



Parole Commission Operations Consistent with Its Mission; Clemency Workload Needs to Be Addressed

at a glance

The Parole Commission has been successful in identifying low-risk offenders for release via parole. Regionalizing the commission's parole determination functions would distribute this workload across the state but would likely increase overall state costs. Transferring the commission's revocation authority to the court system and victims' services programs to other state agencies is feasible but would also likely result in higher overall state costs.

The commission also staffs the Florida Board of Executive Clemency, whose backlog continues to grow. The commission has proposed funding additional clemency staff to address the backlog. As alternatives, the Legislature could consider outsourcing this work to a private entity, or the Board of Executive Clemency could streamline its investigation process to reduce workload without additional resources.

Scope

As directed by the Legislature, OPPAGA reviewed the Florida Parole Commission's major functions. Specifically, this report

- analyzes the commission's effectiveness in determining which offenders should be released on parole;
- examines the fiscal, legal, and administrative ramifications of transferring commission functions to other entities; and
- evaluates options for reducing the backlog in processing executive clemency applications.

Background

The Florida Parole Commission plays two primary roles in the criminal justice system. First, the commission seeks to protect public safety by determining the suitability of releasing certain offenders from incarceration and by setting the terms and conditions of supervision for post prison releasees. Second, the commission acts as an investigative body that supports the Board of Executive Clemency in considering petitions for clemency by offenders. Exhibit 1 shows the specific functions performed by the commission.

Exhibit 1

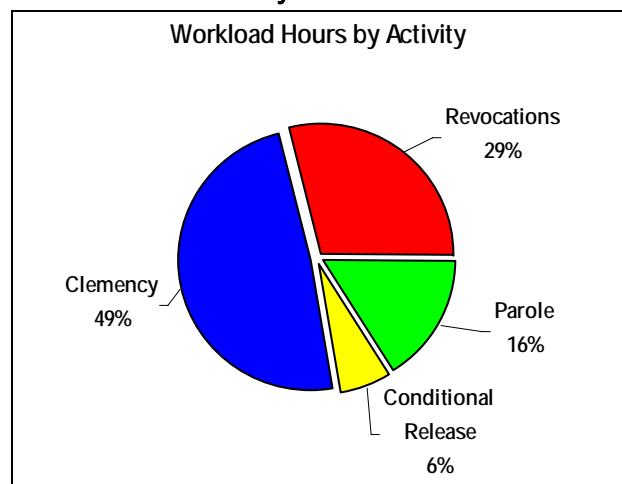
The Parole Commission Performs a Number of Criminal Justice Functions

Commission Duties	Fiscal Year 2004-05 Performance
Parole Determination. Conduct administrative, quasi-judicial hearings to determine whether to release offenders on parole and conditional medical release.	341 parole hearings 43 offenders paroled
Offender Revocation. Revoke the supervision of offenders who violate their supervision conditions or commit new crimes.	2,887 revocation hearings
Warrants. Issue warrants for the arrest of violators.	3,597 warrants
Supervision Term and Condition Setting. Set terms and conditions of supervision for parole, conditional release, addiction recovery supervision, and conditional medical release such as mandatory drug treatment, anger management counseling, and/or restrictions on where the offender may reside.	6,366 offenders
Victim Assistance. Notify, and solicit input from, victims of inmates that are eligible for parole prior to sentence completion, in accordance with victim assistance requirements.	2,913 victims assisted
Clemency. Perform administrative and investigative activities for the Clemency Board.	43,332 investigations

In Fiscal Year 2005-06, the Legislature appropriated \$9.34 million in general revenue and authorized 148 full-time equivalent positions to the commission. As illustrated in Exhibit 2, parole occupies an increasingly minor part of the staff's time, while clemency investigations and offender revocations now dominate staff time.

Exhibit 2

Almost Half of the Commission's Workload Is Related to Clemency



Source: Parole Commission data.

Findings

We reviewed the commission's parole determination, revocations, supervision term setting, victim services, and clemency responsibilities. We concluded that the commission has done a reasonably good job identifying inmates who are good risks for parole release. While there are some advantages to moving its revocations, supervision term setting, and victim services duties to other agencies, we concluded that no significant cost savings or quality improvement would result. The clemency application backlog has increased since our last report, and there are a number of options to address this backlog.

Parole determination

One of the basic functions of the commission is determining what inmates should be paroled from prison. Prior to 1983, when determinant sentencing led to the abolishment of parole, parole was the primary method of prison release. Currently, only those inmates whose offenses occurred before the change to sentencing guidelines and capital felony cases up until 1995—5,178 inmates as of September 2005—are eligible for parole.

The parole determination process comprises three primary phases.

1. At a public hearing, the commission sets a parole-eligible offender's presumptive parole release date, or the date at which he or she may first be considered for parole, following a review of the inmate's prior criminal history and community supervision record, severity of the offense, and the presence of aggravating or mitigating circumstances. The commission also considers victim input when setting a presumptive release date.
2. Subsequent reviews of the presumptive parole release date are held every two to five years in hearings open to the public. At these hearings, commissioners review the inmate's institutional adjustment, noting prison progress reports, program participation, disciplinary actions, psychological evaluations, educational and vocational training, and other factors. Commissioners then vote to reduce, extend, or order no change to the presumptive parole release date.
3. Finally, as the presumptive parole release date approaches, the commission conducts a final review of the inmate and the threat he/she poses. At this time, the commission solicits input from the sentencing judge, state attorney, law enforcement, the inmate's family and victims; conducts a complete review of the inmate's file; and interviews the inmate and scrutinizes his or her proposed release plan. The commissioners then vote at a public hearing whether to grant parole.

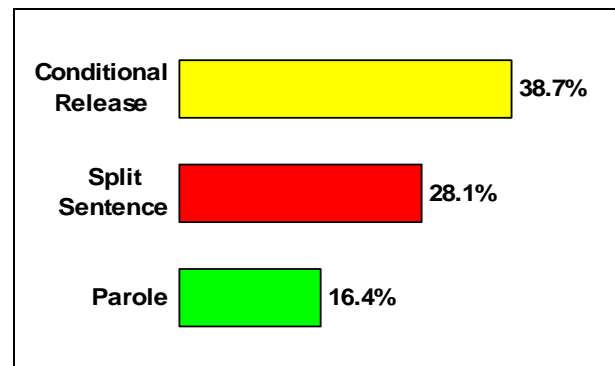
OPPAGA examined two questions related to parole determination.

- Is the commission successful in identifying good risks for parole release?
- Would shifting parole determination from the current centralized system to a regional system result in cost savings?

Paroled offenders have lower recidivism rate than comparable non-discretionary releasees

One measure of the commission's effectiveness is how well it is able to identify offenders who pose the least threat to public safety. By this metric, the commission has been successful. An analysis of recidivism data for inmates released from prison in Fiscal Year 1998-99 and Fiscal Year 1999-00 showed that paroled inmates fared far better than inmates with similar criminal histories but who were released mandatorily at the end of sentence. As shown in Exhibit 3, within 36 months of release, only 16% of paroled offenders had been charged with a new offense, while 39% of conditional releasees and 28% of offenders with split sentences had reoffended.¹

Exhibit 3 Paroled Offenders Have Lower Recidivism Rates Than Other Released Inmates



Source: OPPAGA analysis of Department of Corrections data.

Because these groups differed on demographic variables, OPPAGA conducted a multivariate regression analysis that controlled for offenders' race, gender, age, and criminal history. This analysis indicated that demographic differences between the groups did not explain the gap in recidivism rates and that a parolee was half as likely to reoffend than a conditional releasee of the same race, age, gender, and criminal record. This analysis

¹ A split sentence is a sentencing option in which an offender receives a prison term followed by a mandatory term of community supervision.

suggests that the more subjective factors considered by the commission—factors such as an inmate’s mental health status, in-prison disciplinary record, employment prospects, and family support—may play an important role in determining recidivism, and that the commission is successful in determining which inmates are likely to reoffend.

Shifting from a centralized parole board to regional parole boards may distribute workload, but has a number of disadvantages

In 2005, the Florida Legislature considered a bill to create four regional, all-volunteer parole boards. The bill proposed that these boards, appointed by the Governor, be responsible for conducting parole determination hearings only; parole revocation authority was to be granted to the judicial system. The bill also proposed that the Office of the Attorney General provide all administrative support for the regional parole boards.

There would be a number of advantages and disadvantages of this option. If the regions were appropriately sized to ensure roughly equal workloads and commissioner duties were restricted to parole determinations, each volunteer commissioner would have only one-quarter the parole workload of current commissioners, which would be reasonable for a volunteer board. In addition, parole determination functions would not likely require a reengineering if moved from the central office to a regional model. Currently, most of the work associated with determining and reviewing the inmate’s presumptive parole release date is performed at the regional level by parole examiners.

Eliminating the current three paid commissioners’ salaries would save the state \$340,947 in salaries and benefits; of this amount, \$213,092 represents the portion of the commissioners’ time spent on activities that would be performed by volunteer commissioners under this proposal.

However, these costs savings might be offset by higher administrative costs. It is likely that no administrative support positions could be cut by moving these functions to the regions, and some additional positions might need to be created. Currently, each commissioner has two staff assisting with his or her caseload. If each volunteer commissioner were assigned one administrative support position, 12 total positions would be required, assuming four regional boards with three commissioners each. This would result in a net increase of six administrative support positions statewide. Salaries and benefits of these six positions, estimated at \$206,382, would mostly offset the \$213,092 saved as a result of cutting the three paid commissioner positions.

In addition, switching from a centralized to a regional system could result in inconsistent parole determination and lead to divergent outcomes throughout the state. Local boards might be less likely to authorize release, due to community pressure to deny parole, which could lead to higher state incarceration costs. While fewer releases could result in less crime, it appears that the commission’s screening process has been relatively successful at screening out offenders who are most likely to reoffend, as previously discussed.

Texas is the only state that has adopted a semi-regionalized system. In that state, seven governor-appointed board members and 11 commissioners appointed by the board, divided into three-member panels operating out of six regional offices, make release and revocation decisions. However, the Texas system of regional parole panels is unlike the Florida proposals in four ways. First, Texas parole panels may make parole determination decisions without holding a hearing; due to the panels’ workloads—hundreds of cases per week per panel—most decisions are made simply by reviewing the inmate’s file. Second, unlike the proposed Florida regional boards, all panel members are paid; each of the 11 commissioners are paid approximately \$75,000 a year, and each of the seven board members

are paid approximately \$86,000 a year. Third, all administrative support is housed within the parole board, rather than at another agency, as envisioned in the Florida proposal. Finally, Texas uses parole risk assessment instruments and parole guidelines which officials believe helps to ensure accountability and uniformity in decision making. The 2005 proposal to create regional Florida parole boards did not have such a provision.

Revocations and post-prison supervision term and condition setting

The Parole Commission sets the terms and conditions of parole, conditional medical release, conditional release, and addiction recovery release. These terms and conditions are set at the time of release, and typically include refraining from contact with criminal associates, submitting to urinalysis, and paying the cost of supervision and rehabilitation. Additional conditions are automatically imposed on sex offenders. Commissioners have the discretion to impose any additional conditions they deem appropriate, however, including mandatory therapy programs, prohibitions against traveling to particular counties or states, or driving or employment restrictions.

The commission also makes final determinations regarding alleged violations of parole, conditional release, addiction recovery release, control release, and conditional medical release. Upon a finding of fact that an offender has indeed violated the terms and conditions of his or her release, the commissioners may vote to revoke supervision and return the offender to prison, continue supervision, terminate supervision, or amend the terms of supervision. The vote occurs at a publicly noticed administrative hearing in which the offender does not have an automatic right to counsel.

OPPAGA examined the fiscal and legal implications of transferring these functions from the commission to the judicial system, as proposed in legislation introduced in 2005.

Transferring revocation and term and condition setting authority to the courts would significantly increase costs

Transferring revocations and term and condition setting from the commission to the judicial system would increase the costs of these activities by an estimated \$2.42 million to \$3.53 million annually. The lower estimate represents the costs to the court system if the process remains an administrative hearing and reflects the net cost increase associated with the increase in judges' workloads, as well as the court reporting costs associated with a judicial proceeding. According to the Office of State Courts Administrator, at a minimum, the Florida courts would require an additional 64 FTEs (9 judges and 55 support staff) and an additional \$4.77 million in annual appropriations in order to absorb the additional caseload.² Since the commission currently allocates 49.3 FTEs to revocations and term and condition setting at an annual cost of \$2.35 million, this estimate represents a net increased annual cost of \$2.42 million. If this authority were transferred to the judicial system and appropriations were not increased, the Office of State Courts Administrator believes that delays in the adjudication of cases in the civil and family divisions would increase.

The upper estimate includes the costs associated with shifting from a non-adversarial proceeding—as is currently the practice at the commission—to an adversarial proceeding, with the state represented by an assistant state attorney and the defendant represented by counsel. Currently, probation revocation proceedings—the only revocations now handled by the court system—are adversarial

² This projection does not include an estimated \$721,178 in nonrecurring transition costs or the additional costs that would arise from appeals of these revocation decisions.

proceedings, and it appears likely that transferring additional revocation authority to the courts could lead to the introduction of appointed counsel for indigent defendants and the need for counsel to represent the state's interests.³ The Office of State Courts Administrator and the Florida Prosecuting Attorneys Association concur with this conclusion. The Florida Public Defender Association opined that counsel will be required in only those cases in which the offender is alleged to have committed a new crime; the association believes that hearings regarding technical violations are not sufficiently akin to a sentencing to trigger the requirement of counsel.

According to estimates provided by the Florida Public Defender Association and the Florida Prosecuting Attorneys Association, the yearly cost of providing counsel for these cases would be approximately \$1.11 million. Combined with the aforementioned court workload costs, the total estimated costs associated with converting parole revocations from an administrative proceeding to an adversarial proceeding in the judicial system would be \$3.53 million.

³ Two Florida Supreme Court cases support this conclusion. In 1985, the Florida Supreme Court extended the right to counsel to all alleged probation violators, reasoning that a uniform rule in all probation revocation hearings was more easily understood and easier to administer than a rule requiring attorneys in some cases but not others (*State of Florida v. Hicks*, 487 So.2d 22, 1985). A 1987 Florida Supreme Court ruling delineated three major differences between probation and parole that supported the requirement of counsel for the defendant in all probation revocation hearings but not in all parole revocation hearings (*Floyd v. Parole and Probation Commission*, 509 So.2d 919, 1987). Two of these three points of difference—that probation revocation hearings are conducted in the judicial system, while parole revocation hearings are administrative in nature, and that probation revocation hearings are conducted by lawyers (judges), while parole revocation hearings are not—would be eliminated by a switch to judicial revocation hearings for parole and other types of release currently adjudicated by the commission. The third point of differentiation, that parole revocation does not lead to a sentencing hearing, could still hold; s. 947.141(4), *F.S.*, authorizes the commission to revoke supervision and return the releasee to prison, “reinstate the original order granting the release, or enter such other order as it considers proper.” It is unclear whether the procedure outlined in this statute, which was enacted after the 1987 decision, would be construed as sufficiently similar to a sentencing hearing.

Victims' services

The Parole Commission's Victims' Services Office provides a variety of services to victims of offenders being considered for parole, clemency, or conditional medical release, including:

- notification of upcoming hearings via mail;
- one-on-one counseling about the process and the victims' legal rights;
- provision of documentation available to the commissioners regarding their offender's case, including the offender's proposed release plan, upon request;
- assistance with providing input to the commission;
- assistance at the hearing, including maintaining a separate waiting area for victims, accompanying victims to the hearing and providing emotional support, and reading statements from victims upon request; and
- notification of the commission's decision if victims are not in attendance.

In addition, the office gathers information about the nature of the crime to assist the commission in determining whether aggravating factors (e.g., torture, excessive brutality) were present; in setting the presumptive parole release date, the commission may use this information to increase the date at which the inmate is first eligible for parole.

The office has four full-time staff and a budget of \$204,812. Roughly one-quarter of the office's budget—\$48,422—is not funded by the state, but is supported by federal Victims of Crime Act grants.

OPPAGA examined the effect on the cost and quality of services of transferring Victims' Services from the Parole Commission to either the Department of Corrections or the Office of the Attorney General.

Transferring Victims' Services to another entity is unlikely to result in significant cost savings and may result in lower quality services

If the Parole Commission were abolished, the Department of Corrections' Victim Assistance Office would be best poised to perform these functions. This office, currently staffed with seven FTEs, performs the same type of victim notification and counseling services for victims of offenders nearing their mandatory release date; victims of offenders eligible for discretionary release (parole) are, as noted above, assisted by the commission.

However, the department does not perform other functions currently provided by the commission staff, such as accompanying victims to hearings, assisting with victim impact statements, or gathering information about the nature of the crime, since the end-of-sentence releases administered by the department are non-discretionary in nature and therefore there is no release decision for which victim input must be obtained. Also, because the department does not have experience providing these services and its personnel do not deal with the intricacies of the parole process—such as the scoring system used to calculate the inmate's presumptive parole release date—the department's current staff would be less proficient in assisting victims of parole-eligible inmates. According to the director of the department's Victim Assistance Office, in the event the department were to assume the commission's Victims' Services duties, he would request that all of the commission's staff be transferred in order to manage the increased workload and provide expertise on parole-specific issues. There would therefore be no cost savings in terms of personnel.

Another option would be to transfer these functions to the Office of the Attorney General, which also has a Victims' Services Office. The current focus off this office is administering federal Victims' of Crime Act grants and the state's Crime Victims' Compensation Program. Unlike Corrections and the Parole Commission, the Attorney General provides few direct victim assistance services. It has one staff

member dedicated to direct services who works with victims of capital cases and their families if and when an inmate on death row appeals his or her sentence to the district court or the Florida Supreme Court. The local state attorney's office provides these services during the initial trial.

Clemency

Originally designed to address miscarriages of justice, clemency has evolved to take on several forms. These include full pardons, which unconditionally release an individual from punishment and forgive guilt for any Florida convictions; commutations of sentence, which adjust an offender's sentence to one less severe (including changing a death row inmate's sentence to life in prison); restoration of firearms authority for ex-felons; and restoration of civil rights—the right to vote, hold public office, serve on a jury, and obtain state-issued occupational licenses—for ex-felons.

The Florida Clemency Board, composed of the Florida Cabinet, makes all final decisions regarding the granting of clemency.⁴ It is assisted by the Parole Commission's Office of Executive Clemency and Office of Clemency Administration. These offices assist the board with the two main processes for clemency—clemency with a formal hearing and restoration of civil rights without a hearing.

Clemency with a formal hearing. All ex-felons seeking a pardon or commutation of sentence, and some ex-felons seeking restoration of civil rights, must use the formal hearing process. In these cases, the applicant completes a short application which prompts the initiation of a full investigation as mandated by the Board of Executive Clemency. The application information is verified by field investigators at the Office of Clemency Administration. The commission staff then forwards its recommendation and investigative report to the Clemency Board, which makes its decision following a formal hearing.

⁴ The Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture and Consumer Services compose the Florida Cabinet.

Restoration of civil rights without a hearing. In accordance with changes to the Rules of Executive Clemency adopted in December 2004, most nonviolent offenders are eligible for restoration of civil rights without a hearing, provided that they have remained arrest-free for at least five years and do not owe victim restitution. All offenders are eligible for restoration of civil rights without a hearing if they have remained arrest-free for 15 years and do not owe victim restitution, although in rare cases board members may object and initiate a formal hearing process.

While formal applications to request the restoration of civil rights is the most labor intensive, 90% of applications are “automatic”; that is, sent directly from the Department of Corrections to the commission electronically when offenders complete their prison or supervision terms. This electronic process was established in response to a 2004 ruling of the First District Court of Appeal which found that the Department of Corrections failed to assist offenders with the paperwork to regain their voting rights.⁵

OPPAGA examined three questions related to the commission’s clemency activities.

- How efficiently is the commission processing clemency cases?
- What policy options would improve the processing of clemency cases and eliminate the backlog?
- Would transferring clemency functions to the Executive Office of the Governor result in cost savings?

A large increase in applications without a corresponding increase in personnel has led to a backlog of cases and lengthy application processing times

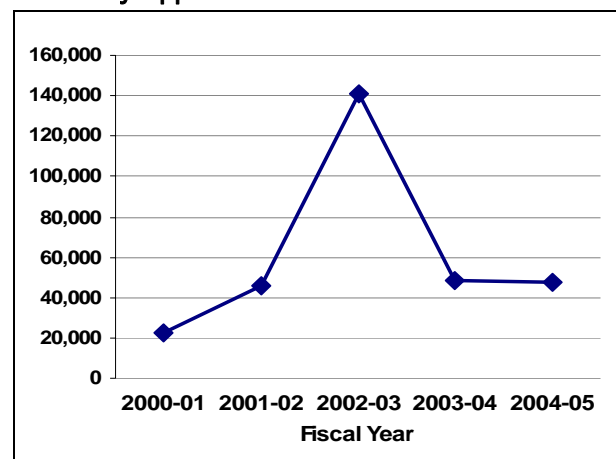
At the time of OPPAGA’s 2001 Justification Review, restoration of civil rights cases without a hearing took an average of 6.1 months, and full investigations took an average of 16 months.

The backlog—defined as the number of clemency applications that had been received by the Office of Executive Clemency but not yet investigated by the Office of Clemency Administration—stood at 7,199 cases.⁶

However, the backlog and the average length of time required to process a case have increased significantly. According to a commission analysis, the backlog rose to 13,329 cases as of February 2006 and clemency applications requiring a full investigation took an average of 22 months to be processed.

There are two main reasons for this increase in the backlog. First, the number of applications for clemency increased dramatically. As shown in Exhibit 4, clemency applications increased from 22,534 in Fiscal Year 2000-01 to over 40,000 a year thereafter.

**Exhibit 4
Clemency Applications Increased**



Source: OPPAGA analysis of Department of Corrections data.

The Fiscal Year 2002-03 peak was due to the substantial increase in restoration of civil rights applications following the aforementioned judicial decision requiring the Department of Corrections to automatically forward the names of eligible ex-offenders for restoration of civil rights consideration. The commission also attributes some of this increase to the

⁵ Florida Caucus of Black State Legislators, Inc. v. Crosby, 877 So.2d 861 (Fla. 1st DCA 2004).

⁶ Justification Review: Budget Reductions, Process Improvements Possible in Parole Commission Operations, [Report No. 01-55](#), November 2001. Note: The backlog figure cited in this report (6,437 cases) has been updated to reflect a revised backlog definition.

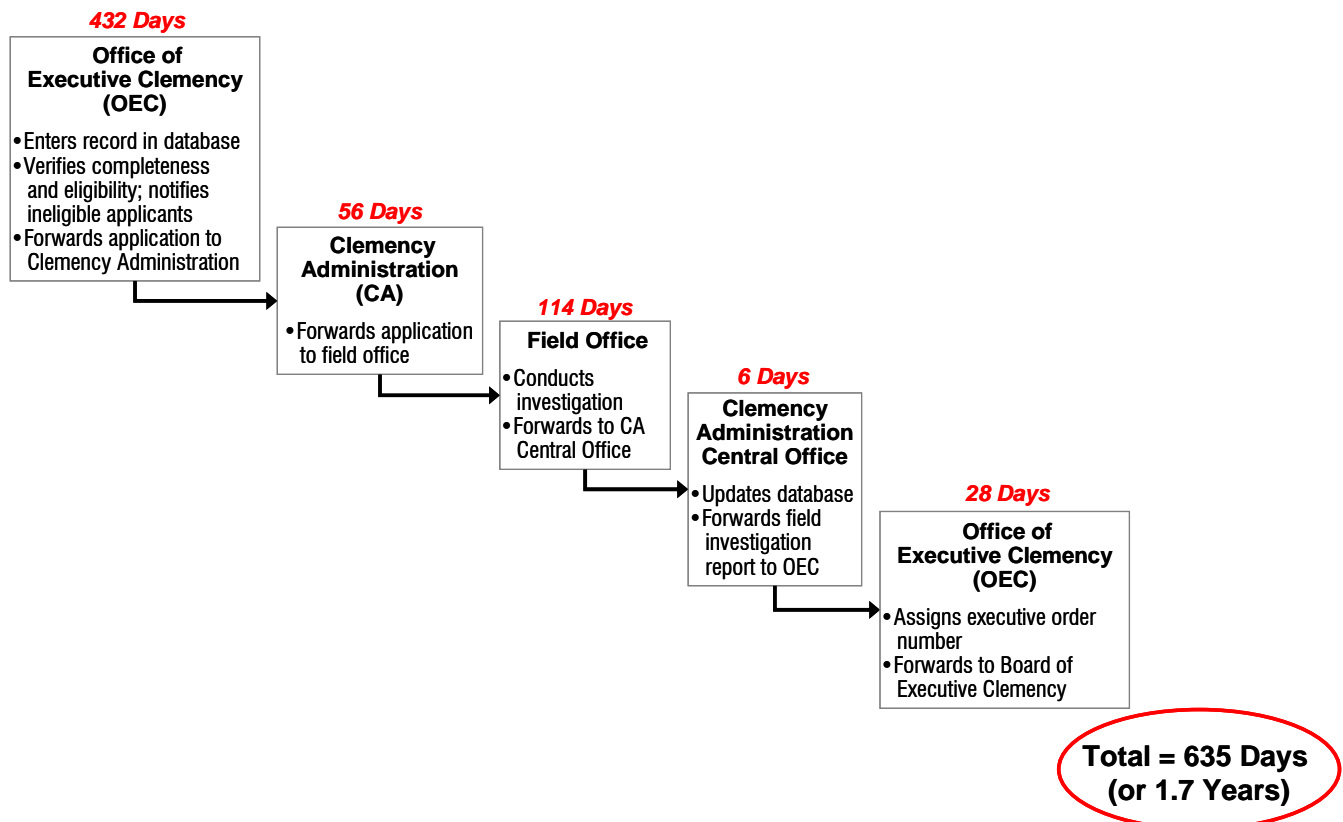
simplification of the process over the past five years as well as high-profile clemency campaigns conducted by the American Civil Liberties Union and other groups focused on felon enfranchisement; many of these groups held workshops around the state to assist ex-offenders with completing clemency applications.

Second, due to staffing levels, many cases wait over a year to be processed. Clemency cases spent, on average, over a year (432 days) in the Office of Executive Clemency in the initial stages of application processing, before being referred to the Office of Clemency

Administration for assignment to a field investigator. As shown in Exhibit 4, each case then spent an average of 56 additional days in the Office of Clemency Administration before being assigned to a field office. Efforts to reduce pre-investigation backlogs, however, would likely increase backlogs in the field offices, where examiners conduct full investigations. Cases that do not require field office investigations take far less time to process. For example, electronic restoration of civil rights applications that come directly from the department and bypass the full investigation process take roughly six months to complete.

Exhibit 4

Clemency Cases Take Over 600 Days to Be Processed by the Parole Commission



Note: Data reflects Fiscal Year 2002-03 applications.
Source: Florida Parole Commission.

Streamlining clemency investigations would reduce the backlog and clemency costs

We assessed two options for reducing the clemency backlog: increasing clemency staffing and streamlining the clemency investigation process. While additional staff or outsourcing would reduce the backlog, changes in clemency investigation requirements could allow the commission to redirect staffing to address the backlog.

Increase staffing. For Fiscal Year 2006-07, the Parole Commission is requesting an additional 20 full-time staff and 20 part-time OPS staff, at a cost of \$1.45 million, to eliminate the clemency backlog. As an alternative, the state could add temporary OPS staff and/or outsource the workload. Hiring temporary OPS staff would be less costly than full-time staff. If OPS staff were hired instead of full-time staff, the cost savings associated with eliminating benefits of the full-time staff would be \$168,331.

Outsourcing was addressed in our 2001 Justification Review, which concluded that private sector cost estimates for investigation work were comparable to the commission's costs.⁷ The advantages of outsourcing include not adding additional state staff and the opportunity for the state to test the quality and timeliness of privatizing this function. The disadvantages of outsourcing include the private sector's lack of access to criminal records and data systems and lack of familiarity with the clemency rules and process.

Streamline clemency investigation. Another option for reducing the backlog is to streamline the clemency investigation requirements by modifying the time consuming investigation requirements of the Clemency Board. This could be done in two ways.

- Change restoration of civil rights policy to automatically restore civil rights of offenders upon release from prison or supervision. The Clemency Board could adopt a policy to automatically approve all applications for restoration of ex-felons' civil rights upon release from prison. This would free up clemency resources to perform other clemency activities and reduce the backlog. In Fiscal Year 2004-05, the commission had 51 FTE dedicated to clemency activities. If the Clemency Board permitted ex-felons to automatically receive their civil rights back upon completion of sentence, the restoration of civil rights workload would be eliminated, allowing the state to save approximately 24 FTE and \$1.08 million. Such a policy change would not be inconsistent with national trends—in most states, ex-felons automatically receive their voting rights back upon completion of their prison or supervision sentences.⁸ Opponents of this option point out that clemency is not a right and that the Clemency Board should retain the authority to exercise discretion in clemency cases.
- Reduce the investigative work for the Restoration of civil rights cases. Reducing the clemency investigation work performed by parole examiners would free up resources to reduce the clemency backlog. In Fiscal Year 2004-05, the commission completed 2,944 full restoration of civil rights investigations; on average, these investigations required 15.28 hours of staff time to verify the applicant's military history, mental condition, employment, and other items that appear only tangentially related to one's suitability to regain civil rights. Reducing requirements for these cases could save resources. For example, if the Board of Executive Clemency were to limit the investigation to

⁷ *Justification Review: Budget Reductions, Process Improvements Possible in Parole Commission Operations*, [Report No. 01-55](#), November 2001.

⁸ Two states other than Florida (Kentucky and Virginia) require ex-felons to petition to have their voting rights restored. Nine others require certain categories of offenders to petition or require a waiting period to receive their rights back.

fewer elements—such as a criminal history check and verification of restitution and court fee payments, detainers, and child support—the state could cut approximately 19 FTE parole examiner positions for a savings of \$914,490. Alternatively, these positions could be used to reduce the backlog.

Transferring clemency functions to the Executive Office of the Governor would likely increase program costs

Transferring the 51 clemency staff directly involved in clemency activities from the commission to the Governor's Office would lead to additional annual costs of approximately \$794,000. This includes an increase in personnel costs of \$417,000 and an increase in overhead costs of up to \$377,000.

Personnel costs would likely increase because most positions at the Governor's Office have higher salaries than comparable positions at the commission. Also, Governor's Office

positions are select exempt service, with all health insurance premiums fully paid by the state, while most commission positions are career service positions, with employees paying a portion of the premiums. According to Governor's Office officials, transferring Tallahassee-based commission employees to offices at the Capitol would increase the overhead costs of the Governor's Office by \$377,000. It is unclear to what extent these increased facility costs could be offset by savings resulting from renting or reallocating the commission's current workspaces.

Agency Response

In accordance with the provisions of s. 11.51(6), *Florida Statutes*, a draft of our report was submitted to the chairman of the Florida Parole Commission for review and response.

The chairman's written response is reproduced in its entirety in Appendix A.

OPPAGA supports the Florida Legislature by providing evaluative research and objective analyses to promote government accountability and the efficient and effective use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

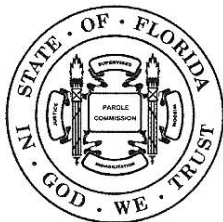
Florida Monitor: www.oppaga.state.fl.us

Project supervised by Marti Harkness (850/487-9233)

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Gary R. VanLandingham, OPPAGA Director

Appendix A



FLORIDA PAROLE COMMISSION

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MONICA DAVID
Commissioner/Chairman

FREDERICK B. DUNPHY
Commissioner/Vice-Chairman

TENA M. PATE
Commissioner/Secretary

February 8, 2006

Gary R. VanLandingham, Director
Office of Program Policy Analysis and Government Accountability
The Florida Legislature
111 West Madison Street
Room 312, Claude Pepper Bldg.
Tallahassee, FL 32399-1475

Dear Mr. VanLandingham:

The Florida Parole Commission has reviewed your report that analyzed the Commission's major functions. We fully concur with your findings that the Commission has been successful in carrying out its mission and continues to operate both efficiently and effectively. It has been well documented in your report that the Commission is performing its various functions at less cost to the state as compared to the proposed alternatives.

We also concur with your finding that the backlog of clemency cases has occurred for several reasons which are beyond the Commission's control. The Governor's 2006-07 budget recommendations address the long standing staffing deficiencies that have existed in clemency. As to the other options mentioned in your report to address the clemency workload, I would reiterate that any changes to the clemency process are under the sole purview of the Board of Executive Clemency (Governor and Cabinet).

I want to express our sincere appreciation for the professionalism of your staff and the significant amount of time they took to understand the Commission's issues, processes and the critical role it plays in Florida's criminal justice system. As the report reflects, they were very thorough in their review and analysis.

If you have any questions or need further information, please call me at 487-1978.

Sincerely,

Monica David
Chairman