June 16, 2010

The Honorable Greg Evers, Chairman
Joint Legislative Auditing Committee
111 West Madison Street
Tallahassee, Florida 33299-1400

Re: Auditor General Report 2010-010, Six-Month Follow-Up Response

Dear Chairman Evers:

The following response is the Parole Commission’s Six-Month Post Audit Follow-Up Report to Auditor General Report 2010-010, a performance review of the Commission’s clemency function relating to the processing of Restoration of Civil Rights’ (RCR) cases. The audit review period began July 1, 2007 and ended February 28, 2009. The final report was published September of 2009.

Having sought the Clemency Board’s direction on the audit report, the Board’s directive to me as agency head was to make procedural changes to ensure foremost the accuracy of RCR case file information. To accomplish this, I asked the Clemency Board for a minimum 6 to 8 month time period to adequately assess and evaluate recommendations and to test modifications and suggested enhancements for increased productivity and accuracy. Further, September 29, I appointed an internal Ad Hoc Committee to review existing practices, target events contributing to human error, and implement new procedures to ensure the overall accuracy of RCR case information. The Committee acknowledged at the onset of their review that new proposed safeguards, while ensuring complete and accurate information, could result in the process being slowed and fewer cases being processed.

The following are the Commission’s post audit corrective measures and their status as of this date:

1 – November 2009, I appointed a Quality Assurance Unit (QAU), composed of key operational staff within clemency administration, and reporting directly to me or my designee, and independent of the Commission’s clemency section heads. This was done to allow selected individuals who perform these clemency functions daily to provide to me their assessment of existing clemency procedures.

2 - On December 1, 2009, a new Eligibility Review Form was created and implemented statewide for use in reviewing all “Expiration of Sentence/ Termination of Supervision” (EOS/TOS) RCR cases. The new form was posted to the FPC Intranet website and an enhanced risk-based RCR supervisory review for approving EOS/TOS cases was implemented for both supervisors in the
field offices as well as the new QA unit within the Office of Clemency Administration/central office.

3 – Database/IT Issues: On March 6, 2010, the MACNet Application upgrade from Visual Studio 2003 to Visual Studio 2008 was completed. This was a necessary first step by the Department of Corrections’ Office of Information Technology (DC OIT) to sustain the current clemency database and to ensure that any upgrades and future enhancements being requested by the Commission will be supported. These enhancements will include: improving functionality by users; documenting resources utilized in RCR reviews; and documenting supervisory reviews and quality assurance reviews within the MACNet database. FPC staff is currently working with DC OIT to develop and implement these future MACNet upgrades.

4 – Updated Staff Training: On March 26, 2010, a new instructional training manual was completed and issued statewide for conducting Restoration of Civil Rights’ Level 1 (Automatic Approval) eligibility reviews of Expiration of Sentence (EOS) and Termination of Supervision (TOS) cases. This manual was produced after several months of hard team work from collaboration between central office and field office examiners and supervisors who regularly conduct these types of reviews and approve these types of cases. The manual was posted on the FPC network and on the FPC Intranet website and is now a valuable tool and resource guide available to all those involved in the RCR review process. It includes a review and explanation of the RCR rules, a review of all necessary data systems to be utilized, how the investigative process is completed, available internet resources, and several investigation examples.

5 – Performance Measures: Additional Performance Measures, as recommended in the audit and included in the Commission’s FY 2009-10 LRPP (Long Range Program Plan), were submitted for approval to the Governor’s Office of Policy and Budgeting (OPB). The new performance measures approved for the Commission are:

a. Percent of Level I/automatic RCR application cases placed on executive orders to the Clemency Board containing no factual errors.
b. Percent of Level I/automatic RCR list (EOS/TOS) cases placed on executive orders to the Clemency Board containing no factual errors.
c. Percent of Level II RCR cases placed on executive orders to the Clemency Board containing no factual errors.
d. Percent of Level III RCR cases placed on executive orders to the Clemency Board containing no factual errors.

As stated in previous documents, the Commission’s critical mission is public safety and administers programs with statutorily mandated timeframes, which must be met. When asked to prioritize its spending by the Legislature, the agency’s funding resources were directed to programs where critical timeframes are mandated before funding clemency functions, which have no mandated timeframes. Thus, funding to the clemency function has suffered during the current economic downturn. However, since the Commission serves as the investigatory and administrative arm of the Clemency Board it must, through the review, eligibility determination, and processing of all clemency requests, strictly follow all rules, policy and Board directives to the best of its ability.

In closing, during the review period, other policy directives were made either administratively or by Executive Order that enhanced the RCR process for the stakeholders. For RCR cases requiring a full investigation, applicants now receive a copy of their investigative report prior to a
Board hearing and in 2008, the Commission began mailing a voter registration form together with the certificate granting an individual their civil rights. Also, the Commission added a search capability to its public website, www.FLrestoremynrights.com, allowing individuals to check to see if their rights have been restored and, if granted, allows for the immediate printing of the certificate.

The Commission has attempted to comply with the recommendations of the 2010-010 audit. If you have any questions concerning this response, please contact me at 850-488-0476 at your convenience.

Sincerely,

[Signature]
Frederick B. Dunphy
Chairman

Cc:
Members, Joint Legislative Auditing Committee
Kathryn DuBose, Staff Director
David Martin, Auditor General
The Honorable Charlie Crist, Governor
The Honorable Bill McCollum, Attorney General
The Honorable Alex Sink, Chief Financial Officer
The Honorable Charlie Bronson, Commissioner of Agriculture
Chief Cabinet Aides
Clemency Aides