



FLORIDA PAROLE COMMISSION

FREDERICK B. DUNPHY, CHAIRMAN
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MONICA DAVID, SECRETARY

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

Proviso Report to the Legislature

**A Report on the Status of the
Processing of Restoration of Civil Rights' Clemency Cases
For FY 2008-09
Per Proviso Language in SB 2600
2009 Legislative Session**

**October 1, 2009
Frederick B. Dunphy, Chairman**

The Florida Parole Commission

Frederick B. Dunphy, Chairman
Tena Pate, Commissioner Vice-Chairman
Monica David, Commissioner Secretary

~

Mission Statement:

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

~

**The Florida Cabinet as
*The Board of Executive Clemency***



Charlie Crist

Governor



Bill McCollum

Attorney General



Alex Sink

*Chief Financial
Officer*



Charles Bronson

*Commissioner
Of Agriculture*

Proviso Report

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ATTACHMENTS

- A. RCR Contact Information Sheet
- B. RCR Outreach Activities
- C. Position Descriptions: Executive Clemency
- D. Position Descriptions: Clemency Administration
- E. Commission’s Response to Audit Report No. 2010-010



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October 1, 2009

The Honorable Charlie Crist, Governor
The Honorable Jeff Atwater, President, Florida Senate
The Honorable Larry Cretul, Speaker, Florida House of Representatives

Dear Governor Crist, President Atwater, & Speaker Cretul:

Attached is the Parole Commission's Proviso Report to the Legislature on the Status of the Clemency Restoration of Civil Rights' function for FY 2008-09 per proviso language contained in SB 2600ER from the 2009 Legislative Session.

These "Proviso Reports" were begun in 2002 as a result of a lawsuit filed against the Department of Corrections in 2001, which resulted in an additional 124,000 clemency/RCR *Without a Hearing* cases (today referred to as RCR Level 1 automatic cases) being added to the Commission's pending caseload. As a result of the increased volume of pending cases carried forward each fiscal year and the annual increase in the number of applications being received, the Legislature directed the Commission to provide annual status reports on the following information for the past five years: the number of pending RCR clemency cases and the methodology used to determine that number; the number of RCR cases received; the number of RCR cases processed; the number of RCR cases pending but not processed; a continuation plan for simplifying the administrative RCR process; identification of the existing resources supporting the RCR process; and the identification of RCR cases by type and the time frames to process such cases.

I recently responded to **Auditor General Report No. 2010-010** and have included the Commission's response in this report as Attachment E. Further, I have initiated the following immediate measures to address these issues:

- Appointed an internal Ad Hoc Committee to review the Commission's current practices regarding the processing of RCR clemency cases and report their findings and recommendations to me by November 2, 2009;

- Required supervisors to conduct additional Quality Assurance reviews; and
- Submitted temporary programmatic changes to the current clemency database to ensure that all processes are completed accurately.

Later in November, I will brief the Governor's Office, Cabinet Members, and the Legislature on the progress of the above-referenced activities. At the December 10, 2009 meeting of the Board of Executive Clemency, I will update the Board on the status of these and any additional implemented changes. If you have any questions or need additional information, please contact me at 850-488-0764, or Jane Tillman, Communications and Legislative Affairs Director, at 850-921-2816.

Frederick B. Dunphy
Chairman

Cc: The Honorable J.D. Alexander, Chair, Senate Ways & Means Committee
 The Honorable David Rivera, Chair, House General Government & Health Care
 Appropriations Council
 The Honorable Victor Crist, Chair, Senate Criminal & Civil Justice Appropriations
 Committee
 The Honorable Sandra Adams, Chair, House Criminal & Civil Justice Appropriations
 Committee
 The Honorable Paula Dockery, Chair, Senate Criminal Justice Committee
 The Honorable Will Snyder, Chair, House Safety & Security Council
 The Honorable Kevin Ambler, Chair, House Public Safety & Domestic Security
 Committee
 Eric Eikenberg, Chief of Staff, Executive Office of the Governor
 Dave Foy, Deputy Chief of Staff, Executive Office of the Governor
 Randy Ball, Policy Chief, Office of Policy & Budget, Executive Office of the Governor
 Cynthia Kelly, Staff Director, Senate Ways & Means Committee
 JoAnn Leznoff, Director, House General Government & Healthcare Appropriations Council
 Tim Sadberry, Staff Director, Senate Criminal & Civil Justice Appropriations Committee
 Greg Davis, Staff Director, House Criminal & Civil Justice Appropriations Committee
 Randy Havlicak, Staff Director, House Safety and Security Council
 Amanda Cannon, Staff Director, Senate Criminal Justice Committee
 Trina Kramer, Staff Director, House Homeland Security and Public Safety Committee

~EXECUTIVE SUMMARY~

On April 5, 2007 the Clemency Board adopted rule changes making 80% of former felons potentially eligible for automatic restoration of their civil rights (RCR). Since April 5, 2007 the Commission has processed 271,000 cases with 146,549 persons having been granted or on an Executive Order to be granted as of September 2009. Forty-four (44) FTEs, in whole or in part, currently support the clemency function, which represents 43% of the Commission's workload. In FY 2008-09, there were:

63,881 Total RCR Cases pending on July 1, 2008
67,168 Total New RCR Cases Received FY 2008-09;
74,255 Total RCR Cases Completed FY 2008-09; and
56,794 Total RCR Cases Pending on June 30, 2009.

The Commission's budget for FY 2009-10 is \$8,078,668 and 128 FTEs.

HISTORY OF THE ANNUAL "PROVISO REPORT": 2002-2009

The Florida Parole Commission (hereinafter referred to as "Commission") began submitting an annual "Proviso Report" to the Legislature on its Restoration of Civil Rights' (RCR) clemency function and relevant data in October 2002. This was done to provide the Legislature and the Office of Policy and Budget a status report on the number of pending RCR clemency cases, the RCR clemency application process currently in use, and the number of FTEs and funds dedicated to support the RCR clemency issue. The following is a chronological history of events that have impacted the RCR clemency process for the past 8 years:

2001 A lawsuit filed against the Florida Department of Corrections regarding the Department's failure to assist inmates with the RCR application process as required by law (s. 944.293, F.S.) resulted in 150,000 cases being added to the Parole Commission's pending RCR clemency workload as part of an agreement with the ACLU, the Department of Corrections, and other parties. These "lawsuit" cases were given priority and placed ahead of other cases for processing.

2002 In March of 2002, the Clemency Board authorized the Commission and the Office of Executive Clemency to streamline the application process for restoration of civil rights. This resulted in a more "user friendly" one-page form requiring the most basic of information: name, address, and date of birth and directed the forms to be placed on the Commission's website: www.state.fl.us/fpc/exclem.html.

2002-03 The Governor recommended 14 new Parole Examiner positions to help in reducing the backlog of pending RCR *Without a Hearing* cases (today referred to as RCR *Level 1 Automatic* cases). These positions were approved by the Legislature in the 2002 Regular Session for FY 2002-03. During that period, over 120,000 offender files were reviewed for

restoration of civil rights without a hearing eligibility. Having the additional Parole Examiner positions contributed significantly toward reducing the pending cases.

2003-04 The growth of clemency pending cases continued as a result of processing **over 250,000 lawsuit and electronic applications** over the past six years (1998-2004). **Media attention** and numerous **RCR workshops** held around the State were factors, along with the changes made to simplify the application process. These contributed to the increase in applications, while staffing of the Office of Executive Clemency remained unchanged.

2004 Beginning in 2004, a large volume of applications for all types of clemency continued to be submitted directly on-line through our website. Clemency Administration began notifying all individuals found ineligible for RCR *Without a Hearing* and provided information on how to proceed with the hearing process.

In June 2004, Governor Bush praised the Commission and the Department of Corrections for their efforts in completing the review of the 124,000 “lawsuit” clemency cases and in reducing the backlog of restoration of civil rights cases. These cases were processed through a monumental effort by Commission staff and a new streamlined application process, which included electronic applications submitted by DOC for individuals terminating supervision and ending prison terms. Governor Bush further noted, “As of June 1, 2004, the team has completed its work on 80% of these cases.” As the lawsuit cases were completed, the pending “restoration of civil rights cases **with a hearing**” continued to grow. These cases require a more extensive review referred to as a “full investigation” and the Commission sought additional funding for FTEs to handle these cases, which was denied.

In December 2004, the Rules of Executive Clemency were revised again to allow individuals convicted of certain crimes to be considered for Restoration of Civil Rights (RCR) *without a hearing* if the person has remained crime and arrest free for either five to fifteen years depending on the severity of the offense. **These revisions were applied to all pending investigations and allowed for the conversion of many investigations which had previously required a hearing.** Clemency Administration worked closely with Field Services and Information Services to provide training and database enhancements to ensure the implementation of these revisions.

2005 The 2005 Legislature directed OPPAGA to conduct a review of the Commission’s major functions and to evaluate options for reducing the backlog in processing executive clemency applications (OPPAGA Report No. 06-15).

2006-07 Clemency Staff worked with the Commission’s Information Technology staff over a six-month period to re-design the clemency database (Management Application of Cases “MAC” database) to be completed in late 2006. The 2006 Legislature added duties for clemency investigative staff in HB 7415 on seaport security when it gave the Commission the responsibility to investigate seaport security waivers for the Florida Department of Law Enforcement. This is the only statutory language requiring mandated timeframes to be met by clemency staff.

April 5, 2007 On April 5, 2007, Governor Crist and the Cabinet, acting as the Board of Executive Clemency, made significant changes to the Rules. These changes greatly expanded the number of ex-felons eligible to have their civil rights restored. Since April 5, 2007, the Commission has processed over 200,000 RCR cases, with 146,549 individuals having their rights granted or on an Executive Order to be granted as of September 2009. This was accomplished in partnership with the Department of Corrections, whose staff pre-screened almost 300,000 historical offender cases prior to the Commission's final RCR eligibility determination. For FY 2007-08, the Commission requested funding for 14 FTEs and \$839,349 from the Legislature to address the increased pending clemency cases. No funding was granted.

2008 The Commission requested 42 FTEs and \$2.3 million in funding from the Legislature to process the increased number of eligible ex-felons and to reduce the increasing pending clemency cases. No funding was granted.

2009 The Commission requested 20 FTEs and \$1.2 million in funding from the Legislature to fund the Governor and Clemency Board's clemency investigation workload and to address the pending clemency cases. No funding was granted.

Clemency/RCR Data for Fiscal Year 2008-2009

The following reflects proviso language contained in SB 2600ER, 2009 Regular Session:

From the funds in Specific Appropriation 1293C, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2009:

1. A valid determination of the exact number of pending Restoration of Civil Rights (RCR) cases existing on July 1, 2009, along with a full explanation of the methodology used to determine the pending number of cases. Data must include total cases received for each of the past five years, the total number of cases processed for each of the past five years, and the total number of cases received or pending but not processed for each of the past five years;

2. A continuation plan including measures that continue to simplify application forms and processes by using readily available data from existing automated systems;

3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities. This information must be reported in a manner that allows for isolation of resources allocated to the RCR process. The information must also be sufficient to account for each step in the process to complete the review of RCR without a hearing; and

4. Proposed criteria, developed by case type, to use in defining and

classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases.

In response to the above, the following is the relevant information and support data for the RCR clemency-related activities administered by the Commission during Fiscal Year 2008-09.

ISSUE ONE

1. RCR PENDING CASES

The number of RCR cases pending action on July 1, 2009 was 62,924. This number includes 33,816 Level 1 cases; 22,978 Level II cases; and 6,130 Level III cases. The 56,794 Levels I and II cases included 29,052 offenders who completed their sentences and were being released by the Department of Corrections and whose cases were forwarded electronically to the Office of Clemency Administration (Commission) and 27,742 former offenders who requested restoration of their civil rights through the Office of Executive Clemency during the reporting period. As of June 30, 2009, there were 113 pending investigations for Level III cases and 9,780 **RCR Without a Hearing** cases were completed and awaiting official Board action.

2. METHOD OF CALCULATION

The methodology used to calculate “pending cases” is based on the number of cases in the clemency database that did not have a completion date and cases in the Office of Executive Clemency that have not been entered into the database as of June 30, 2009, thus pending cases currently means cases not yet completed. Pending cases include: prior year pending cases, plus new cases received, less those completed during the applicable fiscal year.

All data is captured in the Commission’s Management Application of Clemency (MAC) database. **Table 1** referenced below shows the number of cases pending on June 30 each year for the past 5 fiscal years. This number includes the 29,052 offenders whose terms of supervision ended or whose sentence expired in FY 2008-09 and were forwarded electronically to the Commission, and the 27,742 former offenders who requested directly through the Office of Executive Clemency for rights restoration.

**TABLE 1: RCR PENDING CASES
FISCAL YEARS 2004/05 – 2008/09**

RESTORATION OF CIVIL RIGHTS CASES 2004-2009: LEVELS I AND LEVEL II*							
PENDING	2004-05	2005-06	2006-07	2007-08	2008-09	2008-09 Level 1	2008-09 Level 2
PENDING JULY 1	16,804	22,223	22,935	82,504	63,881	47,353	16,528
PENDING 6/30	22,223	22,935	82,504	63,881	56,794	33,816	22,978

* Prior to April 2007, RCR cases were not designated as Levels I, II, or III.

**Previous proviso language only addressed Levels I and II RCR cases.

3. RCR CASES RECEIVED, COMPLETED, AND PENDING

The clemency/RCR function caseload for the past five years is reflected below. These figures include all Levels I and II RCR cases, which represent 97% of all clemency cases received.

TABLE 2: RESTORATION OF CIVIL RIGHTS' CASES FYS 2004-05 – 2008-09: LEVELS I AND II*

RESTORATION OF CIVIL RIGHTS CASES 2004-2009: LEVELS I AND II					
RCR CASES	FY2004/05	FY2005/06	FY2006/07	FY2007/08	FY2008/09
CASES PENDING JULY 1 (CARRIED FORWARD FROM THE PREVIOUS FY)	16,804	22,223	22,935	82,504	63,881 (47,353 RCR 1 and 16,528 RCR 2)
CASES RECEIVED	45,563	44,571	113,638	133,200	67,168 (58,644 RCR 1 and 8,524 RCR 2)
CASES COMPLETED	40,142	43,856	53,586	151,823	74,255 (70,584 RCR 1 and 3,671 RCR 2)
CASES PENDING 6/30	22,223	22,935	82,504	63,881	56,794 (33,816 RCR 1 and 22,978 RCR 2)

* Previous proviso language only addressed Levels I and II RCR cases.

**TABLE 3: RCR RECEIVED CASES
FISCAL YEARS 2004/05 – 2008/09**

Restoration of Civil Rights Cases Received 2004-2009: Level I and Level II*					
RCR CASES	2004/05 Total	2005/06 Total	2006/07 Total	2007/08 Total	2008/09 Total
RECEIVED	45,563	44,571	113,638	133,200	67,168

* Previous proviso language only addressed Level I and Level II RCR cases.

**TABLE 4: RCR COMPLETED CASES
FISCAL YEARS 2004/05 – 2008/09**

Restoration of Civil Rights Cases 2004-2009: Level I and Level II					
RCR CASES	2004/05	2005/06	2006/07	2007/08	2008/09
	Total	Total	Total	Total	Total
COMPLETED	40,142	43,856	53,856	151,823	74,255*

* Reflects 70,584 Level I Cases completed and 3,671 Level II Cases completed

** Previous proviso language only addressed Level I and Level II RCR cases.

ISSUE TWO

1. UTILIZATION OF EXISTING AUTOMATED SYSTEMS

The current review process utilizes many automated computer systems (Department of Corrections, Clerks of Court, the Internet, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, local law enforcement agencies, out-of-state boards and agencies, etc.). In addition, the Commission uses the Comprehensive Case Information System (CCIS), a secured Internet Portal maintained by the Florida Association of Court Clerks, providing a single point of access for statewide court case information as an automated tool. The referral, assignment, and approval of cases within the Commission are all processed through the Commission’s Management Application of Clemency (MAC) database. The notification letter, automatically generated by the MAC database, is mailed to those individuals who are determined by the Commission to be ineligible for restoration of civil rights. This letter provides information on how to proceed with the process for restoration of civil rights, which may include a hearing.

Persons seeking to have their civil rights restored can now call, fax, e-mail, send a letter to the Office of Executive Clemency, or fill out a request form (application) directly online at the Commission’s website: www.FLrestoremyrights.com or <https://fpc.state.fl.us/clemency.htm>. In August of 2007, the Commission’s Restoration of Civil Rights’ toll-free number, 1-800-435-8286, was activated. On June 30, 2008, funds for the two bi-lingual contract employees answering these lines were discontinued. To compensate for the loss of these part-time employees, and to keep the phones covered to the extent possible, the phone-tree was reconfigured to allow calls to roll over to other clemency staff.

Most importantly, by Executive Order of the Governor dated August 27, 2008, the Commission unveiled a new search engine on its website, wherein individuals can verify whether their rights were restored, and if so, can print the clemency certificate immediately.

2. EFFECTS OF APRIL 5, 2007, RULES CHANGE

The Board of Executive Clemency (Board) establishes the Rules of Executive Clemency by mutual consent. The Board is comprised of the Governor and the three additional members of the Cabinet: the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

On April 5, 2007, the Board adopted new rules, which implemented an “automatic” approval process, **Level I**, for the Restoration of Civil Rights (RCR) for felons convicted of specific offenses who have completed their sentences and paid their debt to society. The persons eligible for Level I automatic approval have been convicted of less serious offenses such as Grand Theft, Burglary of a Dwelling, Possession of Firearm by Convicted Felon, Robbery (No Deadly Weapon), Felony DUI and Sale of Controlled Substance. These cases are reviewed for eligibility and placed on an executive order for signature of the Clemency Board. Once the executive order is signed, certificates are mailed to the persons having their rights restored. On August 27, 2008, by Executive Order of Governor Charlie Crist, the Commission began including a voter registration application when mailing the certificate.

Individuals convicted of more serious offenses such as Aggravated Battery/Assault, Trafficking in Cocaine, Aggravated Stalking, Kidnapping/False Imprisonment, or designated as a Three-Time Violent Felony Offender, are eligible for a **Level II** review for restoration of civil rights without a hearing. A more in-depth investigation is required on these cases and the information is provided to the Clemency Board for a 30-day review. At the end of the review period, if the Clemency 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. In these cases, the Commission also includes a voter registration application when mailing the certificate to persons having their rights restored.

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 for restoration of civil rights with a hearing as a **Level III** case. Level III cases require a full investigation, a Commission recommendation, and a hearing before the Board of Executive Clemency.

3. FORMS/DATA WORKSHEET

The Commission uses a one-page hardcopy restoration of civil rights data worksheet form, which is available on line at: <https://fpc.state.fl.us/clemency.htm>.or www.FLrestoremyrights.com. 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. The mailing of a copy of the request form to the sentencing judge and State Attorney has been eliminated in all types of clemency requests.

ISSUE THREE

1. STAFFING AND FUNDING FOR THE CLEMENCY FUNCTION

Currently, the Office of Executive Clemency and Clemency Administration are staffed with six (6) and eleven (11) FTEs, respectively. In addition, the equivalent of twenty-seven (27) FTE field staff currently work on clemency cases, including assisting victims, for a total of 44 FTEs dedicated, either wholly or in part, to the support of the clemency function. Positions supporting the clemency function include 29% clerical staff and 71% professional staff, with the base annual salary set at \$23,483 and \$35,114 respectively for a Staff Assistant and Parole Examiner. The staff supporting the clemency function has been reduced a minimum of ten full or part-time employees since the rules changes. Most positions are hired at the base. Persons employed in the Tampa and Miami offices have applicable CAD's.

Since the 20% cut to the Commission's budget in FY 2008-09, the ability of the Commission to respond to citizens, citizen activist organizations, and Legislators has been compromised, although the expectation is the same or higher than prior years when the Commission received, at a minimum, a continuation budget. However, the Commission continues to request the necessary resources to focus on its core mission of public safety and to enable the Commission to respond to its stakeholders within a reasonable timeframe.

2. POSITION DESCRIPTIONS

Attachments E and F contain the following position descriptions currently utilized in the Office of Executive Clemency, the Office of Clemency Administration, and for staff in the field (Parole Examiners) who conduct investigations for the clemency process:

OFFICE OF EXECUTIVE CLEMENCY

Clemency Coordinator (1)
Parole Examiner (1)
Administrative Secretary (1)
Administrative Assistant II (1)
Staff Assistant (2)

TOTAL FTEs: 6

OFFICE OF CLEMENCY ADMINISTRATION

Director of Clemency Administration (1)
Administrative Analyst (Capital Punishment Research Specialist) (1)*
Operations & Planning Coordinator (1) (Clemency Supervisor & Research Analyst)*

Executive Secretary (1)
Parole Examiner (5)

Parole Examiner (2) Part-time
Staff Assistant (1)
TOTAL FTEs: 11

DIVISION OF OPERATIONS' FIELD STAFF

Parole Examiners equivalent to (27)

3. LEGISLATIVE BUDGET REQUEST

For the past five years, new positions have been requested annually in the Commission's Legislative Budget Request, but have never been funded, while the caseload has increased significantly. The clemency function has not been funded sufficiently to keep current with its workload demands or its caseload. For the past two years, the Commission has continued to process cases, while being faced with an increasing workload and a reduction in resources, including the loss of 24 employees/positions. Other activities, including outreach and the toll free RCR "800" number, were discontinued after only one year.

Simplifying the RCR process has resulted in an increase in the number of persons requesting to have their civil rights restored. To address the escalating workload, the Commission is requesting 20 FTEs in its FY 2010-11 Legislative Budget Request to counter the workload demands generated by the policy changes and to ensure that cases are reviewed and classified correctly, and to ensure that persons found eligible receive their rights as expeditiously as possible. Further, given adequate staffing resources, enhanced quality assurance procedures, and increased training, the errors acknowledged in the Commission's response to the Auditor General's Audit Report No. 2010-010 published September 2009 should be eliminated.

The Parole Commission established a toll-free number during FY 2007-08, which provided an information line for persons seeking information on the restoration of civil rights. The Commission is also requesting reinstatement of this funding so that this vital service can be maintained. The phone line and two part-time bilingual operators were funded from within a \$50,000 appropriation provided that year for Restoration of Civil Rights' outreach activities. This funding was non-recurring and was deleted in FY 2008-09. Currently, clemency staff are being rotated away from processing cases to answer this information line. The number of calls received to the toll free clemency line for FY 2008-09 was 47,872.

During the Crist administration the Parole Commission has processed more restoration of civil rights requests and more persons have had their civil rights restored than in any previous administration. Further, by Executive Order of the Governor August 2008, the Commission created a search engine on its Internet website to research an individual's RCR status and print a certificate, if granted. Also, by Executive Order August 2008, voter registration applications are now included in mailings to persons receiving a RCR certificate. These efforts assisted in making 123,000 more Florida citizens eligible to vote in the November 2008 Presidential General Election.

**TABLE 5: FTEs & Funding for Clemency Function
Fiscal Years 2002-03 – 2008-09**

Fiscal Year	Total FTEs*	Total Clemency Appropriation
04-05	67 FTEs*	\$4,247,173
05-06	62 FTEs *	\$4,493,285
06-07	58 FTEs *	\$5,177,495
07-08	55 FTEs *	\$4,343,718
08-09	44 FTEs *	\$3,820,976

* The number of FTEs supporting the clemency function either wholly or in part.

The Commission’s Performance Based Budgeting (PBB) System captures work hours for each major activity within the Commission. Data from PBB indicates that clemency represents 43% of the Commission’s workload.

ISSUE FOUR

1. RCR CASES: LEVELS I, II, and III

Criteria for developing clemency workload priorities is based upon the amount of time it takes to process cases from the shortest time (RCR case eligibility reviews) to the longest (full investigations). To this end, workload priorities have been adjusted to process RCR cases as follows: First, process RCR cases that do not require a hearing (**Levels I and II**); Second, process RCR cases with a hearing and requiring full investigations (**Level III**); and third, process full investigations for other forms of clemency cases, i.e., full pardons and firearm authority. All cases are processed in the order in which they are received unless otherwise directed by the Board.

2. TERMINOLOGY

The following are common terms used in the clemency process for Restoration of Civil Rights. Also included are explanations of the various stages in the process.

Received Cases: Requests that have been received in the Office of Executive Clemency by phone, facsimile, regular mail, e-mail, or Internet, and cases which are sent electronically by the Department of Corrections to the Office of Clemency Administration.

Completed Cases: Cases that are closed, cases where the eligible individual is mailed a RCR certificate, and cases when the ineligible individual has been mailed notification of further action they must take to obtain their rights.

Pending Cases: Requests that have been received in the Office of Executive Clemency and awaiting preliminary review and cases that are moving through some stage of the eligibility determination process. A pending case includes: a case awaiting Board action where the investigation is completed and the case has been submitted to the Board; a case awaiting action of the Board (no investigation required); or a case that has been approved by the Board. As of June 30, 2009, there were 113 investigations in this status and 9, 780 RCR *Without a Hearing* cases that had been completed and were awaiting official Board action.

3. PROCESS FOR RECEIVING RCR CASES

A. "List" Cases Sent Electronically from the Department of Corrections

1. The Commission's Office of Clemency Administration receives cases electronically from the Department of Corrections.
2. Commission Parole Examiners conduct eligibility reviews.
3. If eligible, a case is submitted to the Clemency Board, and the Office of Executive Clemency (OEC) notifies the person of the Board's decision. If granted, OEC mails a certificate and a voter registration application. If ineligible, the person is notified by Clemency Administration.

B. Request/Application Cases

1. The Commission receives clemency requests by phone, facsimile, regular mail, e-mail, or Internet.
2. The Office of Executive Clemency (OEC) conducts a brief review to determine eligibility for clemency type requested.
3. If eligible, the OEC refers the request to Clemency Administration for investigation. If ineligible, OEC notifies the person and advises him/her on how to proceed with a hearing or what is needed to resolve their ineligible status.
4. Clemency Administration distributes investigations to appropriate FPC regional offices to conduct eligibility/background investigation.
5. Completed/approved investigations are received in Clemency Administration.
6. If eligible, the investigation is submitted to the Clemency Board, and OEC notifies the person of the Board's decision. If granted, OEC mails a certificate and a voter registration application. If ineligible, the person is notified by OEC.

4. AVERAGE TIME FOR PROCESSING CASES

For FY 2008-09, the average time to conduct a *RCR without a hearing* review was **.6 hours** for **Level I** cases and **3.2 hours** for **Level II** cases. The average time to conduct a **Level III** full investigation was **20 hours**. The Commission's Performance Based Budgeting (PBB) System captures work hours for each major activity within the Commission. For FY 2008-09, data from PBB indicates that the clemency function represents 43% of the Commission's workload. Since

April 5, 2007, the Commission has processed over 271,000 RCR cases, with 138,880 individuals having their rights granted as of June 30, 2009. As of September 1, 2009, this number increased to 146,549.

5. PROCESS FOR EX-OFFENDERS TO SEEK RCR

A. List Cases: Pursuant to s. 944.293, Florida Statutes, upon expiration of sentence, the Department of Corrections (DC) electronically submits to the Clemency Administration Office within the Commission an application for individuals who may be eligible for restoration of civil rights upon release. These offenders do not need to request restoration of their civil rights because this is done for them by the Department of Corrections. Subsequently, the Commission's Parole Examiners/Clemency Administration Office make a determination of eligibility for consideration.

B. Application Cases: Individuals convicted in federal, military, or out-of state courts, or persons being released from county jails, must make a request for restoration of civil rights without a hearing to the Office of Executive Clemency.

6. RCR OUTREACH ACTIVITIES

The Commission regularly provides CDs to the media, the public, and private community/non-profit organizations containing the most current list of all individuals in the clemency database who have been granted their civil rights. The Rules of Executive Clemency are provided to the public upon request in brochure form and are also available on the Commission's website.

In August of 2008, the Commission launched a RCR search capability on its Internet site wherein individuals can verify if their rights have been restored and print a certificate directly from the database. By Executive Order dated August 27, 2008, the Commission now includes a copy of the voter registration application when mailing a certificate to persons having their rights restored. The Commission also provides an electronic file to the Department of State/Division of Elections on a bi-monthly basis, which includes the names of all persons whose civil rights have been restored for that time period.

The toll free number for RCR information is 1-800-435-8286.

7. SUMMARY OF CURRENT RCR POLICIES:

The Rules of Executive Clemency, as adopted by the Board of Executive Clemency, guide the Commission in conducting all reviews of RCR requests to determine in which Level each ex-offender will be processed.

There are 3 Levels of RCR cases based upon the nature of the felony offense:

Level I - least severe offenses that are not specifically designated per the Rules of Executive Clemency as violent/sexual offenses.

<u>Level 1:</u> Expedited restoration of civil rights for non-violent ex-offenders	
<u>Old Process</u>	<u>New Process</u>
<ol style="list-style-type: none"> 1. Complete sentence 2. Complete supervision 3. Pay victim restitution 4. Verify eligibility and no pending charges 5. Placement on Clemency Board preliminary review list 6. If two objections – full hearing and investigation 7. Approval requires vote of Governor plus two 8. Restoration of rights certificate issued 	<ol style="list-style-type: none"> 1. Complete sentence 2. Complete supervision 3. Pay victim restitution 4. Verify eligibility with fewer disqualifying offenses and no pending charges 5. Expedited Executive Order signed by Clemency Board without hearing 6. Restoration of rights certificate issued

If never convicted of one of the following crimes:

- murder, attempted murder, attempted felony murder, manslaughter
- DUI manslaughter
- sexual battery, attempted sexual battery
- lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition
- lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person
- sexual performance by a child, attempted sexual performance by a child
- aggravated child abuse
- failure to register as a sexual predator or sexual offender
- computer pornography, transmission of computer pornography, buying or selling of minors
- kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child
- aggravated battery, attempted aggravated battery
- armed robbery, attempted armed robbery, carjacking, attempted carjacking, home invasion, attempted home invasion
- poisoning of food or water
- abuse of a dead human body

- first degree burglary or attempted
- first degree burglary arson or attempted arson
- aggravated assault
- aggravated stalking
- aggravated battery or aggravated assault on a law enforcement officer or other specified officer
- first degree trafficking in illegal substances
- aircraft piracy
- unlawful throwing, placing, or discharging of a destructive device or bomb
- facilitating or furthering terrorism
- treason
- any offense committed in another jurisdiction that would be an offense listed in this paragraph if that offense had been committed in Florida

and not declared to be a:

- Habitual Violent Felony Offender
- Three-time Violent Felony Offender
- Violent Career Criminal
- Prison Releasee Reoffender
- Sexual Predator

Level II Cases: RCR Level II cases are the more severe offenses, including violent and drug trafficking offenses, but not murder/sexual offenses.

<u>Level 2:</u>	
Expedited review and approval of civil rights for violent offenses, except murder and sex offenses	
<p><u>Old Process</u></p> <ol style="list-style-type: none"> 1. Complete sentence 2. Complete supervision 3. Pay victim restitution 4. Verify eligibility and no pending charges 5. Complete 5-year waiting period for specific offenses 6. Placement on Clemency Board preliminary review list 7. If two objections – full hearing and investigation 8. Approval requires vote of Governor plus two 9. Restoration of rights certificate issued 	<p><u>New Process</u></p> <ol style="list-style-type: none"> 1. Complete sentence 2. Complete supervision 3. Pay victim restitution 4. Verify eligibility (investigation) and no pending charges 5. Placement on Clemency Board preliminary review list 6. 30 days for approval – requires vote of Governor plus two, if not approved full hearing and investigation 7. Restoration of rights certificate issued

And never convicted of one of the following crimes:

- murder, attempted murder, attempted felony murder, manslaughter
- DUI manslaughter
- sexual battery, attempted sexual battery
- lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition
- lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person
- sexual performance by a child, attempted sexual performance by a child
- aggravated child abuse
- failure to register as a sexual predator or sexual offender
- facilitating or furthering terrorism
- treason
- any offense committed in another jurisdiction that would be an offense listed in this paragraph if that offense had been committed in this State.

And not declared to be:

- Habitual Violent Felony Offender
- Three-time Violent Felony Offender
- Violent Career Criminal
- Prison Releasee Reoffender
- Sexual Predator

RCR Level III: These are the most severe offenses including habitual violent felon offenders; three-time violent felony offenders; violent career criminals; prison release reoffenders; murderers; and sexual predators.

Level 3: Full investigation and hearing process for murder and sex offenses	
<p><u>Old Process</u></p> <ol style="list-style-type: none">1. Complete sentence2. Complete supervision3. Pay victim restitution4. Verify eligibility and no pending charges5. Full investigation and hearing, including victim statement and	<p>NO CHANGE</p>

<p>Commission recommendation</p> <p>6. Approval requires vote of Governor plus two</p> <p>7. Restoration of rights certificate issued</p>	
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15 year rule:
15 year arrest and crime free expedited review for all offenses

<u>Old Process</u>	<u>New Process</u>
<ol style="list-style-type: none"> 1. Complete sentence 2. Complete supervision 3. Pay victim restitution 4. Verify eligibility and no pending charges 5. 15 years crime and arrest free 6. Placement on Clemency Board preliminary review list 7. Approval requires vote of Governor plus two 8. Restoration of rights certificate issued 	<ol style="list-style-type: none"> 1. Complete sentence 2. Complete supervision 3. Pay victim restitution 4. Verify eligibility (investigation) and no pending charges 5. 15 years crime and arrest free 6. Placement on Clemency Board preliminary review list 7. 30 days for approval – requires vote of Governor plus two, if not approved full hearing and investigation 8. Restoration of rights certificate issued

**Attachment A:
RCR CONTACT INFORMATION**

RCR CONTACT INFORMATION THE FLORIDA BOARD OF EXECUTIVE CLEMENCY



Charlie Crist
Governor



Bill McCollum
Attorney General



Alex Sink
*Chief Financial
Officer*



Charles Bronson
*Commissioner
Of Agriculture*

Anyone needing information on the restoration of rights process should contact the Office of Executive Clemency:

The Office of Executive Clemency
2601 Blair Stone Road, Building C
Tallahassee, FL 32399-2450

Toll Free at: 1-800-735-8286
Phone at: 850-488-2952
Fax at: 850-488-0695

Email at: Clemencyweb@fpc.state.fl.us
Website at: <https://fpc.state.fl.us/clemency.htm>

or

www.FLrestoremyrights.com

Public Information, Public Records Requests, and Media Inquiries should be directed to Jane Tillman at 850-921-2816 or JaneTillman@fpc.state.fl.us.

Attachment B: RCR Outreach Activities 2007-2009

Note: Commission employees working nights and weekend events were reimbursed for their travel, if applicable. However, employees volunteered their personal time to staff these events and were not compensated for work performed on nights and weekends.

APRIL 30, 2007	TALLAHASSEE Commission holds first RCR “Train the Trainer” Session for Senate and House staff of the Florida Legislature
MAY 23, 2007	SANDESTIN Clemency Coordinator Janet Keels and Clemency Administration Director Steve Hebert train Florida’s 67 Supervisors of Elections on new clemency rule process
JUNE 23, 2007	ORLANDO 1st RCR workshop with Senator Gary Siplin and the Orange County legislative delegation and staff
JULY 20, 2007	ORLANDO Conduct RCR Rule and Outreach training for members of the Florida Felons’ Rights Coalition at their Annual Conference
JULY 25, 2007	FT. LAUDERDALE Commission Staff conduct RCR rules and outreach training session at invitation of Broward Sheriff’s Office
AUGUST 15, 2007	FLORIDA CITY RCR workshop at City Hall, Florida City with State Senator Larcenia Bullard & State Representative Ed Bullard
AUGUST 18, 2007	DELAND RCR workshop in Deland, Florida, with State Representative Joyce Cusack, and State Senator Evelyn Lynn,
AUGUST 25, 2007	ST. AUGUSTINE RCR workshop with State Senator Tony Hill and staff
AUGUST 25, 2007	TALLAHASSEE Clemency Coordinator Janet Keels and RCR Outreach Coordinator Jane Tillman, conduct outreach training for community activists and volunteers at Florida A & M University
SEPTEMBER 8, 2007	MIAMI, Little Haiti RCR Outreach Event with State Senator Frederica Wilson & State Representatives Yolly Roberson, Tee Holloway, and staff
OCT. 13, 2007	TALLAHASSEE RCR Outreach event with State Senator Al Lawson and State Representative Curtis Richardson, Tallahassee Community College
OCT. 18, 2007	GAINESVILLE RCR Workshop for Community Leaders and Activists at the Alachua County Courthouse
NOVEMBER 1, 2007	COCOA BEACH FPC staff work Community Outreach event in Cocoa Beach , Florida
NOVEMBER 3, 2007	ORLANDO Commission staff works 3 rd Orlando area RCR event in 2007 at Eatonville
DECEMBER 1, 2007	MIAMI Commission staff work 3 rd Miami area RCR workshop at Miami-Dade Junior College , Wolfson Campus, December 1
DECEMBER 8, 2007	RCR Workshop with State Representative Perry Thurston at the Joseph P. Carter Center, West Sunrise Boulevard, Ft. Lauderdale

DECEMBER 15, 2007	RCR/Redemption Workshop at Miami's Orange Bowl
JULY 12, 2007	RCR Event, Macedonia Church, Historic Eatonville, Florida
AUGUST 2008	Commission launches Internet search capability where individuals can verify if their rights have been restored and print a certificate
AUGUST 2008	Commission began enclosing a copy of the voter's registration application when mailing a RCR certificate to persons who have had their rights restored.
AUGUST 2008	Additional rollover phone lines added for the toll free RCR 1-800 number.
SEPTEMBER 2008	Examiner (Field staff) adjusted their work schedules to process as many RCR cases prior to the October 6th voter registration deadline
SEPTEMBER 2008	Central Office staff worked additional hours after 5pm to assist with the mailing of 6,000 Certificates and Notification Letters
NOVEMBER 2008	Field staff participated in DC Re-Entry Seminars held at prisons statewide
MARCH – JUNE 2009	Field staff represented the Commission at Inmate Transition Fairs and Re-entry Coalition Workshops in Pasco, Citrus, and Broward Counties

**ATTACHMENT C: POSITION DESCRIPTIONS
OFFICE OF EXECUTIVE CLEMENCY**

Clemency Coordinator (1)
Parole Examiner (1)
Administrative Secretary (1)
Administrative Assistant II (1)
Staff Assistant (2)

TOTAL FTEs: 6



DEPARTMENT OF MANAGEMENT
SERVICES

STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES
SELECTED EXEMPT SERVICE
POSITION DESCRIPTION

POSITION LOCATION INFORMATION		Position Exempt Under 110.205(X), F.S.	
NAME OF AGENCY: Florida Parole Commission		Organization Level: 780301 02096	
DIVISION/COMPARABLE: Executive Clemency		MANAGERS - ALL OTHER Position Number: 2096 11-9199-2	
BUREAU/COMPARABLE: Office of Executive Clemency		08/0919 Class Title: Executive Clemency Coordinator EXECUTIVE CLEMENCY COORDINATOR-FPC	
INCUMBENT: Janet Keels		DEPARTMENT OF MANAGEMENT SERVICES USE ONLY	
		Agency Code 78	Class Code 0919
		Approved By/Effective Date Keels 3/21/09	
		APPROVED CLASS TITLE: Executive Clemency Coordinator	
1. This position reports directly to:		Chairman Title of Position	
2. Class title, position number, and headquarters location of each position which reports directly to this position:			
<u>Class Title</u>		<u>Position Number</u>	
Administrative Assistant II (1)		03031	
Staff Assistant (3)		02094, 02095, 03051	
Administrative Secretary		03031	
3. Current budget for which this position is accountable:			
Salaries & Benefits	O.P.S.	Expenses	
F.C.O	Data Processing	TOTAL ALLOTMENT	
If the current budget includes other areas of accountability include them in the Total Allotment and provide a brief explanation.			
4. What statutes establish or define the work performed?			
Florida Constitution of 1968, Article IV, Section 8			



STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

CAREER SERVICE SYSTEM
POSITION DESCRIPTION

POSITION NUMBER 2034

ORGANIZATIONAL CODE
PRESENT 7803000000
PROPOSED

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved By
8127	Updates	9/27/12	JJHms
Class Title			

Information to be furnished to DMS - Read instructions on the back BEFORE completing this form.

1. Department	Florida Parole Commission	Class Code	8127	Class Title	Parole Examiner
2. Division	Clemency Administration	Class Code	8127	Class Title	Parole Examiner
3. Bureau		Class Code	8127	Class Title	Parole Examiner
4. Section/Subsection		Class Code		Class Title	
5. Duties and Responsibilities					

% of time for each	Duties and Responsibilities
	Under limited direction, assists the Director in reviewing and certifying accuracy of Confidential Case Analyses, and other investigations and correspondence received from the field staff for submission to the Clemency Board. Compiles legal data, record checks, and personal data on applicants living in other states, into a Confidential Case Analysis for submission to the Board. Coordinates and manages special initiatives by the Governor or Clemency Board. At the direction of the Clemency Administration Director, researches data for the Commission or the Clemency Board.
30	Analyzes, organizes, and ensures accuracy of existing case information developed by field staff, identifies and requests needed additional needed information from other states, the Florida Parole Commission field offices, the courts, law enforcement and the Department of Corrections probation, field, and medical services departments for submission to the Clemency Board.
30	Assists the Clemency Administration Director in the review and processing of the general clemency case workload and special initiatives of the Board of Executive Clemency.
25	Monitors Commission advisory recommendations, compiles available information, and prepares comprehensive reports for the Clemency Board on each case being considered for a waiver of the rules.
10	Responds to requests for procedural explanations from Commissioners and Clemency Aides and performs other duties as assigned by the Director and Capital Punishment Research Specialist. Provides backup to the Capital Punishment Research Specialist for capital case interviews and case submissions as well as the Parole Examiner responsible for the Waiver process and the Parole Examiner responsible for the Restoration of Civil Rights process.
5	Responds to questions and correspondence from the Clemency Aides, state attorneys, judges, defense attorneys, victims, victim advocate groups, applicants and applicants' families.

Attach additional sheets if necessary to describe the position

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(Rev. 7/96)



STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

POSITION NUMBER 03031

PRESENT 780301
PROPOSED 780301

**CAREER SERVICE
SYSTEM
POSITION DESCRIPTION**

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved by/Date
0108	Update	9/17/01	[Signature]
Class Title			

Information to be furnished to DMS - Read instructions on the back BEFORE completing this form.

Florida Parole Commission
Executive Clemency
Executive Clemency

0108	Administrative Secretary
0108	Administrative Secretary

% of time for each	Description
	This incumbent in this position acts as a secretary and personal assistant to the Executive Clemency Coordinator by performing a variety of administrative and technical duties of a complex nature relating to clemency.
30	Composes letters and memorandums from rough drafts on general correspondence and on case files.
20	Researches files and prepares certificates for Coordinator's signature and distribution to the State Attorney's Office and law enforcement agencies regarding the restoration of civil rights.
10	Acts as the receptionist for this office and greets and routes visitors in a courteous and pleasant manner. Answers incoming telephone calls, routes calls to the proper staff person, and provides routine information to callers.
10	Receives and distributes all incoming mail.
10	Researches files and prepares correspondence for the Supervisor of Elections relating to the restoration of civil rights.
5	Maintains the Coordinator's calendar, schedules appointments and conferences, and makes travel arrangements. Maintains alphabetical and chronological files and records of correspondence, documents, reports, and other materials.
5	Orders and maintains office supplies necessary for the effective operation of the office. Maintains directory information on Commission employees and other agency offices.
5	Distributes applications and clemency rules, as requested.
5	Performs other related duties as required.

Attach additional sheets if necessary to describe the position

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COPY to employee and DMS

(Rev. 4/94)



STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

CAREER SERVICE SYSTEM
POSITION DESCRIPTION

POSITION NUMBER 2095

ORGANIZATION
PRESENT 78030100000
PROPOSED 78030100000

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved By
0120	Update	9/27/02	J. J. [Signature]
Class Title			

Information to be furnished to DMS - Read instructions on the back BEFORE completing this form.

Agency	Class Code	Class Title
Florida Parole Commission	0120	Staff Assistant
Office of Executive Clemency	0120	Staff Assistant

% of time for each	Duties and Responsibilities
25	The incumbent in this position is responsible for preparing preliminary review lists, executive orders and distribution of certificates of restoration of civil rights; advising applicants when objections are filed by Board Members; typing and filing of additional correspondence; assists Administrative Secretary with processing of mail.
25	Makes copies of memos of eligibility received from Clemency Administration and files in applicants' files. Issues executive order number and records it in record book. Types names into database and processes preliminary review list for submission to the Clemency Board for 20 day review. Enters names into database from DC4-322 forms and Department of Corrections computer printouts after Clemency Administration has certified all names as eligible. Prints list and proofreads for errors. Keeps track of number of objections received on each case and ensures that all are received within the 20 day review period.
25	Once the 20 day review is complete, this employee prepares executive order and list of names which were not objected to, and submits to the Clemency Board for signature. Keeps track of executive orders by contacting Clemency Aides to Board Members, and ensures that requisite number of signatures are received by the date the order is to be filed. When order has been signed, types transmittal letters and certificates for Coordinator's signature and mails to applicant with copy to Clemency Administration. Enters information into database. Sends executive order, with cover letter, to Secretary of State for filing, keeps copy for office. Files cards and closes files. Checks names of individuals which Department of Corrections has determined ineligible and submits letters to Secretary of State's Office for removal from executive order.
20	Processes request for waiver applications. Refers case to Clemency Administration for recommendation, sends copies to Clemency Board, enters information into database, makes files, updates waiver list. Prepares correspondence for Coordinator's signature advising applicants/attorneys when waiver requests have been granted or denied. Sends copies to Clemency Administration and Clemency Board. Enters disposition of case into database, transfers cases granted waiver to pending investigation file, closes files on those cases denied waiver. Notifies victims and state attorneys of disposition of cases.
15	Personally handles telephone calls regarding policy and procedures for applying for waiver of rules. Advises applicants and attorneys of status or disposition of cases as requested. Screens individuals and calls for the Coordinator by providing requested information. Advises Clemency Aides of status of cases and provides additional information as requested. Provides information on clemency granted to supervisors of elections, state attorneys, law enforcement, licensing agencies and individuals.
10	Acknowledges correspondence regarding waiver cases and provides copies to Clemency Board and Clemency Administration. Prepares letters and memoranda from rough drafts on general correspondence and on case files for the Coordinator.
5	Performs other related duties as required or requested by the Coordinator or Clemency Board.
	Notes: In the absence of the Administrative Secretary, retrieves mail from mailroom, and then opens, sorts and distributes to appropriate employee. Independently prepares routine correspondence for Coordinator's signature. Independently reviews applications for completion and proper documentation then prepares correspondence requesting additional information if required.

Attach additional sheets if necessary to describe the position

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(Rev. 7/96)

**ATTACHMENT D: POSITION DESCRIPTIONS
OFFICE OF CLEMENCY ADMINISTRATION**

Director of Clemency Administration (1)
Administrative Analyst (Capital Punishment Research Specialist) (1)*
Operations & Planning Coordinator (1) *
Executive Secretary (1)
Parole Examiner (5)
Parole Examiner (2) Part-time
Staff Assistant (1)

TOTAL FTEs: 11



STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES
SENIOR MANAGEMENT SERVICE
 POSITION DESCRIPTION

POSITION LOCATION INFORMATION		Position Exempt Under 110.205() , F.S.	
NAME OF AGENCY: Florida Parole Commission		Organization Level: 7803	
DIVISION/COMPARABLE: Clemency Administration		Position Number: 00057	
BUREAU/COMPARABLE:		Class Title: Director, Clemency Administration	
INCUMBENT: Carolyn W. Tibbets		DEPARTMENT OF MANAGEMENT SERVICES USE ONLY	
		Agency Code 7800	Class Code 8180
		Approved By/Effective Date	
APPROVED CLASS TITLE:			
1. This position reports directly to:		Chairman, Florida Parole Commission Title of Position	
2. Class title, position number, and headquarters location of each position which reports directly to this position: Staff Assistant, Position 01780, 02057, 03049, 00043 - Tallahassee Executive Secretary, Position 00021--Tallahassee Parole Examiner, Position 02081, 02034, 02080, 03075, 03076, 03077, 03078, 03079, 03082, 03083, 03084, 03085, Parole Examiner, 03086, 03087, 03088 - Tallahassee Capital Punishment Research Specialist, Position 01799--Tallahassee			
3. Current budget for which this position is accountable:			
Salary & Benefits	O.P.S.	Expenses	
F.C.O.	Data Processing	TOTAL ALLOTMENT	
If the current budget includes other areas of accountability include them in the Total Allotment and provide a brief explanation.			
4. What statutes establish or define the work performed? 947.04, F.S. 947.03, F.S. Rules of Executive Clemency			



STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

CAREER SERVICE SYSTEM
POSITION DESCRIPTION

POSITION NUMBER 01799

ORGANIZATIONAL CODE
PRESENT 7803000000
PROPOSED 7803000000

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved By
8123	Replch	9/27/02	MAH
Class Title			

Information to be furnished to DMS - Read instructions on the back BEFORE completing this form.

1. Department	Florida Parole Commission	5.	Class Code	Class Title
2. Division	Clemency Administration	Pres	8123	Capital Punishment Research Specialist
3. Bureau				
4. Section/Subsection		Prop	8123	Capital Punishment Research Specialist
6. Duties and Responsibilities				
% of time for each				
25	Researches and conduct an in-depth study of the Department of Corrections files, as well as the Circuit, Supreme and Federal Court files, reviewing all of the criminal and social history information available, legal documents, trial transcripts, appeals (before and after a death warrant is signed), motions, petitions and responses filed in the courts concerning capital punishment (death row) cases and their co-defendants.			
25	Evaluates and monitors the appeals filed by all capital punishment inmates and determine if an investigation is to be initiated for presentation to the Executive Clemency Board.			
10	Provides direction and guidelines to the field for the conduct of confidential investigations of capital punishment cases. Evaluates the complete researched information and assemble the comprehensive investigation packet containing the collection of detail information, summarization of the legal data and circumstances of the offense for the presentation to the Executive Clemency Board. Ensures that the Commissioner is completely briefed with all information prior to the interview and assisting in various informational and procedural matters.			
10	Coordinates the scheduling and conduct of an interview, at the prison, by the commission with the inmate and his attorney. Provides notice to the prison personnel and to the court reporter to record the proceeding. This interview is the inmate's opportunity to advance any argument or mitigation for commuting the death sentence to life imprisonment.			
10	Assists with the complete critique of the field investigation packet before the submission of the report to the Commission and Executive Clemency, as well as, coordination of work in the absence of the Director.			
10	Brief and maintain informational data regarding capital punishment cases to assist the Governor's Special Legal Counsel on capital punishment cases investigated and interviewed prior to presentation to the Executive Clemency Board. Initiate and direct correspondence and or personal contact with all criminal justice and other governmental agencies i.e., attorneys, judiciary, and the general public to develop information needed in the general clemency and capital punishment cases. Also, attend and assist the Chairman of the Commission at the Capital Punishment Hearings before the Executive Clemency Board as arguments regarding commutation are presented.			
5	Prepare monthly recap statistics for capital punishment cases interviewed and investigation completed.			
5	Perform other duties as required.			
Attach additional sheets if necessary to describe the position				

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(Rev. 7/96)

STATE OF FLORIDA
POSITION DESCRIPTION

CAREER SERVICE <input type="checkbox"/> SELECTED EXEMPT SERVICE <input checked="" type="checkbox"/> SENIOR MANAGEMENT SERVICE <input type="checkbox"/> OTHER <input type="checkbox"/>			
POSITION LOCATION INFORMATION		Position Exempt Under 110.205(2)(N)(1A), F.S. Managerial <input type="checkbox"/> Confidential <input type="checkbox"/> Supervisory <input type="checkbox"/> Other <input checked="" type="checkbox"/>	
NAME OF AGENCY: Parole Commission		Organization Level: Current: 78010000000 Proposed: 78040000000	
DIVISION/COMPARABLE: Administration		Position Number: 03008	FTE: 1.00
BUREAU/COMPARABLE: Director's Office		Current Broadband Level Code: 11-1021-2	Current Class Title: Operations & Planning Coordinator-FPC Current Class Code: 8050
SECTION/SUBSECTION:		Proposed Broadband Level Code:	Proposed Class Title: Proposed Class Code:
HEADQUARTERS/COUNTY CODE: Tallahassee/37		Type of Transaction: Add/Delete	
INCUMBENT: Fernando Sanchez		APPROVAL AUTHORITY USE ONLY	
POSITION ATTRIBUTES: EEO: 01 <input checked="" type="checkbox"/> 02 <input type="checkbox"/> 03 <input type="checkbox"/> 04 <input type="checkbox"/> 05 <input type="checkbox"/> 06 <input type="checkbox"/> 07 <input type="checkbox"/> 08 <input type="checkbox"/> CBU: 01 <input type="checkbox"/> 02 <input type="checkbox"/> 03 <input type="checkbox"/> 04 <input type="checkbox"/> 05 <input type="checkbox"/> 06 <input type="checkbox"/> 07 <input type="checkbox"/> 08 <input type="checkbox"/> 09 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 18 <input type="checkbox"/> 80 <input type="checkbox"/> 81 <input type="checkbox"/> 86 <input type="checkbox"/> 87 <input type="checkbox"/> 89 <input checked="" type="checkbox"/> 99 <input type="checkbox"/> Other <input type="checkbox"/> Special Risk: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Overtime: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> CAD: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Broadband Level Code 11-1021-2	Class Code 8050
		Approved By AD	Effective Date 4/12/04
		APPROVED BROADBAND OCCUPATION: General and Operations Managers	
		APPROVED CLASS TITLE: Operations & Planning Coordinator-FPC	
1. This position reports directly to: Position Number <u>01195</u> Broadband Level Code <u>10-3011-1</u> Broadband Occupation <u>Adm. Serv. Mgrs.</u> Class Code <u>7931</u> Class Title <u>Director of Administration-FPC</u>			
2. Broadband level code, class title, class code, position number, and headquarters location of each position which reports directly to this position:			
3. What statutes establish or define the work performed?			
4. This position has financial disclosure responsibility in accordance with Section 112.3145, F. S.: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
5. Current budget for which this position is accountable (if applicable):			
Salaries & Benefits	O.P.S.	Expenses	
F.C.O.	Data Processing	TOTAL ALLOTMENT	
If the current budget includes other areas of accountability include them in the TOTAL ALLOTMENT and provide a brief explanation.			



STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

**CAREER SERVICE SYSTEM
POSITION DESCRIPTION**

POSITION NUMBER 00021

ORGANIZATIONAL CODE
PRESENT 7803000000
PROPOSED 7803000000

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved By
0114	update	9/27/02	J. [Signature]
Class Title			

Information to be furnished to DMS - Read instructions on the back **BEFORE** completing this form.

1. Department	Florida Parole Commission	Class Code	Class Title
2. Division	Clemency Administration	0114	Executive Secretary
3. Bureau			
4. Section/Subsection		0114	Executive Secretary
6. Duties and Responsibilities			
% of time for each	This position performs independent, varied, and extremely confidential secretarial and clerical duties related to the work of Executive Clemency. Heavy emphasis is placed on relieving the Clemency Director of as much clerical detail as possible. This position acts as a personal assistant to the Clemency Director.		
25	Transcribes Confidential Case Analyses dictated by Clemency Director, duplicates completed form, and prepares file carts for Commission voting, along with an agenda for each Commissioner. Monitors cases being voted. Following votes, adds the Commission's recommendation of report directs copying and forwards to the Office of Executive Clemency.		
15	Upon receipt of requests from the Coordinator, Office of Executive Clemency, for investigation and report, supervises logging the request, obtaining additional information from DC, preparing formal request to field, preparing copies of application, legal documents and any other information which will assist the field staff in their preparation of the required report. Also insures entries on kardex and computer are accurately maintained in order for cases to be monitored for timely reply or action.		
15	Compiles, types, and transmits a list of eligibles to the Office of Executive Clemency of those applicants who have been determined eligible for restoration of Civil Rights and Alien Status following investigation by the field offices. Also, prepares notice of those applicants who are not eligible, along with an explanation of their ineligibility. Researches inmate case files and closed clemency files for specific information requested by the Governor, Cabinet members, and their Aides, assembles compels and transmits information and documentation for use by the Clemency Director		
10	Monitors in-coming mail, screening items which can be handled personally, composes routine correspondence under Clemency Director's signature then submitting the remainder to the Clemency Director, along with back-ground material which may be available either through closed Clemency files or DC files.		
10	Maintains and supervises the computer and kardex system on all active and inactive clemency cases, alphabetical files and records of office correspondence, documents, report and other materials. Monitors and reports clemency statistical data on a monthly reporting system for agency and compiles same for fiscal year.		
10	Telephonic and personal contact with parole examiners, Department of Corrections, Office of Executive Clemency, Governor's office, Clemency Aides, Attorneys, Judges, State Attorneys, applicants and members of an applicant's family. Responds to telephone calls relative to interpretation of policies, eligibility of applicants to receive degree of clemency requested, explains procedures, greets, announces visitors.		
5	Attends Clemency Board meetings, takes notes, and assists in securing any requested supplemental information assuring availability to the Chairman and Director.		
5	Assists in expediting and monitoring case load in the Clemency Administration Office Cross trains and distributes work to other clerical staff to assure compliance with time frames. Coordinates storage of closed files with Record Management, and retrieval of stored files when necessary. Coordinates breaks and lunch hours to assure full time phone coverage		
5	Performs other duties as required.		

Attach additional sheets if necessary to describe the position

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(Rev. 7/96)



STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

CAREER SERVICE SYSTEM
POSITION DESCRIPTION

POSITION NUMBER 2034

ORGANIZATIONAL CODE

PRESENT 7803000000

PROPOSED

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved By
8127	Updates	9/27/12	JJHms
Class Title			

Information to be furnished to DMS - Read instructions on the back BEFORE completing this form.

1. Department	Florida Parole Commission	Class Code	8127	Class Title	Parole Examiner
2. Division	Clemency Administration	Class Code	8127	Class Title	Parole Examiner
3. Bureau		Class Code	8127	Class Title	Parole Examiner
4. Section/Subsection		Class Code	8127	Class Title	Parole Examiner
5. Duties and Responsibilities					
% of time for each	<p>Under limited direction, assists the Director in reviewing and certifying accuracy of Confidential Case Analyses, and other investigations and correspondence received from the field staff for submission to the Clemency Board. Compiles legal data, record checks, and personal data on applicants living in other states, into a Confidential Case Analysis for submission to the Board. Coordinates and manages special initiatives by the Governor or Clemency Board. At the direction of the Clemency Administration Director, researches data for the Commission or the Clemency Board.</p> <p>30 Analyzes, organizes, and ensures accuracy of existing case information developed by field staff, identifies and requests needed additional needed information from other states, the Florida Parole Commission field offices, the courts, law enforcement and the Department of Corrections probation, field, and medical services departments for submission to the Clemency Board.</p> <p>30 Assists the Clemency Administration Director in the review and processing of the general clemency case workload and special initiatives of the Board of Executive Clemency.</p> <p>25 Monitors Commission advisory recommendations, compiles available information, and prepares comprehensive reports for the Clemency Board on each case being considered for a waiver of the rules.</p> <p>10 Responds to requests for procedural explanations from Commissioners and Clemency Aides and performs other duties as assigned by the Director and Capital Punishment Research Specialist. Provides backup to the Capital Punishment Research Specialist for capital case interviews and case submissions as well as the Parole Examiner responsible for the Waiver process and the Parole Examiner responsible for the Restoration of Civil Rights process.</p> <p>5 Responds to questions and correspondence from the Clemency Aides, state attorneys, judges, defense attorneys, victims, victim advocate groups, applicants and applicants' families.</p>				
Attach additional sheets if necessary to describe the position					

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STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES

**CAREER SERVICE SYSTEM
POSITION DESCRIPTION**

POSITION NUMBER 00043

ORGANIZATIONAL CODE

PRESENT 7803000000

PROPOSED 7803000000

PERSONNEL OFFICE USE ONLY

Class Code	Type of Transaction	Effective Date	Approved By
0120	update	9/27/02	Jal-1
Class Title			

Information to be furnished to DMS - Read instructions on the back BEFORE completing this form.

1. Department	Florida Parole Commission	5.	Class Code	Class Title
2. Division	Clemency Administration	6.	0120	Staff Assistant
3. Bureau		7.		
4. Section/Subsection		8.	0120	Staff Assistant
6. Duties and Responsibilities:				
% of time for each	The staff assistant performs varied and extremely confidential supervisory support as well as secretarial and clerical duties relating to the work of Clemency Administration. Also, the assistant performs duties to assist the Director and Executive Secretary in management controls of work-load, investigations, tracking, confidential report preparation, data input relating to investigations, and work production recaps. Emphasis is placed on assisting the Parole Examiner in tracking and processing the Waiver Reports			
30	Types analysis of clemency cases, letters to inmates, superintendents, field offices, attorneys, Governor's office and Cabinet Members, which requires understanding of court, police, corrections and medical terminology.			
25	Composes correspondence of a routine nature. Assists in informational research and prepares miscellaneous correspondence, memorandums, reports, etc., as directed by the Parole Examiners, the Capital Research Specialist, and the Clemency Administration Director. Prepares finished typing from rough notes and types clemency investigations combining information obtained from other states with in-state investigations. Also, prepares lists of Restoration of Civil Rights cases that are submitted to the office.			
15	Copies correspondence, Capital Case Briefs, confidential case analyses, and other clemency materials and files.			
10	Assists in the maintenance of alphabetical files and records of office correspondence document reports, and other material pertaining to clemency cases. Retrieves and/or summarizes information in files as needed and/or requested.			
5	Assists the Executive Secretary in receiving, opening, and routing incoming and out going mail. Answers the telephone and serves as office receptionist.			
5	Writes locator cards and secures files from Department of Corrections Central Records on all appropriate cases: (a) Reviews files and matches up files from Form DC-4-322, preparing cases for Parole Examiner Review. (b) Distribute files on capital punishment and general clemency cases. (c) Copies confidential case analyses, capital punishment case briefs, packets, and general correspondence. (d) Monitors movement of DC case files within central office of those cases needed for clemency purposes and returns the Department of Corrections files to their Records Department. Assists in the security of clemency files.			
5	Sets up and retrieves clemency files from clemency file room and Records Management storage while maintaining the clemency file system. Prepare inactive case files for transfer to Records Management storage.			
5	Assists in recording and recapping workload statistics. Performs other duties as required.			
Attach additional sheets if necessary to describe the position				

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ATTACHMENT E:
COMMISSION'S RESPONSE TO
AUDITOR GENERAL REPORT No. 2010-010



FLORIDA PAROLE COMMISSION

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

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

September 2, 2009

Mr. David Martin
Auditor General
111 West Madison Street
Tallahassee, Florida 33299-1450

**Re: Florida Parole Commission: - Operational Audit Preliminary Findings
Restoration of Civil Rights' Clemency Process
Audit Period: beginning July 1, 2007 and ending February 28, 2009**

Dear Mr. Martin:

The Florida Parole Commission is in receipt of your July 9, 2009, report of preliminary and tentative findings and recommendations resulting from your audit of the Clemency Board's (Board) Restoration of Civil Rights' (RCR) process for the review period beginning July 1, 2007 and ending February 28, 2009.

The Commission serves as the investigatory and administrative arm of the Clemency Board. The review, eligibility determination, and processing of all clemency requests are strictly adhered to pursuant to Board direction and rule. The RCR review process currently followed by the Parole Commission was adopted by the Board on April 5, 2007. Further, the Parole Commission does not make decisions or recommendations regarding policy on any part of the clemency process.

Since the adoption of these rules, the Parole Commission's budget was reduced by 20% for FY 2008-09, with staff reductions being made primarily in the clemency area. The Commission's critical mission is public safety and administers programs with statutorily mandated timeframes, which must be met. When asked to prioritize its spending by the Legislature, the agency's funding resources were directed to programs where critical timeframes are mandated before funding clemency functions, which have no mandated timeframes. Thus, funding to the clemency function has suffered during the current economic downturn.

During the review period, other policy directives were made either administratively or by Executive Order that enhanced the RCR process for the stakeholders. Beginning October 31, 2007, clemency applicants receive a copy of their investigative report prior to a Board hearing and by Executive Order dated August 2008, the Commission now mails a voter registration form together with the certificate granting an individual their civil rights. Also, as a result of this order, the Commission added a search capability to its public website, allowing an individual or

their designee to check to see if their rights have been restored and, if granted, allows for the immediate printing of the certificate.

Although adopted in April of 2007, the actual implementation of the new RCR process occurred months later. This initial delay was due to: (1) the clemency database being reprogrammed to reflect the new rule changes; (2) 38,000 pending cases being re-reviewed for eligibility under the new rules; and (3) the Governor's RCR Initiative directive to locate ex-offenders potentially eligible for a Level 1 review under the new rules. This directive resulted in a six-month search and eligibility review effort, which produced hundreds of thousands of cases referred to as "historical" cases.

The Commission is responding to Finding No. 1 on behalf of Ms. Janet Keels, Executive Clemency Coordinator. The fifth and final finding and recommendation fell directly within my purview as Chairman of the Parole Commission, and I have taken the necessary corrective action to comply with your recommendation.

In closing, I have forwarded your audit of the Clemency Board's Restoration of Civil Rights' case review process to them for their review and consideration (Audit Findings 1 through 4). Through the years, the RCR process has been modified by various boards. However, the Parole Commission has remained consistent in its role of dutifully implementing and administering the clemency process. Again, the Parole Commission does not make decisions or recommendations regarding policy on *any part* of the clemency process.

I would like to thank your staff for their flexibility and spirit of cooperation as we explained the issues associated with administering the unique process of clemency.

Sincerely,


Frederick B. Dunphy
Chairman

Attachment

Cc: The Honorable Charlie Crist, Governor
The Honorable Bill McCollum, Attorney General
The Honorable Alex Sink, Chief Financial Officer
The Honorable Charlie Bronson, Commissioner of Agriculture
Chief Cabinet Aides
Clemency Aides

APPENDIX A

FLORIDA PAROLE COMMISSION RESPONSE TO TENTATIVE AND PRELIMINARY AUDIT FINDINGS CLEMENCY/RESTORATION OF CIVIL RIGHTS AUDIT FOR THE PERIOD BEGINNING JULY 1, 2007 AND ENDING FEBRUARY 28, 2009

Finding No. 1: Ex-Offender Initiated Requests for RCR

***Finding No. 1:** Ex-offenders convicted of crimes in other states, in Federal courts, and who had not been placed in the custody of the Department of Corrections, must submit requests to initiate the RCR process. Although there is a procedure in place for the receipt of applications from these ex-offenders, 28,428 of the 32,859 (86.5 percent) requests received since January 2006 had not been referred to the Commission's Office of Clemency Administration for review or investigation.*

***Recommendation:** We recommend that the Parole Commission, in conjunction with the Office of Executive Clemency, present for the Clemency Board's consideration, rules establishing processing priorities for RCR requests.*

Commission's Response:

The Parole Commission does not make decisions or recommendations regarding policy on *any part* of the clemency process. Policy decisions regarding the clemency process fall within the sole purview of the Clemency Board. However, the Parole Commission has remained consistent in its role of dutifully **implementing and administering the clemency process**. Historically, when a reviewing authority (OPPAGA, Auditor General) has made recommendations on the clemency process, the Commission has forwarded to the Clemency Board any findings and recommendations for their review and consideration. The system of processing RCR cases is subject to periodic changes as the Commission receives direction from the Executive Clemency Board regarding case processing priorities.

The lack of sufficient staffing and resources to support the increased caseload created by the newly adopted rules severely impacts the Commission's ability to process cases as quickly as it would like. For the past 6 years, the Commission has informed the Legislature of the funding needs of the clemency process in its annual legislative budget request. Each year these requests have gone unfunded, while the caseload has increased significantly. For the previous fiscal year, the Commission absorbed a 20% budget reduction, which resulted in the loss of 24 staff positions, which has made the Commission unable to keep current with its workload demands or its clemency caseload. As staffing and funding become available, these problems will be rectified, and the Commission will take adequate measures to address this finding.

However, even with its current diminished resources, the Commission can report the following: Since the completion of the special "RCR OPS Project" June 30, 2009, and as of July 21, 2009, the number of ex-offender RCR initiated requests received during the reporting periods January 1, 2006 through February 1, 2009, and not yet referred to Clemency Administration for further processing, has been reduced from 28,428 (86.5 percent) to 21,118 (64.2 percent). Further, as

of July 31, 2009, all 3,686 requests for the same reporting period were entered into the *Management of Application of Clemency* (MAC) database, in addition to all RCR requests received through June 30, 2009.

Finding No. 2: Eligibility Determination Procedures

Finding No. 2: *The Commission had not established for RCR eligibility determinations a risk-based supervisory review process or quality control procedures. A risk-based supervisory review process could target cases and eligibility criteria prone to error and assist in the more effective and judicious use of resources. Quality control procedures would also increase assurance that eligibility determinations were made in accordance with Clemency Board Rules.*

Recommendation: (a) *To provide assurance that only eligible ex-offenders are granted RCR, we recommend that the Commission establish a risk-based supervisory review process. Once established, the Commission should ensure that results of supervisory reviews are documented and analyzed. To provide additional assurances, the Commission should also consider implementing quality control procedures. (b)* *We also recommend that the Commission further investigate the 13 RCR cases referenced in Table 3 of this report and refer the results of such investigation to the Clemency Board for further direction.*

Commission's Response:

Part (a):

The Commission acknowledges the significance and importance of the Restoration of Civil Rights 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 a grave responsibility and one that should be carried out with the utmost professionalism and critical attention to detail. The Commission acknowledges that all errors committed during the RCR eligibility review are of concern and will strive for "zero" errors as the ultimate goal. To this end, the Commission's current supervisory review process provides certain quality control measures, which document a supervisor's analysis and oversight of an examiner's eligibility determination review of a case. However, improvement in the error rate for this process will always be a goal of the Commission.

Currently, the majority of the RCR workload is associated with ex-offender initiated RCR requests (Levels 1, 2, or 3). For these requests, RCR procedures require that the Examiner maintain a confidential file including any hardcopy documentation obtained through the investigative process which was used for determining eligibility. This confidential file is maintained by the Commission for five years and then archived and stored off-site at the State Records Center consistent with state records retention policy.

Supervisors review all of the ex-offender initiated RCR requests (Levels 1, 2, or 3) by viewing some of the State and Federal databases used by the Examiner during the eligibility determination. Once they complete the review, they provide written comments and/or corrections on the investigative report to the Examiner.

When an eligibility determination investigation is received in Central Office, quality assurance reviews for ex-offender initiated RCR requests (Levels 1, 2, or 3) are conducted by two full-time employees in the Office of Clemency Administration. Additional quality assurance reviews are conducted by Parole Commissioners on all Level 3 RCR cases being presented to the Clemency Board for hearing. Further, all eligible RCR cases are given a review by the Board's Clemency Aides before making recommendations to their principals and prior to a final decision being made by the Board. If additional information is needed or corrections are to be made to the RCR case, the Supervisor and Examiner are notified by e-mail.

The Commission also processes all RCR EOS/TOS cases received from the Department of Corrections by electronic file. Current clemency procedures do not require the maintenance of a hardcopy file or documentation for these cases since the process migrated to a paperless system, which resulted in cost savings to the State of Florida. Another efficiency gained as a result of streamlining the process now allows Examiners to enter eligibility determination information directly into the MAC database, with Supervisors able to access the database from any location for review and approval of cases. Even though the procedures for the processing of EOS/TOS cases were simplified, quality assurance controls were kept in place which not only provide for a supervisory check but actually require the supervisor to submit the case as "approved" into the database. Also, the Mac database now automatically generates letters to ex-offenders determined ineligible for RCR Level 1 and specifies the reason(s) for such determination.

Through the collection and documentation of Examiner error data and the analysis of quality assurance reviews, the Commission has established a risk-based supervisory review process obtained by expertise gained from years of processing hundreds of thousands of RCR cases. When conducting supervisory reviews, Supervisors are trained to look for the most frequent, common errors made by Examiners. Regularly, administrators, supervisors, and examiners receive feedback on specific eligibility determination issues through e-mails, memoranda, monthly regional staff meetings, and statewide operational conference calls. For training purposes, they are also provided with all final Levels 2 and 3 RCR cases presented to the Clemency Board.

Again, the Commission's ultimate goal is to process as many RCR cases with no errors as possible. To this end, the Commission is committed to working with the Clemency Board to review its current RCR quality assurance procedures and to take any corrective measures which will further reduce the error rate and continue to ensure the integrity and quality of the RCR eligibility determination process.

Part (b):

The Commission will confer with the members of the Clemency Board and their respective Clemency Aides and seek their direction for further investigation on the above-referenced cases.

Finding No. 3: Overrides of Eligibility Determinations

Finding No. 3: *While having the ability to override a parole examiner's determination appears to be a necessary role for supervisors, the Management Application of Clemency (MAC) database*

does not provide the parole examiner or management any notification of a supervisory change to an eligibility determination, nor does it flag the change in the database for later review.

Recommendation: *We recommend that the Commission enhance the MAC database to ensure that parole examiners and management are automatically notified of supervisor changes to ex-offender RCR eligibility determinations. We also recommend the Commission periodically analyze supervisor overrides to determine vulnerabilities in the RCR process that require Commission action.*

Commission's Response:

Only two Commission employees, the Director of Clemency Administration and the Executive Clemency Coordinator, are empowered to override an eligibility determination on a completed and approved RCR case. A Regional Administrator or a Parole Examiner Supervisor (hereinafter referred to as Supervisor) do not override a Parole Examiner's RCR eligibility determination in the MAC database.

The review of an Examiner's eligibility determination on all RCR cases is the responsibility of the Supervisor. If a Supervisor finds that an Examiner has incorrectly assessed an eligibility determination, the Supervisor and Examiner discuss the review and, if necessary, the Examiner makes the change to the eligibility determination in the MAC database. However, once a case is entered in the MAC database as having been "approved," a Supervisor cannot override the determination made by the Parole Examiner. To effectuate a change to a case determination that has been approved in the MAC database, the Supervisor must notify the Director or Coordinator by e-mail if an override to the database is necessary.

When an override of an eligibility determination is completed, the Director or Coordinator initiating the override notifies both the Supervisor and Examiner by e-mail. Pertinent information justifying this action is documented by the Director or Coordinator in the "Notes Section" of the MAC database.

Further, the Director or Coordinator analyze requests for overrides and routinely provide feedback to the Supervisor and Examiner by phone or e-mail to continually improve the RCR process.

In response to your recommendation, the Commission has formally requested a programming change to the MAC database for an automatic notification (flag) if an override to the database occurs on an eligibility determination. This programming change will be done on behalf of the Commission by the Department of Corrections' Information Technology Unit.

Finding No. 4: Performance Measures

Finding No. 4: The Commission's performance measures did not provide standards and results for each level of review or investigation and for backlog reduction.

Recommendation: *We recommend that, pursuant to Section 216.1827(3) (a), Florida Statutes, the Commission submit a request to the Executive Office of the Governor to amend its*

performance measures to include measures for each RCR eligibility level and for backlog reduction.

Commission's Response:

The Parole Commission began providing an annual *Proviso Report* to the Legislature on its RCR related clemency function and relevant data October 2002. This report has been mandated each year thereafter in the Commission's approved budget allocation set forth in the General Appropriations Act and the accompanying proviso language. Initially, the report was requested to provide the Legislature and the Governor's Office of Policy and Budget (OPB) with a status report so they could be fully informed on the following information: the number of pending RCR cases, the number of RCR cases processed, the RCR process currently in use, and the cost for processing these cases.

The October 1, 2009, Proviso Report will contain a breakdown of this information by category for Levels 1, 2, and 3 RCR cases. The most recent report provided October 1, 2008, was a 37 page, comprehensive document providing detailed responses to the *exact* information being requested in proviso language by the Legislature. In fact, the data contained in Table 1 and Table 4 of the audit report utilized information taken from the Commission's most recent Proviso Report.

Since the rule changes were adopted April 2007, we have had no directive or request from the Legislature or OPB to modify the Commission's performance measures or we would have responded accordingly. The current proviso language directing the Commission to submit a report for its review on or before October 1, 2009, does not include a request that we amend our performance measures.

Again, the Parole Commission does not make decisions or recommendations regarding policy on *any part* of the clemency process. However, the Parole Commission has remained consistent in its role of dutifully implementing and administering the clemency process. To this end, the Commission has forwarded your recommendations to the Clemency Board for their consideration.

Finding No. 5: Non-Capitalized Property

Finding No. 5: Accountability for Attractive or Sensitive Items

Recommendation: *To effectively safeguard the Commission's attractive and sensitive items that do not meet the capitalization thresholds, as well as the data stored on these items, we recommend that the Commission document the inventory of such items as well as any efforts to locate any unaccounted for property.*

Commission's Response:

In response to your recommendation, the Commission has taken corrective measures, which include a recent inventory by the Department of Corrections (Department) of the Commission's attractive and sensitive items. Effective July 1, 2009, the Department began providing all of

FPC's Information Technology services, which includes conducting future inventories of the Commission's attractive and sensitive information technology equipment and resources.