

**COMMISSION ON
OFFENDER REVIEW**

Post-Prison Supervisory Release Programs
and Selected Administrative Activities



Sherrill F. Norman, CPA
Auditor General

Commission on Offender Review

The Commission on Offender Review is established by Article IV, Section 8(c) of the State Constitution and operates under the authority of Sections 20.32 and 947.13, Florida Statutes. Pursuant to Chapter 2014-191, Laws of Florida, effective July 1, 2014, the Parole Commission authorized by the State Constitution was renamed as the Commission on Offender Review. The three members of the Commission are to be appointed by the Governor and Cabinet and are subject to confirmation by the Senate. The Commission also serves as an investigative body that supports the Board of Executive Clemency, composed of the Governor and Cabinet. The following individuals served as Commission members during the period of our audit:

Ms. Tena M. Pate	Chair
Ms. Melinda N. Coonrod	Vice Chair from August 19, 2014 Secretary through August 18, 2014
Mr. Bernard Cohen	Vice Chair through June 30, 2014
Mr. Richard D. Davison	Secretary from August 19, 2014

The team leader was Ha Le and the audit was supervised by Christi Alexander, CPA.

Please address inquiries regarding this report to Christi Alexander, CPA, Audit Manager, by e-mail at christialexander@aud.state.fl.us or by telephone at (850) 412-2786.

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COMMISSION ON OFFENDER REVIEW

Post-Prison Supervisory Release Programs and Selected Administrative Activities

SUMMARY

This operational audit of the Commission on Offender Review (Commission) focused on the administration of post-prison supervisory release programs and selected administrative activities. The audit also included a follow-up on the findings noted in our report No. 2013-033. Our audit disclosed the following:

Post-Prison Supervisory Release Programs

Finding 1: The Commission did not always ensure that reviews of offenders placed on parole, conditional release, or control release were timely conducted in accordance with State law.

Finding 2: Some Commission policies and procedures related to supervision reviews, supervisory violation reviews, and revocations did not always reflect current State law, Commission rules, and Commission operating practices.

Selected Administrative Activities

Finding 3: Commission controls for the timely inventory of tangible personal property need enhancement.

Finding 4: Commission controls for assigning and canceling employee purchasing cards need improvement.

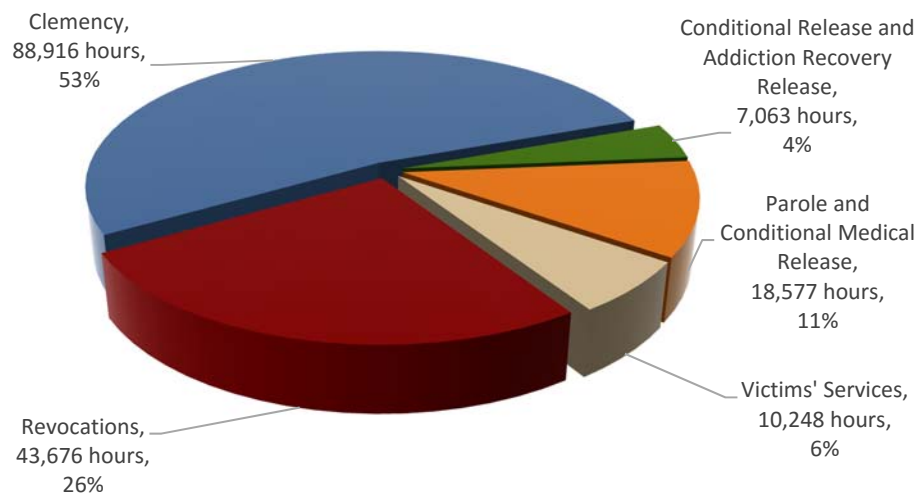
BACKGROUND

The Commission on Offender Review (Commission)¹ functions as a quasi-judicial, decision-making body that administers parole, conditional release, addiction recovery release, conditional medical release, and control release² programs for eligible offenders. As shown by Chart 1, the Commission reported that these post-prison supervisory release program activities accounted for 21 percent of the Commission's workload hours during the 2014-15 fiscal year.

¹ Pursuant to Chapter 2014-191, Laws of Florida, effective July 1, 2014, the Parole Commission authorized by the State Constitution was renamed as the Commission on Offender Review.

² According to the Commission's *2015 Annual Report*, only a small number of control release offenders remain under supervision, as there are sufficient prison beds to house the current prison population.

**Chart 1
Commission Workload Hours by Activity
For the 2014-15 Fiscal Year**



Source: Commission 2015 Annual Report.

The Commission operates through a central office in Tallahassee and 12 regional field offices. For the 2014-15 fiscal year, the Commission had 132 authorized positions.

FINDINGS AND RECOMMENDATIONS

POST-PRISON SUPERVISORY RELEASE PROGRAMS

The Commission's administration of parole and other post-prison supervisory release programs for eligible offenders includes establishing the terms and conditions of release, reviewing the progress of offenders on supervisory release, determining whether an offender has violated the terms and conditions of supervisory release, and taking action, including revocation of release, for violations. The Commission, Division of Operations, is responsible for administering post-prison supervisory release programs and through its field services staff, conducting parole interviews, administrative hearings for alleged violations of supervision, and clemency investigations for the Board of Executive Clemency. Table 1 includes information regarding the post-prison supervisory release programs administered by the Commission.

Table 1
Post-Prison Supervisory Release Programs

Parole

A discretionary prison release that allows an inmate who has been granted parole to serve the remainder of their prison sentence outside of the confines of the institution.

Conditional Release

A non-discretionary release that requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a State or Federal correctional institution, or who are designated as a habitual offender, violent habitual offender, violent career criminal, or sexual predator.

Addiction Recovery Release

A release that requires mandatory post-prison supervision for offenders released from a State correctional facility who are convicted of a non-violent crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense.

Conditional Medical Release

A discretionary release allowing the Commission to release inmates on supervision who are terminally ill or permanently incapacitated and who are not a danger to others.

Control Release

When active, control release is utilized as a prison population management tool to maintain prisons at between 99 and 100 percent of total capacity.

Source: Commission 2015 Annual Report.

For each offender eligible for a supervisory release program, the Commission determines the terms and conditions of the release and issues a Certificate of Supervision (Certificate) identifying the terms and conditions. Department of Corrections (Department) employees are to review the terms and conditions of the release with the offender and both the offender and a Department employee are required to sign and date the Certificate. Offenders are required to submit periodic reports (quarterly, semiannually, or annually) to the Department detailing their progress in the supervisory release program. Department probation officers are responsible for overseeing the supervision of offenders granted supervisory release.

The Department utilizes the Offender Based Information System (OBIS) to manage the records of active inmates and offenders granted supervisory release. The Department maintains OBIS for the joint use of the Department and the Commission and, among other things, Commission staff enter supervision terms and conditions from the Certificates into OBIS. Based on an offender's release date, cases are automatically flagged by OBIS for an initial supervision review by the Commission.

Finding 1: Commission Reviews

State law³ requires the Commission to review the progress of each offender who has been placed on parole, control release, or conditional release after 2 years of supervision in the community and biennially

³ Section 947.24(2), Florida Statutes.

thereafter. State law specifies that the Department is responsible for providing the Commission with the information necessary to conduct the reviews, and requires that the reviews include consideration of whether to modify the frequency of the offender's periodic progress reports to the Department. Upon the completion of each review, the Commission is to schedule the offender's next review date and Commission staff are to update all applicable data in OBIS and send a letter to the Department notifying the Department of any changes to the offender's supervision terms and conditions.

Each month, the Commission generates from OBIS a listing of offenders scheduled for Commission review and provides the listing to the Department. The Department is responsible for conducting supervision reviews of offenders included on the OBIS listing and for submitting supervision review reports to the Commission. The Commission, Office of the Commission Clerk, is responsible for reviewing the Department's completed supervision review reports and docketing the cases for the Commissioners' review.

As part of our audit, we analyzed OBIS data related to Commission reviews of offenders on parole, conditional release, and control release. Our audit procedures disclosed that the Commission did not always ensure that Commission reviews were timely conducted. Specifically:

- Our analysis of OBIS data for 368 offenders on parole and subject to supervision at some point during the period January 2005 through February 2015 disclosed that Commission reviews were not timely conducted for 25 of the offenders. For 21 offenders, the Commission's most-recent reviews were conducted from 7 to 93 months (an average of 39 months) after the offender's Commission-scheduled review date. Also, as of July 2015, 54 to 115 months (an average of 75 months) had lapsed since the Commission's last review for 4 offenders.
- Our analysis of OBIS data for 882 offenders on conditional release and subject to supervision at some point during the period January 2011 through February 2015 disclosed that Commission reviews were not timely conducted for 105 of the offenders. For 9 offenders, the Commission's most-recent reviews were conducted from 5 to 19 months (an average of 11 months) after the offender's Commission-scheduled review date. Also, as of June 2015, 14 to 47 months (an average of 32 months) had lapsed since the Commission's last review for 96 offenders.
- Our analysis of OBIS data for 2 offenders on control release and subject to supervision during the period July 2013 through February 2015 disclosed that the Commission's most-recent reviews were conducted 15 and 16 months, respectively, after the offenders' Commission-scheduled review dates.

In response to our audit inquiry, Commission management indicated that 117 of the 132 offenders noted as not being subject to timely reviews had not been included on the monthly listings of offenders scheduled for Commission review. Commission management indicated that OBIS has experienced programming glitches since 2008 and has advised the Department of these glitches; however, despite the Department's ongoing efforts to correct the issues, offenders scheduled for supervision reviews continued to not always be included on the listings. For 9 of the 132 offenders, Commission management indicated that Commission reviews were not timely conducted due to Commission staff errors and omissions when entering supervision review dates in OBIS. Although 6 other offenders were included on Commission-generated listings, Commission staff did not ensure that the supervision reviews were timely conducted in accordance with the review dates set by the Commission.

Conducting timely reviews of the progress of all offenders placed on parole, condition release, or control release in accordance with State law provides greater assurance that the offenders are sufficiently monitored and that the terms and conditions of supervision remain appropriate.

Recommendation: We recommend that Commission management continue to work with Department management to strengthen OBIS controls for accurately tracking offenders due for Commission reviews. We also recommend that Commission management ensure that supervision review dates are correctly recorded in OBIS and appropriate follow-up procedures are performed to ensure Commission reviews are timely conducted.

Finding 2: Policies and Procedures

It is Commission management's responsibility to develop and implement, for each Commission function, policies and procedures that are complete, provide benchmarks against which compliance can be measured, and up-to-date. Policies and procedures should be periodically reevaluated and updated, as necessary, to reflect current Commission operating practices and the requirements established by State law and Commission rules.

As part of our audit, we evaluated Commission policies and procedures to determine whether the policies and procedures were sufficiently designed to facilitate the effective operation of post-prison supervisory release programs in accordance with applicable laws, rules, and other guidelines. Our audit procedures disclosed that some Commission policies and procedures relating to supervision reviews, supervisory violation reviews, and revocations did not always reflect current State law, Commission rules, and Commission operating practices. Specifically, we noted that:

- Commission Procedure Directive 3.03.08, *Parole Supervision Review*, was last updated in September 1988 and did not address, for example, the Commission's responsibility for completing supervision reviews of offenders on conditional or control release as required by State law.⁴
- Commission Procedure Directives 4.01.01, *Overview of Parole Revocation*; 3.03.04.05, *Final Parole Revocation Hearing Interview*; 3.03.04.06, *Staff Conducted Final Parole Revocation Hearings*; and 4.09.01, *Final Revocation Hearings*, were last updated in December 1995, August 1983, August 1983, and February 1987, respectively. The Procedure Directives did not address, for example, the time frames established in Commission rules⁵ for noticing and convening final revocation hearings and informing parolees of the date, time, and location of final revocation hearings.
- Commission Procedure Directive 4.04.01, *Issuing Warrants*, was dated June 1984 and had not been updated to include the Commission's use of the warrant issuing system and imaging system.

In response to our audit inquiry, Commission management indicated that workload issues contributed to the delays in updating the Procedure Directives. Written policies and procedures that reflect current operating practices and the requirements of State law and Commission rules would increase management's assurances that staff are utilizing the most effective and appropriate methods for administering post-prison supervisory release programs.

⁴ Section 947.24(2), Florida Statutes.

⁵ Commission Rule 23-21.022(14), Florida Administrative Code.

Recommendation: We recommend that Commission management ensure that policies and procedures for post-prison supervisory release programs are appropriately updated to reflect current Commission operating practices and the requirements established by State law and Commission rules.

SELECTED ADMINISTRATIVE ACTIVITIES

As part of our audit, we also evaluated selected Commission administrative activities and controls, including those related to tangible personal property and purchasing cards.

Finding 3: Tangible Personal Property Controls

Effective controls for the management of tangible personal property⁶ require that property items be adequately controlled, safeguarded, and accounted for by Commission management. Department of Financial Services (DFS) rules⁷ specify that State agencies are to record all tangible personal property with a value or cost of \$1,000 or more and a projected useful life of 1 year or more in the FLAIR Property Subsystem. Pursuant to State law,⁸ the Department is responsible for maintaining and updating Commission tangible personal property records in the FLAIR Property Subsystem.

To promote the proper accountability for and safeguarding of tangible personal property, DFS rules⁹ require State agencies to complete a physical inventory of all tangible personal property at least once each fiscal year and that agency property records include detailed information for each property item. DFS rules also require that, upon completion of a physical inventory, information from the inventory be compared to the individual property records. Noted differences are to be investigated and corrected in the property records as appropriate. Items not located during the inventory process are to be promptly reported to the appropriate custodian and a thorough investigation is to be made.

In accordance with DFS rules, Commission policies and procedures specified that, in coordination with the Department's property custodian, Commission personnel were to conduct annual physical inventories. In addition, Commission personnel were to investigate and resolve any differences identified during the physical inventory.

According to FLAIR Property Subsystem records, as of February 27, 2015, the Commission was responsible for 52 items of tangible personal property with acquisition costs totaling \$180,803. As part of our audit, we examined FLAIR property and inventory records and noted that, for 6 items with acquisition costs totaling \$14,152, the records indicated that the items had not been subject to an annual physical inventory as required by DFS rules and Commission policies and procedures. Specifically, for 3 office furniture items acquired in June 2012 at a total cost of \$6,573, FLAIR records indicated that, as of February 27, 2015, the most-recent physical inventory had occurred in June 2013. Although

⁶ Property is defined in applicable laws and rules as State-owned equipment, fixtures, and other tangible personal property of a nonconsumable or nonexpendable nature, the value or cost of which is \$1,000 or more and the projected useful life of which is 1 year or more.

⁷ DFS Rule 69I-72.002, Florida Administrative Code.

⁸Chapter 2001-367, Laws of Florida.

⁹ DFS Rules 69I-72.003 and 69I-72.006, Florida Administrative Code.

Commission management indicated that 3 other property items, with acquisition costs totaling \$7,579, had been inventoried in either 2013 or 2014, FLAIR records reflected 2009 and 2010 inventory dates.

The periodic physical inventory of tangible personal property is necessary to ensure proper accountability for and safeguarding of State-owned property.

Recommendation: We recommend that Commission management ensure that a complete physical inventory of Commission tangible personal property is timely performed and that FLAIR property records are properly updated in accordance with DFS rules and Commission policies and procedures.

Finding 4: Purchasing Card Controls

As a participant in the State's purchasing card program (Program), the Commission is responsible for implementation of key controls, including procedures for approving the issuance of purchasing cards and timely canceling purchasing cards upon a cardholder's separation from Commission employment or when an employee no longer requires a purchasing card to perform their job duties. Commission policies and procedures¹⁰ specified that Commission personnel were responsible for notifying the Department of a cardholder's separation from Commission employment and that the Department's Purchasing Card Administrator was responsible for canceling purchasing cards upon notification from the Commission. The Commission had 54 active purchasing cards as of February 2015, and purchasing card charges totaled approximately \$79,489 during the period January 2013 through February 2015.

As part of our audit, we reviewed Commission policies and procedures and evaluated the adequacy of Commission controls for purchasing card transactions. Our audit procedures disclosed that improvements in Commission purchasing card controls were needed. Specifically, we noted that:

- According to Commission records, no charges were made on 9 of the 54 active purchasing cards for periods ranging from 195 to 935 business days (an average of 375 business days) during the period July 2011 through February 2015. In response to our audit inquiry, Commission management indicated that the purchasing cards were needed for the employees' job responsibilities. Notwithstanding Commission management's response, the absence of purchasing card activity may indicate that these cardholders did not require a purchasing card for the performance of their job duties.
- While Commission policies and procedures required that purchasing cards be canceled upon a cardholder's separation from Commission employment or transfer to a position not authorized to have a purchasing card, the policies and procedures allowed Commission personnel 5 to 7 business days to notify the Department to cancel the purchasing card.

Absent effective controls to periodically monitor the reasonableness of purchasing card assignments, the risk of unauthorized purchasing card use is increased. Additionally, the Commission's policies and procedures, which allow Commission personnel 5 to 7 business days to notify the Department's Purchasing Card Administrator to cancel a purchasing card, do not appropriately minimize the risk of unauthorized purchasing card use.

¹⁰ Commission Procedure Directive No. 2.01.05, *Purchasing Card*.

Recommendation: We recommend that Commission management monitor the reasonableness of purchasing card assignments and revise Commission policies and procedures to require that the Department be immediately notified to cancel purchasing cards upon an employee's separation from Commission employment or when a Commission employee no longer requires a purchasing card to perform their job duties.

PRIOR AUDIT FOLLOW-UP

The Commission had taken corrective actions for the findings included in our report No. 2013-033.

OBJECTIVES, SCOPE, AND METHODOLOGY

The Auditor General conducts operational audits of governmental entities to provide the Legislature, Florida's citizens, public entity management, and other stakeholders unbiased, timely, and relevant information for use in promoting government accountability and stewardship and improving government operations.

We conducted this operational audit from February 2015 through October 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This operational audit of the Commission on Offender Review (Commission) focused on the administration of post-prison supervisory release programs and selected administrative activities. The overall objectives of the audit were:

- To evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines.
- To examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, the reliability of financial records and reports, and the safeguarding of assets, and identify weaknesses in those internal controls.
- To identify statutory and fiscal changes that may be recommended to the Legislature pursuant to Section 11.45(7)(h), Florida Statutes.

Our audit also included steps to determine whether management had corrected, or was in the process of correcting, all deficiencies noted in our report No. 2013-033.

This audit was designed to identify, for those programs, activities, or functions included within the scope of the audit, deficiencies in management's internal controls, instances of noncompliance with applicable governing laws, rules, or contracts, and instances of inefficient or ineffective operational policies, procedures, or practices. The focus of this audit was to identify problems so that they may be corrected in such a way as to improve government accountability and efficiency and the stewardship of management. Professional judgment has been used in determining significance and audit risk and in selecting the particular transactions, legal compliance matters, records, and controls considered.

As described in more detail below, for those programs, activities, and functions included within the scope of our audit, our audit work included, but was not limited to, communicating to management and those charged with governance the scope, objectives, timing, overall methodology, and reporting of our audit; obtaining an understanding of the program, activity, or function; exercising professional judgment in considering significance and audit risk in the design and execution of the research, interviews, tests, analyses, and other procedures included in the audit methodology; obtaining reasonable assurance of the overall sufficiency and appropriateness of the evidence gathered in support of our audit's findings and conclusions; and reporting on the results of the audit as required by governing laws and auditing standards.

Our audit included the selection and examination of transactions and records. Unless otherwise indicated in this report, these transactions and records were not selected with the intent of statistically projecting the results, although we have presented for perspective, where practicable, information concerning relevant population value or size and quantifications relative to the items selected for examination.

An audit by its nature, does not include a review of all records and actions of agency management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, abuse, or inefficiency.

In conducting our audit we:

- Reviewed applicable laws, rules, and other guidelines, and interviewed Commission personnel to gain an understanding of the Commission's internal controls for the administration of post-prison supervisory release programs.
- Performed inquiries of Commission personnel and inspected documents and records to determine whether the Commission had adequately designed and implemented internal controls, including policies and procedures, for post-prison supervisory release programs.
- Reviewed Commission information technology (IT) procedures and performed inquiries of Commission personnel to obtain an understanding of the Offender Based Information System (OBIS) and the Commission's imaging system, and evaluated the effectiveness of selected IT application controls for OBIS and the Commission's imaging system.
- Selected and examined documentation for 12 parole cases and 28 conditional release cases, from the population of 370 parole and 823 conditional release cases docketed for Commission reviews during the period July 2013 through February 2015, to determine whether the Commission administered offender supervisory reviews in accordance with applicable laws, rules, and other guidelines.
- Selected and examined documentation for 4 of the 38 parole violations, 35 of the 3,802 conditional release violations, 5 of the 379 addiction recovery release violations, and the one conditional medical release violation reported during the period July 2013 through February 2015, to determine whether the Commission administered the revocation process in accordance with applicable laws, rules, and other guidelines.
- Analyzed OBIS data to determine whether the Commission properly conducted offender reviews in accordance with applicable laws for:
 - 368 offenders on parole and subject to supervision at some point during the period January 2005 through February 2015.
 - 882 offenders on conditional release and subject to supervision at some point during the period January 2011 through February 2015.

- 2 offenders on control release and subject to supervision during the period July 2013 through February 2015.

Based on our analysis of OBIS data, we performed inquiries of Commission management and reviewed information provided by Commission management related to reviews of 174 offenders on parole, 194 offenders on conditional release, and 2 offenders on control release.

- Analyzed OBIS data related to violation events for 36 parolees, one conditional medical release offender, 3,334 conditional release offenders, and 363 addiction recovery release offenders to determine whether the Commission took appropriate actions for the violations that occurred during the period July 2013 through February 2015.
- Evaluated Commission actions to correct the findings noted in our report No. 2013-033. Specifically, we:
 - Selected and examined documentation for 20 Restoration of Civil Rights (RCR) cases, from the population of 3,868 eligible and ineligible RCR cases resulting from applications submitted to the Commission during the period July 2013 through February 2015, to determine whether the Commission's central office assurance examiner properly completed and signed off on the Quality Assurance Review section of the RCR Eligibility Review Forms.
 - Reviewed Commission policies and procedures and the amended Service Level Agreement (Agreement) between the Department of Corrections (Department) and the Commission to determine whether the roles, responsibilities, and authority with regard to the Management Application for Clemency (MAC) computer application had been properly defined, and whether the amended Agreement included the Office of Executive Clemency as the official custodian of clemency records.
 - For the eight MAC system modifications requests made to the Department during the period July 2013 through February 2015, examined Commission policies and procedures and records to determine whether the Commission had enhanced change management control procedures to ensure that Office of Executive Clemency management approved the modifications, and that documentation of modifications was appropriately submitted and maintained in the Service Level Agreement Tracking System.
 - Selected and examined records for 10 security access requests (SARS), from the population of 25 SARs made for Commission employees during the period July 2013 through February 2015, to determine whether appropriate documentation evidencing the cancellation date of former employees' MAC access privileges was maintained, and whether the access privileges were timely canceled upon the employees' separation from Commission employment or when the access privileges were no longer required.
- Reviewed applicable laws, rules, and other State guidelines to obtain an understanding of the legal framework governing Commission operations.
- Observed, documented, and evaluated the effectiveness of selected Commission processes and procedures for:
 - Budgetary activities.
 - The administration of tangible personal property in accordance with applicable guidelines. As of February 27, 2015, the Commission had 52 property items with acquisition costs totaling \$180,802.
 - The assignment and use of motor vehicles. As of February 27, 2015, the Commission had two motor vehicles with acquisition costs totaling \$31,136.
 - The administration of purchasing cards in accordance with applicable guidelines. As of February 28, 2015, the Commission had 54 active purchasing cards.

- The administration of Commission travel. Commission travel expenditures totaled \$147,744 during the period July 2013 through January 2015.
- The assignment and use of wireless devices with related costs totaling \$10,448 during the period July 2013 through February 2015.
- Communicated on an interim basis with applicable officials to ensure the timely resolution of issues involving controls and noncompliance.
- Performed various other auditing procedures, including analytical procedures, as necessary, to accomplish the objectives of the audit.
- Prepared and submitted for management response the findings and recommendations that are included in this report and which describe the matters requiring corrective actions. Management's response is included in this report under the heading **MANAGEMENT'S RESPONSE**.

AUTHORITY

Section 11.45, Florida Statutes, requires that the Auditor General conduct an operational audit of each State agency on a periodic basis. Pursuant to the provisions of Section 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our operational audit.



Sherrill F. Norman, CPA
Auditor General

MANAGEMENT'S RESPONSE



FLORIDA COMMISSION ON OFFENDER REVIEW

MELINDA N. COONROD
Commissioner/Chair

RICHARD D. DAVISON
Commissioner/Vice-Chair

DAVID A. WYANT
Commissioner/Secretary

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July 27, 2016

Ms. Sherrill F. Norman
Auditor General
Claude Denson Pepper Building, Suite G74
111 West Madison Street
Tallahassee, Florida 32399-1450

Re: Preliminary and tentative audit findings and recommendations

Dear Ms. Norman:

The Florida Commission on Offender Review (Commission) is in receipt of your July 1, 2016 report of preliminary and tentative findings and recommendations resulting from your audit of the Post-Prison Supervisory Release Programs and Selected Administrative Activities.

The Commission acknowledges no audit findings in your prior audit follow-up to Report No. 2013-033, entitled "Restoration of Civil Rights, Information Technology Controls, Payroll and General Expenditure Processes."

The Florida Department of Corrections (FDC), pursuant to Section 947.24(2), Florida Statutes, is responsible for providing to the Commission the information necessary to review offenders' supervision. The FDC is responsible for properly identifying offenders due for a supervision review, tracking offenders due for supervision reviews, and ensuring the supervision reviews are completed and submitted timely to the Commission.

Pursuant to Chapter 2001-367, Laws of Florida, the FDC is responsible for conducting the Commission's tangible personal property inventory each fiscal year. The FDC is responsible for completing a physical inventory of all tangible personal property, completing and maintaining all property records, including detailed information for each property item, and maintaining and updating Commission tangible personal property records in the FLAIR Property Subsystem. The FDC is the Commission's Purchasing Card Administrator. The FDC is responsible for approving the Commission's Purchasing Card Procedure Directive, which provides direction on how to implement procedures for approving the issuance of purchasing cards and timely canceling purchasing cards upon a cardholder's separation from Commission employment, or when an employee no longer requires a purchasing card to perform his or her job duties.

In closing, my staff and I would like to thank your auditors for their professionalism and able assistance during this process.

Sincerely,

Melinda N. Coonrod
Chairman

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Florida Commission on Offender Review

Response to preliminary and tentative findings and recommendations from Auditor General of the Post-Prison Supervisory Release Programs and Selected Administrative Activities

Finding No. 1: Commission Reviews

Recommendation: We recommend that Commission management continue to work with Department management to strengthen OBIS controls for accurately tracking offenders due for Commission reviews. We also recommend that Commission management ensure that supervision review dates are correctly recorded in OBIS and appropriate follow-up procedures are performed to ensure Commission reviews are timely conducted.

Commission Response:

The Florida Department of Corrections (FDC), pursuant to Section 947.24(2), Florida Statutes, is responsible for providing the Commission with the information necessary to review offenders' supervision. The FDC is responsible for properly identifying offenders due for a supervision review. The FDC programmed their OBIS/CDC database to generate a supervision review report that identifies offenders due for supervision reviews, tracks offenders due for supervision reviews, and ensures supervision reviews are completed and submitted in a timely manner to the Commission.

The Commission is responsible for reviewing an offender's supervision review submitted by the FDC, notifying the FDC of any decisions made on the offender's supervision, and updating the database with the next supervision review date.

- **PAROLE** -- Over a period of 10 years (January 2005 through February 2015), there were 368 offenders on parole who were subject to supervision review at some point. Twenty-five, or 7%, of these parole offenders were not reviewed in a timely manner. The FDC's monthly computer-generated supervision review report provided to the Commission did not include six of the 25 offenders to be reviewed. The Commission suspects an additional six offenders were not included on the monthly computer-generated supervision review report; however, this number cannot be confirmed as the Commission does not have access to reports prior to October 2010. The remaining 13 offenders, or 3.5%, were due to Commission staff data input errors or lack of follow-up with the FDC to obtain supervision reviews. While these 25 offenders did not have their supervision reviews conducted in a timely manner, they continued to be actively supervised in the community as documented on the Offender Contact/Comment Summary screen (PP79) in OBIS/CDC. All 25 are currently in compliance, scheduled for review, terminated, or deceased.
- **CONDITIONAL RELEASE** -- From January 2011 through February 2015, 105 or 12% of 882 offenders on conditional release and subject to supervision review, at some point, did not have their supervision reviews conducted in a timely manner. The FDC's computer-generated

supervision review report provided to the Commission did not include 104 of the 105 offenders to be reviewed. The Commission notified the FDC to conduct a supervision review of the one remaining offender, but the FDC failed to conduct the supervision review in a timely manner. The Commission also failed to follow up with the FDC regarding the supervision review. While these offenders were not reviewed because their names were omitted from the report, they continued to be actively supervised in the community as documented on the Offender Contact/Comment Summary screen (PP79) in OBIS/CDC. Only one, or less than one percent, of the 105 offenders who did not have their supervision reviews timely conducted was due to Commission error. All 105 are currently in compliance, scheduled for review, terminated, deceased, or have been revoked and returned to prison.

- CONTROL RELEASE – During the audit period, there were two control release offenders subject to supervision review at some point who did not have their supervision reviews conducted in a timely manner. Both were due to Commission staff data input errors. Both have successfully terminated supervision.

The FDC is responsible for maintaining and programming the Automated Supervision Review Program Report. Beginning in 2008, the Commission has consistently documented notifying the FDC when it came to the Commission's attention that an offender was not included on the supervision review report. The FDC has notified the Commission that they have repaired OBIS/CDC database glitches that resulted in incomplete supervision review reports to the Commission. The Commission will continue to document feedback provided to the FDC when supervision review report errors are brought to the Commission's attention. The FDC is responsible for ensuring the supervision reviews are completed and timely submitted to the Commission. The Commission will document notifying the FDC when the FDC staff does not submit timely supervision reviews to the Commission. The Commission will ensure the accuracy of supervision review data entry for parole, conditional release, and control release cases. The data entry for supervision reviews will be done by the Commission staff and be reviewed for accuracy by another Commission staff member. The accuracy review will be documented.

Finding No. 2: Policies and Procedures

Recommendation: We recommend that Commission management ensure that policies and procedures for post-prison release programs are appropriately updated to reflect current Commission operating practices and the requirements established by State law and Commission rules.

Commission Response: The Commission acknowledges that the post-prison supervisory release program procedure directives should be updated to reflect current Commission operating practices, State law and Commission rules. The Commission will ensure that the following procedure directives will be updated with the following information, in addition to ensuring they reflect current Commission operating practices, State law, and Commission rules.

- Commission Procedure Directive 3.03.08, *Parole Supervision Review*, will be updated to include the Commission's responsibility for completing supervision reviews of offenders on conditional or control release as required by State law Section 947.24(2), Florida Statutes.

[2]

- Commission Procedure Directives 4.01.01, *Overview of Parole Revocation*; 3.03.04.05, *Final Parole Revocation Hearing Interview*; 3.03.04.06, *Staff Conducted Final Parole Revocation Hearings*; and 4.09.01, *Final Revocation Hearings* will be updated to include the time frames established in Commission Rule 23-21.022(14), Florida Administrative Code, for noticing and convening final revocation hearings and informing parolees of the date, time, and location of final revocation hearings.
- Commission Procedure Directive 4.04.01, *Issuing Warrants*, will be updated to include the Commission's use of the warrant issuing system and imaging system.

Finding No. 3: Tangible Personal Property Controls

Recommendation: We recommend that Commission management ensure that a complete physical inventory of Commission tangible personal property is timely performed and that FLAIR property records are properly updated in accordance with DFS rules and Commission policies and procedures.

Commission Response: Pursuant to Chapter 2001-367, Laws of Florida, the FDC is responsible for conducting the Commission's tangible personal property inventory each fiscal year. The FDC is responsible for completing a physical inventory of all tangible personal property, completing and maintaining all property records, including detailed information for each property item, and maintaining and updating Commission tangible personal property records in the FLAIR Property Subsystem.

Commission personnel are responsible for assisting the FDC's property custodian during the fiscal year inventory to help resolve any differences identified during the physical inventory. Commission personnel acknowledge that the fiscal year inventory was completed by signing off on the FDC inventory documents. Commission personnel have no ability to access the tangible personal property records in the FLAIR Property Subsystem.

Based upon the FDC entries into the FLAIR Property Subsystem records, as of February 27, 2015, the Commission was responsible for 52 items of tangible personal property.

Of the 52 items, three items (property numbers 00015082, 00015081, 00015080) acquired in June 2012 had a physical inventory in June 2013, June 2014, and in February 2015. The FDC and the Commission met the requirement to conduct inventory each fiscal year on the Commission's tangible personal property. The FDC failed to update the FLAIR Property Subsystem record for the 2014 inventory for these items. There were an additional three items (property numbers 00013672, 00014693, 00013673) that had a documented physical inventory in 2014, meeting the fiscal year requirement for conducting a tangible personal property inventory. The FDC did not update the Commission's tangible personal property records in the FLAIR Property Subsystem.

Commission management has ensured that the FDC has completed a physical inventory of the Commission's tangible personal property in a timely manner each fiscal year. The Commission's personnel do not have the ability to access tangible personal property records in the FLAIR Property Subsystem and therefore had no knowledge that the FDC had not fulfilled their statutory requirement to properly update the FLAIR Property Subsystem records for the six property items. In the future, once during the fiscal year, the Commission will request from the FDC a printout of the Commission's FLAIR Property Subsystem records. Commission staff will review the FLAIR Property Subsystem records printout and provide documented notification to the FDC of any errors.

[3]

Finding No. 4: Purchasing Card Controls

Recommendation: We recommend that Commission management monitor the reasonableness of purchasing card assignments and revise Commission policies and procedures to require that the Department be immediately notified to cancel purchasing cards upon an employee's separation from Commission employment or when a Commission employee no longer requires a purchasing card to perform their job duties.

Commission Response: Pursuant to Chapter 2001-367, Laws of Florida, the FDC is the Commission's Purchasing Card Administrator. The FDC is responsible for approving the Commission's Purchasing Card Procedure Directive, which provides the direction for the implementation of procedures for approving the issuance of purchasing cards and timely canceling purchasing cards upon a cardholder's separation from Commission employment, or when an employee no longer requires a purchasing card to perform his or her job duties. Once the Commission's Purchasing Card Procedure Directive is approved by the FDC Purchasing Card Administrator, it is formally submitted to the Department of Financial Services (DFS) for approval.

The Commission's Purchasing Card Procedure Directive, approved by both the FDC and the DFS, states: "If the cardholder terminates employment or transfers to a position not authorized to have a purchasing card, by the employee's last day of work the supervisor will collect and destroy the purchasing card by cutting it in half and send the purchasing card within five (5) to seven (7) working days." The FDC Purchasing Card Administrator is not located with Commission staff employed throughout the state. The only way for Commission staff to return the card to the FDC Purchasing Card Administrator, is to send the destroyed purchasing card by mail, which can take five to seven business days. The Commission can not immediately return the purchasing card to the FDC Purchasing Card Administrator.

According to Commission records, no charges were made on nine of the 54 active purchasing cards. The Commission has evaluated the nine staff who did not have activity on their purchasing cards and has concluded that the purchasing cards are needed for the employees' job responsibilities to ensure travel expenses are always at the lowest cost and operational needs are met. Purchasing cards have only been approved for designated users, were issued properly, have not been lost or stolen, and there has been no abuse or misuse of the cards.

Each fiscal year, the Commission will review the reasonableness of purchasing card assignments. Upon an employee being voluntarily separated from employment or transferred to a position not authorized to have a purchasing card, the Commission will notify by e-mail within three business days the FDC Purchasing Card Administrator. Upon an employee being involuntarily separated from employment, the Commission will notify immediately by e-mail the FDC Purchasing Card Administrator. The Commission will update the Purchasing Card Procedure Directive (2.01.05), the Separation Process for Terminated Employees Procedure Directive (2.02.37), and the Employee Separation Checklist.

[4]