



# FLORIDA COMMISSION ON OFFENDER REVIEW

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Florida Commission on Offender Review  
Tallahassee, Florida

September 29, 2018

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Executive Office of the Governor  
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House Appropriations Committee  
221 Capitol  
Tallahassee, Florida 32399-1300

Mike Hansen, Staff Director  
Senate Committee on Appropriations  
201 Capitol  
Tallahassee, Florida 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 2019-20 through Fiscal Year 2023-24. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is [www.fcor.state.fl.us](http://www.fcor.state.fl.us). The submission has been approved by me, Melinda N. Coonrod, as Chairman of the Commission.

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

Sincerely,

Melinda N. Coonrod  
Chairman/Commissioner

LONG RANGE PROGRAM PLAN  
FISCAL YEARS 2019-20 THROUGH 2023-24  
*Prepared for the Office of Policy and Budget*  
September 29, 2018



FLORIDA COMMISSION ON OFFENDER REVIEW

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A Governor and Cabinet Agency Created in 1941

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# Florida Commission on Offender Review

## 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.

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# 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-RCR<sup>1</sup> 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 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.

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<sup>1</sup> 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 three years of release.

BASELINE YEAR FY 1999-2000	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
90%	90%	90%	90%	90%	90%

The Commission exceeded its projected goal of 90% in FY 2017-18. Twenty-five inmates released to parole during the reporting period, or 100%, successfully completed their supervision without revocation within the first three years of release.

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**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 determinations 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 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
83%	98%	98%	98%	98%	98%

The Commission exceeded its projected goal of 98% by placing 99.8% of its cases before the Commission and the Board with no factual errors in FY 2017-18.

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**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 after final hearing.

BASELINE YEAR FY 1999-2000	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
95%	99%	99%	99%	99%	99%

The Commission exceeded its projected goal of 99% in FY 2017-18 by completing 99.8% of revocation cases within 90 days after the final hearing was held or waived.

# 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 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
100%	99%	99%	99%	99%	99%

The Commission exceeded its projected goal of 99%, as 99.8% of the RCR *Without a Hearing* cases placed before the Board contained no factual errors in FY 2017-18.

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**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 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24
99%	99%	99%	99%	99%	99%

The Commission exceeded its projected goal of 99%, as 100% of the RCR *With a Hearing* cases placed before the Board contained no factual errors in FY 2017-18.

# 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. Public Safety

Protect our communities by ensuring the health, welfare, and safety of our citizens.

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, consistent with the Governor's priorities.

All five of the Commission's goals link to the Governor's third priority, **Public Safety - Protect our communities by ensuring the health, welfare, and safety of our citizens.**

- 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).

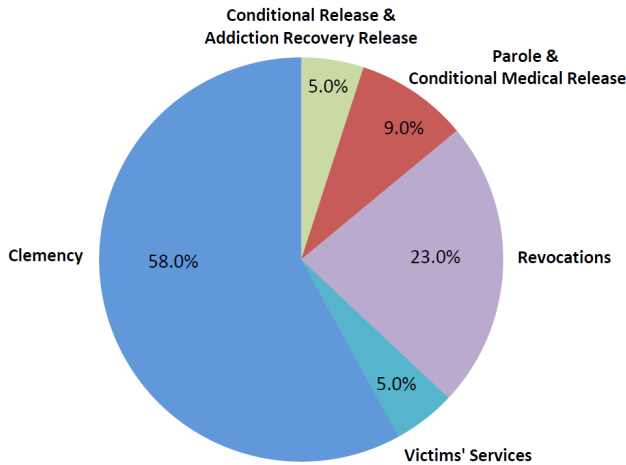
The Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and offenders.

Commissioners preside over approximately 36 hearings annually. During these public proceedings, the Commissioners make a variety of determinations regarding parole, conditional medical release, conditional release, addiction recovery release supervision, and control release.

Additionally, the Commission operates as the administrative and investigative arm of the Clemency Board and reports directly to the Governor and Cabinet. The Coordinator is appointed by the Board; is the official custodian of clemency records; provides verification of eligibility and Board actions; and prepares the agenda, orders, and certificates. The Office of Clemency Investigations and Field Services staff conduct comprehensive, confidential investigations for the Board on clemency applicants.

# Trends & Conditions Statement

## Workload Hours by Activity FY 2017-18



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 processes 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 2019-20 through FY 2023-24 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(c) 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 crimes (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 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.

### Victims' Services

Victim assistance is a key tenet of the Commission's mission and is 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, assuring 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



## Trends & Conditions Statement

use this platform to: inform victims of their rights 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 July 1, 2018, there were 22,746 clemency cases pending, with most requiring victim input. Furthermore, there were approximately 4,275 inmates with parole eligible cases as of June 30, 2018, in which victim input would also be 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 who may 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 that he or she is 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 comprises 5% of the Commission's workload with central and field office staff providing 21,369 victim assists during FY 2017-18.

During the 2013 Legislative Session, HB 685, an additional victim-friendly bill was passed and became

law on July 1, 2013. 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 two years to within seven years for parole eligible offenders who were convicted of specified crimes. The Commission's mission is to provide for public safety with goals that seek to ensure the safety of Florida's citizens, 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 Victims of Crime Act (VOCA) grant, administered through the Office of the Attorney General's Bureau of Advocacy and Grants Management. In September 2018, the Commission was awarded a VOCA grant in the amount of \$126,623 for FY 2018-19, an increase in funding of \$7,713. The Commission will be requesting additional budgetary authority for \$8,285, 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. Any felony committed prior October 1, 1983, or those who elected to be sentenced "outside the guidelines" for felonies committed prior to July 1, 1984;
2. All capital felonies committed prior to October 1, 1995, except:
  - a.) murder or felony murder committed after May 25, 1994;

# Trends & Conditions Statement

b.) making, possessing, throwing, placing, or discharging a destructive device or attempt to do so which results in the death of another person after May 25, 1994;

c.) first degree murder of a law enforcement officer, correctional officer, state attorney, or assistant state attorney committed after January 1, 1990; and

d.) first degree murder of a justice or judge committed after October 1, 1990.

3. Any continuing criminal enterprise committed before June 17, 1993; and

4. Any attempted murder of a law enforcement officer committed between October 1, 1988, and October 1, 1995.

Some inmates will not be eligible for consideration until the year 2020 or beyond. On June 30, 2018, there were 4,275 inmates who were eligible for parole and 449 releasees on parole supervision. In FY 2017-18, the Commission made 1,499 parole determinations and granted parole to 14 inmates.

The Commission exceeded its projected goal of 90% for the reporting period by 10%, with 25 of 25 paroled inmates successfully completing their supervision without revocation within the first three years of release.

## 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 his or her medical or physical condition improves. The Department has recommended 124 inmates for release in the past three fiscal years. The Commission granted

release to 66, or 53%, of those recommended by the Department. In FY 2017-18, the Commission granted 21 of the 39 inmates recommended by the Department for conditional medical release, or 54%.

## 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 habitual offenders, violent habitual offenders, violent career criminals, or designated sexual predators.

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 the offender to prison. On June 30, 2018, there were 2,936 releasees on conditional release supervision, and in FY 2017-18 the Commission set terms and conditions for 5,212 releasees.

## 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. The Commission monitors the offender's progress and conducts revocation hearings when alleged violations are reported. If the Commission finds the offender willfully and substantially violated the

# Trends & Conditions Statement

terms and conditions of supervision, the Commission may return the offender to prison. During FY 2017-18, 1,046 offenders were placed in the program. As of June 30, 2018, there were 245 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 23% 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 2017-18, there were 2,020 warrants issued by the Commission.

Revocation hearings are quasi-judicial fact-finding hearings conducted by a Commission Investigator. 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 2017-18, 99.8% of revocation hearings were completed 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 Commission Investigators and docketed the cases for final Commission action. Docketing and processing cases for Commission action includes review of supervision eligibility and supervision violations. In FY 2017-18, 1,626 revocation events were docketed.

## Clemency

The Governor and members of the Cabinet sit as the Clemency Board and set forth the Rules of Executive Clemency. The Commission operates as the administrative and investigative arm of the Board. Clemency is a constitutionally authorized process. 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; restoration of alien status under Florida law; and capital case (death penalty) reviews.

In Florida, 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.

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 Rules of Executive Clemency provide 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

# Trends & Conditions Statement

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](http://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 2018, there have been 2,794,192 RCR website searches, 356,111 RCR certificates located, 102,322 RCR certificates printed, and 377,838 RCR certificates available. The Commission provides the Board's action to the Florida Department of State, Division of Elections, 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 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.

Currently, there are 66 FTEs, full or part time, and 15 full or part time OPS staff that complete clemency cases. As of July 1, 2018, there were 22,746

pending clemency cases. The Commission is requesting \$500,000 in recurring OPS funding to address the clemency workload to complete cases and ensure that accurate eligibility determinations are made in a timely manner. This request aligns with the Governor's public safety priority of protecting our communities by ensuring the health, welfare, and safety of our citizens.

## 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 or not 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, education, employment history, risk assessment evaluations, disciplinary record and program participation while incarcerated, substance abuse history, and any other information that would impact a release decision. Commission Investigators interview the inmate at the institution, review the entire institutional record and the inmate's release plan, and provide the Commission with an investigative report. The Department provides mental health records upon request.

When considering an inmate for parole, the Commission is required to make a finding that there is a reasonable probability that the inmate will be law-abiding, will not become a public charge, and that his or her release will be compatible with his or her own welfare and the welfare of society. The Commission sets the 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 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 exceeded its projected goal of 90% in FY 2017-18 for goal one. Twenty-five of 25 inmates released to parole during the reporting period successfully completed their supervision without revocation within the first three years of release.



# Trends & Conditions Statement

## 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 Commission 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 clemency staff.

The percent of cases placed before the Commission and Board containing no factual errors for FY 2017-18 was 99.8%, 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 or waived for control release, conditional release and addiction recovery release supervision cases, the Commission will render its decision within 90 days. In FY 1999-2000, the baseline percentage of revocation cases determined by Commissioners within 90 days was 95%. In FY 2017-18, the percentage remains high at 99.8%.

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

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## Trends & Conditions Statement

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 bimonthly clemency 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 clemency staff. Bimonthly statewide clemency teleconferences address questions from the field staff, provide a forum to discuss policies and procedures, and allow Clemency Investigations' staff the opportunity to discuss any relevant issues.

The Commission exceeded its projected goal of 99% by placing 100% of the RCR *With a Hearing* cases and exceeded its projected goal of 99% by placing 99.8% of the RCR *Without a Hearing* cases before the Board with no factual errors in FY 2017-18.

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# FLORIDA COMMISSION ON OFFENDER REVIEW

## Performance Measures & Standards - Exhibit II

# Performance Measures & Standards - Exhibit II

<b>LRPP Exhibit II - Performance Measures and Standards</b>				
Department: Florida Commission on Offender Review		Department No.: 78000000		
Program: Post-Incarceration Enforcement and Victims' Rights		Code: 78010000		
Service/Budget Entity:		Code:		
<b>Approved Performance Measures for FY 2017-18</b>	<b>Approved Prior Year Standard FY 2017-18</b>	<b>Prior Year Actual FY 2017-18</b>	<b>Approved Standard for FY 2018-19</b>	<b>Requested Standard for FY 2019-20</b>
Percent of revocation cases completed within 90 days after final hearing	99%	99.8%	99%	99%
Percent of cases placed before the Commission and Clemency Board containing no factual errors	98%	99.8%	98%	98%
Number of conditional release/addiction recovery decisions	5,597	7,910	5,597	5,597
Number of revocation determinations	1,400	1,626	1,400	1,400
Number of clemency cases completed	6,000	5,639	6,000	5,000
Number of parole and conditional medical release determinations	1,048	1,543	1,048	1,048
Number of victim assists	15,000	21,369	15,000	15,000
Percent of RCR <i>With a Hearing</i> cases provided to the Clemency Board containing no factual errors	99%	100%	99%	99%
Percent of RCR <i>Without a Hearing</i> cases provided to the Clemency Board containing no factual errors	99%	99.8%	99%	99%
Number of parolees who have successfully completed their supervision without revocation within the first three years	20	25	20	Remove
Percent of parolees who have successfully completed their supervision without revocation within the first three years	90%	100%	90%	90%



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# 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 clemency cases completed

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
6,000	5,639	-361	6%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

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

**Explanation:** The average time it takes to complete each type of clemency case increased during FY 2017-18. Fewer applications were determined ineligible, which resulted in a significantly higher percentage of pending clemency cases that will require a more in-depth investigation and a report submitted to the Board of Executive Clemency. These investigations take a greater amount of time to complete, which reduces the number of cases completed.

**External Factors** (check all that apply):

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

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

- Training       Technology  
 Personnel       Other (Identify)

**Recommendation:** Revise the standard from 6,000 to 5,000 cases to account for the greater percentage of pending cases requiring the more in-depth investigation and report.

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

**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 is requesting that this performance measure be eliminated due to the ongoing decrease in inmates with parole eligible sentences. Additionally, this measure is in direct conflict with the Governor's priority of public safety by requiring a quota for parole releases.

Source: Florida Department of Corrections' Offender Based Information System (OBIS).

### **Validity:**

This indicator is not a valid measure of the effectiveness of the Commission in parole release determinations, and in fact, is antithetical to the Governor's priority of public safety by requiring a quota.

### **Reliability:**

This measure consistently yields the same results and is free from random errors.

# 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:** 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 (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:** Percentage 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 is requesting revisions to the approved standard from 6,000 to 5,000 cases to account for the greater percentage of pending cases requiring the more in-depth investigation and report.

Source: The Florida Commission on Offender Review MAC database

### **Validity:**

This indicator is a valid measure of how many clemency cases are completed by the Commission in the provided time frame.

### **Reliability:**

This measure consistently yields the same results and is 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):

- 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:**

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# FLORIDA COMMISSION ON OFFENDER REVIEW

## Associated Activities Contributing To Performance Measure - Exhibit V

## Associated Activities Contributing To Performance Measure - Exhibit V

<b>LRPP Exhibit V: Identification of Associated Activities Contributing to Performance Measures</b>			
<b>Measure Number</b>	<b>Approved Performance Measures for FY 2017-2018</b>		<b>Associated Activities Title</b>
1	Number of parolees who have successfully completed their supervision without revocation within the first three 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 three 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 decisions		(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 determinations		(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





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# 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 a Commission Investigator 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.

**Investigator:**

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.