



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

TENA M. PATE, Chair
MELINDA N. COONROD, Vice-Chair
RICHARD D. DAVISON, Secretary

RICK SCOTT, Governor
PAM BONDI, Attorney General
JEFF ATWATER, Chief Financial Officer
ADAM PUTNAM, Commissioner of Agriculture

LONG RANGE PROGRAM PLAN

September 30, 2014

Cynthia Kelly, Director
Office of Policy and Budget
Executive Office of the Governor
1701 Capitol
Tallahassee, FL 32399-0001

JoAnne Leznoff, Staff Director
House Appropriations Committee
221 Capitol
Tallahassee, FL 32399-1300

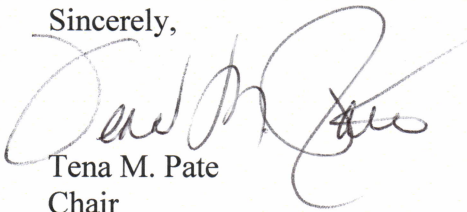
Cindy Kynoch, Staff Director
Senate Committee on Appropriations
201 Capitol
Tallahassee, FL 32399-1300

Dear Directors:

Pursuant to Chapter 216, Florida Statutes, our Long Range Program Plan (LRPP) for the Florida Commission on Offender Review is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for the Fiscal Year 2015-16 through Fiscal Year 2019-20. The internet website address that provides the link to the LRPP located on the Florida Commission on Offender Review is <https://fcor.state.fl.us>. The submission has been approved by me, Tena M. Pate, as Chair of the Commission.

Should you have any questions regarding this document, please contact me at (850) 487-1980.

Sincerely,



Tena M. Pate
Chair

COMMITTED TO PROTECTING THE PUBLIC

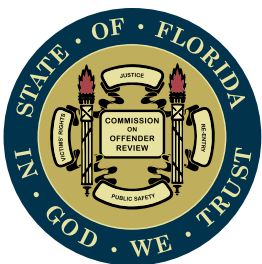
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LONG RANGE PROGRAM PLAN FISCAL YEARS 2015-16 THROUGH 2019-20

Prepared for the Office of Policy and Budget

September 30, 2014



FLORIDA COMMISSION ON OFFENDER REVIEW *(formerly Florida Parole Commission)*

A Governor and Cabinet Agency Created in 1941

Mission Statement

To Ensure Public Safety and Provide Victim Assistance

Through the Post Prison Release Process

Agency Goals

The Florida Commission on Offender Review (Commission) has five goals designed to provide for public safety and increased efficiency, while striving to meet the Commission's approved performance measures and standards.

GOAL 1. To select appropriate individuals for parole.

GOAL 2. To ensure informed decision-making by the Commission and Board of Executive Clemency (Board).

GOAL 3. To guarantee timely decisions.

GOAL 4. To ensure informed decision-making by the Board on Restoration of Civil Rights (RCR) *Without a Hearing* cases.

GOAL 5. To ensure informed decision-making by the Board on RCR *With a Hearing* cases.

Agency Objectives

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

GOAL 1. To select appropriate individuals for parole.

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

GOAL 2. To ensure informed decision-making by the Commission and Board of Executive Clemency (Board).

OBJECTIVE 2A: To provide complete and accurate information to the Commission on parole, conditional medical release, control release, conditional release and addiction recovery release decisions, and to the Board on non-RCR¹ cases.

GOAL 3. To guarantee timely decisions.

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

GOAL 4. To ensure informed decision-making by the Board on Restoration of Civil Rights (RCR) *Without a Hearing* cases.

OBJECTIVE 4A: To ensure that eligibility determinations and investigatory information provided to the Board for RCR *Without a Hearing* cases contain no factual errors.

GOAL 5. To ensure informed decision-making by the Board on RCR *With a Hearing* cases.

OBJECTIVE 5A: To ensure that eligibility determinations and investigatory information provided to the Board for RCR *With a Hearing* cases contain no factual errors.

¹ Non-RCR: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess or use firearms; requests for review; and capital case (death penalty) reviews.

Service Outcomes & Performance Projection Tables

GOAL 1: To select appropriate individuals for parole.

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

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

BASELINE YEAR FY 1999-2000	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
90%	85%	85%	85%	85%	85%

The Commission exceeded its projected goal of 85% in FY 2013-14. There were 50 inmates paroled during the reporting period, with 48 or 96% successfully completing their supervision without revocation within the first two years of release.

GOAL 2: To ensure informed decision-making.

OBJECTIVE 2A: To provide complete and accurate information to the Commission on parole, conditional medical release, control release, conditional release and addiction recovery release decisions and to the Board on non-RCR cases.

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

BASELINE YEAR FY 1999-2000	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
83%	98%	98%	98%	98%	98%

The Commission exceeded its projected goal of 98% by placing 99% of its cases before the Commission and the Board with no factual errors in FY 2013-14.

GOAL 3: To guarantee timely decisions.

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

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

BASELINE YEAR FY 1999-2000	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
95%	99%	99%	99%	99%	99%

The Commission achieved its projected goal of 99% in FY 2013-14 by completing 1,502 revocation cases within 90 days after the final hearing, resulting in a 99% success rate.

Service Outcomes & Performance Projection Tables

GOAL 4: To ensure informed decision-making.

OBJECTIVE 4A: To ensure that eligibility determinations and investigatory information provided to the Board for RCR *Without a Hearing* cases contain no factual errors.

OUTCOME: Percent of RCR *Without a Hearing* cases provided to the Clemency Board containing no factual errors.

BASELINE YEAR FY 2011-12	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
100%	99%	99%	99%	99%	99%

The Commission met its projected goal of 99% by placing 99% of the RCR *Without a Hearing* cases before the Board with no factual errors in FY 2013-14.

GOAL 5: To ensure informed decision-making.

OBJECTIVE 5A: To ensure that eligibility determinations and investigatory information provided to the Board for RCR *With a Hearing* cases contain no factual errors.

OUTCOME: Percent of RCR *With a Hearing* cases provided to the Clemency Board containing no factual errors.

BASELINE YEAR FY 2011-12	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
99%	99%	99%	99%	99%	99%

The Commission achieved its projected goal of 99% by placing 99% of the RCR *With a Hearing* cases before the Board with no factual errors in FY 2013-14.

Linkage to Governor's Priorities

Governor's Priorities

1. Improving Education

World Class Education

2. Economic Development and Job Creation

Focus on Job Growth and Retention
Reduce Taxes
Regulatory Reform
Phase out Florida's Corporate Income Tax

3. Maintaining Affordable Cost of Living in Florida

Accountability Budgeting
Reduce Government Spending
Reduce Taxes
Phase out Florida's Corporate Income Tax

The Commission's Long Range Program Plan (LRPP) aims to commit the agency's existing resources to ensuring public safety and providing victims' services for the citizens of this State in an effective and efficient manner. The Commission's highest priority is to ensure public safety.

All five of the Commission's goals link to the Governor's third priority, **Maintaining Affordable Cost of Living in Florida - Accountability Budgeting**, and goals one, four and five link to **Reduce Government Spending**.

Maintaining Affordable Cost of Living

Accountability Budgeting

- GOAL 1 To select appropriate individuals for parole.
- GOAL 2 To ensure informed decision-making by the Commission and Board.
- GOAL 3 To guarantee timely decisions.
- GOAL 4 To ensure informed decision-making (RCR *Without a Hearing* cases).
- GOAL 5 To ensure informed decision-making (RCR *With a Hearing* cases).

Reduce Government Spending

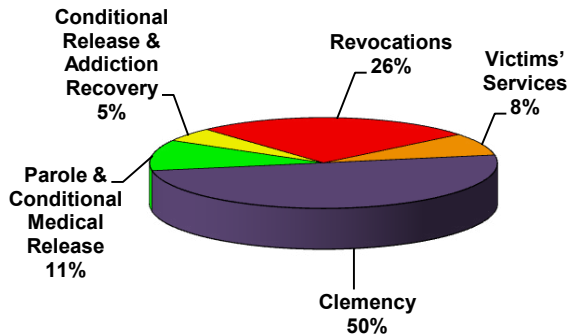
- GOAL 1 To select appropriate individuals for parole.
- GOAL 4 To ensure informed decision-making (RCR *Without a Hearing* cases).
- GOAL 5 To ensure informed decision-making (RCR *With a Hearing* cases).

The Commission selects individuals for parole release who demonstrate rehabilitation and who have used their time in prison to become educated and learn skills so they are able to provide for themselves and their families post release.

Accurate clemency investigations and reports are obtained through staff training and quality assurance measures, maximizing the Commission's resources, and ensuring fiscal responsibility.

Trends & Conditions Statement

**FY 2013-14
Workload Hours by Activity**



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

- To provide victims and victims' families an opportunity to participate in the decision-making process of the Commission and Board;
- To set conditions of supervision for releasees to provide maximum assurance of public safety;
- To ensure swift and certain responses when releasees willfully and substantially violate conditions of their supervision; and
- To provide accurate information to the Commission and Board.

The Commission's LRPP for FY 2015-16 through FY 2019-20 is a five-year plan based on established and proposed goals and objectives. In the development of the LRPP, the Commission reviewed and evaluated the services and activities funded in the current year to determine their effectiveness and efficiency. The Commission as it exists today has a multitude of duties. Created in 1941, the Commission is a constitutionally authorized, quasi-judicial, decision-making body. Article IV, Section 8 of the Florida Constitution, provides that there may be created by law "a parole and probation commission" with the power to supervise persons on probation and grant paroles or conditional releases to persons under sentences for crime (section 20.32, Florida Statutes). Since that time, the Legislature has added the administration of conditional medical release, control release, conditional release, addiction recovery release supervision and the administration of the capital clemency case counsel list to the Commission's primary duties and responsibilities.

These diverse functions provide the means for fulfilling the Commission's public safety duties: to protect the public by administering parole, conditional medical release, control release, conditional release and addiction recovery release supervision. In accordance with statutes and case law, maintaining control over this criminal population is contingent upon the attentive and timely completion of reviews, investigations and hearings. Many of the services provided are aimed at controlling offenders during the post-incarceration phase of their sentences and to facilitate their successful transition back into society. However, if the releasee fails to abide by the terms and conditions of their supervision, the Commission takes swift and certain action appropriate to the violation by means of the revocation process.

In performing its clemency responsibilities, the Commission acts as the investigative arm of the Governor and Cabinet, sitting as the Board of Executive Clemency, and provides administrative support in all clemency matters, including the RCR process.

To carry out the agency's statutorily mandated responsibilities, the Commission will be requesting \$410,577 in additional funds for FY 2015-16 to support the following four information technology operational needs listed in priority order.

Chapter 2009-81, Laws of Florida, required the Commission to transfer all of its Information Technology (IT) resources to the Department of Corrections (Department) by July 1, 2009. This resulted in the Commission, through a Service Level Agreement, becoming a customer of the Department for all of its IT services necessary for the successful operation of the Commission. Page 19 of the Service Level Agreement states, 'Beginning July 1, 2009, the Provider will invoice the Customer on a quarterly basis with the delivery, installation, and implementation of the service. The Customer agrees to pay the Provider quarterly, with payments made by journal transfer beginning July 1, 2009. A lump sum appropriation of \$194,450 for payment to the Provider has been allocated for IT services. Payments are for any costs associated with the provision of enhanced technology services for the Customer or for costs associated with upgrading the Customer's existing technology resources to meet the Provider's equipment standards.' The current amount of \$194,450 provided to the Department for all of the Commission's IT

Trends & Conditions Statement

services, is no longer adequate funding to perform all of the Commission's needed IT services. The Commission will be requesting \$55,753 in additional funds to meet the basic IT operational needs.

Based on the Commission's current consumption of server space, the agency's service provider (Department) projects that the Commission will need additional IT capacity in FY 2015-16. The amount of \$20,790 will purchase 2.5 terabytes, which will meet the operational needs of the Commission for the next three years. The amount of \$33,264 will purchase 4 terabytes, which will meet the IT capacity operational needs of the Commission for the next five years.

Currently the Commission has a backlog of IT application and programming requests ranging from October 2012 to February 2014. The requests include programming updates for current databases including the Clemency database (MAC) and Commission Management System (CMS) database. There are also outstanding requests for the creation of additional databases for Clemency records, Communications, Victims' Services, and Personnel and Accounting. The Commission will be requesting \$300,000 in additional funds for information technology applications and programming.

Implementing a technology refresh of equipment will allow the Commission to have computers capable of running current operating systems and productive office software, while ensuring sensitive information is secure and protected. The Commission has a total of 154 computers to be replaced over the next five years (154 units x \$700 = \$107,800) and will be requesting \$21,560 in additional funds to replace 31 computers in FY 2015-16.

Victims' Services

Victim assistance is a major tenet of the Commission's mission and considered vitally important. Article I, Section 16(b) of Florida's Constitution, and sections 947.06 and 960.001, Florida Statutes, address the need to protect the rights of victims of crime and the need for victims' input in the criminal justice process. Victims' Services provides direct, personal assistance to crime victims and their families and assures their opportunity to participate in the parole, conditional medical release, control release, conditional release, addiction recovery release supervision, and clemency processes.

Victims' Services staff strive to reduce victimization through education and by providing and fostering an environment of compassion, dignity, and respect. They use this platform to: inform victims of their right to be heard and participate in the parole, conditional medical release, control release, conditional release, addiction recovery release supervision, and clemency processes; educate victims about the parole, conditional medical release, control release, conditional release, addiction recovery release supervision, and clemency processes; provide advance notice to victims of upcoming parole, conditional medical release and clemency proceedings; personally greet victims; provide a separate waiting area; and accompany them during hearings. A toll-free telephone number is also available for support or information before, during, and after the hearing process.

On June 30, 2014, there were 20,125 clemency cases pending, with most requiring victim input. Further, there are approximately 4,626 inmates currently with parole eligible cases in which input from victims is appropriate.

Victim input plays a critical role in assisting the Commission and Board to make informed decisions. Great effort must be spent trying to locate victims, many of whom have relocated, changed their names through marriage or have been out of contact with the criminal justice system for many years. Employing trained, professional staff to assist victims of crimes ensures that the victim's rights are protected and they are not subjected to further victimization as a result of a release or clemency hearing decision.

During the 2010 Florida Legislative Session, SB 200, a victim-friendly bill was passed and became law on July 1, 2010 (Chapter No. 2010-95). The new law amended sections 947.16, 947.174, and 947.1745, Florida Statutes, giving the Commission authority to increase the interval between parole consideration re-interviews from within five years to within seven years for parole eligible offenders who were convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under section 775.082, Florida Statutes. Currently, Victims' Services comprise 8% of the Commission's workload with central and field office staff providing 23,112 victim assists during FY 2013-14. During the 2013 Legislative Session, HB 685, a victim-friendly bill was passed and became law on July 1, 2013. The new law amended sections 947.16, 947.174,

Trends & Conditions Statement

and 947.1745, Florida Statutes, giving the Commission authority to increase the interval between parole consideration re-interviews from within two years to within seven years for parole-eligible offenders who were convicted of specified crimes. The Commission's mission and philosophy are to provide for public safety with goals which seek to ensure that Florida's citizens are safe, and to do so in an effective and efficient manner. Lengthening the time between subsequent interview dates for those inmates who pose the greatest risk to the public and who are not expected to receive parole in the near future, reduces further victimization and trauma to crime victims and their families.

Since FY 2004-05, the Commission has been awarded a VOCA grant, administered through the Office of the Attorney General, Bureau of Advocacy and Grants Management. August 2014, the Commission was awarded a VOCA grant in the amount of \$60,558 for FY 2014-15, an increase in funding of \$10,000. The Commission will be requesting budgetary authority for \$60,558 to continue providing services to victims of crime.

Parole

The Commission administers parole (Chapters 947, 948, and 949, Florida Statutes), a discretionary prison release, which allows an inmate who has been granted parole to serve the remainder of his prison sentence outside of the confines of the institution. Once released, the parolee is subject to strict conditions of supervision set by the Commission. The Commission monitors the parolee's progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If a parolee is found to have willfully and substantially violated the terms and conditions of his supervision, the Commission may return the parolee to prison.

Inmates eligible for parole are those who committed:

1. a first-degree murder, a felony murder, or the crime of making, possessing, throwing, projecting, placing, or discharging a destructive device (or the attempt of) prior to May 25, 1994;
2. all other capital felonies prior to October 1, 1995;
3. a continuing criminal enterprise (violation of s. 893.20, F.S.) prior to June 17, 1993;
4. a murder of a law enforcement officer (and other specified officers) prior to January 1, 1990;
5. a murder of a justice or judge prior to October 1, 1990;

6. any felony prior to October 1, 1983, or those who elected to be sentenced "outside the guidelines" for felonies committed prior to July 1, 1984;
7. any habitual felony offender sentence prior to October 1, 1988.

Some inmates will not be eligible for consideration until the year 2020 or beyond. On June 30, 2014, there were 4,626 inmates who are eligible for parole and 440 releasees on parole supervision. In FY 2013-14, the Commission made 1,437 parole decisions and granted parole to 23 inmates.

The Commission exceeded its projected goal of 85% for the reporting period by 11%, with 48 of 50 paroled inmates successfully completing their supervision without revocation within the first two years of release.

The Commission requested and received approval by the Legislature to revise the outcome performance measure "Percent of parolees who have successfully completed their supervision without revocation within the first two years" to "within the first three years" and output performance measure "Number of parolees who have successfully completed their supervision without revocation within the first two years" to "within the first three years." This revision aligns the Commission with the recidivism data collection methods of other criminal justice agencies. There were 45 inmates paroled during FY 2010-11, with 42, or 93%, successfully completing their supervision without revocation within the first three years.

Conditional Medical Release

In 1992, the Florida Legislature created the Conditional Medical Release Program (section 947.149, Florida Statutes), a discretionary release allowing the Commission to release inmates on supervision who are "terminally ill" or "permanently incapacitated," and who are not a danger to themselves or others. The Department is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the Commission. The Commission monitors the offender's progress through periodic medical reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked, and the offender returned to prison if the Commission determines that a willful and substantial violation has occurred. The Commission may return the offender to custody if their

Trends & Conditions Statement

medical or physical condition improves. In FY 2013-14, 100% of offenders placed on conditional medical release successfully completed supervision. The Department has recommended 74 inmates for release in the past three fiscal years. The Commission granted release to 36, or 49%, of those recommended by the Department. In FY 2013-14, the Commission granted 8 of the 19 inmates recommended by the Department for conditional medical release, or 42%.

Conditional Release

In 1988, the Florida Legislature created the Conditional Release Program (section 947.1405, Florida Statutes) and placed it under the administration of the Commission. This program is a non-discretionary release program and requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal or designated sexual predator.

Inmates who are subject to conditional release and have completed their incarceration are supervised for the remainder of their sentences. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If a conditional releasee is found to have willfully and substantially violated the conditions of supervision, the Commission may return him to prison. On July 1, 2014, there were 3,177 releasees on conditional release supervision, and in FY 2013-14 the Commission set terms and conditions for 5,305 releasees.

Currently, the Conditional Release statute only places a portion of violent offenders under supervision upon release from prison. The Commission is proposing legislation for consideration in the 2015 session to place additional violent offenders on mandatory supervision after completion of their prison sentences. The result will increase public safety, reduce the number of victims, decrease the costs of crime, and enhance the offenders' chances for a successful reentry into the community.

In FY 2013-14, 18,624 offenders were released from prison after completion of their sentences without supervision. Of those, 2,854 were violent offenders.

These violent offenders do not meet the current requirements for mandatory supervision under section 947.1405, Florida Statutes. Violent offenses include murder, sexual battery, robbery, aggravated assault, aggravated battery, and aggravated stalking.

Violent offenders under supervision reoffend at a lower rate than those released without supervision. Data shows that 25% of inmates released without supervision reoffend versus only 19.5% for violent offenders under conditional release supervision. This 5.5% difference is significant and shows that supervision is effective in reducing crime and the number of victims in our communities. It is imperative that violent offenders are under mandatory supervision when released from prison to ensure public safety.

When an offender is released from prison without supervision they receive little or no assistance. An offender placed under supervision receives guidance and is required to complete programs specific to their needs, assisting their reentry into the community. While under the proposed mandatory supervision, these violent offenders will be required to pay victim restitution, court costs, and costs of supervision. These violent offenders will be held accountable for their actions and will be subject to strict conditions of supervision set by the Commission. This supervision can be revoked, and the violent offender returned to prison if the Commission determines that a willful and substantial violation of supervision has occurred. The proposal will only affect violent offenders who commit a crime on or after the July 1, 2015 effective date.

The following are examples of violent offenders released without supervision pursuant to the current statute and are illustrative of those offenders that the Commission is targeting with this proposal.

Released to Lake County

The inmate was incarcerated for **Robbery with a Weapon** and was released on August 23, 2009 without supervision. In November 2009, he committed **Sexual Battery on a minor, a 12-year-old female**. Upon the mother returning from work, her son told her that the offender raped his sister. Hospital staff stated the victim was violated in multiple areas. The offender was returned to prison on June 24, 2010 with a 45-year sentence.

Released to Miami-Dade County

The inmate was incarcerated for **Second Degree**

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Murder and was released on September 1, 2009 without supervision. He subsequently committed **Robbery with a Gun** and was returned to prison on June 2, 2010 with a seven-year sentence.

Released to Brevard County

The inmate was incarcerated for **Aggravated Assault with Weapon** and was released on June 14, 2010 without supervision. On April 4 and June 5, 2011, he committed **Burglary, Grand Theft, Possession of a Firearm, and Grand Theft Firearm**. He was returned to prison on August 3, 2012 with a 10-year sentence.

Released to Duval County

The inmate was incarcerated for **Robbery with a Weapon** and was released on October 21, 2009 without supervision. In April 2010, he committed **Battery and Aggravated Assault** on a 16 and 12-year-old by holding a gun to their heads. While in custody, he committed battery on another inmate, breaking the inmate's jaw. He was returned to prison on January 13, 2011 with a five-year sentence.

Released to Duval County

The inmate was incarcerated for **Aggravated Assault with a Weapon** and was released on September 17, 2009 without supervision. In October 2009, over a period of days, he committed **Armed Robbery with a Deadly Weapon** by entering five homes, robbing the victims at gunpoint (five convictions). He was returned to prison on September 7, 2010 with a life sentence.

Released to Duval County

The inmate was incarcerated for **Robbery** and was released on September 3, 2009 without supervision. In January 2010, he committed **Battery** by placing a machete to a woman's neck and punching her in the face. He was returned to prison on March 16, 2010 with a two-year sentence.

Released to Levy County

The inmate was incarcerated for **Aggravated Assault** and was released on February 14, 2010 without supervision. In November 2010, he **Resisted an Officer with Violence**. The offender came into the victim's home and demanded money while threatening to kill the victim. During the

arrest, the offender narrowly missed kicking the officer in the face and kicked his left leg. He was returned to prison on November 4, 2010 with a five-year sentence.

Released to Duval County

The inmate was incarcerated for **Lewd/Lascivious Behavior** and was released on October 10, 2009 without supervision. In July 2010, he committed **Grand Theft, Exploitation of the Elderly and Forgery**. He was returned to prison on December 15, 2009 with a one-year, five-month sentence.

Released to Palm Beach County

The inmate was incarcerated for **Robbery** and was released on September 27, 2009 without supervision. In April 2010, he committed **Attempted Burglary** by cutting the patio screen to gain entry into the home. He was returned to prison on March 14, 2011 with a two-year, six-month sentence.

Released to Alachua County

The inmate was incarcerated for **Robbery with a Weapon** and was released on October 30, 2009 without supervision. In July 2010, he was arrested for **Possession of Cannabis**. The Crime Suppression Unit obtained a warrant to search his home and found 81.2 grams of cannabis in small baggies. On July 27, 2010, he was arrested for **Sale of Cannabis** within 1,000 feet of a childcare facility. He was returned to prison on March 24, 2011 with a two-year, six-month sentence.

Addiction Recovery

The Florida Legislature created the Addiction Recovery Supervision Program (section 944.7431, Florida Statutes) in 2001 and placed it under the Commission's administration. This program requires mandatory post-prison supervision for offenders released from a state correctional facility who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. Upon release, the offender is subject to strict conditions of supervision set by the Commission. In FY 2013-14, 95% of offenders placed on addiction recovery supervision successfully completed supervision. The Commission monitors the offender's progress and conducts revocation hearings when al-

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leged violations are reported. If the Commission finds the offender willfully and substantially violated the terms and conditions of supervision, the Commission may return the offender to prison. During FY 2013-14, 1,120 offenders were placed in the program. As of June 30, 2014, there were 299 offenders on addiction recovery supervision.

Control Release

The Florida Legislature created the Control Release Authority (section 947.146, Florida Statutes) in 1989 with the members of the Commission acting as the release authority. When active, control release is utilized as a prison population management tool to keep it at less than 99% of the total capacity. Currently, the Commission is not reviewing the inmate population for discretionary release under this authority as there are sufficient prison beds to house the current prison population. Today, a small number of control releasees remain under supervision. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked, and the offender returned to prison if the Commission finds a willful and substantial violation has occurred.

Revocations

The revocation process is essential to the Commission's mission to ensure public safety and comprises 26% of the agency's workload. The violation process begins when law enforcement or the Department notifies the Commission that an offender under supervision has allegedly violated one or more conditions of their supervision. The Revocations Unit is responsible for reviewing these reported violations and preparing a warrant for a Commissioner's signature; updating the National Crime Information Center/Florida Crime Information Center databases; responding to requests from law enforcement agencies; and coordinating the extradition of out-of-state violators. In FY 2013-14, there were 2,028 warrants issued by the Commission.

Revocation hearings are quasi-judicial fact-finding hearings conducted by an examiner. They are held for offenders who are under parole, conditional medical release, control release, conditional release or addiction recovery release supervision. These hearings include parole preliminary hearings, final revocation hearings, bond hearings, and courtesy interstate probable cause hearings for the Department. Revocation

hearings include testimony from witnesses and are usually held at the county jail. In FY 2013-14, 99% of revocation hearings were acted upon by the Commission within 90 days of the final hearing.

The Revocations Unit conducts an in-depth analysis of hearing and waiver packages prepared by examiners and docketed the cases for final Commission action. Docketing and processing of cases for Commission action include review of supervision eligibility and violations of supervision. In FY 2013-14, 1,768 revocation events were docketed.

The Commission requested and received approval by the Legislature to revise the standard of the output performance measure "Number of revocation determinations" from 2,000 to 1,400. Over the past five years the number of revocation determinations has decreased, resulting in a 20% difference from the standard for FY 2013-14. Fewer revocations results in a reduction of offenders returning to prison, which is a positive result for the citizens of Florida.

Clemency

The Governor and members of the Cabinet sit as the Board of Executive Clemency; the Commission operates as the administrative and investigative arm of the Board. Clemency is a constitutionally authorized process and the forms of clemency include: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case (death penalty) reviews.

Under the Florida Constitution, when a person is convicted of a felony, they lose the right to vote, serve on a jury, hold public office, and possess a firearm. Administered by the Commission, the clemency process provides the means through which an offender may have some or all of their rights restored. The clemency process also provides a means by which the Board may consider an offender for relief from punishment. Persons seeking or being considered today for clemency relief are either incarcerated, released from a correctional facility or have completed their term of supervision. An individual may apply for commutation of sentence through a request for review as set forth in the Rules of Executive Clemency.

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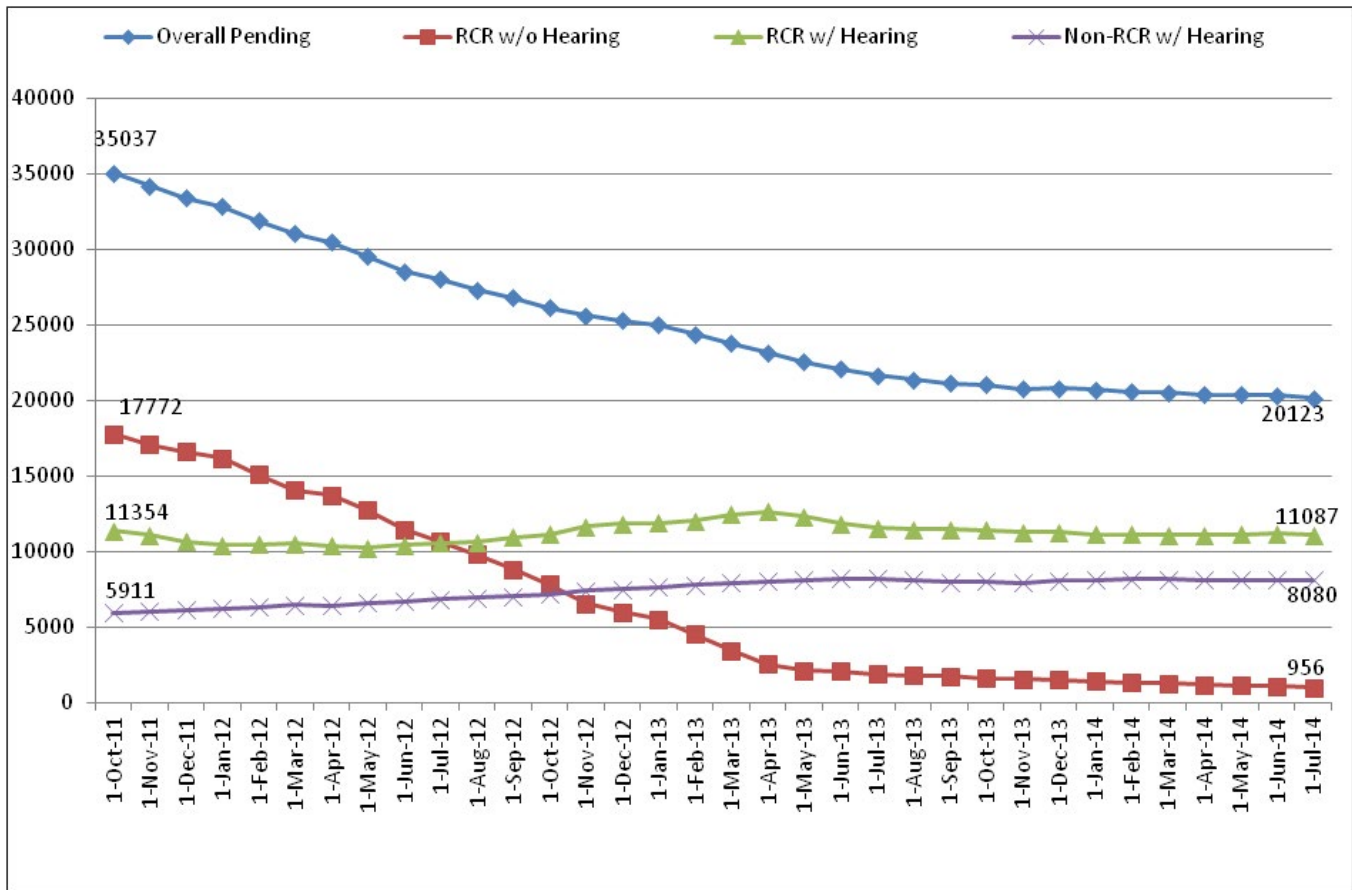
The type of clemency investigation conducted by the Commission primarily depends on the severity and nature of the offense and the form of clemency relief being sought. The Commission’s website provides detailed information regarding the list of offenses that determine the processing category. The depth and scope of each investigation vary by type, and each type has a different waiting period after completion of sentence.

The Commission assists the Board in the orderly processing of matters placed before the Board for consideration and action. The Commission conducts comprehensive, confidential investigations for applicants utilizing records and databases of state and federal courts, and multiple criminal justice agencies. The referral, assignment, and approval of all cases processed by the Commission are generated and managed by the clemency database. These detailed investigations provide a broad picture of the applicant’s history and activities, which assist the Board in making informed decisions.

Information is also available on the clemency page of the Commission’s website (www.fcor.state.fl.us/clemencyOverview.shtml) including application forms and instructions. Individuals may also check to see whether their rights have been granted. If granted, a copy of the certificate may be printed directly from the website. As of July 31, 2014, there have been 1,014,813 RCR website searches, 113,031 RCR certificates located, 71,267 RCR certificates printed, and 375,873 RCR certificates available. The Commission provides the Board’s action to the Florida Department of State on a daily basis so that it may use the information for verification purposes with the Central Voter Registration Database.

Restoration of Civil Rights (RCR) investigations are classified as follows: *Without a Hearing* and *With a Hearing*. *Without a Hearing* investigations are those where offenders, depending on the offense of conviction, are eligible for consideration only after five years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, if no crimes have been committed and if the applicant has

PENDING CLEMENCY CASES



Trends & Conditions Statement

not been arrested for a misdemeanor or felony for the five years prior to the date the application is being reviewed. *With a Hearing* investigations are those where offenders with more serious offenses are eligible for consideration only after seven years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

The Commission receives approximately 4,837 new clemency cases annually. In addition to the 9,674 new cases to be received during FY 2014-15 and FY 2015-16, there were 20,125 pending clemency cases on July 1, 2014.

During the 2014 Florida Legislative Session, HB 5303 reassigned the responsibility for appointing capital clemency counsel from the courts to the Board of Executive Clemency. Under the bill, the Board may only appoint private counsel; it cannot appoint the public defender or the regional conflict counsel. The new statutory fee cap is \$10,000, and the fees will be paid from funds appropriated to the Commission. The Commission was initially funded \$125,000 for FY 2014-15 while the preceding responsible party, the Justice Administration Commission, was also funded \$125,000 to pay any outstanding counsel fees. The Commission will be requesting \$250,000 to fund the program for FY 2015-16.

GOAL ONE

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

The Commission reviews the circumstances and seriousness of the offense, as well as the inmate's prior criminal record, previous education, employment history, risk assessment evaluations, disciplinary record and program participation in prison, substance abuse history, and any other information that would impact a release decision. Commission examiners interview the inmate at the prison, review the complete institutional record and the inmate's release plan, and provide the Commission with an investigative report. The Department provides mental health records upon request.

The Commission must make a finding that there is a reasonable probability that the inmate will be law-abiding, will not become a public charge, and that their re-

lease will be compatible with their own welfare and the welfare of society when considering an offender for parole. The Commission sets the term and conditions of supervision for those released on parole. The conditions are intended to protect the public and to facilitate the parolee's successful reintegration into society. The inmate must agree to the term and conditions of supervision in order to be paroled. If the parolee willfully and substantially violates the conditions of supervision, the Commission may revoke supervision and return the offender to prison.

The Commission also furthers this goal through the analysis of parole revocations data to identify common factors among this population of offenders that may have contributed to their inability to successfully transition into the community. This information aids the Commission in making future parole decisions and in assisting correctional probation officers in supervising parolees.

The Commission exceeded its projected goal of 85% in FY 2013-14 for goal one. There were 50 inmates paroled during the reporting period, with 48 or 96% successfully completing their supervision without revocation within the first two years of release.

GOAL TWO

The Commission's second goal is to ensure informed decisions are made by placing cases before the Commission and Board that have no factual errors. The objective of this goal is to ensure that the Commission and Board have the most complete and accurate information upon which to base their decisions. "Complete information" means that staff has obtained, or attempted to obtain, all relevant information necessary. "Accurate information" means that the information presented has been verified, or there is a statement in the report or investigation as to the reason the information could not be verified. "Factual errors" are defined as an omission of information or reporting incorrect information. These errors do not include typographical errors.

The types of cases reviewed for errors include non-RCR clemency investigations, cases considered for release, and revocation hearings. The Commissioners and the Board identify errors in the reports and investigations for the various types of cases reviewed. These errors are tabulated and expressed as a percentage of the total number of cases that are placed before the Commis-

Trends & Conditions Statement

sion and the Board. Targeting the error rate through performance measures allows the Commission to thoroughly evaluate errors and improve the release, revocation, and non-RCR clemency process.

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

The Commission addresses this priority by establishing clear policies and procedures, providing training, and completing Quality Assurance (QA) reviews. This ensures that staff produce a quality work product by having the Commission provide clear direction as to what is expected in the performance of their duties. Training provides detailed instruction on the correct procedures that must be followed when acting as a hearing officer in revocation proceedings or when acting as an investigator on a clemency case. The QA reviews are conducted by regional administrators, supervisors, and central office staff.

The percent of cases placed before the Commission and Board containing no factual errors for FY 2013-14 was 99%, exceeding the goal of 98%.

GOAL THREE

The Commission's third goal is to guarantee timely decisions by ensuring that once the final revocation hearing has been held, the Commission will render its decision within 90 days. In FY 1999-2000, the baseline percentage of revocation cases voted within 90 days was 95%. In FY 2013-14, the percentage remains high at 99%.

The Commission achieved its goal and will strive to maintain this high level of performance.

GOALS FOUR & FIVE

The Commission's fourth and fifth goals focus on ensuring informed decisions are made by placing RCR cases before the Board containing no factual errors. RCR cases are categorized as RCR *Without a Hearing* and RCR *With a Hearing* investigations.

The objective of these goals is to ensure that the Board has the most complete and accurate information with which to base their decisions pertaining to RCR. "Complete information" means that staff has obtained or attempted to obtain all relevant information necessary for the Board to make an informed decision. "Accurate information" means that the information presented has been verified, or there is a statement in the report or investigation as to the reason the information could not be verified. "Factual errors" are defined as an omission of information, reporting incorrect information, or incorrectly determining eligibility. These errors do not include typographical errors.

The Commission acknowledges the significance and importance of the RCR process and providing quality investigative reports. Utilizing performance measures allows the Commission to evaluate the error rate of RCR cases and to improve the process. Errors are identified in Executive Orders and investigations for the various types of RCR cases reviewed. These errors are tabulated and expressed as a percentage of the total number of RCR cases that are placed before the Board.

The Commission addresses this priority by establishing clear policies and procedures, providing training, completing QA reviews, and holding monthly RCR teleconferences. This ensures that staff produce a quality work product by providing clear direction as to what is expected in the performance of their duties. Training provides detailed instruction on the Rules of Executive Clemency and the correct procedures when conducting a clemency investigation. The QA reviews are conducted by regional administrators, supervisors, and central office staff. Monthly statewide clemency teleconferences address questions from the field staff, discuss policies and procedures, and allow Clemency Investigations' staff the opportunity to discuss any relevant issues.

The Commission met its projected goals of 99% by placing 99% of both the RCR *Without a Hearing* cases and RCR *With a Hearing* cases before the Board with no factual errors in FY 2013-14.

FLORIDA COMMISSION ON OFFENDER REVIEW

Performance Measures & Standards - Exhibit II

Performance Measures & Standards - Exhibit II

LRPP Exhibit II - Performance Measures and Standards				
Department: Florida Commission on Offender Review		Department No.: 78000000		
Program: Post-Incarceration Enforcement and Victims' Rights		Code: 78010000		
Service/Budget Entity:		Code:		
Approved Performance Measures for FY 2014-15	Approved Prior Year Standard FY 2013-14	Prior Year Actual FY 2013-14	Approved Standard for FY 2014-15	Requested Standard for FY 2015-16
Number of parolees who have successfully completed their supervision without revocation within the first two years	20	49		
Percent of parolees who have successfully completed their supervision without revocation within the first two years	85%	96%		
Percent of revocation cases completed within 90 days after final hearing	99%	99%	99%	99%
Percent of cases placed before the Commission/Clemency Board containing no factual errors	98%	99%	98%	98%
Number of conditional release/addiction recovery cases handled	5,597	7,934	5,597	5,597
Number of revocation determinations	2,000	1,768	1,400	1,400
Number of clemency cases completed	12,000	7,636	12,000	6,000
Number of parole and conditional medical release decisions	1,374	1,457	1,374	1,374
Number of victim assists	15,000	23,112	15,000	15,000
Percent of RCR <i>With a Hearing</i> cases provided to the Clemency Board containing no factual errors	99%	99%	99%	99%
Percent of RCR <i>Without a Hearing</i> cases provided to the Clemency Board containing no factual errors	99%	99%	99%	99%
Number of parolees who have successfully completed their supervision without revocation within the first three years			34	34
Percent of parolees who have successfully completed their supervision without revocation within the first three years			90%	90%

FLORIDA COMMISSION ON OFFENDER REVIEW

Assessment of Performance For Approved Performance Measures - Exhibit III

Assessment of Performance For Approved Performance Measures - Exhibit III

LRPP Exhibit III (1): Performance Measure Assessment

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of revocation determinations

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
2,000	1,768	(-232)	12%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: Reentry efforts have resulted in a decrease in the number of revocations.

External Factors (check all that apply):

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

Explanation: Reentry efforts have resulted in a decrease in the number of revocations.

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

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

Recommendation: Fewer revocations results in a reduction of offenders returning back to prison, which is a positive result for the citizens of Florida. Last year, the Commission requested the standard be revised from 2,000 to 1,400 determinations; subsequently, the revision of the measure was approved for FY 2014-15.

Assessment of Performance For Approved Performance Measures - Exhibit III

LRPP Exhibit III (2): Performance Measure Assessment

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of Clemency Cases Completed

Action:

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
12,000	7,636	(4,364)	36%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

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

Explanation: In FY 2013-14, the Commission completed the initial eligibility screening of all pending applications submitted for all forms of clemency. Citizens are now provided information as to their eligibility status much quicker. With the combination of the Office of Executive Clemency remaining current in screening applications and the number of incoming applications decreasing, this will result in fewer ineligible determinations which take less time to complete. A much higher percentage of our pending clemency cases require a more in-depth investigation and a report submitted to the Clemency Board. These investigations take a greater amount of time to complete which reduces the number of cases completed.

External Factors (check all that apply):

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

Explanation:

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

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

Recommendation: Revise the standard from 12,000 to 6,000 cases to account for the greater percentage of pending cases requiring the more in-depth investigation and report.

FLORIDA COMMISSION ON OFFENDER REVIEW
Performance Measure Validity & Reliability - Exhibit IV

Performance Measure Validity & Reliability - Exhibit IV

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

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Percent of parolees who have successfully completed their supervision without revocation within the first three years

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

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

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

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

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (3): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Percentage of revocation cases completed within 90 days after final hearing

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (4): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Percent of cases placed before the Commission/Clemency Board containing no factual errors

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (5): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of revocation determinations

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (6): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of conditional release/addiction recovery cases handled

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (7): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of clemency cases completed

Action (check one):

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

Data Sources and Methodology:

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

Validity:

In FY 2013-14, the Commission completed the initial eligibility screening of all pending applications submitted for all forms of clemency. Citizens are now provided information as to their eligibility status much quicker. With the combination of the Office of Executive Clemency remaining current in screening applications and the number of incoming applications decreasing, this will result in fewer ineligible determinations which take less time to complete. A much higher percentage of our pending clemency cases require a more in-depth investigation and a report submitted to the Clemency Board. These investigations take a greater amount of time to complete which reduces the number of cases completed.

Reliability:

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

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (8): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of parole and conditional medical release decisions

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (9): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Number of victim assists

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (10): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Percent of RCR *With a Hearing* cases provided to the Clemency Board containing no factual errors

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

Performance Measure Validity & Reliability - Exhibit IV

LRPP EXHIBIT IV (11): Performance Measure Validity and Reliability

Department: Florida Commission on Offender Review

Program: Adult Prisons

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

Measure: Percent of RCR *Without a Hearing* cases provided to the Clemency Board containing no factual errors

Action (check one): N/A

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

Data Sources and Methodology:

Validity:

Reliability:

FLORIDA COMMISSION ON OFFENDER REVIEW

Associated Activities Contributing To Performance Measure - Exhibit V

Associated Activities Contributing To Performance Measure - Exhibit V

LRPP Exhibit V: Identification of Associated Activities Contributing to Performance Measures			
Measure Number	Approved Performance Measures for FY 2013-2014		Associated Activities Title
1	Number of parolees who have successfully completed their supervision without revocation within the first two years		(2) Offender Revocations (4) Parole Determinations (5) Victims' Services
2	Percentage of parolees who have successfully completed their supervision without revocation within the first two years		(2) Offender Revocations (4) Parole Determinations (5) Victims' Services
3	Percentage of revocation cases completed within 90 days after final hearing		(2) Offender Revocations (5) Victims' Services
4	Percentage of cases placed before the Commission/Clemency Board containing no factual errors		(1) Conditional Release (2) Offender Revocations (3) Clemency Services (4) Parole Determinations (5) Victims' Services
5	Number of conditional release/addiction recovery cases handled		(1) Conditional Release (5) Victims' Services
6	Number of revocation determinations		(2) Offender Revocations (5) Victims' Services
7	Number of clemency cases completed		(3) Clemency Services (5) Victims' Services
8	Number of parole and conditional medical release decisions		(4) Parole Determinations (5) Victims' Services
9	Number of victim assists		(1) Conditional Release (2) Offender Revocations (3) Clemency Services (4) Parole Determinations (5) Victims' Services
10	Percent of RCR <i>With a Hearing</i> cases provided to the Clemency Board containing no factual errors		(3) Clemency Services (5) Victims' Services
11	Percent of RCR <i>Without a Hearing</i> cases provided to the Clemency Board containing no factual errors		(3) Clemency Services (5) Victims' Services

Agency-Level Unit Cost Summary - Exhibit VI:

COMMISSION ON OFFENDER REVIEW	FISCAL YEAR 2013-14			
SECTION I: BUDGET	OPERATING			FIXED CAPITAL OUTLAY
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			8,368,176	0
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			386,160	0
FINAL BUDGET FOR AGENCY			8,754,336	0
SECTION II: ACTIVITIES * MEASURES	Number of Units	(1) Unit Cost	(2) Expenditures	(3) FCO
<i>Executive Direction, Administrative Support and Information Technology (2)</i>				
Conditional Release * Number of conditional and addition recovery cases handled	7,934	54.24	430,335	
Offender Revocations * Number of revocation determinations	1,768	1,265.69	2,237,736	
Clemency Services * Number of clemency cases completed	7,636	564.00	4,306,707	
Parole Determination * Number of parole and conditional medical release decisions	1,457	649.78	946,735	
Victims' Services * Number of victim assists	23,112	31.80	735,064	
TOTAL			8,656,577	
SECTION III: RECONCILIATION TO BUDGET				
PASS THROUGHS				
TRANSFER - STATE AGENCIES				
AID TO LOCAL GOVERNMENTS				
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS				
OTHER				
REVERSIONS				97,763
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				8,754,340
SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY				

(1) Some activity unit costs may be overstated due to the allocation of double budgeted items.

(2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.

(3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.

(4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.

Glossary of Terms & Acronyms

Capital Case:

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

Clemency Pending Case:

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

Clemency Investigation:

A background investigation conducted by an examiner to determine those persons requesting clemency who should be considered for any form of clemency by the Governor and Cabinet sitting as the Executive Clemency Board.

Final Hearing:

A fact-finding quasi-judicial hearing by the Commission's authorized representatives for the purpose of determining whether a releasee has violated the conditions of release; and if so, recommend a disposition to the Commission.

Examiner:

An employee of the Commission responsible for conducting parole, clemency and revocations investigations, holding revocation hearings, and preparing reports for Commission and Board review.

Releasee:

An offender who has been released to a program of parole, conditional medical release, control release, conditional release, or addiction recovery release supervision.

Restitution:

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

Restoration of Civil Rights (RCR) With a Hearing Case:

With a Hearing investigations are those where offenders with more serious offenses are eligible for consideration only after seven years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

Restoration of Civil Rights (RCR) Without a Hearing Case:

Without a Hearing investigations are those where offenders, depending on the offense of conviction, are eligible for consideration only after five years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, if no crimes have been committed and if the applicant has not been arrested for a misdemeanor or felony for the five years prior to the date the application is being reviewed.

Request for Review:

A request to waive the Board Rules by an individual seeking a commutation of sentence.