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Justification Review



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Report No. 01-55

Budget Reductions, Process Improvements Possible in Parole Commission Operations

at a glance

The Florida Parole Commission's primary responsibilities involve setting the terms and conditions of post-prison supervision programs, revoking the supervision of offenders when they violate their supervision conditions, and assisting the Clemency Board.

The 2001 Legislature cut commission staffing to reduce supervisor-to-staff ratios. To further improve ratios, we recommend that the commission equalize supervision across the state and develop a plan to eliminate its satellite offices, which would save \$97,000 a year. The Legislature can also attain further cost savings by transferring the commission's purchasing, accounting, and information system functions to the Department of Corrections, saving \$80,000.

The clemency process is experiencing a large backlog due to recent policy changes in the restoration of the civil rights process and other factors. To reduce workload, we recommend that the clemency board reduce investigative requirements and that the Department of Corrections screen out ex-felons ineligible for restoration of civil rights. We also recommend that the Legislature consider outsourcing investigative activities to address the clemency backlog as an alternative to authorizing new positions.

The revocation process is timely, and we recommend that the commission collect data to monitor revocation performance and outcomes.

Purpose

This report presents the results of our Program Evaluation and Justification Review of the Florida Parole Commission. State law requires OPPAGA to conduct justification reviews of each program operating under a performance-based program budget.¹ This review assesses efficiency, effectiveness, and the long-term implications of current or alternative state policies, and provides recommendations for improving state government. This report

- examines supervisor to professional staff ratios;
- identifies opportunities to further reduce administrative positions;
- assesses the clemency process and options for reducing the clemency backlog; and
- determines whether the revocation process is meeting statutory timeframes.

Background

The Florida Parole Commission's mission is to provide for public safety through the judicious administration and strict enforcement of statutes regarding post-prison supervision programs. To this end, the commission

¹ Chapter 94-249, *Laws of Florida* (see Appendix A).

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performs a number of functions within Florida's criminal justice system.

- The commission sets the terms and conditions for three types of supervision for released offenders.
 - Parole is a discretionary type of prison release that was abolished in 1983. Offenders sentenced before October 1, 1983, are still eligible for parole. As of June 30, 2001, there were 5,386 parole-eligible offenders in prison.
 - Conditional release is a form of mandatory post-prison supervision for inmates sentenced for certain violent crimes or classified as habitual offenders.
 - Conditional medical release allows the release of terminally ill offenders who pose no danger to others.

During Fiscal Year 2000-01, the commission set supervision terms for 405 parolees, 6,089 conditional release offenders, and 58 offenders released through conditional medical release.

- The commission revokes the supervision of offenders that violate their supervision conditions or commit new crimes and sends them to back to prison. According to Department of Corrections' data, 1,794 offenders were returned to prison during Fiscal Year 2000-01 due to violations of supervision conditions.
- The commission administers the eligibility and application processes and conducts investigations for the Clemency Board.²

² Clemency absolves an offender from all or part of his or her legal sentence. The Clemency Board is composed of the Governor and the Cabinet. The Cabinet includes the Secretary of State, the Attorney General, the Comptroller, the State Treasurer, and the Commissioners of Agriculture and Education. Effective January 2003, the Cabinet will be reduced from six elected officials to three. The Attorney General and Agriculture Commissioner offices remain in place. The offices of Treasurer and Comptroller will be merged into one chief financial officer. The offices of Secretary of State and Commissioner of Education will be eliminated.

Prior to the 2001 legislative session, the Parole Commission was also responsible for notifying victims of an inmate's release and for conducting interviews and case reviews necessary for setting the terms and conditions of conditional release. However, the 2001 Legislature passed CS/HB 245, which transferred these responsibilities from the commission to the Department of Corrections. The Department of Corrections' classification officers, rather than commission staff, now review the inmate's program participation, disciplinary reports, criminal records, and other pertinent information to assist the commissioners in setting the terms and conditions of conditional release. The department also notifies all interested parties, including victims, of an impending release of an offender from prison or supervision.

The Parole Commission established five regions throughout the state and currently operates 10 field offices, as shown in Exhibit 1. There are five main field offices, which house the regional administrators, and five satellite offices that help provide geographic coverage of state. The 2001 Legislature authorized the Parole Commission to co-locate its field offices with available Department of Corrections' office space. As a result, the Parole Commission co-located seven field offices. Field office staff conducts the commission's day-to-day work, including making recommendations regarding terms and conditions of parole supervision, conducting revocation hearings, and performing clemency investigations.

In Fiscal Year 2001-02, the Legislature appropriated \$8.6 million in general revenue and authorized 147 full-time equivalent positions to the Parole Commission. This is a reduction of approximately \$1.8 million from Fiscal Year 2000-01, as shown in Exhibit 2.

Exhibit 1
The Commission Has 10
Regional Offices Across the State

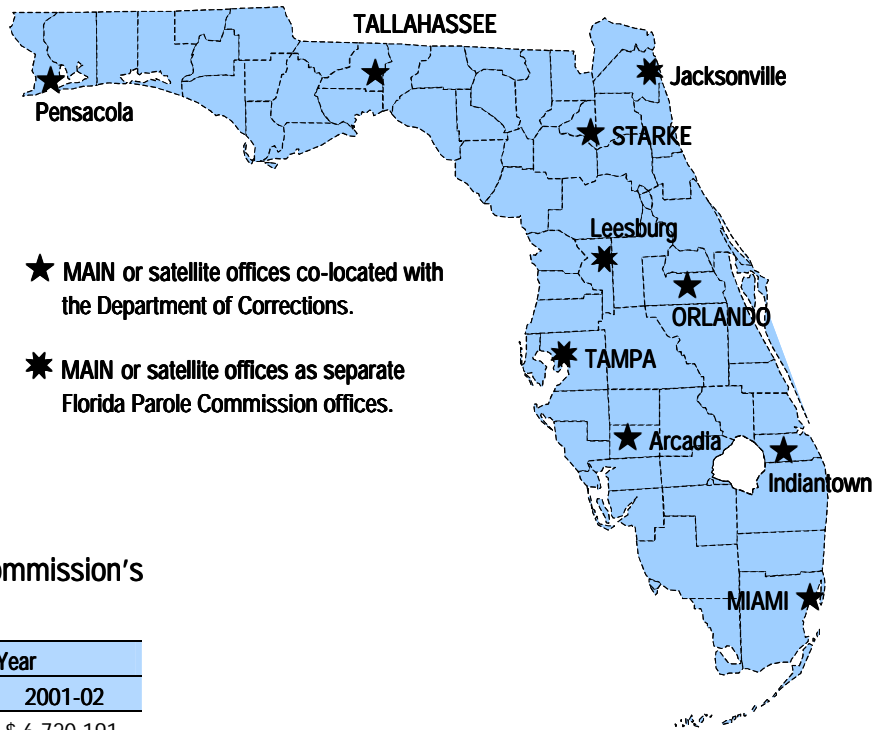


Exhibit 2
The Legislature Reduced the Parole Commission's
Budget for Fiscal Year 2001-02

Appropriation (General Revenue)	Fiscal Year	
	2000-01	2001-02
Salaries and Benefits	\$ 8,151,689	\$ 6,720,191
Other Personal Services	270,531	270,531
Expenses	1,574,159	1,169,373
Operating Capital Outlay	58,930	58,930
Other (risk management insurance, data processing)	407,490	407,490
Total	\$10,462,799	\$8,626,515

Source: Legislative Appropriations System/Planning and Budgeting Subsystem.

and correctional agencies.³ The Florida Corrections Commission determined that during Fiscal Year 2000-01 the Parole Commission averaged one supervisor for every 4.2 parole examiners. In contrast, the supervisory ratios for other Florida law enforcement agencies and correctional agencies ranged from 1:3 to 1:9; most were between 1:6 and 1:8. The Florida Corrections Commission recommended that the Parole Commission increase supervisor to staff ratios to 1:8 to be more in line with comparable agencies.

Findings

Supervisor to staff ratios

The 2001 Legislature cut the Parole Commission's staffing to increase supervisory ratios

In its *2000 Annual Report*, the Florida Corrections Commission reported that the Parole Commission was top-heavy because the ratio of supervisors to staff in the field offices was lower than comparable law enforcement

³ The Florida Corrections Commission is an advisory group that reports to the Governor on major correctional policies. Though administratively supported by the Department of Corrections, the Correctional Commission is an independent entity. Pursuant to a resolution passed by the Governor and Cabinet on July 11, 2000, the Corrections Commission was directed to study the impact of HB 2325, which contained provisions to reduce the Parole Commission, including the transfer of administrative positions to the Department of Corrections and transfer of revocations to the circuit courts. The Corrections Commissions presented its findings and recommendations in its *2000 Annual Report*, dated January 1, 2001.

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The Parole Commission argued against the Corrections Commission’s analysis, holding that it did not take into account that some parole examiner supervisors and regional administrators perform examiner tasks along with their supervisory responsibilities. The commission reported that parole examiner supervisors spent, on average, 58% of their time and regional administrators 46% of their time on examiner workload. The Parole Commission asserted that the actual ratio of supervisors to staff during Fiscal Year 2000-01 was 1:5.6.

Due in part to the Florida Corrections Commission’s report, the 2001 Legislature eliminated 37 of the Parole Commission’s 184 positions. The commission then reduced supervisory, support, and administrative staff. In field offices, where the supervisor-to-examiner ratio applies, the commission eliminated 3 supervisor positions, 10 staff positions, and downgraded a supervisor position to an examiner. As a result, the staffing ratios for Fiscal Year 2001-02 improved slightly compared to the prior year, as shown in Exhibit 3.

**Exhibit 3
The Supervisor-to-Staff Ratios Increased Slightly from Fiscal Year 2000-01 to 2001-02**

	Fiscal Year	
	2000-01	2001-02
Florida Corrections Commission’s analysis	1:4.2	1:4.8
Florida Parole Commission’s analysis	1:5.6	1:5.7
Other Florida law enforcement ratios	1:6 – 1:8	
Other states’ correctional entities’ ratios	1:3.5 – 1:9	

Note: The staffing ratios for other law enforcement and correctional entities were reported in the Corrections Commission 2000 Annual Report and do not reflect a particular fiscal year.

Source: Florida Corrections Commission, Florida Parole Commission, and OPPAGA analysis.

The commission should equalize staffing ratios across the state and close satellite offices

The Parole Commission can take additional steps to address its supervisor to staff ratio. In the short term, the commission should equalize supervisor to staff ratios across the state. Currently, the ratios can vary greatly, as shown in Appendix B. For example, Region V (Tampa), with three parole examiners supervisors, has one supervisor for every 2.25 parole examiners, whereas the Region IV (Miami), with only one supervisor, has a 1:6.5 ratio. Transferring a parole examiner supervisor position from the Tampa region to Miami would address this situation.

In the long term, the Parole Commission should improve staffing ratios and reduce costs by closing the satellite offices in Pensacola, Leesburg, Jacksonville, Indiantown, and Arcadia. In lieu of satellite offices, the Parole Commission should expand its use of telecommuting, pursuant to s. 110.171, *Florida Statutes*. Since much of the work of parole examiners involves being on the road, such as driving to local jails for revocation work, or making phone calls, the parole examiners are well suited to telecommuting.

Telecommuting examiners would work out of their homes, equipped with laptop computers with connectivity to the Parole Commission network. Examiners would periodically report to the regional office, as directed by the regional administrator, to submit work for review, obtain clerical assistance, and pick up or drop off offender records. The Orlando regional office is already using telecommuting to a limited extent to conduct examiner work and has reported lower travel costs. The expansion of telecommuting will ultimately eliminate the costs associated with satellite offices (rent and utilities) and allow for the reduction of support staff. Although staff will have to travel farther to regional offices, it will no longer travel daily to a satellite office.

Some technology barriers will need to be overcome to fully implement telecommuting statewide. If the commission wishes to allow examiners remote access to NCIC/FCIC, it will have to ensure that its laptops are site certified by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, due to federal requirements to access criminal justice data on a public network.⁴ This is an issue of significant concern, given the question of whether examiners should be accessing sensitive criminal justice information from non-secure locations, such as their homes.⁵ As an alternative to giving examiners remote access to this information, we recommend that examiners access the information at a secure site closest to their homes, such as a sheriff's office or county detention facility. This would reduce confidentiality concerns, such as non-authorized individuals who live in the examiner's residence gaining access to the data. In addition to security issues, examiners who telecommute will need high-speed Internet access at their homes in order to review the Department of Correction's inmate records, as more of these records are converted to digital images. Digital image files are time-consuming to download if the examiner is using a low-speed Internet connection.

When technology issues are resolved, telecommuting should offer cost savings. Savings include \$26,000 on the annual rent cost for the Leesburg and Jacksonville offices, the two remaining satellite offices that are not co-located with the department. In addition, it would enable the Legislature to eliminate five

support positions, and existing clerical staff in the regions would conduct the clerical work generated by the examiners, such as typing clemency investigation reports. Staff savings would total \$163,624 per year.

Some of these reductions will be offset by the costs of technology and travel. Examiners will need a Suncom line, an inexpensive fax machine (\$99) in their homes, and high-speed Internet access (\$50/month).⁶ The cost for additional network lines to access NCIC/FCIC at existing certified sites would be minimal.

There may also be an increase in travel costs for examiners who must travel to the regional offices. For example, if the Leesburg satellite office were closed, these examiners would have to travel to the Orlando regional office in Brevard County once a week, which is 82 miles each way. The estimated yearly travel cost for two examiners to travel from Leesburg to Brevard County once a week would be \$5,000. The total estimated cost for all examiners in satellite offices to travel to regional offices once a week would be approximately \$43,000 a year.

In sum, the projected annual savings of \$189,624 would be offset by projected costs of approximately \$92,000, for a total estimated annual savings of \$97,000.

We recommend that the Parole Commission work with the State Technology Office to develop a plan to fully implement a telecommuting program and eliminate its satellite offices that includes accessing confidential information at a certified law enforcement site instead of home access. This plan should specify the implementation costs, long-term cost savings, and timelines.

⁴ NCIC/FCIC is a telecommunication network linking Florida's law enforcement agencies with instant access to wanted persons, stolen property, and criminal history information at the state and federal level.

⁵ The Federal Bureau of Investigation is moving toward full-scale encryption of criminal justice networks and the Florida Department of Law Enforcement is currently investigating options, such as the use of portable encryption keys, to allow operators from remote sites to securely access the system. The Department of Law Enforcement states that it will address security issues by September 2002, a deadline imposed by the Federal Bureau of Investigation. However, even with encryption, there is a security risk when information is accessed from home.

⁶ According to a DMS official, installing Suncom in an employee's home would cost the commission a one-time fee of \$90 - \$150, depending upon the location. The monthly cost is \$12 - \$18, plus a small per-minute charge for long distance.

Administration

The Legislature can transfer administrative functions to the Department of Corrections

While the Legislature recently cut the Parole Commission’s administrative staffing, shifting some administrative functions to the Department of Corrections can achieve further savings.

As shown in Exhibit 4 in the first column, 21 positions in the Parole Commission’s Administrative Services Section perform purchasing, information system, legal, personnel, and finance and accounting functions.⁷ This is six fewer positions than

⁷ This total does not include two management positions—the Director of Administration and a Senior Management Analyst II position.

during Fiscal Year 2000-01, due to budget cuts. In the interest of further reducing costs, we examined whether the commission’s remaining administrative functions could be provided by the Department of Corrections.

We determined that several additional functions could be transferred. We conclude that the commission’s purchasing, accounting, and MIS functions could be transferred to the Department of Corrections, but that the legal and budgeting functions should remain within the Parole Commission to avoid any potential conflict of interest. (The Governor and Legislature are in the process of outsourcing the personnel functions of the Parole Commission and all other executive and judicial agencies.)

Exhibit 4

Most of the Commission’s Administrative Functions Could Be Transferred to the Department of Corrections

Administrative Function	Advantages of Transfer	Disadvantages of Transfer
Purchasing 3 FTE <i>(process purchase orders, maintain supplies, distribute mail)</i>	<ul style="list-style-type: none"> Reduction of three positions Department of Corrections (DCOR) could perform function without additional resources. In the central office and in 7 of 10 field offices, FPC is co-located with DCOR. DCOR has economies of scale for purchasing. 	<ul style="list-style-type: none"> FPC loses control of its purchasing function and must rely on DCOR.
Information System 6 FTE <i>(maintain LAN, manage FPC’s 11 databases, maintain hardware/software)</i>	<ul style="list-style-type: none"> Most of the significant data used by the FPC belongs to DCOR. 	<ul style="list-style-type: none"> Integration of IS systems must be approved by the State Technology Office (s. 282.102(5), <i>F.S.</i>). FPC-specific databases must be transferred to DCOR. No cost savings - DCOR would not be able to absorb functions without staff.
Legal 6 FTE <i>(provide legal counsel to FPC, represent agency in court, promulgate rules)</i>	<ul style="list-style-type: none"> DCOR and FPC deal with many of the same legal issues/cases. 	<ul style="list-style-type: none"> The commission is an independent agency with specialized legal expertise, e.g., clemency litigation Possible conflict of interest if combined with DCOR (the Commission and DCOR may have to take legal positions contrary to one another)
Personnel 3 FTE <i>(administer recruitment, process attendance and leave, coordinate training, prepare payroll, etc.)</i>	All agency personnel activities are in the process of being outsourced.	
Accounting and Finance 3 FTE <i>(account for revenue and expenditures, maintain financial records, prepare budget requests)</i>	<ul style="list-style-type: none"> If purchasing functions are transferred, accounting and finance should be transferred as well. 	<ul style="list-style-type: none"> An independent agency should control its own budget. Without transferring the budget responsibilities, there would be no cost savings. DCOR would need to provide sufficient financial reporting to support the FPC’s budget activities.

Source: OPPAGA analysis and Parole Commission documents.

Exhibit 4 outlines the advantages and disadvantages of transferring each administrative activity to the Department of Corrections. The Parole Commission shares office space with the Department of Corrections in the central office and 7 of the 10 field offices, so it would not be difficult logistically to have the department provide these functions.

The Parole Commission opposes this change, asserting that the transfer would be imprudent because the agency would lose much of its direct authority to control its administrative and operational workload and would, for all intents and purposes, cease to be an independent agency. The commission also warns that placing the agency charged with inmate release under the control of the department that houses prison inmates would create a potential conflict of interest. However, we concluded that the transfer of administrative functions does not jeopardize the commission's policy independence, as legal and budgeting functions would remain with the commission, nor would it diminish the commission's control over its own operations.

We recommend the commission retain two positions: a director of administration to serve as a liaison between the commission and the department to resolve administrative issues that may arise and a budget administrator to assist with the preparation of the agency budget and the Long-Range Program Plan. By transferring purchasing, accounting, and MIS to the Department of Corrections, the Legislature could eliminate three positions in the administrative services section, saving approximately \$80,000 in salaries and benefits.

Clemency

One of the Parole Commission's primary activities is operating the clemency process. Clemency is an act of mercy that absolves an individual upon whom it is bestowed from all or part of the punishment that the law imposes. Clemency is a power vested in the

Governor by the Florida Constitution.⁸ The Governor and the Cabinet sit as the Clemency Board. The Governor, with the approval of at least three members of the Cabinet, has the discretion to grant clemency. The Rules of Executive Clemency establish two main processes for clemency: clemency with a formal hearing and restoration of civil rights without a formal hearing.

Clemency with investigation and formal hearing. Ex-felons seeking clemency such as a pardon or commutation of sentence must use the formal hearing process. Full pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions, while commutation of sentence only adjusts an offender's penalty to one less severe. In these cases, the ex-felon submits a formal application and answers a 12-page questionnaire. The questionnaire requests detailed personal information, including the applicant's criminal history, family history, employment, education, and financial resources. Commission staff conducts an investigation to review and verify the application and questionnaire information for the Clemency Board, which makes its decision in a formal hearing. These cases account for 7% of all clemency cases.

Restoration of civil rights without a hearing. Many ex-felons qualify for restoration of civil rights without having to go through a formal hearing before the Clemency Board. Restoration grants an applicant all of the rights of citizenship in Florida enjoyed before the felony conviction, except the authority to own, possess, or use firearms. This includes the right to vote, hold public office, sit on a jury, and hold a state license, such as nursing. Almost 90% of all clemency cases are restoration of civil rights without a hearing.⁹

⁸ Article IV, Section 8(a).

⁹ The remaining 4% of cases are Restoration of Alien Status cases (criminal alien initiative), a form of clemency suspended during Fiscal Year 2000-01, and commutation of death sentence cases.

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Ex-felons potentially eligible for restoration of civil rights come to the attention of the Parole Commission in three ways. For all offenders released from prison, Department of Corrections staff is required to help offenders complete a screening form which identifies those potentially eligible for the “no hearing” process. Ex-felons are then responsible for mailing in those forms if they want to go through the eligibility process for restoration of civil rights. For ex-felons released from community supervision, such as probation, the Department of Corrections provides the Parole Commission with a monthly computer-generated list of releasees who may be potentially eligible. Ex-felons identified by the screening forms or computer list are not required to formally apply. Finally, ex-felons may also submit formal applications for restoration of civil rights.

Parole Commission staff then review ex-felons’ records to determine whether they are eligible for restoration of civil rights without a hearing. Ex-felons must meet criteria set forth in Rule 9A of the Rules of Executive Clemency. The criteria exclude, for example, ex-felons who have committed capital felonies, who owe victim restitution, or who are habitual offenders. The commission sends the list of eligible offenders to the Governor and Cabinet.

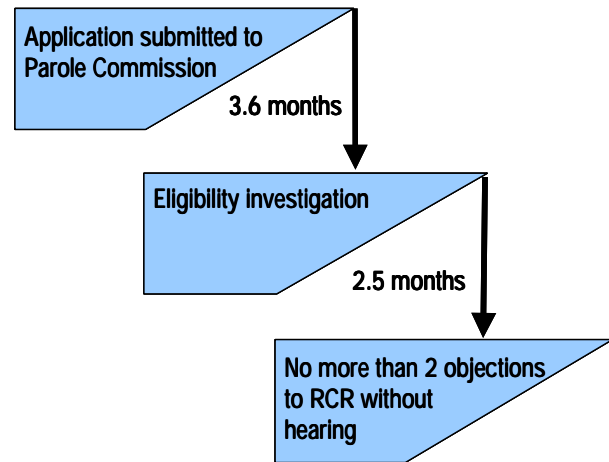
The Governor and Cabinet have 20 days to deny any ex-felon on the list automatic restoration of civil rights. If more than two Clemency Board members object to a particular ex-felon receiving his/her civil rights without a hearing, the ex-felon must go through the formal hearing process. If two or fewer board members object, the ex-felon receives his/her civil rights back automatically.

Most clemency cases take an average of six months

We analyzed a sample of 15 offenders from the first six months of 1999 who were permitted to use the “no hearing” process. These offenders had formally applied for restoration of civil rights and were found to be eligible for the

process. We found that this process took an average of 6.1 months, as shown in Exhibit 5.¹⁰

Exhibit 5 The Average Length of the Restoration of Civil Rights Without a Hearing Process Is 6.1 Months



Source: OPPAGA analysis of clemency data.

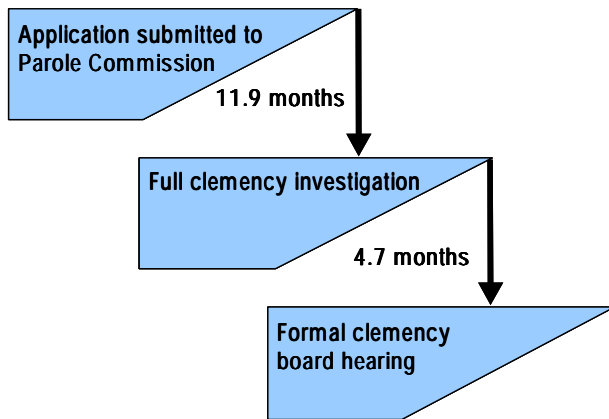
The formal clemency process takes about three times longer. As shown in Exhibit 6, an OPPAGA sample of 20 clemency cases requiring a full investigation and hearing took an average of 16 months from the date of application to the date the Clemency Board voted on the case.¹¹

Sixteen months for Florida’s clemency cases appears to be consistent with other states that we contacted. For example, California officials reported an average of 14 - 16 months; Illinois and Alabama reported an average of 12 months; while Pennsylvania’s process takes an average of 24 months. Clemency is a privilege and not a right and for that reason there are no requirements regarding how quickly the review must occur. Historically, clemency has been the lowest priority of the Parole Commission, due to statutory deadlines in their other work.

¹⁰ Given the sample size, the mean of the population is between 4.1 and 8.3 months, using a 95% confidence interval.

¹¹ Given the sample size, the mean of the population is between 13.9 and 18.6 months, using a 95% confidence interval.

Exhibit 6
The Average Length of Time to Process a Clemency Case Requiring a Full Investigation and Hearing Is 16 Months



Source: OPPAGA analysis of clemency data.

Recent policy changes and other factors will increase restoration of civil rights workload

The Parole Commission is experiencing a large backlog in clemency investigations. While the Clemency Board has taken steps to address this backlog by streamlining the restoration of civil rights process, it is also working to proactively identify ex-felons eligible for restoration of civil rights. As a result, workload and the backlog will likely increase over the next two fiscal years. At the end of Fiscal Year 2000-01, there was a backlog of 6,437 cases requiring an eligibility review for restoration of civil rights without a hearing. This represents almost a half a year’s worth of restoration of civil rights workload.

In June 2001, the Clemency Board made two changes to the restoration of civil rights process aimed at making it less burdensome for ex-felons and reducing the work for clemency staff. First, the board broadened the clemency rules to allow more ex-felons to be eligible for restoration of civil rights without a hearing. The revised criteria allow certain non-violent, non-habitual ex-felons to get their civil rights restored without having to go through a

hearing. Repeat offenders and offenders with over \$1,000 in outstanding court fines or costs can also use this process, as long as their crimes were non-violent and any required victim restitution has been paid. This change broadens eligibility for the “no hearing” process and will reduce the number of felons that will require a full investigation by clemency staff, thereby reducing workload.

Second, for ex-felons ineligible for the streamlined process, the board shortened the length of the questionnaire for applying for restoration of civil rights. Applicants now submit a revised 4-page questionnaire, rather than the 12-page questionnaire required for other forms of clemency, such as pardons. The new shorter form is designed to be easier for the applicant to complete and easier for the clemency investigator to verify. Since few of the new forms have been used, the Parole Commission is uncertain how long it will take staff to verify information on these forms. A Governor’s Office document estimates that the new form will cut investigation time to 5-10 hours, versus 28-32 hours for the 12-page form.

While these changes are aimed at streamlining the process to reduce the time required to restore civil rights, the Parole Commission’s efforts to reach more ex-felons will increase its workload. Beginning in March 2001, the Clemency Board directed the commission to use computer-generated lists to identify prison releasees eligible for restoration of civil rights instead of relying on ex-felons to submit screening forms. The commission estimates that this outreach policy will generate an additional 3,000 cases each year, representing a potential 8% increase in its projected Fiscal Year 2001-02 workload. Moreover, a glitch in the computer program that generated the list of supervised offenders excluded many ex-felons who should have been considered for restoration of civil rights. This computer problem was corrected in March 2001 but will result in an additional 13,000 cases per year, thereby exacerbating the backlog.

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The commission's clemency workload may be further increased because the new rules changes will bring increased attention to the significance of voting rights, which may encourage ex-felons to apply. For example, the American Civil Liberties Union has organized workshops around the state to assist ex-felons with the application process. In addition, a lawsuit filed against the Department of Corrections (*Florida Conference of Black State Legislators, et. al. v. Moore*) for failing to advise releasees of the restoration of civil rights process is likely to increase the workload of clemency staff. The Parole Commission estimates that an additional 140,000 ex-felons may have to be notified and provided applications for restoration of civil rights if the court grants the relief sought by the plaintiff.

According to the Parole Commission, it is too early to predict what reductions in workload will result from the June 2001 rule changes. Given the estimated workload increases due to other factors and with no staffing increases, the commission estimates that its backlog of restoration of civil rights cases will be over 26,040 at the beginning of Fiscal Year 2002-03. This represents almost two years' worth of workload, based on the Fiscal Year 2000-01 figures.

Modification of investigation policies should reduce the backlog

Based on anticipated workload increases, the Parole Commission is requesting a combined 73 new positions for the 2002-03 and 2003-04 fiscal years. However, the Clemency Board and the Parole Commission could take several steps to address the growing backlog of clemency cases without increased funding. These steps would streamline investigations by reducing the number and the scope of the reviews for both hearing and non-hearing cases, which would shorten the time necessary to verify the application and increase the number of investigations completed.

Currently, staff take between 28 and 32 hours to complete a full investigation. The

commission performed 1,046 full investigation cases during Fiscal Year 2000-01. These cases comprised only 7% of the more than 15,000 cases processed by clemency staff, yet accounted for 57% of the total workload hours performed. Investigators are required to check information such as the applicant's family and marital history and his/her financial assets and liabilities that is often difficult and time consuming to verify. In most cases, this detailed information is not essential for helping the Clemency Board make its decisions. For example, the applicant's family history, including family members' past criminal histories and current occupations, is seldom relevant for making a decision about the applicant's suitability for clemency.

One option to reduce the investigative workload would be to use the new four-page questionnaire used in restoration of civil rights cases for all clemency investigation work. The four-page form requires much of the essential information from the longer form, such as prior offense, child support, alcohol/drug use and employment information. The shorter form does not include information on family history, marital status, previous marriages, place of residence, religious affiliation, or civic activity. According to a Governor's Office estimate, use of the four-page questionnaire will reduce the investigation time from 28-32 hours to 5-10 hours. Even if the full investigation time were only reduced by one-half, the commission could save 11,295 work hours or six FTE worth of work. Clemency board members who are interested in additional information from the longer form could request it from clemency staff. For example, if the ex-felon was a drug trafficker, the Clemency Board may be interested in an in-depth investigation of the applicant's assets. We recommend that the Clemency Board begin using the shorter questionnaire for all of its clemency cases.

Modifying the computer programs that select the list of ex-felons eligible for restoration of civil rights would also reduce the workload of the commission's clemency staff. Currently, the Department of Corrections' programs

generate lists of all offenders released from prison and from supervision. The Parole Commission then manually reviews these offender records to determine whether they meet the criteria for restoration of civil rights without a hearing. The commission reported that it spent an average of two hours to complete all of the tasks necessary to process each restoration of civil rights case during Fiscal Year 2000-01.

Much of this work is not productive, as over 60% of all cases reviewed from 1998 to 2000 did not meet the criteria set forth in clemency rule. Of the 51,996 cases received by the Parole Commission during this period, most (32,373, or 62%) were ineligible for restoration of civil rights without a hearing. If the computer program were able to screen out ineligible ex-felons from the computer-generated lists, the commission would not have to waste resources on these record reviews.¹² A Department of Corrections official reported that the computer programs could be modified to screen out habitual offenders, ex-felons who owe restitution, as well as those with offenses that automatically disqualify them from consideration, such as homicide.

We recommend that the Parole Commission, with the assistance of the Department of Corrections, modify the computer programs that generate restoration of civil rights lists to exclude offenders ineligible for the “no hearing” process. If the programs could screen out just 20% of the projected cases for Fiscal Year 2001-02, the commission could avoid 13,489 work hours that would be spent assessing ex-felon eligibility. This equates to approximately 7.3 FTE positions that could be used to reduce the backlog.

¹² The June 2001 clemency rule changes expanded the number of ex-felons eligible for the restoration of civil rights without a hearing process. As a result, the percentage of offenders disqualified by rule will be smaller than the 62% reported for 1998-2000.

Clemency functions could be outsourced, but there are a number of roadblocks

As previously discussed, the Parole Commission estimates that it will have a backlog of 26,040 restoration of civil rights cases at the beginning of Fiscal Year 2002-03, and the commission is requesting a combined 73 positions for the 2002-03 and 2003-04 fiscal years to address the backlog. As an alternative to authorizing additional staff, the Governor and Cabinet could outsource the investigative work to private agencies. The private firms could conduct the background investigation work necessary to verify the clemency questionnaires submitted by applicants. Exhibit 7 highlights the advantages and disadvantages of outsourcing this work.

**Exhibit 7
There Are Potential Benefits and Pitfalls to Outsourcing Clemency Investigations**

Advantages	Disadvantages
<ul style="list-style-type: none"> • Outsourcing would facilitate a quick reduction of the backlog. • Outsourcing the backlog would allow the Governor and Cabinet to assess the quality and cost of the private sector compared to the Parole Commission. • No additional state FTEs would need to be funded to reduce the backlog. The Parole Commission is asking for an additional 73 positions over the next two years for clemency work. • The state has outsourced other government activities that require confidentiality, such as protective supervision and prison health services. • The private sector has access to technology not available at the Parole Commission, such as ChoicePoint®. 	<ul style="list-style-type: none"> • Clemency investigation work is a government function that may not be appropriate for outsourcing (i.e., victim confidentiality). • Clemency rules do not permit records and documents to be available to anyone other than the Clemency Board and its staff. • Potentially steep learning curve for private firms, whereas clemency staff familiar with rules and requirements • More difficult to assure accountability with private firms than with state employees • Would not necessarily cost less • Contracting difficulties; the contract would have to allow for follow-up investigative work. • Would require funding from the Legislature • Access to federal crime information may be restricted, according to clemency aide.

Source: OPPAGA analysis.

Justification Review

Private sector cost estimates for this work are comparable with estimates of commission costs. We contacted 14 private investigation firms that provide similar background investigation services and found that the most of the hourly rates were between \$50 and \$75 an hour and most firms estimated that full investigation work would take 10-12 hours to complete. Using a conservative figure of \$75 per hour at 12 hours, this equates to an approximate price per case of \$900. The board will also have to develop estimates of the state's cost to monitor contractors.

The commission reports that its unit cost figure for clemency is \$112.37. This figure is misleading because it uses the number of projected clemency decisions for Fiscal Year 2001-02 and combines both restoration of civil rights cases and full clemency cases, which have very different unit costs. Our estimate of the unit cost was approximately \$988 for a full clemency case and \$50 for a restoration of civil rights case, using actual workload figures from Fiscal Year 2000-01.¹³

We recommend that the Legislature fund a pilot project to use private investigation firms to conduct full clemency investigations. The advantage of this approach is that it would provide an opportunity to assess the quality of private sector in terms of timeliness, thoroughness, and cost and would not obligate the Legislature to fund additional positions. Outsourcing, however, would require the Clemency Board to change its rules regarding confidentiality to allow private firms to collect and review confidential information. To better ensure that the state gets qualified contractors, the board should adopt minimum standards for the type of firms eligible to bid on a clemency contract. For example, the board should only contract with private investigation firms that are licensed by the state, pursuant to Ch. 493, *Florida Statutes*.

¹³ These unit cost figures were calculated using the average salary of a parole examiner as of August 2001 and do not include overhead costs, such as rent or technology costs.

To implement the pilot project, we recommend a performance-based contract with requirements for timeliness and quality indicators, such as the number of errors per investigation report. To protect applicant confidentiality, the contract should also stipulate civil and possible criminal penalties if the contractor discloses confidential information to any unauthorized person or entity.

We recommend that the state issue a request for information (RFI) prior to issuing a request for proposal (RFP). The request for information will allow the board to assess availability for services and to generate interest among private companies. The purpose of the RFI is to identify whether there are private firms that could conduct the full investigations, what types of information they would provide, and what the state would need to provide the contractors, such as signed waivers from the applicants allowing a private firm to access and review confidential information.

The board should then use the information in the RFI to prepare the RFP. In issuing its RFP, the board should use a managed competition approach in which the commission is required to bid on the services. The commission's bid should be evaluated in the same manner as that of other vendors. This would allow the board to better compare public and private sector costs for these services.

Revocations

Conditional release revocations process is timely

During Fiscal Year 2000-01, the commission handled 3,398 revocation cases.¹⁴ Revocations is a valuable process because it allows the state to return offenders to prison who continue to violate the law without the time and expense

¹⁴ This includes revocations, reinstatements to supervision, terminations of supervision, and other decisions that the commission may make on a case, such as adjusting jail credit. The commission did not collect revocation data electronically during Fiscal Year 2000-01 and is unable to report on revocation outcomes or time frames.

of going through a trial. For instance, the Department of Corrections reported that 1,794 offenders were returned to prison during Fiscal Year 2000-01 for violations of supervision terms without having to go through a new trial.

By statute, the Parole Commission is responsible for revoking the supervision of offenders released to post-prison supervision programs, such as conditional release, parole, and conditional medical release. Conditional releases comprise the largest population of supervised offenders that are under the jurisdiction of the Parole Commission (2,960 or 57% of the June 2001 post-prison supervised population of 5,236 offenders).

When an offender under conditional release is arrested for allegedly violating the terms and conditions of his supervision, Parole Commission field staff meet with the offender at the county jail within four working days to advise the offender of his rights and explain to him the violation hearing process.

For conditional release violations, the Parole Commission is required by statute to conduct, within 45 days, an administrative hearing to determine whether the preponderance of evidence suggests that the offender violated the terms and conditions of supervision. The Parole Commission then has 90 days from the time of the hearing to take action on the case, that is, vote to send offenders back to prison, reinstate supervision, or release the offender from supervision. Though the 90-day timeframe is not required by statute, it is the standard for their performance-based budgeting measure for the revocation activity (*percentage of revocation cases completed within 90 days*). It is also consistent with timeframes for completion of other administrative hearings and ensures that the offender is afforded a swift disposition of the violation charge. Counting both steps, the

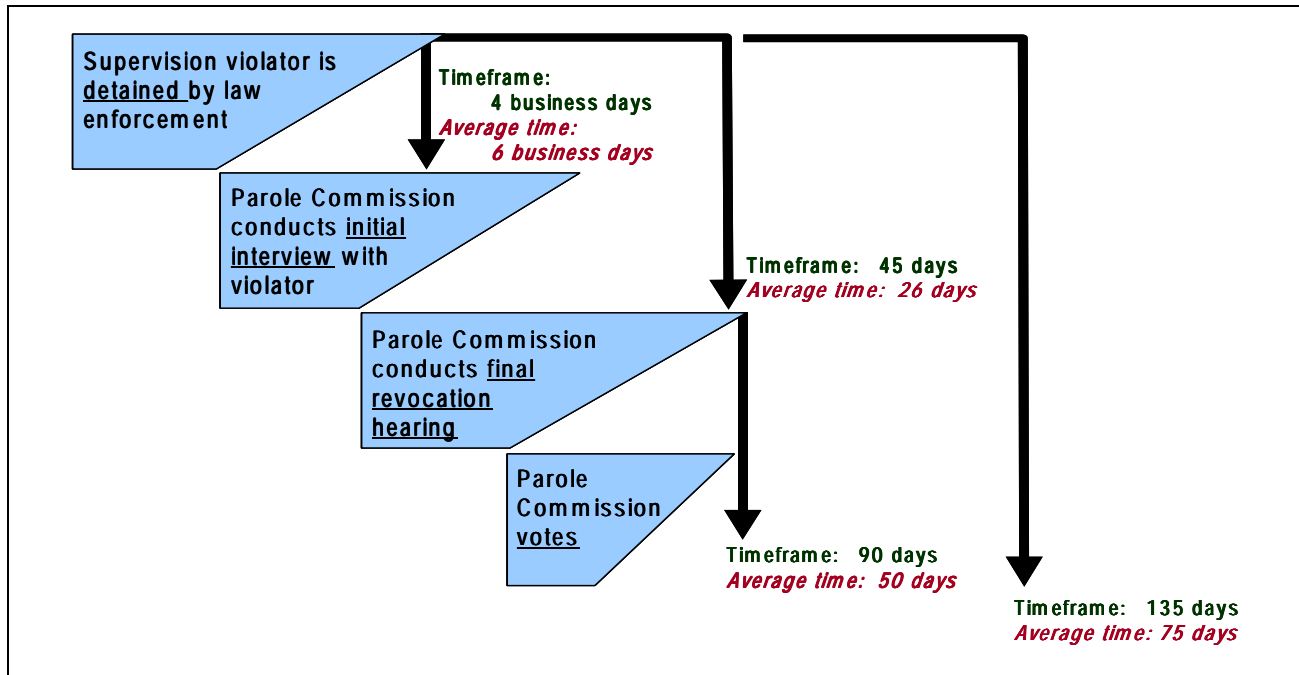
revocation process should thus be completed within a total of 135 days.¹⁵

We analyzed revocation data from the first six months of Fiscal Year 2000-01 and found that commission staff were well within the required timeframes for two of the three key stages in the revocation process. The average revocation case took 75 days from time the offender was detained in the county jail until the commission took final action on the case. This was 56% faster than the 135 days standard to conduct the process. As shown in Exhibit 8, the only stage in the process that did not meet the time frame was the initial interview stage, taking an average of 6 business days rather than the agency goal of 4 days. According to the commission, the field staff have difficulty meeting the four-day requirement because of a number of factors. In some cases, the releasee is out-to-court or has been moved to another jail facility. In other cases, the examiner may schedule the interview to coincide with other work that needs to be performed in the county where the releasee is being detained.

We recommend that the commission collect and report data on a yearly basis to monitor the length of the revocations process to ensure that it continues to meet statutory timeframes. The commission should also collect and report data on the outcomes of revocation activities, such as the number and percentage of offenders who have their supervision revoked. This data would provide the Legislature with additional information on the commission's effect on public safety. The commission recently implemented a new revocations tracking system that should help collect this type of performance data.

¹⁵ Alleged violators may be released on their own recognizance during the revocation process, if approved by the commission.

Exhibit 8
 Revocation Is Meeting Timeframes for Key Steps in the Process



Summary and Recommendations

To improve supervisor to staff ratios, we recommend that the Parole Commission equalize the staffing ratios across the state by transferring a supervisor from Region V (Tampa) to Region IV (Miami). We also recommend that the commission develop a plan to fully implement telecommuting to replace its satellite offices in Pensacola, Leesburg, Jacksonville, Indiantown, and Arcadia. Although technological barriers prevent immediate implementation, telecommuting should offer cost savings and improve staffing ratios when these technology issues are resolved. By telecommuting, the Legislature could save \$189,624 in rent and support staff costs, which would be offset by technology and travel costs of approximately \$92,000. The total estimated annual savings to telecommute would be \$97,000.

To achieve further reductions in administrative spending, we recommend shifting some administrative functions to the Department of Corrections. We propose shifting the purchasing, accounting, and MIS functions to the Department of Corrections, while retaining the legal and budgeting functions within the commission. We recommend that the commission retain two positions: a director of administration to serve as a liaison between the commission and the department to resolve administrative issues that may arise and a budget administrator to assist with the preparation of the agency budget and the Long-Range Program Plan. By transferring purchasing, accounting, and MIS to the Department of Corrections, the Legislature could eliminate three positions in the administrative services section, saving approximately \$80,000 in salaries and benefits.

To address the expected increases in clemency investigations, we recommend that the Parole Commission, with the help of the Department

of Corrections, modify the computer program that generates the list of offenders to be considered for restoration of civil rights. The program should exclude from the list all offenders who are ineligible for restoration of civil rights without a hearing, pursuant to Rule 9A, Rules of Executive Clemency. If the program could screen out just 20% of the projected cases for Fiscal Year 2001-02, the commission could avoid 13,489 work hours that would be spent assessing ex-felon eligibility. This equates to approximately 7.3 FTE positions that could be used to reduce the clemency backlog. We also recommend that the Clemency Board begin using the abbreviated four-page clemency questionnaire for all clemency investigations to reduce the investigative work of examiners. This change would allow the commission to shift approximately 11,295 work hours (6 FTE) to address the clemency backlog. In total, approximately 24,784 work hours (13.3 FTE) could be saved modifying the process, which could be used to address the backlog.

We also recommend that the Legislature fund a pilot project to outsource backlogged investigation work. We propose that the Clemency Board develop a request for information and a request for proposal to identify qualified private sector investigative firms and recommend that the board use a performance-based contract to hold contractors accountable for their performance.

To monitor the performance of the revocations process, we recommend that the commission collect data on the timeliness and outcomes of the revocation process.

Agency Response ---

The chairman of the Florida Parole Commission provided a written response to our preliminary and tentative findings and recommendations. The chairman's written response is reprinted herein beginning on page 20.

Appendix A

Statutory Requirements for Program Evaluation and Justification Review

Section 11.513(3), *Florida Statutes*, provides that OPPAGA program evaluation and justification reviews shall address nine issue areas. Our conclusions on these issues as they relate to the Parole Commission are summarized in Table A-1.

Table A-1
Summary of the Program Evaluation and Justification Review
of the Parole Commission

Issue	OPPAGA Conclusions
The identifiable cost of the program	In Fiscal Year 2001-02, the Legislature appropriated \$8.6 million in general revenue funds and authorized 147 full-time equivalent positions for the Parole Commission.
The specific purpose of the program, as well as the specific public benefit derived therefrom	The Florida Parole Commission's mission is to provide for public safety through the judicious administration and strict enforcement of statutes regarding post-prison supervision programs. The commission determines which offenders should be released to parole, which, if done well, provides a lower-cost alternative to incarceration while minimizing the risk to the public. The commission also revokes offenders on various forms of post-release supervision, which protects the public from future criminal acts by these offenders.
Progress toward achieving the outputs and outcomes associated with the program.	<p>The commission performed well, as defined by its Fiscal Year 2000-01 performance outcome measures.</p> <ul style="list-style-type: none"> ▪ <i>Number and percentage of parolees who have successfully completed supervision without revocation within the first two years.</i> There was no Fiscal Year 2000-01 standard for this measure, but performance results of 104 parolees (92.8%), were better than the Fiscal Year 1999-00 results of 91 parolees (90.1%). ▪ <i>Percentage of revocation cases completed within 90 days of final hearing.</i> There was no Fiscal Year 2000-01 standard for this measure; however, the commission completed 97% within the timeframe, which was better than the Fiscal Year 1999-00 performance of 95%. ▪ <i>Percent of cases placed before the Parole Commission/Clemency Board containing no factual errors.</i> The commission's performance of 89% for Fiscal Year 2000-01 surpassed its performance standard of 80% and its performance of 83% for the previous fiscal year. <p>The commission's six output measures for Fiscal Year 2000-01 are workload measures. For instance, the measure <i>the number of conditional release cases handled</i> describes the extent of the commission's workload, and are more useful for developing unit costs than assessing performance.</p>
An explanation of the circumstances contributing to the departments ability to achieve, not achieve, or exceed its projected outputs and outcomes as defined in s. 216.011, <i>F.S.</i> , associated with the program	The commission met its one performance standard for Fiscal Year 2000-01, as described above. The commission met the standard for the <i>number and percentage of parolees who have successfully completed supervision without revocation within the first two years</i> , in part, because the commission released offenders who were good parole risks. The output measures reflect workload rather than goals to be achieved.

Issue	OPPAGA Conclusions
<p>Alternative courses of action that would result in administering the program more efficiently and effectively</p>	<p>To improve supervisor-to-staff ratios, we recommend that the Parole Commission equalize the staffing ratios across the state by transferring a supervisor from Region V (Tampa) to Region VI (Miami). We also recommend that the commission develop a plan to fully implement telecommuting to replace its satellite offices in Pensacola, Leesburg, Jacksonville, Indiantown, and Arcadia. Although technological barriers prevent immediate implementation, telecommuting should offer cost savings and improve staffing ratios when these technology issues are resolved. Telecommuting could save the state \$189,624 in rent and support staff costs, which would be offset by technology and travel costs of approximately \$92,000. The total estimated annual savings to telecommute would be \$97,000.</p> <p>To achieve further reductions in administrative spending, we recommend shifting some administrative functions to the Department of Corrections. We propose shifting the purchasing, accounting, and MIS functions to the Department of Corrections, while retaining the legal and budgeting functions within the commission. We recommend the commission retain two positions: a director of administration to serve as a liaison between the commission and the department to resolve administrative issues that may arise and a budget administrator to assist with the preparation of the agency budget and the Long-Range Program Plan. By transferring purchasing, accounting, and MIS to the Department of Corrections, the Legislature could eliminate three positions in the administrative services section, saving approximately \$80,000 in salaries and benefits.</p> <p>To address the expected increases in clemency investigations, we recommend that the Parole Commission, with the help of the Department of Corrections, modify the computer program that generates the list of offenders to be considered for restoration of civil rights. The program should exclude from the list all offenders who are ineligible for restoration of civil rights without a hearing, pursuant to Rule 9A, Rules of Executive Clemency. If the program could screen out just 20% of the projected cases for Fiscal Year 2001-02, the commission could avoid 13,489 work hours that would be spent assessing ex-felon eligibility. This equates to approximately 7.3 FTE positions that could be used to reduce the clemency backlog. We also recommend that the Clemency Board begin using the abbreviated four-page clemency questionnaire for all clemency investigations to reduce the investigative work of examiners. This change would allow the commission to shift approximately 11,295 work hours (6 FTE) to address the clemency backlog. In total, approximately 24,784 work hours (13.3 FTE) could be saved modifying the process, which could be used to address the backlog.</p> <p>We also recommend that the Legislature fund a pilot project to outsource backlogged investigation work. We propose that the Clemency Board develop a request for information and a request for proposal to identify qualified private sector investigative firms and recommend that the board use a performance-based contract to hold contractors accountable for their performance.</p> <p>To monitor the performance of the revocations process, we recommend that the commission collect data on the timeliness and outcomes of the revocation process.</p>
<p>The consequences of discontinuing the program</p>	<p>If the Parole Commission were eliminated, another agency would have to make parole release decisions. In addition, another entity, such as the court system, would be responsible for revoking the supervision of offenders released to post-prison supervision. Given that the revocations process is an administrative hearing, moving revocations to the judicial system would likely be more expensive because offenders would have to be given legal counsel. Finally, the clemency board would need its clemency investigations performed by some other entity, such as the Department of Corrections or by private investigations firms.</p>
<p>Determination as to public policy; which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part.</p>	<p>As stated earlier, we recommend that the commission develop a plan to fully implement telecommuting to replace its satellite offices in Pensacola, Leesburg, Jacksonville, Indiantown, and Arcadia. This would result in an estimated annual savings of \$97,000. We also recommend transferring purchasing, accounting, and MIS to the Department of Corrections, thereby eliminating three positions in the administrative services section, saving approximately \$80,000 in salaries and benefits. Finally, we recommend that the Legislature fund a pilot project to outsource backlogged investigation work.</p> <p>We do not address issue of eliminating the Parole Commission's funding and transferring operations to other agencies.</p>

Justification Review

Issue	OPPAGA Conclusions
<p>Whether the information reported pursuant to s. 216.031(5), <i>F.S.</i>, has relevance and utility for evaluation of the program.</p>	<p>In general, the outcome measures listed earlier appear adequate for measuring the success of Parole Commission activities. The first measure, which reports the post-release success of parolees, attempts to gauge the effectiveness of Parole Commission's discretionary authority. If the commission is successful in identifying which parole-eligible offenders are good candidates for release, the commission will perform well on this measure. This measure encourages the commission to err on the side of public safety in making parole decisions. This outcome measure, however, only affects a small percentage of total releases each year. According to Department of Corrections data, only 89 offenders were released to parole during Fiscal Year 1999-00, which accounts for less than 1% of all prison releases. The second outcome measure assesses the timeliness of the commission's work and the third measures the quality of the commission's work. These are appropriate and meaningful measures.</p> <p>The output measures are mainly workload indicators and may be of use to the Commission in developing unit cost measures for its activities.</p>
<p>Whether state agency management has established controls systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports</p>	<p>According to the commission, performance data is collected in a database that has quality assurance checks to ensure accurate input. For example, a supervisor reviews data entered into the database. However, some of the data is hand-tabulated and is prone to error. For example, data for the measure <i>percent of cases placed before the Parole Commission/Clemency Board containing no factual errors</i> is reported and tabulated manually. In addition, the commission has not conducted a formal audit of the data system and cannot therefore verify the data's validity and reliability. The position responsible for reporting on data validation efforts, the inspector general, was eliminated with the Fiscal Year 2001-02 budget cuts.</p>

Source: OPPAGA analysis.

Appendix B

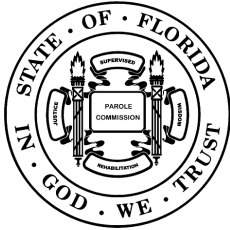
Supervisor to Staff Ratios

This chart shows the supervisor to professional staff ratios by region, by office, and by satellite office. The Fiscal Year 2000-01 ratios were reported by the Florida Corrections Commission in its 2000 Annual Report. The Fiscal Year 2001-02 figures were calculated by OPPAGA using the same methodology employed by the Corrections Commission.

FY 2000-01 (FPC Analysis)		FY 2001-02 (OPPAGA Analysis)	
Region I - Chattahoochee (1:3)		Region I - Tallahassee (1:4)	
Chattahoochee (1:6)	▪Regional Administrator-1 ▪Parole Examiners-5	Tallahassee (1:4)	▪Regional Administrator-1 ▪Parole Examiners-3
Pensacola (1:1)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-1	Pensacola (0:1)	▪Parole Examiner Supervisor-0 ▪Parole Examiners-1
Region II - Starke (1:5)		Region II - Starke (1:4)	
Starke (1:6)	▪Regional Administrator-1 ▪Parole Examiners-5	Starke (1:4)	▪Regional Administrator-1 ▪Parole Examiners-3
Jacksonville (1:5)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-5	Jacksonville (1:5)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-5
Region III - Orlando (1:4)		Region III - Orlando (1:6)	
Orlando (1:6)	▪Regional Administrator-1 ▪Parole Examiners-5	Orlando (1:6)	▪Regional Administrator-1 ▪Parole Examiners-4
Leesburg (1:3)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-3	Leesburg (0:2)	▪Parole Examiner Supervisor-0 ▪Parole Examiners-2
Region IV - Miami (1:3.75)		Region IV - Miami (1:6.5)	
Miami (1:3)	▪Regional Administrator-1 ▪Parole Examiner Supervisor-1 ▪Parole Examiners-6 ▪Parole and Probation Specialist-1	Miami (1:9)	▪Regional Administrator-1 ▪Parole Examiner Supervisor-0 ▪Parole Examiners-9
Sunrise (1:4)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-4	Indiantown (1:4)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-4
West Palm Beach (1:4)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-4		
Region V (1:2.75)		Region V - Tampa (1:2.25)	
Tampa (1:4)	▪Regional Administrator-1 ▪Parole Examiner Supervisor-2 ▪Parole Examiners-8 ▪Parole and Probation Specialist-1	Tampa (1:2.8)	▪Regional Administrator-1 (1:4) ▪Parole Examiner Supervisor-2 (1:3 and 1:4) ▪Parole Examiners-7 ▪Parole and Probation Specialist-1
Arcadia (1:2)	▪Parole Examiner Supervisor-1 ▪Parole Examiners - 2	Arcadia (1:1)	▪Parole Examiner Supervisor-1 ▪Parole Examiners-1

Summary of Ratios for Fiscal Year 2001-02 (using the Corrections Commission method of averaging offices)	
Supervisor	Professional Staff Ratio
Tallahassee	1:4
Pensacola	0:1
Starke	1:4
Jacksonville	1:5
Orlando	1:6
Leesburg	0:2
Miami	1:9
Tampa - Regional Administrator	1:4
Tampa - Parole Examiner Supervisor	1:3
Tampa - Parole Examiner supervisor	1:4
Arcadia	1:1
Statewide	1:4.8

Appendix C



FLORIDA PAROLE COMMISSION

2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450

JIMMIE L. HENRY
Commissioner Chairman

FREDERICK B. DUNPHY
Commissioner Vice-Chairman

MONICA DAVID
Commissioner Secretary

Tuesday, October 30, 2001

Mr. John W. Turcotte, Director
Office of Program Policy Analysis
And Government Accountability
111 West Madison Street, Room 312
Claude Pepper Building
Tallahassee, FL 32399-1475

Dear Mr. Turcotte:

Thank you for the opportunity to respond to the preliminary findings and recommendations of your office's justification review of the Parole Commission, which was issued on October 15, 2001. My interpretation of the report's findings is that overall the Commission is performing well and meeting its statutory obligations. Enclosed please find our response to the draft report findings and recommendations, and our response to statements in the draft narrative with which we disagree or find in need of clarification or explanation.

If you have any questions regarding this response, please contact William Camper at 488-4460, Shirley Miller at 488-3415, or Andrea Moreland at 922-6137.

Sincerely,

/s/
Jimmie L. Henry
Chairman

JLH/am
Enclosure

Parole Commission's Response to OPPAGA's Justification Review

Revocations

The Commission was pleased with the report's findings concerning the revocation process. To reiterate, the Commission is required by statute to conduct conditional release revocation hearings within 45 days. The report found that, on average, the Commission's staff is conducting these hearings well within the statutory timeframe. In addition, the agency has a performance measure that sets the standard of 90 days for the Commission to take final action on revocation hearings. The report also found that the Commission is deciding these cases well within the 90-day standard. The report recommended the reporting of additional revocation information. The Commission has recently developed a tracking system that will facilitate the reporting of such information.

Clemency

As the report indicates, clemency is a purely executive function authorized by the Florida Constitution. The Commission operates as the investigative arm of the Governor and Cabinet sitting as the Board of Executive Clemency ("Clemency Board"). Although the Commission is an integral part of the clemency process, it does not have any binding policy or decision-making authority. This power rests exclusively with the Clemency Board. Because clemency is strictly an executive function, any attempt by the Legislature to modify or change the clemency process would need to take into account the constitutional issue of separation of powers. The report makes three recommendations: 1) modify the computer program that generates the list of offenders to be considered for restoration of civil rights; 2) request the Clemency Board to begin using the abbreviated four-page clemency questionnaire for all clemency investigations; and 3) request the Legislature to fund a pilot project to outsource backlogged investigation work.

In response to recommendation (1), there is currently a computer program that generates a list of offenders who appear on the surface to be eligible for restoration of civil rights. The computer program automatically excludes certain offenders who are not eligible for RCR such as those with active detainers, probation to follow, etc. The report recommends adding additional screening criteria to eliminate the appearance of certain offenders on the list such as those who are habitual offenders or who have committed homicides. Such a change would not be appropriate because even though a habitual offender would not be eligible for restoration of civil rights without a hearing, this person would be eligible for restoration of civil rights with a hearing and would need to be notified as such.

In March 2001, the Clemency Board directed the Commission to notify all offenders who were not eligible for RCR without a hearing so that the person was aware of the fact that they would need to file an application with the Clemency Board if they desired to have their civil rights restored. In addition, the Clemency Board requested the Commission to maintain a database of all of the reasons that an applicant was not eligible for RCR without a hearing. This information is needed by the Clemency Board in order to adequately assess the need for any future rules changes that would improve or make the clemency process more efficient. Further, it should be noted that with regard to restitution, this information is not always located on the Department's database; and therefore, the Commission's ability to accurately determine eligibility for restoration of civil rights cases without a hearing would be compromised if it relied on the Department's database for restitution information. Another area that cannot be screened by the computer is out-of-state convictions and crimes for which there are arrests, but no dispositions are known. Thus, it would appear that no additional significant modifications to the computer programs would be appropriate or necessary at this time. The Commission will continue to work with the Department of Corrections to study and identify any future modifications that may be appropriate or necessary.

OPPAGA Director's Comments

The commission suggests that modifying the computer program would not be appropriate because a habitual offender “would not be eligible for restoration of civil rights without a hearing, [but] would be eligible for restoration of civil rights with a hearing and would need to be notified as such. Eligibility for restoration of civil rights with a hearing is very broad; Rule 5E of the Rules of Executive Clemency states that the offender must have completed all sentences (including supervision) and must be a legal resident of Florida. Offenders only eligible for restoration of civil rights with a hearing could simply be screened out by the computer program and placed on a separate list. In addition, the commission states that using the Department of Corrections’ database for restitution information would compromise the commission’s ability to accurately determine eligibility. Restitution information is contained in the department’s Court-Ordered Payment System. With the exception of Orange County, which has its own restitution court, restitution information can be found in the department’s database. If the commission has empirical evidence that the department’s system is inaccurate or incomplete, it should share this information with the department and the Legislature. Without substantive evidence of erroneous or incomplete data, the commission’s assertion that the department’s database information would compromise clemency investigations is questionable.

In response to recommendation 2, which recommended using the shortened questionnaire for all full clemency investigations, this is a policy issue over which the Commission has no control. The Clemency Board previously considered this issue, but determined that the abbreviated form did not provide the necessary information that the Board required in those cases requiring a full clemency investigation (e.g., firearm authority, pardons, commutation of sentence, etc.)

In response to recommendation 3, the report recommends outsourcing the backlogged investigative work. Because the clemency function is strictly a governmental function and not the type of work that is best suited to profit-making, outsourcing in this instance would not be appropriate. Regulations regarding the confidentiality of information would also serve as a serious impediment to this activity being effectively privatized. Because of the highly confidential nature of the investigation, files, and records, the potential for corruption or unauthorized and improper use of confidential information would be of concern. Other considerations that would be involved are increased costs of conducting investigations. The extent of an investigation varies depending on the particular facts of the applicant’s background. Therefore, it would be very difficult to determine an appropriate fee for performing this service. In many cases, the Clemency Board requests additional information regarding an applicant. These requests can be quite extensive. If a private firm were performing this service, the cost involved in gathering supplemental information could be very high. Further, it would be difficult to find an investigative firm that would have the necessary manpower to perform this statewide activity. Because the Commission has staff in offices located throughout the state, it has the necessary framework in place to obtain court documents, testimony from victims, etc. in a timely and cost effective manner without the necessity of having to deal with separate private firms to obtain this information. A simple phone call or e-mail from one of our offices in one part of the state to a distant office in another part of the state can result in the easy obtainment of necessary information that would not be so easily or cheaply done if two or more separate private firms were utilized.

Administration

The report correctly concludes that the legal and budgeting functions should remain with the Commission, and that the Commission should continue to operate as an independent agency in order to avoid any potential conflicts of interest. The report further indicates that an independent agency should

control its own budget and that unless the budget responsibilities are transferred, there would be no advantage or cost savings to transferring the accounting and finance office. Unlike most larger agencies, the Commission does not have a separate budget office. Its budgeting functions are included in and performed by the Commission's finance and accounting office. Therefore, the Commission's finance and accounting functions should remain with the Commission; especially in light of the fact that there would be no cost savings realized by transferring these functions to the Department.

The report recommends the transfer of the Commission's purchasing functions to the Department. The Commission disagrees with this recommendation. In addition to processing purchasing orders and maintaining supplies, the purchasing function also includes the sorting and distribution of Commission's mail. It would be inappropriate and unworkable for the Department to perform this function due to the confidentiality and sensitivity of much of the Commission's correspondence. This is particularly so because the Department uses inmate labor to perform this function, and much of the Commission's mail and correspondence involve confidential clemency matters, and other sensitive victim and release information. Further, it would not be efficient to separate the purchasing functions from the budget and finance and accounting office because of the fiscal accountability required. Any minimal cost savings that allegedly might be obtained would not be justified in view of the disruption to the performance of the Commission's administrative activities and the overall operation of the agency.

The report also recommends transferring the Commission's Information Systems functions to the Department of Corrections. The stated basis for the recommendation is that "most of the significant data that is used by the Commission belongs to the Department of Corrections." While the Department of Corrections is the custodian of inmate records by statute, the Commission not only uses the data, but also enters and updates information in the Offender Based Information System (OBIS). The Commission has its own data, as well as extracted data sets from the Department of Corrections.

In addition, the Commission has several in-house applications that are supported solely by the Commission's IS staff. There is the Management of the Application for Clemency (MAC), the Field Services Support System (FSS), the Restoration of Civil Rights (RCR), Death Row Tracking, and other in-house tracking and administrative applications. The Commission can see no advantage to moving the Commission's Information Systems functions to the Department of Corrections especially when the only basis for such transfer appears to be the fact that Commission shares some data with the Department. There would be no cost savings, no reduction in the use of hardware and software and no increase in online response time. Simply stated this is not a quantifiable advantage.

There are also several other disadvantages to transferring the Commission's Information Services office to the Department of Corrections, which have been pointed out by the report. To further elaborate, the Commission offers the following comments.

- (1) ***"Integration of IS systems must be approved by the State Technology Office (s. 282.102(5), F.S.)"*** The interpretation of s. 282.102(5) is incorrect in this situation. While the State Technology Office has been given the authority to integrate agency systems, agencies can integrate their own systems without the approval of the State Technology Office. If these systems were to be integrated, which is extremely doubtful because of the high cost of the integration, the STO would be involved since Department of Corrections IS staff will ultimately report to the STO.
- (2) ***FPC-specific databases must be transferred to DCOR.*** Given that the Department's OBIS system is mainframe based and the Commission systems are client-server and network server-based, the cost of integration would be prohibitive. One must understand that it is not simply a matter of placing our data in the Department's systems. The business rules of the Commission are very different from the Department of Corrections operations and these rules have been

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embedded in our modern online software applications. The cost of retrofitting these rules and processes into Corrections mainframe application are simply prohibitive.

- (3) ***“No cost saving – DCOR would not be able to absorb functions without staff.”*** The Commission agrees with this finding based upon representations made by the Department to the Commission on this issue. In addition, with the State Technology Office taking over the Department’s IS functions, there are concerns that the Department of Corrections will get less IS support than they have now. The STO’s mission is to focus their collective staff primarily on the state’s high priority projects with agency projects being secondary.

There are other reasons why the transfer of IS functions would be unworkable, which are not mentioned in the report. First, as an independent Commission, the IS staff does not come under the full purview of the State Technology Office. The Commission’s IS staff is currently in the same status as the cabinet agencies and the Public Service Commission staff which do not come under the STO as far as consolidation issues.

Second, the Commission’s network architecture is more advanced than that of Corrections simply because the Commission’s IS staff had a cleaner, less complex starting point to restructure its network topology. In the current round of budget recommendations, Corrections IS staff is requesting funding to upgrade their network architecture to the level of the Commission’s. The prospect for funding doesn’t look good, but the Commission does support the Department in this effort.

Third, while most of the Department’s data is public record, the Commission deals with the confidential information stored in the Clemency databases. To ensure the confidentiality of this sensitive information, none of the data should be stored in any databases or facilities that are accessible by agencies that do not have authorization to access this information, which includes the Department. This is one of the reasons that the Commission should remain an independent agency.

Telecommuting

The report provides that “the Parole Commission work with the State Technology Office to develop a plan to fully implement a telecommuting program and eliminate its satellite offices. This plan should specify the implementation costs, long-term cost savings and timelines.” Currently, there are two major impediments to developing a plan to eliminate the satellite offices using telecommuting: first, when Commission examiners are not traveling to a prison facility, they would be working from home. While at home, they would spend much of their time connected online to the FPC network thus gaining access to the Department’s OBIS and Inmate Records Imaging System (IRIS). We already know that this translates to a large cost because examiners need to stay online for hours to review and research cases. Today that cost could equal or outweigh the cost saving of not having satellite offices if we stepped up telecommuting activity. As the report points out, some of the proposed savings would be offset by technology needs of the telecommuter. One of those needs, high-speed access into the state network from the home to access inmate record images, is not available yet.

Second, the Florida Department of Law Enforcement does not allow dial-up connection to the Florida Crime Information Center (FCIC). As the report indicates, this is an issue of significant concern and was raised by the Commission during conversations with OPPAGA. Dial-up access is simply not allowed and it is even questionable if it will be allowed when the use of portable public access keys is implemented. Even if it were allowed, the FBI’s new encryption requirements, that are some of the most stringent in the country, would place a large cost on the Commission unless FDLE pays for the entire encryption scheme. Even then, FDLE may object to paying for encryption from someone’s home. As one can see, this telecommuting issue for criminal justice agencies is something larger than just the elimination of satellite field offices.

In many of the field offices, support staff perform FCIC/NCIC lookup functions and research for those examiners who are not certified FCIC operators. If those staff were not present, more examiners will have to become operators themselves and perform their own lookups. For at least the next couple of years, this will not be allowed if they are telecommuting. It is also out of the question for the examiner to go to some law enforcement office and use their equipment. That is not allowed either. Local law enforcement offices may perform the lookups for the examiners, but that will “get old quick” when they discover just how much online FCIC activity is performed at the Commission.

It should also be noted that while telecommuting is beneficial in some regards, it is not appropriate in all instances. Telecommuting works well with experienced employees who require little supervision or training. It is not appropriate for newly hired individuals or those who require more intensive supervision.

OPPAGA Director’s Comments

We concur, and so stated in our findings, that there are significant security concerns related to accessing FCIC/NCIC at a non-secure home location. As a result, we recommended that examiners access FCIC/NCIC at the nearest local law enforcement agency or another secure location. We also recommended that examiners access this information themselves, which will require them to be certified as FCIC operators. If, per our recommendation, FDLE adds an additional computer line for the commission’s use at these law enforcement agencies, certified examiners could easily access this information without intruding on the workloads of local law enforcement staff.

Supervisory Ratios

The report recommends that the Commission should equalize staffing ratios across the state and close satellite offices. For our comments concerning the closing of satellite offices, please see our discussion under Telecommuting. With regard to the Commission’s staffing ratios, we would emphasize that our supervisors not only supervise, but they also perform workload. (It is also noted that our Regional Administrators, who are not required to perform workload, are also at the present time carrying, on average, a 46 percent workload factor.) The amount of supervision versus workload varies from office to office based on the particular dynamics of that office. Further, the Commission believes that support staff should be included in the calculation of supervisory ratios. If support staff was included, the Commission’s overall supervisory ratio for the field would be 1:7.7. Overseeing work, approving leave, conducting performance evaluations, etc., all take time and therefore should be reflected in the ratios. Please see the attached chart that provides supervisory ratios based on the inclusion of support staff. Utilizing the numbers provided in the report regarding supervisory ratios for other law enforcement and correctional entities, the Commission’s supervisory ratios appear to be appropriate.

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Supervisor Staffing Ratios

FY 00-01 (June 5, 2001)	FY 01-02 (July 24, 2001)
<p><u>Region I – (1:6.3 or 1:4.3 (support excluded))</u></p> <p>Chattahoochee</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiners – 5 Support - 2 <p>Pensacola</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 1 Support – 1 <p>Administrators/Supervisors – 1.5</p> <p>Professional – 6.5</p> <p>Support – 3</p> <p>Total - 11</p>	<p><u>Region I - (1:6 or 1:4 (support excluded))</u></p> <p>Tallahassee</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiners – 3 Support - 1 <p>Pensacola</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 0 Parole Examiners – 1 Support - 1 <p>Administrators/Supervisors – 1</p> <p>Professional – 4</p> <p>Support – 2</p> <p>Total - 7</p>
<p><u>Region II – (1:9.7 or 1:7 (support excluded))</u></p> <p>Starke</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiners – 5 Support - 3 <p>Jacksonville</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 5 Support – 1 <p>Administrators/Supervisors – 1.5</p> <p>Professional – 10.5</p> <p>Support – 4</p> <p>Total - 16</p>	<p><u>Region II – (1:7.7 or 1:5.7 (support excluded))</u></p> <p>Starke</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiners – 3 Support - 2 <p>Jacksonville</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 5 Support - 1 <p>Administrators/Supervisors – 1.5</p> <p>Professional – 8.5</p> <p>Support – 3</p> <p>Total - 13</p>
<p><u>Region III – (1:7.7 or 1:5.7 (support excluded))</u></p> <p>Orlando</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiners – 5 Support - 2 <p>Leesburg</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 3 Support – 1 <p>Administrators/Supervisors – 1.5</p> <p>Professional – 8.5</p> <p>Support – 3</p> <p>Total - 13</p>	<p><u>Region III - (1:9 or 1:6 (support excluded))</u></p> <p>Cocoa Beach</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiners – 4 Support - 2 <p>Leesburg</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 0 Parole Examiners – 2 Support - 1 <p>Administrators/Supervisors – 1</p> <p>Professional – 6</p> <p>Support – 3</p> <p>Total - 10</p>

<p><u>Region IV – (1:7.8 or 1:6.2 (support excluded))</u></p> <p>Miami</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiner Supervisor –1 (.5) Parole Examiners – 6 Support - 1 <p>Sunrise (1:4)</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 4 Support – 2 <p>West Palm Beach</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners - 4 Support – 1 <p>Administrators/Supervisors – 2.5</p> <p>Professional – 15.5</p> <p>Support – 4</p> <p>Total - 22</p>	<p><u>Region IV – (1:10.3 or 1:9 (support excluded))</u></p> <p>Miami</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiner Supervisor -0 Parole Examiners – 9 Support - 1 <p>Indiantown</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners - 4 Support – 1 <p>Administrators/Supervisors – 1.5</p> <p>Professional – 13.5</p> <p>Support – 2</p> <p>Total - 17</p>
<p><u>Region V – (1:7 or 1:5 (support excluded))</u></p> <p>Tampa</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiner Supervisor –2 (1) Parole Examiners – 8 P&P Specialist – 1 Support - 4 <p>Arcadia</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 2 Support 1 <p>Administrators/Supervisors – 2.5</p> <p>Professional – 12.5</p> <p>Support – 5</p> <p>Total - 20</p>	<p><u>Region V - (1:6.2 or 1:4.2 (support excluded))</u></p> <p>Tampa</p> <ul style="list-style-type: none"> Regional Administrator – 1 Parole Examiner Supervisor –2 (1) Parole Examiners – 7 P&P Specialist – 1 Support - 4 <p>Arcadia</p> <ul style="list-style-type: none"> Parole Examiner Supervisor – 1 (.5) Parole Examiners – 1 Support – 1 <p>Administrators/Supervisors – 2.5</p> <p>Professional – 10.5</p> <p>Support – 5</p> <p>Total -18</p>

Overall:

1:7.6 (with support)

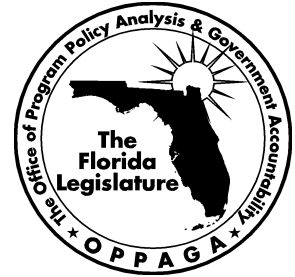
1:5.6 (without support)

1:7.7 (with support)

1:5.7 (without support)

The Florida Legislature

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