of the Clemency Section's Restoration of Civil Rights' (RCR) process (*Auditor General Report No. 2010-010* published September 2009), the Commission proposed 4 additional goals, objectives, and performance measures which were approved by the Clemency Board and the Office of Policy and Budget. The baseline year for the collection of data is FY 2010-11. These additional goals, objectives, and performance measures will provide an enhanced framework for the agency's clemency portion of its Legislative Budget Request (LBR) and provide a snapshot of the Commission's current clemency activity status, its desired goals, and the plan for achieving them.

The Parole Commission as it exists today has many diverse duties. Originally created in 1941 to administer parole, the Commission is a constitutionally authorized decision-making body created by law to administer parole. Article IV, Section 8 of the Florida Constitution, provides that there may be created by law "a parole and probation commission" with the power to supervise persons on probation and grant paroles or conditional releases to persons under sentences for crime (s. 20.32, Florida Statutes). Since that time, the Legislature has added the administration of conditional release, conditional medical release, control release, and addiction recovery supervision to the Commission's primary duties and responsibilities.

These diverse functions provide the means for fulfilling the Florida Parole Commission's public safety duties: to protect the public by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision. In accordance with statutes and case law, maintaining control over this criminal population is contingent upon the attentive and timely performance of a host of reviews, investigations, and hearings. Many of the services provided are aimed at controlling offenders during the post-incarceration phase of their sentences and to facilitate their transition back to living freely in society. However, if the releasee fails to abide by the terms and conditions of his/her supervision, the Commission responds to their failure to comply by means of the revocation process.

The Commission also acts as the *investigative arm* of the Governor and Cabinet, sitting as the Board of Executive Clemency (Clemency Board), and provides administrative support in all clemency matters, including the RCR program. The forms of clemency include: a full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case (death penalty) reviews.

Further, in 2006, the Legislature added the additional task of conducting seaport security fact-finding investigations to be used by the Florida Department of Law Enforcement (FDLE) when making a determination to deny or grant a waiver request for applicants denied employment due to a prior felony conviction.

Victim Services

Victim assistance is a major tenet of the Parole Commission's mission and one considered vitally important when serving the public. Article I, Section 16(b) of Florida's Constitution, and ss. 947.06 and 960.001, Florida Statutes, address the need to protect the rights of victims of crime and the need for victims' input in the criminal justice process. To this end, the Victims' Services section provides direct, personal assistance to crime victims and their families.

Victims Services' staff strive to further reduce victimization through education and by providing and fostering an environment of compassion, dignity, and respect. They use this platform to make victims and their families aware of their rights and to provide the following services: informing victims of their right to be heard and participate in the parole and clemency processes; educating victims about the parole and clemency processes; providing advance notice to victims of upcoming parole and clemency proceedings; maintaining a separate waiting area for victims; and providing a toll-free telephone number to obtain support or information (1-800-435-8286).

In FY 2009-10, victim assistance comprised 9% of the FPC workload hours by program with 20,559 victim assists made by Central and Field office staff, an increase of 2% over the previous year. On June 30, 2010, there were 27,715 Level II cases and 2,870 Level III Clemency cases pending, with most requiring some type of victim input. Further, there are approximately 5,526 inmates currently parole eligible whose cases will require victim input.

During the 2010 Florida Legislative Session, SB 200, a victim-friendly bill introduced by Senators Carey Baker and John Thrasher, was passed and became law on July 1, 2010 (Chapter No. 2010-95.) A Commission legislative priority, the new law amended ss. 947.16, 947.174, and 947.1745, F.S., giving the commission authority to increase the interval between parole consideration re-interviews to 7 years for parole-eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S. For victims and their families, reduction of the frequency of an opportunity for parole should lessen the trauma, stress, and financial burden associated with the potential release of an offender.

In summary, victim input plays a critical role in helping the Commission to make informed decisions. Having highly trained, professional staff to assist victims of violent crimes ensures that a victim's rights are protected and they are not subjected to further victimization as a result of a parole hearing or clemency hearing. The Commission is committed to ensuring public safety for the citizens of this State in an effective and efficient manner. To this end, the Commission is requesting two (2) victim assistance positions in its Legislative Budget Request for FY 2011-12 to return the staffing in this section to its pre FY 2008-09 levels.

Parole

The Commission administers parole, a discretionary prison release, which allows an inmate who has been granted parole to serve the remainder of his or her prison sentence outside of the confines of the institution. Once released, the parolee is subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If the parolee is found to have violated the terms and conditions of her/his supervision, the Commission may return the parolee to prison.

With parole abolished in Florida in 1983 for most offenders sentenced for crimes on or after October 1, 1983, only inmates convicted of the following crimes are now parole eligible: first degree murder or the making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so, if the act results in death of another person prior to May 25, 1994; and inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible.

The following capital felonies require a minimum of 25 years to be served before becoming parole eligible: sexual battery upon a child less than 12 years old; trafficking in cocaine; trafficking in illegal drugs; and the killing of another by distribution of cocaine or opium or derivatives. Thus, some inmates will not become parole eligible until the year 2020 or beyond. Currently, there are 5,526 inmates who are eligible for parole consideration and approximately 448 persons on parole supervision.

With 31 of 32 paroled inmates successfully completing their supervision without revocation within the first two years of release, the Commission exceeded its projected goal of 85% for FY 2009-10 with a 97% success rate.

Conditional Release

In 1988, the Florida Legislature created the Conditional Release Program and placed it under the administration of the Commission. This program requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or sexual predator. Unlike parole, conditional release is **not** a discretionary release.

Upon release from prison, inmates who are subject to conditional release are supervised for a period of time equal to the gain-time that they received in prison. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. In July 2010, the Department reported that 5,092 inmates were currently under conditional release supervision.

The Commission is proposing for consideration by the 2011 Legislature, a proposal to amend s. 947.141, Florida Statutes, to allow the Commission to impose interim sanction(s) placing a conditional releasee, upon a finding of a violation, in a state correctional institution as a condition of supervision not to exceed 22 months. Currently, the Commission can only place an offender in a **county detention facility as a short-term interim sanction** and only if there is a contractual agreement between a county and the Department for the housing of offender/inmates. Thus, because there are no contractual agreements between counties and the Department for the housing of offenders who violate their supervision, the Commission is unable to impose short-term interim sanctions in lieu of revocation.

By allowing the Commission the option of ordering the inmate into a state correctional facility for a specified period of time not to exceed 22 months, and in lieu of revocation, the State can ensure the safety of its citizens, while also reducing the costs of lengthier inmate incarceration. Also, the proposal provides the offender the opportunity to demonstrate her/his willingness to be back on supervision and, ultimately, transition successfully back into society.

Control Release

In 1989, the Florida Legislature created the Control Release Authority with the members of the Parole Commission acting as the release authority. When active, the Commission sitting as the Control Release Authority is utilized as a prison population management tool to keep the prison population at less than 99% of the total capacity. Currently, the Commission is **not** reviewing the inmate population for discretionary release under this authority as there are sufficient prison beds to house the current prison population. Today, a small number of control releasees remain under supervision. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred.

Conditional Medical Release

In 1992, the Florida Legislature created the Conditional Medical Release program which is a discretionary release allowing the Commission to release inmates on supervision who are

“terminally ill” or “permanently incapacitated” and who are not a danger to others (s. 947.149, Florida Statutes). Once released, the offender is subject to conditions of supervision set by the Commission. The Commission monitors their progress through periodic medical reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. The Commission may also return the releasee to custody due to improvement in the medical or physical condition of the releasee.

Currently, the Department of Corrections (Department) is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Under current law, inmates granted a conditional medical release must remain under supervision for the balance of their sentence. For the past three years, the Department has recommended 75 inmates for release, with the Parole Commission granting a release to 42 or 56% of those recommended for release. (In FY 2009-10, the Department recommended 19 inmates for a conditional medical release with 9 being granted or 47%.)

Clemency

The Parole Commission operates as the administrative and investigative arm of the Board of Executive Clemency (Clemency Board), with the Governor and 3 members of the Florida Cabinet sitting as the Board. *Clemency* is a constitutionally authorized process that provides the means through which convicted felons may be considered for relief from punishment and seek restoration of their civil rights (RCR). The forms of clemency include: a full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case (death penalty) reviews.

In Florida, when a person is convicted of a felony, he or she loses the right to vote, sit on a jury, hold public office, obtain certain occupational licenses, and possess a firearm. The clemency process administered by the Commission provides the means through which the offender may have some or all of his/her rights restored. The clemency process also provides a means by which an offender may be considered for relief from punishment. Persons seeking or being considered today for clemency relief are generally either incarcerated felons or released felons. Should an individual not meet the eligibility criteria for any form of executive clemency as set forth in the rules, he or she may file an application requesting a waiver of the clemency rules.

The Commission’s staff assist the Clemency Board in the orderly processing of matters placed before the Clemency Board for consideration and board action. Commission staff, working through the courts, state, and federal criminal justice agencies, also conduct comprehensive, confidential investigations for the Board for applicants seeking one or more of the various forms of clemency relief. These detailed investigations provide a broad picture of the applicant’s history and activities, which assist the Board in making informed decisions.

Persons seeking clemency, and particularly those who are seeking to have their civil rights restored, may call, e-mail, fax, send a letter to the Office of Executive Clemency, or fill out an application worksheet directly online at the Commission's website: www.fpc.state.fl.us or <https://fpc.state.fl.us/Clemency.htm>. Persons can also access the Commission's clemency database via the Internet site and check to see whether their rights have been restored. If restored, they may print a copy of the certificate. Also, the Commission includes a voter registration application when mailing a certificate restoring an individual's rights.

April 5, 2007 Clemency Rules Changes

On April 5, 2007, the Clemency Board adopted new rules implementing an "automatic" approval process (Level I) for the restoration of civil rights for felons convicted of specific offenses. Persons who have completed their sentences and paid their debt to society are eligible for Level I automatic approval if convicted of less serious offenses such as Grand Theft, Burglary of a Dwelling, Possession of Firearm by Convicted Felon, Felony DUI, and Sale of Controlled Substance. These are cases involving the least severe offenses that are not specifically designated in the Rules of Executive Clemency as violent/sexual offenses and do not require a hearing.

RCR Level I cases originate either (1) from an *electronic file* provided each month to the Commission by the Department containing the names of inmates being released from prison or terminating supervision (2) are received in the Office of Executive Clemency as a request from the individual in the form of an application worksheet. The Commission conducts an eligibility determination and quality assurance review. If determined eligible, their names are placed on an executive order for signature of the Board. Once an order is signed, a certificate granting the restoration of a person's civil rights is mailed to the individual's address. If found ineligible for restoration of civil rights *without a hearing*, a notification letter is automatically generated by the Management Application of Clemency (MAC) database. This letter provides information on how the person should proceed to seek restoration of civil rights.

Persons convicted of more serious offenses such as Aggravated Battery/Assault, Trafficking in Cocaine, Aggravated Stalking, Kidnapping/False Imprisonment, or First Degree Burglary are eligible for a Level II review for restoration of civil rights *without a hearing*. A more in-depth investigation is required for these cases with additional information being provided to the Board for a 30-day review. At the end of the review period, if the Board approves, the names of the eligible individuals are then placed on an executive order for signature of the Board and restoration of civil rights certificates are mailed to those persons once the order has been signed. If the Board does not approve, the case will be forwarded for a full clemency investigation (Level III). Persons convicted of the most serious offenses such as Murder/Manslaughter, Sexual Battery, Aggravated Child Abuse, or persons designated as Sexual Predators must be investigated as a Level III RCR *with a hearing* case, which requires a hearing before the Clemency Board.

The referral, assignment, and approval of all cases processed by the Commission are generated and managed by the MAC database. This review process utilizes many automated computer systems (e.g., Department of Corrections, Clerks of Court, the Internet, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, Public Access to Court Electronic Records (PACER), local law enforcement agencies, out-of-state boards and agencies, etc.). Further, the Commission uses the Comprehensive Case Information System (CCIS), a secured Internet Portal maintained by the Florida Association of Court Clerks, which provides a single point of access for statewide court case information. Also, the Commission provides the Board's action to the Florida Department of State on a bi-weekly basis so that it may update its Central Voter Registration Database.

In addition to the electronic files of offenders released from prison or supervision provided by the Department, individuals may use the one-page hardcopy RCR application worksheet when submitting a request to have their civil rights restored. This form has been redesigned to require less information and eliminates the requirement that individuals provide certified copies of court documents when applying for restoration of civil rights. All forms necessary for the clemency process are currently available online at the Commission's website.

3-Year Impact of 2007 Rules Changes

As a result of the April 2007 rule changes and the clemency process being made more "user friendly," the number of RCR clemency cases has increased. During FY 2009-10, the Commission received 66,035 cases for all types of clemency. As the case numbers continue to rise, the need for additional resources to handle the high volume of cases has not abated. The Commission informs the Legislature, through its LBR each year, of the increased clemency workload and asks for the funding and staff resources needed to counter the increasing workload and pending cases. However, due to the State's difficult budgetary constraints, the Commission continues to persevere until adequate funding becomes available to sufficiently fund the clemency function's staffing requirements. Other than a one-time \$50,000 appropriation for RCR Outreach in FY 2007-08, the Commission has not received any additional positions or funding for clemency operations since 2003.

The Commission's FY 2011-12 LBR again addresses the need for additional resources to: (1) reduce the growing number of pending cases; (2) to answer the toll-free RCR information line; (3) to implement quality assurance measures to prevent errors; and (4) to process cases in a timely manner. The Commission will be requesting 30 additional FTEs for the clemency function, while actually 36 additional FTEs are needed just to complete the RCR cases received annually. Auditor General Report No. 2010-010, in its September 2009 review of the current RCR process, stated that 71 additional FTEs would be required just to complete the current pending cases.

Today, the process for seeking to have one's rights restored is simple. Individuals need only to make a request by letter or e-mail, send a request by fax, download the data information worksheet available on the Internet, or call the Office of Executive Clemency.

Clemency Staff Added Duty: Seaport Security Investigations

In 2006, legislation was passed (CS/HB 7145) which addressed seaport security, seaport access control, and credentialing. This law requires the Commission to conduct fact-finding investigations for use by the Florida Department of Law Enforcement (FDLE) when making a determination to deny or grant a waiver request for applicants who have been denied employment due to a prior felony conviction.

The law specifically requires Parole Commission staff, no later than 90 days after receipt of a complete waiver application packet from FDLE, to conduct a factual review of the waiver application and a relevant investigation. On completion of its review and findings of fact, Commission staff provides the report to FDLE. This is the one area in law where statutory timeframes are mandated for clemency investigatory staff. In FY 2009-10, 24 seaport security investigations were completed.

Addiction Recovery Supervision

In 2001, the Florida Legislature created the Addiction Recovery Supervision Program and placed it under the Commission's administration. This program requires mandatory post-prison supervision for offenders released from a state correctional facility who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. If released, the offender is subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If the releasee is found to have violated the terms and conditions of their supervision, the Commission may return the releasee to prison.

The program is fully operational and the first offender eligible for the program was released from prison in June 2002. During FY 2009-10, 1,776 offenders were placed in the program.

GOAL ONE

The Commission's first goal is to select individuals for parole who will succeed as law-abiding citizens. When determining whether to release an inmate on parole, the Commission conducts a thorough review of the inmate's record.

The Commission reviews not only the circumstances and seriousness of the offense, but also the inmate's prior criminal record, previous education, employment history, risk assessment evaluations, disciplinary record in prison, substance abuse history and any other information that would impact a release decision. Commission field staff provide a written report of these factors except for the mental health evaluations which are to be provided by the Department of Corrections (Department). Field staff, through an interview with the inmate at the prison, provide the Commission

with a pre-parole investigation that evaluates the suitability of the inmate's proposed residence and employment if he is granted parole.

When making a determination to release an inmate to parole, it is critical that Parole Commissioners be provided a detailed and thorough mental health status report prior to making a risk assessment and parole decision. Each year, the Parole Commission requests approximately 200 mental health evaluations from the Department. Previously, the Department provided the Parole Commission with detailed mental health evaluations. As of March 2009, the Department now provides only a summary of an inmate's mental health record. With 5,526 inmates eligible for parole consideration as of July 9, 2010 (and 448 inmates currently released to parole supervision), the Commission needs to have these vital, detailed mental health reports when conducting the risk assessment on an inmate for potential release on parole. To address this critical need, the Commission is requesting funding in its FY 2011-12 Legislative Budget Request for (3) Senior Behavioral Analysts to conduct inmate risk assessment evaluations.

When considering whether to grant parole, the Commission must make a finding that the inmate's release will be compatible with her/his and society's welfare. The Commission must also find that the inmate will be law-abiding and not become a public charge. If the Commission is unable to reach this conclusion, the inmate will not be paroled. If the Commission is able to make this finding and authorizes the inmate's release on parole, it sets the length of supervision, not to exceed the maximum prison term, and sets the conditions of supervision. The conditions of supervision are intended to facilitate the parolee's successful reintegration into society and protect the public. The inmate must agree to the terms and conditions of supervision in order to be paroled. If the parolee violates the conditions of supervision, the Commission may revoke that supervision and return the parolee to prison or take other appropriate action. In FY 2009-10, the Commission made 1,469 parole release decisions.

The Commission enforces the goal of *selecting individuals for parole who will succeed as law-abiding citizens* by:

Analyzing Parole Revocations. By carefully reviewing these cases, the Commission is able to identify a common factor(s) among this population of offenders that may have contributed to their inability to successfully transition into the community. This information may be helpful to the Commission in making future parole decisions or assist correctional probation officers in identifying factors that could affect the manner in which they supervise the parolee.

The baseline for this goal was established in FY 1999-2000 with the actual percentage of parolees successfully completing their supervision without revocation within the first two years being 90%. In FY 2007-08 and FY 2008-09, the success rate percentages were 81% and 86% respectively. In FY 2009-10, the success rate improved to 96%. Due to the small number of parolees to be reviewed, the Commission's goal for FY 2011-12 will remain at 85%.

GOAL TWO

The Commission's second goal is to ensure informed decisions are made by placing cases before the Commission and Clemency Board that have no factual errors. The objective of this goal is to ensure that the Commission and Clemency Board have the most complete and accurate information upon which to base their decisions. "Complete information" means that staff has obtained or attempted to obtain all relevant information necessary for the Commission or Clemency Board to make an informed decision. "Accurate information" means that the information presented has been verified or there is a statement in the report or investigation as to the reason the information could not be verified. "Factual errors" are defined as an omission of information or incorrectly reporting information. These errors do not include typographical errors. The types of cases reviewed for errors include clemency investigations, cases considered for release, and revocation hearings. The Commissioners and the Clemency Board identify errors in the reports and investigations for the various types of cases reviewed. These errors are tabulated and expressed as a percentage of the total number of cases that are placed before the Parole Commission and the Clemency Board. By providing complete and accurate information, the Commission and the Clemency Board are able to make informed, accurate decisions.

Goals Four through Seven now reflect only the percentage and error rate of RCR clemency cases placed before the Clemency Board containing no factual errors. With these changes in place, the Commission is requesting to revise the methodology for collecting data for Goal Two to only reflect the percentage and error rate for cases placed before the Commission containing no factual errors, and those pardon and RCR clemency cases placed before the Clemency Board containing no factual errors.

This goal remains a high priority of the agency because the Commission and Clemency Board are ultimately decision-making bodies. The information provided to them by staff forms the basis of their decisions. Accordingly, their effectiveness as decision-makers is directly related to, or dependent in large part upon, the completeness and accuracy of the information provided.

The Commission addresses this priority by:

1. **Establishing clear policies and procedures.** This ensures that staff produces a quality work product by having the Commission provide clear direction as to what is expected in the performance of their duties.
2. **Providing training.** Training provides detailed instruction on the correct procedures that must be followed when acting as a Hearing Officer in revocation proceedings or when acting as an investigator on a clemency case.
3. **Quality Assurance (QA) Reviews.** These reviews are conducted by Regional Administrators, Supervisors, and the Quality Assurance Unit located in the Central Office.

The percent of cases placed before the Parole Commission/Clemency Board containing no factual errors for FY 2009-10 was 99%.

GOAL THREE

The Commission's third goal is guaranteeing timely decisions by ensuring that once the final revocation hearing has been held, the Commission will render its decision within 90 days. The Commission has addressed this priority. In FY 1999-2000, the baseline percentage of revocation cases voted within 90 days was 95%. In FY 2009-10, the percentage remains high at 99%. The Commission will strive to maintain this high level of performance.

GOALS FOUR THROUGH SEVEN

The Commission addressed a report published September 2009 (AG Report No. 2010-010) of an operational audit conducted by the Auditor General on the Clemency Board's Restoration of Civil Rights' Process. In its Finding No. 2, *Eligibility Determination Procedures*, the Auditor General recommended a risk-based supervisory review process be established along with quality control procedures to "target cases and eligibility criteria prone to error." While the Commission did have levels of quality assurance reviews in place for RCR cases prior to the audit, the Commission agreed that targeting the error rate of RCR cases *through performance measures* allows the Commission to thoroughly evaluate errors and improve the process.

The Commission acknowledges the significance and importance of the RCR process and that adequate quality control procedures should assure that the process is as error-free as possible. Having the responsibility of identifying and determining whether an individual is eligible to have his or her rights restored is important and should be carried out with the utmost professionalism and critical attention to detail. The Commission will strive for "zero" errors as the ultimate goal.

The Commission's new **Goals Four through Seven** focus on ensuring informed decisions are made by placing RCR cases before the Clemency Board containing no factual errors. The objective of these goals is to ensure that members of the Board have the most complete and accurate information with which to base their decisions pertaining to restoration of civil rights. "Complete information" means that staff has obtained or attempted to obtain all relevant information necessary for the Board to make an informed decision. "Accurate information" means that the information presented has been verified or there is a statement in the report or investigation as to the reason the information could not be verified. "Factual errors" are defined as an omission of information, incorrectly reporting information, or incorrectly determining eligibility. These errors do not include typographical errors. The types of cases reviewed for errors include Levels I, II, and III RCR cases.

Errors are identified in executive orders and investigations for the various types of RCR cases reviewed. These errors are tabulated and expressed as a percentage of the total number of RCR cases that are placed before the Clemency Board. By providing complete and accurate information, the Clemency Board can make informed, accurate decisions.

The Commission will address this priority by:

1. **Establishing clear policies and procedures.** Providing clear, performance guidelines to staff ensures that a quality work product will result. To this end, the Office of Clemency Administration developed and distributed in March 2010 the following training guide to the Central Office and Field Office staff entitled:

**TRAINING MANUAL: RESTORATION OF CIVIL RIGHTS
LEVEL 1 (AUTOMATIC APPROVAL)
EXPIRATION OF SENTENCE (EOS)
TERMINATION OF SENTENCE (TOS).**

2. **Providing Training.** Extensive training will be provided on policies, procedures, rules, and appropriate investigatory techniques. These are addressed in the new RCR EOS/TOS Manual referenced above along with *the Clemency Investigations' Instruction Manual*.
3. **Conducting Quality Assurance (QA) Reviews.** QA Reviews are conducted by Regional Administrators and Supervisors using the RCR EOS/TOS Checklist. In addition, the Central Office Quality Assurance Unit will conduct reviews on those name(s) submitted for approval prior to being placed on an executive order.
4. **Holding Monthly RCR Teleconferences.** Monthly statewide clemency teleconferences are held to address questions from the field staff, discuss policies and procedures, and allow Clemency Administration staff the opportunity to discuss with field staff any relevant issues arising from the QA process.

The Auditor General Report No. 2010-010 published September 2009 stated that 94% of the RCR cases were error free.

FLORIDA PAROLE COMMISSION

PERFORMANCE MEASURES AND STANDARDS LRPP EXHIBIT II

LRPP Exhibit II - Performance Measures and Standards

Department: Florida Parole Commission	Department No.: 78000000
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Program: Post-Incarceration Enforcement and Victims Rights	Code: 78010000
Service/Budget Entity:	Code:

Approved Performance Measures for FY 2010-11	Approved Prior Year Standard FY 2009-10	Prior Year Actual FY 2009-10	Approved Standards for FY 2010-11	Requested FY 2011- 12 Standard
Number of parolees who have successfully completed their supervision without revocation within the first two years.	60	31	20	20*
Percent of parolees who have successfully completed their supervision without revocation within the first two years.	85%	97%	85%	85%
Percent of revocation cases completed within 90 days after final hearing.	99%	99%	99%	99%
Percent of cases placed before the Parole Commission/Clemency Board containing no factual errors.	98%	99%	98%	98%
Number of conditional release/addiction recovery cases handled.	5,597	7,958	5,597	5,597
Number of revocation determinations.	3,031	1,776	2,000	2,000
Number of clemency cases handled.	65,000	38,355	65,000	40,000**
Number of parole release decisions.	1,374	1,469	1,374	1,374
Number of victim assists.	3,288	20,559	15,000	15,000
Percent of Level I application RCR automatic cases placed on executive orders to the Clemency Board containing no factual errors.	N/A	N/A	99%	99%
Percent of Level I RCR automatic cases placed on executive orders to the Clemency Board containing no factual errors.	N/A	N/A	99%	99%
Percent of Level II RCR automatic cases placed on executive orders to the Clemency Board containing no factual errors.	N/A	N/A	99%	99%
Percent of Level III RCR automatic cases placed on executive orders to the Clemency Board containing no factual errors.	N/A	N/A	99%	99%

* This number has been approved and revised to 20 for FY 2010-11 actual numbers.

** The Commission is requesting approval to revise this number to 40,000 for FY 2011-12.

FLORIDA PAROLE COMMISSION

ASSESSMENT OF PERFORMANCE FOR APPROVED PERFORMANCE MEASURES

LRPP EXHIBIT III

LRPP Exhibit III (1): PERFORMANCE MEASURE ASSESSMENT

Department: Florida Parole Commission

Program: Adult Prisons

Service/Budget Entity: Post Incarceration Enforcement and Victims' Rights

Measure: Number of parolees who have successfully completed their supervision without revocation within the first two years.

Action:

- Performance Assessment of Outcome Measure Revision of Measure already approved
 Performance Assessment of Output Measure Deletion of Measure
 Adjustment of GAA Performance Standards

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
60	31	(-29)	51%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- Personnel Factors Staff Capacity
 Competing Priorities Level of Training
 Previous Estimate Incorrect Other (Identify)
 This Program/Service Cannot Fix the Problem
 Current Laws Are Working Against the Agency Mission

Explanation: The Commission has already requested and received approval to revise the standard downward from 60 to 20 parolees for FY 2010-11.

External Factors (check all that apply):

- Resources Unavailable Technological Problems
 Legal/Legislative Change Natural Disaster
 Target Population Change Other (Identify)
 This Program/Service Cannot Fix the Problem
 Current Laws Are Working Against the Agency Mission

Explanation: The number of inmates being placed on parole supervision is decreasing.

Management Efforts to Address Differences/Problems (check all that apply):

- Training Technology
 Personnel Other (Identify)

Recommendations: OPB has approved the standard to be revised to 20 for FY 2010-11 to reflect the decreasing parole eligible inmate population.

LRPP Exhibit III (2): PERFORMANCE MEASURE ASSESSMENT

Department: Florida Parole Commission

Program: Adult Prisons

Service/Budget Entity: Post Incarceration Enforcement and Victims' Rights

Measure: Number of revocation determinations.

Action:

- | | |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
3,031	1,776	(-1,255)	58.5%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix the Problem | |
| <input type="checkbox"/> Current Laws Are Working Against the Agency Mission | |

Explanation: A reduction in revocations is a positive result.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix the Problem | |
| <input type="checkbox"/> Current Laws Are Working Against the Agency Mission | |

Explanation: The Department of Corrections is reporting less violations of supervision, which has caused a decrease in the number of revocations.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

Recommendation: OPB has approved the standard to be revised to 2,000 in FY 2010-11.

LRPP Exhibit III (3): PERFORMANCE MEASURE ASSESSMENT

Department: Florida Parole Commission

Program: Adult Prisons

Service/Budget Entity: Post Incarceration Enforcement and Victims' Rights

Measure: Number of Clemency Cases Handled.

Action:

- | | |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
65,000	38,355	26,645	-41%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input checked="" type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix the Problem | |
| <input type="checkbox"/> Current Laws Are Working Against the Agency Mission | |

Explanation:

Under competing priorities, the Commission is required by law to meet mandated statutory timeframes which dictates the Commission's workload priorities as clemency does not have delineated statutory timeframes. Regarding the internal factor for staff capacity, the Commission has repeatedly requested positions to address the clemency workload to no avail.

External Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix the Problem | |
| <input type="checkbox"/> Current Laws Are Working Against the Agency Mission | |

Explanation: The Commission was advised by an audit that additional quality assurance measures were needed to ensure accuracy of clemency cases. We have implemented a QA review for every clemency case prior to being placed before the Clemency Board.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

Recommendations: Adjust the standard to 40,000 cases to account for the eligibility determination and a QA review being conducted on every case prior to being placed before the Clemency Board.

FLORIDA PAROLE COMMISSION

PERFORMANCE MEASURES VALIDITY AND RELIABILITY LRPP EXHIBIT IV

LRPP EXHIBIT IV (1): Performance Measure Validity and Reliability

Department: Florida Parole Commission

Program: Adult Prisons

Service/Budget Entity: Post Incarceration Enforcement and Victims' Rights

Measure: Percent of all cases placed before the Parole Commission and Clemency Board containing no factual errors.

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

The Commission is requesting that this measure's methodology (Goal Two) be revised to delete the reporting of errors on Restoration of Civil Rights' (RCR) clemency cases and just report data on clemency cases placed before the Board requesting pardons and firearm authority restoration. The four new approved performance measures for the Commission will provide data on only RCR clemency cases placed before the Board containing no factual errors.

Data Sources and Methodology:

The cases placed before the Commission will include parole, conditional release, conditional medical release, addiction recovery supervision cases, and pardon and firearm authority clemency cases. Data will be captured when Commissioners or members of the Clemency Board report an error on a case. The total number of cases will be obtained from the CDC and Management Application of Clemency (MAC) databases. The methodology is the total number of errors divided by the total number of cases placed before the Commissioners and Clemency Board.

Validity:

This indicator is a valid measure of the percent of cases placed before the Commissioners containing no factual errors.

Reliability: Comes directly from the CDC and MAC databases. This measure should consistently yield the same results time after time and be free from random errors.

Office of Policy and Budget – July 2010

LRPP EXHIBIT IV (2): Performance Measure Validity and Reliability

Department: Florida Parole Commission

Program: Adult Prisons

Service/Budget Entity: Post Incarceration Enforcement and Victims' Rights

Measure: Number of Clemency Cases Handled

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

The Commission is requesting the revision of this measure to provide a more realistic standard (number) to meet. With clemency staff now performing two reviews on each RCR case prior to being presented to the Clemency Board (an eligibility determination and a quality assurance review), the number of clemency cases being handled in a fiscal year by the Commission has dropped significantly.

The Clemency Board acknowledged that performing additional supervisory reviews and quality assurance checks would impact the number of cases being processed but believed that it was more important to obtain optimum accuracy when reviewing cases for eligibility determinations than mistakenly restoring or not restoring an individual's civil rights.

Data Sources and Methodology:

The Commission's MAC database will be used to obtain the total number of cases completed.

Validity:

This indicator is a valid measure of the number of clemency cases completed.

Reliability:

Comes directly from the MAC database. This measure should consistently yield the same results and be free from random errors.

FLORIDA PAROLE COMMISSION

ASSOCIATED ACTIVITIES CONTRIBUTING TO PERFORMANCE MEASURES

Exhibit V

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures

Measure Number	Approved Performance Measures for FY 2010-11		Associated Activities Title
1	Number of parolees who have successfully completed their supervision without revocation within the final two years.		(1) Offender Revocations (2) Parole Determinations
2	Percentage of parolees who have successfully completed their supervision without revocation within the final two years.		(1) Offender Revocations (2) Parole Determinations
3	Percentage of revocation cases completed within 90 days after final hearing.		(1) Offender Revocations
4	Percentage of cases placed before the Parole Commission/Clemency Board containing no factual errors.		(1) Offender Revocations (2) Parole Determinations (3) Clemency Services
5	Number of conditional release/addiction recovery cases handled.		(1) Conditional Release
6	Number of revocation determinations.		(1) Offender Revocations
7	Number of Clemency Cases handled.		(1) Clemency Services
8	Number of Parole Release Decisions.		(1) Parole Determinations
9	Number of Victim Assists.		(1) Clemency Services
10	Percent of Level I RCR automatic application cases placed on executive orders to the Clemency Board containing no factual errors.		(1) Clemency Services
11	Percent of Level I RCR electronic cases placed on executive orders to the Clemency Board containing no factual errors.		(1) Clemency Services
12	Percent of Level II RCR cases placed on executive orders to the Clemency Board containing no factual errors.		(1) Clemency Services
13	Percent of Level III RCR cases placed on executive orders to the Clemency Board containing no factual errors.		(1) Clemency Services

PAROLE COMMISSION	FISCAL YEAR 2009-10			
SECTION I: BUDGET	OPERATING			FIXED CAPITAL OUTLAY
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			8,078,668	0
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			67,385	0
FINAL BUDGET FOR AGENCY			8,146,053	0
SECTION II: ACTIVITIES * MEASURES	Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO
<i>Executive Direction, Administrative Support and Information Technology</i>				
<i>CONDITIONAL RELEASE/ Number of Conditional & Addiction Recovery Release Cases Handled</i>	7,958	69.76	555,175	
<i>OFFENDER REVOCATIONS/Number of Revocation Determinations</i>	1,776	1,384.36	2,458,624	
<i>CLEMENCY SERVICES/Number of clemency cases handled</i>	38,355	96.21	3,690,081	
<i>PAROLE DETERMINATIONS/Number of parole release decisions</i>	1,469	863.83	1,268,966	
TOTAL				
SECTION III: RECONCILIATION TO BUDGET				
PASS THROUGHS			0	
TRANSFER - STATE AGENCIES			0	
AID TO LOCAL GOVERNMENTS			0	
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS			0	
OTHER			0	
REVERSIONS			173,207	
Total Budget for Agency (Total Activities + Pass Throughs + Reversions)			\$8,146,053	
SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY				

~ GLOSSARY OF TERMS~

Addiction Recovery Supervision: A program of mandatory post prison supervision for persons released from a state correctional facility who were convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense.

Capital Case: A case in which an inmate has been sentenced to death and the Governor's Office has requested Clemency Administration to review, update, or conduct an interview of the inmate and prepare an in-depth investigation for consideration of the signing of a death warrant or commutation of sentence.

Clemency Pending Case: A clemency case received by the Office of Executive Clemency and the Florida Parole Commission that is moving through some stage of the eligibility determination or investigation process and/or is awaiting final action by the Clemency Board.

Clemency Board: Comprised of the Governor and members of the Florida Cabinet: the Attorney General; the Chief Financial Officer and Comptroller; and the Commissioner of Agriculture and Consumer Services.

Clemency Investigation: A background investigation conducted by a parole examiner to determine those persons requesting clemency who should be considered for a pardon or other clemency action by the Governor and Cabinet sitting as the Executive Clemency Board.

Conditional Medical Release: The release of an inmate referred by the Department of Corrections, who has been found to be terminally ill or permanently incapacitated, and does not pose a danger to herself/ himself or others.

Conditional Release: The release of a statutorily eligible inmate to community supervision at the expiration of her/his prison term, less any gain time allotments. The releasee serves the balance of time remaining on their maximum sentence under community supervision. An inmate must have been convicted of certain crimes, and must have had a prior state or federal prison term; or have been found to be a Habitual Offender, Violent Habitual Offender, Violent Career Criminal, or Sexual Predator to be eligible for conditional release.

Control Release: The release of a statutorily eligible inmate prior to the expiration of the inmate's sentence which is required to maintain the prison population within its lawful capacity.

Final Hearing: A fact-finding *quasi-judicial* hearing by the Commission's authorized representatives for the purpose of determining whether a releasee has violated the conditions of release; and if so, what recommendation should be made to the Commission.

Inmate: An individual sentenced to a term of at least one year and a day or more incarceration in a Department of Corrections' Institution.

Objective Parole Guidelines: A predictive parole risk assessment established to ensure uniformity and equity of the parole process, while combining historical decision-making experience with individual case elements.

Parole: The release of an inmate prior to the expiration of a sentence with a period of supervision to be successfully completed by compliance with the numbered conditions and term of the release agreement as

ordered by the Commission. Inmates convicted of first degree murder or making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so if the act results in death of another person prior to May 25, 1994, are parole eligible. Inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible. Persons sentenced for the following capital felonies require service in prison of a mandatory minimum of 25 years before becoming parole eligible: sexual battery upon a child less than 12 years old; trafficking in cocaine; trafficking in illegal drugs; and the killing of another by distribution of cocaine or opium or derivatives.

Parole Examiner: An employee of the Commission working directly with inmates and release violators to prepare cases for Commission review.

Releasee: An offender who has completed her/his prison term and has been released to a program of Control Release, Conditional Release, Parole, Conditional Medical Release, or Addiction Recovery Supervision.

Restitution: A special condition of release, whereby the releasee is required to make payments to the victim of the crime.

Restoration of Civil Rights/Level I automatic *application* case: This is a case involving the least severe offenses not specifically designated in the Rules of Executive Clemency as violent/sexual offenses and does not require a hearing. This type of case is commonly referred to as “automatic” and is received in the Office of Executive Clemency in the form of an application which can be taken over the phone, received in regular mail, faxed, or provided online.

Restoration of Civil Rights/Level I automatic *electronic* case: This is a case involving the least severe offenses not specifically designated in the Rules of Executive Clemency as violent/sexual offenses and does not require a hearing. This type of case is commonly referred to as “automatic” and is an individual being released from prison or supervision whose name is provided in an electronic file sent monthly by the Department of Corrections to the Office of Clemency Administration.

Restoration of Civil Rights/Level II: A case involving more severe offenses, including violent and drug trafficking offenses, but not murder/sexual offenses. These types of cases do not require a hearing unless a Board member objects.

Restoration of Civil Rights/Level III: A case involving the most severe offenses including murder/sexual offenses, which requires a full investigation, a Commission recommendation, and a hearing before the Board of Executive Clemency.

Special Condition: A condition of release that addresses a specific aspect of a releasee’s behavior.

Seaport Security Waiver Investigation: An investigation conducted by the Parole Commission when an applicant for employment at one of Florida’s seaports is denied and seeks a waiver of the rules.

Waiver (Clemency): A request made by an individual seeking clemency to waive the Board rules when the individual does not meet the necessary eligibility requirements for a particular type of clemency. A waiver hearing may be held to allow the individual’s request to be considered by the Clemency Board.