



FLORIDA COMMISSION ON OFFENDER REVIEW

MELINDA N. COONROD
Commissioner/ Chair

RICHARD D. DAVISON
Commissioner/Vice-Chair

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Commissioner/Secretary

LONG RANGE PROGRAM PLAN

Florida Commission on Offender Review
Tallahassee, Florida

September 30, 2020

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Office of Policy and Budget
Executive Office of the Governor
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Tallahassee, Florida 32399-0001

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House Appropriations Committee
221 Capitol
Tallahassee, Florida 32399-1300

Tim Sadberry, Staff Director
Senate Committee on Appropriations
201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors:

Pursuant to Chapter 216, Florida Statutes, the 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 Fiscal Year 2021-22 through Fiscal Year 2025-26. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is www.fcor.state.fl.us. The submission has been approved by Melinda N. Coonrod, Chairman of the Commission.

Sincerely,

Melinda N. Coonrod
Chairman/Commissioner

LONG RANGE PROGRAM PLAN FISCAL YEARS 2021–22 THROUGH 2025–26

Prepared for the Office of Policy and Budget

September 30, 2020



FLORIDA COMMISSION ON OFFENDER REVIEW

A Governor and Cabinet Agency Created in 1941

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.

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.

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 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: Percentage of parolees who have successfully completed their supervision without revocation within the first three years of release.

BASELINE YEAR FY 1999–2000	FY 2021–22	FY 2022–23	FY 2023–24	FY 2024–25	FY 2025–26
90%	90%	90%	90%	90%	90%

The Commission exceeded its projected goal of 90% in FY 2019–20. Nineteen inmates released to parole during the reporting period, or 90.5%, successfully completed their supervision without revocation within the first three 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 determinations and to the Board on non-RCR cases.
OUTCOME: Percentage of all cases placed before the Commission and Clemency Board containing no factual errors.

BASELINE YEAR FY 1999–2000	FY 2021–22	FY 2022–23	FY 2023–24	FY 2024–25	FY 2025–26
83%	98%	98%	98%	98%	98%

The Commission exceeded its projected goal of 98% by placing 99.9% of its cases before the Commission and the Board with no factual errors in FY 2019–20.

- GOAL 3:** To guarantee timely decisions.
OBJECTIVE 3A: To complete the revocation process within specific time frames.
OUTCOME: Percentage of revocation cases completed within 90 days after final hearing.

BASELINE YEAR FY 1999–2000	FY 2021–22	FY 2022–23	FY 2023–24	FY 2024–25	FY 2025–26
95%	99%	99%	99%	99%	99%

The Commission exceeded its projected goal of 99% in FY 2019–20 by completing 100% 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: Percentage of RCR *Without a Hearing* cases provided to the Clemency Board containing no factual errors.

BASELINE YEAR FY 2011–12	FY 2021–22	FY 2022–23	FY 2023–24	FY 2024–25	FY 2025–26
100%	99%	99%	99%	99%	99%

In FY 2019–20, the Board did not request RCR *Without a Hearing* cases from the Commission.

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

BASELINE YEAR FY 2011–12	FY 2021–22	FY 2022–23	FY 2023–24	FY 2024–25	FY 2025–26
99%	99%	99%	99%	99%	99%

In FY 2019–20, the Board did not request RCR *With a Hearing* cases from the Commission.

Linkage to Governor's Priorities

Governor's Priorities

1. **Restore and Protect Florida's Environment**
2. **Improve Florida's Education System**
3. **Economic Development and Job Creation**
4. **Health Care**
5. **Public Safety**
6. **Public Integrity**

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 fifth priority, **Public Safety**.

- 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).

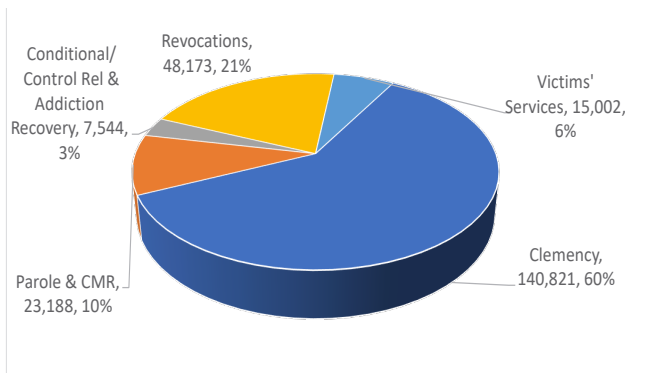
The Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and offenders.

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

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 2019–20



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 2021–22 through FY 2025–26 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.

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 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,

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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, 2020, there were 24,400 clemency cases pending, with most requiring victim input. Furthermore, there were approximately 3,959 inmates with parole eligible cases as of June 30, 2020, 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 6% of the Commission's workload with central and field office staff providing 27,426 victim assists during FY 2019-20.

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 2019, the Commission was awarded a VOCA grant in the amount of \$126,623 for FY 2019–20, to continue providing vital services to victims of crime. The Commission is currently waiting for the Office Attorney General to notify the Commission on the amount of the VOCA grant award for FY 20–21.

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 to 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;
 - 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

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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.

On June 30, 2020, there were 3,959 inmates who were eligible for parole and 424 releasees on parole supervision. In FY 2019–20, the Commission made 1,419 parole determinations and granted parole to 41 inmates.

The Commission exceeded its projected goal of 90% for the reporting period by .5%, with 19 of 20 paroled inmates successfully completing their supervision without revocation within the first three years of release.

To continue to provide the highest level of public safety services to the state, the Commission is requesting additional funding to update the Commission Management System (CMS), which contains vital information on inmates and victims, regarding parole and conditional medical release cases, and contains essential victim demographics for clemency victims.

Several components of the CMS require updating to ensure the viability, usability, and overall security of the system. Critical new development for the CMS includes resources to automate data collection for Victims' Services and enhance overall functionality to improve data integrity and security. Professional services would be dedicated to creating efficiencies within the CMS database for increased data operability, implement role-based security per the Department of Corrections (Department) standards, and provide secure access to a document repository. In addition, revisions to the CMS are extremely time-consuming and require expertise not available within current FDC staff, which does not meet the Commission's operational needs.

This funding is being requested to carry out the agency's statutorily-mandated responsibilities and assist clemency case victims. The funding supports the Commission's operational needs and provides for increased operational efficiencies through paperless automation

and enhanced security.

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 of Corrections (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.

When an onsite or in-person investigation is not possible, investigators will utilize technology such as telephone and video conferencing and image sharing to complete investigations so long as the quality and intent of the investigations is not reduced and all necessary information and evidence can be obtained through the use of technology. This process was initially added as a result of the COVID-19 pandemic.

Also in response to the COVID-19 pandemic, in May of 2020 the Commission began scheduling telephonic hearings for Conditional Medical Release (CMR) cases during weeks the Commission did not have regularly scheduled parole hearings. This was done to ensure that the Commission is as responsive as possible to CMR referrals received from the Department.

Although the two changes above were initially made in response to the COVID-19 pandemic, the Commission has adopted both practices permanently to improve efficiency and responsiveness for all CMR referrals.

The Department has recommended 180 inmates for release in the past three fiscal years. The Commission granted release to 94, or 52.2%, of those recommended by the Department. In FY 2019–20, the Commission

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granted 35 of the 72 inmates recommended by the Department for conditional medical release, or 53.8%.

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, 2019, there were 2,945 releasees on conditional release supervision, and in FY 2019–20 the Commission set terms and conditions for 5,317 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 terms and conditions of supervision, the Commission

may return the offender to prison. During FY 2019–20, 1,035 offenders were placed on supervision. As of June 30, 2020, there were 240 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 used 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 21% 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 2019–20, there were 1,853 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, release on your own recognizance (ROR) hearings, and courtesy interstate probable cause hearings for the Department. Revocation hearings

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include testimony from witnesses and are usually held at the county jail. In FY 2019–20, 100% 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 2019–20, 1,443 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 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 9, 2020, there have been 5,515,391 RCR website searches, 1,107,403 RCR certificates located, 113,614 RCR certificates printed, and 378,193 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 in which 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, if no restitution is owed, 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 in which 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.

In FY 2019–20, the Board did not request RCR With or

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Without a Hearing cases from the Commission.

As of June 30, 2020, there are 66 FTEs, full or part time, and 46 full or part time OPS staff that complete clemency cases. As of July 1, 2020, there were 24,400 pending clemency cases.

One of the Commission's performance measures and standards measures the number of clemency cases completed. The definition of completed clemency cases currently include cases determined ineligible by Commission staff and cases closed as a result of a decision by the Board of Executive Clemency. In FY 2019–20, 4,244 clemency cases were completed. The Commission is requesting a revision to this measure to provide a more accurate description of clemency cases completed by the Commission rather than the Board. Clemency cases that have been determined eligible and fully investigated by Commission investigators but are awaiting final action by the Board will also be included. In FY 2019–20, an additional 1,115 clemency cases met this criteria.

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 2019–20 for goal one. Nineteen of 20 inmates released to parole during the reporting period successfully completed their supervision without revocation within the first three 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 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

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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 percentage of cases placed before the Commission and Board containing no factual errors for FY 2019–20 was 99.9%, 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 2019–20, the percentage remains high at 100%.

The Commission exceeded 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 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 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.

In FY 2019–20, the Board did not request RCR With or Without a Hearing cases from the Commission.

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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: Adults Prisons		Code: 78000000		
Service/Budget Entity: Post-Incarceration Enforcement and Victims' Rights		Code: 1206000000		
Approved Performance Measures for FY 2020-21	Approved Prior Year Standard FY 2019-20	Prior Year Actual FY 2019-20	Approved Standard for FY 2020-21	Requested Standard for FY 2021-22
Percentage of revocation cases completed within 90 days after final hearing	99%	100%	99%	99%
Percentage of cases placed before the Commission and Clemency Board containing no factual errors	98%	99.9%	98%	98%
Number of conditional release/addiction recovery decisions	5,597	8,740	5,597	5,597
Number of revocation determinations	1,400	1,443	1,400	1,400
Number of clemency cases completed	6,000	4,244	6,000	4,000
Number of parole and conditional medical release determinations	1,048	1,491	1,048	1,048
Number of victim assists	15,000	27,426	15,000	15,000
Percentage of RCR <i>With a Hearing</i> cases provided to the Clemency Board containing no factual errors	99%	Not applicable	99%	99%
Percentage of RCR <i>Without a Hearing</i> cases provided to the Clemency Board containing no factual errors	99%	Not applicable	99%	99%
Number of parolees who have successfully completed their supervision without revocation within the first three years	20	19	20	Remove
Percentage of parolees who have successfully completed their supervision without revocation within the first three years	90%	90.5%	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 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
6,000	4,244	-1756	29%

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) |

Explanation: During FY 2019–20, 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):

- | | |
|--|--|
| <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: During FY 2019–20, COVID-19 necessitated changes to our workflow and processes that required additional time for the completion of the clemency investigation process. Additionally, the Board did not meet quarterly, which resulted in fewer cases being heard.

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 6,000 to 4,000 cases to account for the greater percentage of pending cases requiring the more in-depth investigation and report and change the methodology of the measure to better determine the number of clemency cases completed by the Commission.

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: The number of parolees who have successfully completed their supervision without revocation within the first three years of release.

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
20	19	1	5%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

Explanation:

The Commission did not meet this Performance Measure because even though the Commission adjusted the Performance Measure standard for the number of parolees who successfully completed their supervision without revocation within the first three years from 34 to 20 parolees in FY16/17. The Commission only had 21 parolees who were parole released during the period reviewed, and two of them were revoked. The Commission subsequently requested that this measure be eliminated completely, as it does not measure success as much as it measures the number being paroled, which is at the discretion of our commissioners. (The Performance Measure standard measuring the percentage of successfully paroled inmates would remain, and accomplish the goal of determining if paroled inmates are generally not recidivating.) The Commission's request was not approved. To illustrate why relying on a number (versus a percentage) of successful parolees is problematic, consider next year's pool of parolees. We will be looking at the number of parolees released to parole in FY1718 (three years before the end of the FY being reviewed), and that will be 14 inmates. Sixteen were granted, but only 14 were released to parole in Fiscal Year 2017/18. Before we even look at how many of them were revoked, we have failed this Performance Measure, because the standard who had to successfully complete their parole is set at 20, and we only have 14 in the pool.

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 | |

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: The Commission is requesting that this performance measure be eliminated due to the ongoing decrease in inmates with parole eligible sentences.

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:

In Fiscal Year 2016/17, the Commission adjusted the Performance Measure standard for the number of parolees who successfully completed their supervision without revocation within the first three years from 34 to 20 parolees, because of the decline in inmates paroled. FCOR subsequently requested that this measure be eliminated completely, as it does not measure success as much as it measures the number being paroled, which is at the discretion of FCOR commissioners. (The Performance Measure standard measuring the percentage of successfully paroled inmates would remain, and accomplish the goal of determining if paroled inmates are generally not recidivating.) The Commission's request was not approved. To illustrate why relying on a number (versus a percentage) of successful parolees is problematic, consider next year's pool of parolees. We will be looking at the number of parolees released to parole in FY1718 (three years before the end of the FY being reviewed), and that will be 14 inmates. Sixteen were granted, but only 14 were released to parole in Fiscal Year 2017/18. Before we even look at how many of them were revoked, we have failed this Performance Measure, because the standard who had to successfully complete their parole is set at 20, and we only have 14 in the pool.

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 with 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 4,000 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 (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 to change the methodology used to determine the number of clemency cases completed, which currently include cases determined ineligible by Commission staff and cases closed as a result of a decision by the Board of Executive Clemency. The revision to this measure will also include clemency cases that have been determined eligible and fully investigated by Commission investigators, but are awaiting final action by the Board. This methodology will account for a more accurate description of clemency cases completed by the Commission rather than the Board.

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): 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 2020-2021		Associated Activities Title
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	Percentage of RCR <i>With a Hearing</i> cases provided to the Clemency Board containing no factual errors		(3) Clemency Services (5) Victims' Services
11	Percentage of RCR <i>Without a Hearing</i> cases provided to the Clemency Board containing no factual errors		(3) Clemency Services (5) Victims' Services

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, if no restitution is owed, 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.