

# PAROLE COMMISSION

## RESTORATION OF CIVIL RIGHTS, INFORMATION TECHNOLOGY CONTROLS, PAYROLL AND GENERAL EXPENDITURE PROCESSES, AND PRIOR AUDIT FOLLOW-UP

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### Operational Audit



### CHAIR OF PAROLE COMMISSION

The Parole Commission 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. The three members of the Commission are appointed by the Governor and Cabinet and confirmed by the Senate. The Commission also serves as an investigative body that supports the Board of Executive Clemency, comprised of the Governor and Cabinet. Members of the Parole Commission who served during the audit period are listed below:

Ms. Tena M. Pate	Chair from July 29, 2010; Vice Chair through July 28, 2010
Mr. Frederick B. Dunphy	Chair through July 28, 2010
Ms. Monica David	Vice Chair from July 29, 2010

The audit team leader was Lynley B. Trent, CPA, and the audit was supervised by Janet K. Bentley, CPA. Please address inquiries regarding this report to Christi Alexander, CPA, Audit Manager, by e-mail at [christialexander@aud.state.fl.us](mailto:christialexander@aud.state.fl.us) or by telephone at (850) 487-9069.

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## PAROLE COMMISSION

### Restoration of Civil Rights, Information Technology Controls, Payroll and General Expenditure Processes, and Prior Audit Follow-Up

#### SUMMARY

This operational audit of the Parole Commission (Commission) focused on the restoration of civil rights (RCR) process and select information technology (IT) controls, as well as payroll and general expenditure processes. This audit also included evaluating actions taken by the Commission to correct deficiencies disclosed in audit report No. 2010-010.

#### RESTORATION OF CIVIL RIGHTS

**Finding No. 1:** Although we noted no errors in RCR eligibility determinations for the RCR cases tested, central office reviews of the determinations were not always properly documented.

#### INFORMATION TECHNOLOGY CONTROLS

**Finding No. 2:** The Commission had not established adequate policies and procedures defining the roles, responsibilities, and authority regarding the Management of Application for Clemency (MAC) computer application.

**Finding No. 3:** The Commission did not always follow change management control policies and procedures to ensure that the change management processes were appropriate.

**Finding No. 4:** The Commission did not ensure that complete MAC access control records were retained, including the dates that access privileges were deactivated.

#### BACKGROUND

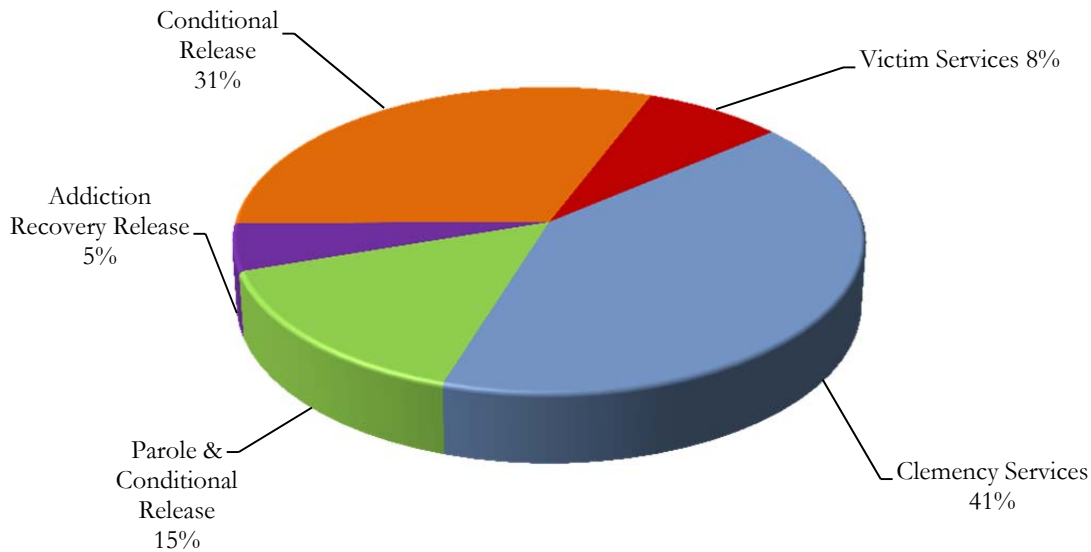
Since its establishment in 1941, the Commission has been responsible for determining those offenders who may be placed on parole (discretionary prison release), fixing the time and conditions of parole, determining whether an offender has violated parole and taking action with respect to any such violation, and making any necessary investigations. Sentencing guidelines enacted in 1983 effectively abolished parole and, currently, only those offenders sentenced for crimes committed before October 1, 1983, and those sentenced for capital felony murder committed prior to May 25, 1994, or other capital felonies committed prior to October 1, 1995, are eligible for parole.

The Commission is also responsible for the administration of conditional release (mandatory post-prison supervision for offenders of certain violent crimes), conditional medical release (discretionary release for inmates who are terminally ill or permanently incapacitated), control release (release for prison population management), and addiction recovery supervision (mandatory post-prison supervision for certain offenders with a history of substance abuse or addiction). The Commission's administration of these releases includes establishing the terms and conditions of release, determining whether an offender has violated the conditions of release, and taking action with respect to any such violation.

In addition to its responsibilities related to parole and prison release, the Commission's Office of Clemency Investigations serves as an investigative body that supports the Board of Executive Clemency (Clemency Board). Executive clemency is a power vested in the Governor by the Florida Constitution and provides the means through which convicted felons may be considered for relief from punishment (while still incarcerated or under community supervision) or may seek restoration of their civil rights (upon release from incarceration and community supervision). The Governor and members of the Cabinet collectively serve as the Clemency Board. The Office of Executive

Clemency<sup>1</sup> processes applications for executive clemency, coordinates all clemency hearings, and refers applications to the Commission’s Office of Clemency Investigations, which is charged with investigating, reviewing, evaluating, and preparing reports and recommendations to the Clemency Board in all types of clemency cases. As shown in Chart 1, the Commission represented that clemency activities comprised 41 percent of its workload during the 2010-11 fiscal year.

**Chart 1  
Commission Workload  
For the 2010-11 Fiscal Year**



Source: *Florida Parole Commission Annual Report 2010-11*

The Office of Executive Clemency was created to assist in the orderly and expeditious exercise of the clemency process. The Governor, with the approval of at least two members of the Clemency Board, is to appoint a Coordinator who hires all assistants. The Coordinator and assistants comprise the Office of Executive Clemency. Florida law requires that the Coordinator keep a proper record of all proceedings and function as the custodian of all records. The Governor has the unfettered discretion to deny clemency at any time, for any reason. The Governor, with the approval of at least two members of the Clemency Board, has the unfettered discretion to grant clemency, at any time, for any reason.

The Commission organizationally consists of a central office and 12 regional offices. For the 2010-11 and 2011-12 fiscal years, the Commission was authorized 128 positions and 121 positions, respectively.

**FINDINGS AND RECOMMENDATIONS**

**Restoration of Civil Rights**

Restoration of civil rights (RCR) is one type of clemency, and it restores to an applicant all of the rights of citizenship in the State of Florida enjoyed before a felony conviction, except the specific authority to own, possess, or use firearms. Such rights include the right to vote, the right to serve on a jury, and the right to hold public office.

<sup>1</sup> The Office reports directly to the Governor and Cabinet in the performance of its duties and responsibilities, but is co-located with the Commission for ease of operation and coordination.

On April 5, 2007, the Clemency Board approved changes to the Rules of Executive Clemency (Rules) that increased the number of ex-offenders eligible for “automatic” RCR. Felons were eligible if they had completed their sentences or supervision, had paid all restitution, and had no pending criminal charges, outstanding detainers, or warrants. The Commission was responsible for determining the appropriate RCR eligibility level and independently verifying each ex-offender’s eligibility.

On March 9, 2011, the Governor and members of the Clemency Board, amended the Rules, eliminating automatic restoration of rights for convicted felons. According to the Clemency Board, these significant changes (establishing waiting periods, eliminating waivers for pardons and firearm authority, and establishing the Request for Review process for Commutation of Sentences) were made to emphasize public safety ensuring that all applicants who request clemency have demonstrated their commitment to abide by the law, deserved clemency, and were not likely to reoffend. Under the new Rules, RCR cases are divided into two categories as shown in Table 1 below, those for which RCR may occur without a hearing and those for which a hearing is required. Offenses that require a hearing are listed on **EXHIBIT A**.

**Table 1**  
**Current RCR Clemency Process**  
**March 9, 2011 - Present**

(Rule No. 9A) "Without a Hearing"	(Rule No. 10A) "With a Hearing"
Eligible for consideration only after five (5) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, and if no crimes have been committed and no arrests have occurred for a misdemeanor or felony for the five (5) years prior to the date on which the application is being reviewed.	Eligible for consideration only after seven (7) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

Source: *Florida Parole Commission Collection of Statistics and Evaluation of Clemency Actions Report*.

Specifically, under these amended Rules, offenders seeking to have their rights restored must complete a five or seven year waiting period to become eligible and must submit an Application for Clemency. The amended Rules were effective immediately and were to be applied to all pending clemency applications and investigations.

The implementation of the amended Rules has resulted in a reduced number of cases being received and processed annually by the Commission as shown in Table 2.

**Table 2  
RCR Cases Received and Processed  
For the Past Four Fiscal Years**

<b>RCR Cases</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Received	133,200	67,168	59,039	36,713
Processed	151,823	74,255	36,946	27,456

Source: *Florida Parole Commission Proviso Report to the Legislature, dated October 2, 2011.*

As part of our audit, we tested the effectiveness of the RCR process employed during the period March 2011 through April 2012.

**Finding No. 1: RCR Case Reviews**

Commission management stated that the established policies and procedures for the RCR process included a supervisory-level review of the regional office parole examiners’ eligibility determinations, as well as a review by a central office parole examiner of all RCR cases before the cases were presented to the Clemency Board.

Our audit of 20 RCR case files that were submitted to the Clemency Board during the period March 2011 through February 2012, disclosed that, although we noted no errors in the regional office parole examiners’ eligibility determinations, 4 of the 20 case files did not include evidence of review by a central office parole examiner. For those case files where evidence of a central office review was provided, the review was inconsistently documented.

Further audit inquiry disclosed that on February 9, 2012, the Commission revised the *RCR Eligibility Investigation Training Manual (Manual)* to include an updated RCR Eligibility form that the central office parole examiners were to complete to document their reviews of the regional office determinations. The RCR Eligibility Review form was to be retained with the case file at the central office. Our tests of all 42 case files processed subsequent to this *Manual* revision (February 2012 through April 2012) disclosed that each file contained some evidence of central office review. However, in 2 of the 42 case files, the central office parole examiner had not utilized the required RCR Eligibility Review form to document the central office parole examiner’s concurrence with the regional office determination.

Absent the completion and documentation of the required reviews, the risk is increased that errors in the RCR process may go undetected.

**Recommendation: We recommend that the Commission monitor compliance with established procedures to ensure that the central office review process is properly administered and documented.**

**Information Technology Control**

As previously stated in the **BACKGROUND**, the Office of Executive Clemency reports directly to the Governor and Cabinet in the performance of its duties and responsibilities. The Governor, with the approval of at least two members of the Clemency Board, appoints a Coordinator who hires all assistants. The Coordinator and assistants comprise the Office of Executive Clemency, which is co-located with the Commission for ease of operation and coordination.

The Rules provide that the Coordinator of the Office of Executive Clemency must keep a record of all proceedings and is the custodian of all records. The Commission’s Office of Clemency Investigations is charged with investigating, reviewing, evaluating, and preparing reports and recommendations to the Clemency Board in all types of clemency cases. The Management of Application for Clemency (MAC) computer application is used by the Office of

Executive Clemency and the Commission as a data repository. The referral, assignment, review, and approval of all clemency cases are generated and managed within MAC.

Pursuant to State law,<sup>2</sup> effective July 1, 2009, the Commission's information technology (IT) function and resources were transferred to the Department of Corrections (Department). The Commission entered into a Service Level Agreement (Agreement) with the Department for all of the Commission's IT operations including service delivery, security, programming, and technology services. The Agreement also provides that the Commission retains ownership and access to its data and applications and lists the applications that the Department is to support. The list of applications includes MAC. As part of the transition, the Department was to perform a thorough review and analysis of MAC to ensure the integrity of the data utilized by the system.

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### **Finding No. 2: IT Roles and Responsibilities**

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Each function within an organization needs complete, well-documented policies and procedures to describe the scope of the function, its activities, and the interrelationships with other departments and third-party service providers.

The Commission did not have written policies and procedures for IT roles and responsibilities related to MAC. Although the custodian of records and the IT transition plan had been outlined in the Rules, law, and Agreement, in practice and through audit inquiry, role distinction between the Commission, the Office of Executive Clemency, and the Department has been unclear.

As noted under the heading **Information Technology Control**, the Rules provide for the custodian of all clemency records and such records are maintained in MAC. In view of the Office of Executive Clemency's responsibility as custodian of records, the custodian would also have an interest in the integrity of the data maintained in MAC. Our review of the Agreement (between the Commission and the Department) disclosed an absence of the Office of Executive Clemency's involvement in matters relevant to the maintenance of records in MAC. For example, the Agreement did not require consideration and approval from the Office of Executive Clemency regarding MAC change management and access controls. The absence of formally defined roles and responsibilities may result in conflict and misunderstanding among personnel, leaving management with no basis for determining whether directives and required functions are properly performed. Further, the absence of defined ownership and clear assignment of roles and policy may confuse authority, responsibility, and accountability with regard to MAC information and result in deficiencies such as those described in finding Nos. 3 and 4 below.

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**Recommendation:** We recommend that the Commission, in conjunction with the Office of Executive Clemency and the Department, establish adequate policies and procedures defining the roles, responsibilities, and authority with regard to MAC. Additionally, we recommend that the Agreement be amended to include the Office of Executive Clemency as it is the official custodian of clemency records.

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### **Finding No. 3: Change Management Controls**

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Effective change management controls include procedures to ensure that all changes are properly authorized, tested, and approved prior to implementation. Examples of change management controls that are typically employed to ensure continued integrity of application systems include:

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<sup>2</sup> Chapter No. 2009-81, Laws of Florida. The 2009 Florida Legislature authorized the transfer of computing resources from the Commission to the Department, effective July 1, 2009. Specifically, this proposal was adopted as part of the passage of Senate Bill 2600, the 2009-10 General Appropriations Act, and Committee Substitute for Senate Bill 2574, the Agency for Enterprise Technology legislation.

- Effective written procedures that describe practices and roles applicable for requesting system modifications.
- Procedures and processes that separate the responsibility for moving approved changes into the production environment from the responsibility for developing the changes.

Our audit disclosed that Commission change management controls needed improvements in the following areas:

- Although the Commission had adopted the Department's established change management control policies, such procedures did not incorporate the roles and responsibilities (e.g., the authorization, review, and approval of MAC database changes) for the Office of Executive Clemency, as custodian of all clemency records.
- Department change management policies and procedures required the Commission to submit MAC application and development service requests through the Service Level Agreement Tracking System (SLATS) to document and track all phases of the application programming and to assist in separating incompatible duties. However, our audit disclosed that the Commission did not always follow this requirement. Specifically, the Database Administrator assigned to MAC by the Department, administered all facets of the application, which included, but were not limited to, making changes to the application, testing the changes, and moving the changes into production, as well as serving as the access custodian.

To minimize the risk of unauthorized or erroneous program changes, it is imperative that program change management responsibilities be appropriately separated.

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**Recommendation:** To ensure that the change management process operates appropriately, the Commission should work concurrently with the Office of Executive Clemency and the Department to enhance change management control procedures. Additionally, all parties should take the necessary steps to ensure adherence to the enhanced procedures.

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#### **Finding No. 4: MAC Access Privileges**

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Effective access controls include provisions for timely deactivating employee access privileges when employment terminations occur. Prompt action is necessary to ensure that former employees and others do not misuse the former employee's access privileges. MAC access privileges were granted through the assignment of user logons. Pursuant to the Agreement, the Commission was to notify the Department of any changes to a user's access and the Department was to provide access security for MAC.

The State of Florida, *General Records Schedule GS-1-SL for State and Local Government Agencies (General Records Schedule)*, revised by the Department of State effective August 2010, provides that access control records must be retained for one anniversary year after superseded or after the employee separates from employment. Contrary to *General Records Schedule* requirements, the Commission did not ensure that complete MAC access control records were retained, including the dates that access privileges were deactivated.

During the audit period, 34 employees terminated employment with the Commission. Of those 34 former employees, 11 had MAC access privileges. Because of the limitations in the Commission's records of access deactivation, the Commission could not demonstrate upon audit request that the MAC access privileges for these 11 former employees had been timely deactivated. Subsequent to audit inquiry, Commission management established *PC Procedure Directive No. 2.02.36*, effective April 24, 2012, setting guidelines for the separation process. The guidelines included provisions governing the termination of employee access to IT resources. Additionally, Department staff added a field in the database to allow the manual input of access deactivation dates. Such an approach, while it does establish a consistent means for recording access change dates, will not eliminate the need to maintain manual records to support the

accuracy of the dates input. A system-generated process, may better allow Commission management's assurance of the reliability and completeness of the data.

Without the retention of access control records, the risk is increased that the Commission may not have sufficient documentation to assist in monitoring access security and future investigations of security incidents, should they occur.

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**Recommendation:** The Commission, in conjunction with the Office of Executive Clemency and the Department, should ensure that access control records are retained as required by the *General Records Schedule* and enhance its practices to ensure its ability to demonstrate that the access privileges of all former employees are deactivated in a timely manner.

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### PRIOR AUDIT FOLLOW-UP

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The Commission had taken corrective actions to address the recommendations included in audit report No. 2010-010.

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### OBJECTIVES, SCOPE, AND METHODOLOGY

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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 2012 to June 2012 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 focused on the RCR process and select information technology (IT) controls, as well as payroll and general expenditure processes. 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 evaluate management's 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 records and reports, and the safeguarding of assets, and identify weaknesses in those internal controls.
- To determine whether management has corrected, or is in the process of correcting, all deficiencies disclosed in audit report No. 2010-010.
- To identify statutory and fiscal changes that may be recommended to the Legislature pursuant to Section 11.45(7)(h), Florida Statutes.

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 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.

Our audit included examinations of various records and transactions (as well as events and conditions) occurring during the period July 2010, through February 2012, and selected actions through April 2012. In conducting our audit we:

- Interviewed selected Commission personnel.
- Obtained an understanding of and evaluated Commission internal controls over the RCR process.
- Obtained an understanding of the amended Rules of Executive Clemency, effective March 9, 2011, and Commission policies as they relate to the RCR process.
- Tested 40 ex-offender applications received by the Office of Executive Clemency to determine whether the applications were complete and appropriately entered in MAC.
- Tested 40 ex-offenders applications received by the Office of Executive Clemency to determine whether Commission staff properly documented in MAC the reason an ex-offender was determined ineligible.
- Tested data in MAC for 40 ex-offenders to determine whether the ex-offender's information in MAC was supported by a completed application.
- Tested a total of 20 files that included both *With a Hearing* and *Without a Hearing* cases where the ex-offender had his or her rights restored to determine whether the ex-offender was evaluated for RCR eligibility in accordance with amended Rules of Executive Clemency, effective March 9, 2011.
- Tested a total of 62 files that included both *With a Hearing* and *Without a Hearing* cases to determine whether Commission staff documented central office reviews of the cases before being presented to the Clemency Board.
- Tested a total of 35 files that included *With a Hearing* and *Without a Hearing* cases to determine whether case information was correctly entered in MAC.
- Reviewed the Commission's change management processes for the MAC application.
- Obtained an understanding of governing laws, administrative rules, other guidelines, and Commission policies as they relate to Commission payroll and general expenditures.

- Obtained an understanding of and evaluated Commission internal controls over payroll and general expenditure processes. Tested 40 general expenditure transactions totaling \$3,637, to determine whether general expenditures were authorized, valid, reasonable and necessary, and adequately documented.
- Tested 40 payroll expenditure transactions totaling \$127,484, to determine whether payroll expenditures were authorized and adequately documented, and whether employee position descriptions accurately reflected the duties performed by such employees.
- Tested last salary payments totaling \$48,975, for 34 employees who separated employment with the Commission to determine whether salary payments were adequately supported by attendance records.
- Reviewed applicable records for 16 new employees to evaluate whether the Commission ensured that the employees met the position requirements and obtained appropriate background checks prior to employment and the granting of access to confidential information and were provided appropriate training for the positions.
- Tested 15 employee separations to determine whether the separated employee’s access to Commission resources (e.g., credit cards and purchasing cards) was timely removed upon the employee’s termination.
- Reviewed access controls over MAC and whether access was timely removed for 11 separated employees.
- Performed various other auditing procedures, including analytical procedures, as necessary, to accomplish the objectives of the audit.
- Communicated on an interim basis with applicable Commission officials to ensure the timely resolution of issues involving controls and noncompliance.
- Prepared and submitted for management response the findings and recommendations that are included in this report and which describe those matters requiring corrective actions.

**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.



David W. Martin, CPA  
Auditor General

**MANAGEMENT’S RESPONSE**

In a response letter dated October 26, 2012, the Chair of the Florida Parole Commission concurred with our audit findings and recommendations. The Chair’s response is included as **EXHIBIT B**.

**EXHIBIT A**  
**RULE 9(A) – OFFENSES THAT REQUIRE A HEARING**

**Rule 9(A) 4 of the Rules of Executive Clemency as revised on March 9, 2011, requires that if a person has been convicted of one of the following crimes, they must wait for a period of seven (7) years after completing their sentence and/or supervision for all felony convictions before they may apply for Restoration of Civil Rights With a Hearing before the Clemency Board.**

- a. Murder, attempted murder, attempted felony murder, manslaughter (Chapter 782, Florida Statutes)
- b. DUI manslaughter, DUI serious bodily injury (Section 316.193, Florida Statutes)
- c. Leaving the scene of accident involving injury or death
- d. Sexual battery, attempted sexual battery, unlawful sexual activity with a minor, female genital mutilation (Chapter 794, Florida Statutes)
- e. Any violation of Chapter 800, Florida Statutes
- f. Lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person (Section 825.1025, Florida Statutes)
- g. Sexual performance by a child, attempted sexual performance by a child (Section 827.071, Florida Statutes)
- h. Aggravated child abuse (Section 827.03, Florida Statutes)
- i. Failure to register as a sexual predator (Section 775, Florida Statutes) or sexual offender (Section 943.0435, Florida Statutes)
- j. Computer pornography, transmission of computer pornography, or any crime involving a minor in violation of Chapter 847, Florida Statutes
- k. Kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child (Chapter 787, Florida Statutes)
- l. Aggravated battery, attempted aggravated battery (Section 784.045, Florida Statutes), felony battery, domestic battery by strangulation (Section 784.041, Florida Statutes)
- m. Robbery, carjacking, attempted carjacking, home invasions, attempted home invasions (Chapter 812, Florida Statutes)
- n. Poisoning of food or water (Section 859.01, Florida Statutes)
- o. Abuse of a dead human body (Section 872.06, Florida Statutes)
- p. Burglary of a dwelling, first degree burglary, or attempted first degree burglary (Section 810.02, Florida Statutes)
- q. Arson, attempted arson, or conspiracy to commit arson (Section 806.01, Florida Statutes)
- r. Aggravated assault (Section 784.021, Florida Statutes)
- s. Aggravated stalking (Section 784.048, Florida Statutes)
- t. Aggravated battery, battery, or aggravated assault on a law enforcement officer or other specified officer (Section 784.07, Florida Statutes)
- u. Trafficking or conspiracy to traffic in illegal substances (Section 893.135, Florida Statutes) all other first and second degree felonies described in Chapter 893, Florida Statutes.
- v. Aircraft piracy (Section 860.16, Florida Statutes)
- w. Unlawful throwing, placing, or discharging of a destructive device or bomb (Section 790.161, Florida Statutes)
- x. Facilitating or furthering terrorism (Section 775.31, Florida Statutes)
- y. Treason (section 876.32, Florida Statutes)
- z. Possession of a firearm by a convicted felon (Section 790.23, Florida Statutes) or possession of a firearm or ammunition by a violent career criminal (Section 790.235, Florida Statutes)
- aa. Bribery, misuse of public office (Chapter 838, Florida Statutes) extortion by officers of the state (Section 839.11, Florida Statutes) misappropriation of moneys by commissioners to make sales (Section 839.17, Florida Statute)  
Any crime committed by an elected official while in office
- bb. Illegal use of explosives

**EXHIBIT A**  
**RULE 9(A) – OFFENSES THAT REQUIRE A HEARING (CONTINUED)**

**Rule 9(A) 4 of the Rules of Executive Clemency as revised on March 9, 2011, requires that if a person has been convicted of one of the following crimes, they must wait for a period of seven (7) years after completing their sentence and/or supervision for all felony convictions before they may apply for Restoration of Civil Rights With a Hearing before the Clemency Board.**

- cc. Illegal use of explosives
- dd. RICO
- ee. Exploitation of the elderly
- ff. Public corruption
- gg. Any felony violation of an election law
- hh. Any crime designated a “dangerous crime” under Section 907.041, Florida Statutes:
- ii. Arson
  - a. Aggravated assault
  - b. Aggravated battery
  - c. Illegal use of explosives
  - d. Child abuse or aggravated child abuse
  - e. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult
  - f. Aircraft piracy
  - g. Kidnapping
  - h. Homicide
  - i. Manslaughter
  - j. Sexual battery
  - k. Robbery
  - l. Carjacking
  - m. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years
  - n. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation or person in familial or custodial authority
  - o. Burglary of a dwelling
  - p. Stalking and aggravated stalking
  - q. Act of domestic violence as defined in Section 741.28, Florida Statutes
  - r. Home invasion robbery
  - s. Act of terrorism as defined in Section 775.30, Florida Statutes
  - t. Manufacturing any substances in violation of Chapter 893 Florida Statutes
  - u. Attempting or conspiring to commit any such crime
- jj. Any offense committed in another jurisdiction that would be an offense listed in this paragraph if that offense had been committed in this State

EXHIBIT B  
MANAGEMENT'S RESPONSE



**FLORIDA PAROLE COMMISSION**

TENA M. PATE, Chair  
BERNARD R. COHEN, SR., Vice-Chair  
MELINDA N. COONROD, Secretary

RICK SCOTT, Governor  
PAM BONDI, Attorney General  
JEFF ATWATER, Chief Financial Officer  
ADAM PUTNAM, Commissioner of Agriculture

October 26, 2012

David W. Martin  
Auditor General  
G74 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Re: Audit-Response

Dear Mr. Martin:

The Florida Parole Commission (Commission) is in receipt of your September 26, 2012 report of preliminary and tentative findings and recommendations resulting from your audit of the Restoration of Civil Rights, Information Technology Controls, Payroll and General Expenditure Processes for the review period beginning March 2011 and ending February 2012 and for Prior Audit Findings.

The Commission acknowledges no audit findings for Payroll, General Expenditure Processes, or for Prior Audit Findings. The Commission also acknowledges and agrees that no errors were found in the Commission's Restoration of Civil Rights eligibility determinations. As to the four (4) findings, the Commission is responding to Findings 1 through 4 on behalf of Ms. Julia McCall, Executive Clemency Coordinator.

Chapter 2009-81, Laws of Florida, required the Commission to transfer all of its Information Technology resources to the Department of Corrections (Department) by July 1, 2009. This resulted in the Commission, through a Service Level Agreement, becoming a customer of the Department for all of its Information Technology services necessary for the successful operation of the Commission. For Findings 2 through 4 Information Technology Controls, the corrective actions will be taken by the Commission, the Office of Executive Clemency and the Department.

In closing, I would like to thank your staff for their professionalism, flexibility and spirit of cooperation throughout this audit.

Sincerely,

Tena M. Pate  
Chair

COMMITTED TO PROTECTING THE PUBLIC

OFFICE OF THE CHAIR  
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**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

**FLORIDA PAROLE COMMISSION**

**RESPONSE TO PRELIMINARY AND TENTATIVE AUDIT FINDINGS AND  
RECOMMENDATIONS FROM AUDITOR GENERAL**

October 26, 2012

**FINDING No. 1: Restoration of Civil Rights (RCR) Case Reviews**

Although we noted no errors in RCR eligibility determinations for the RCR cases tested, central office reviews of the determinations were not always properly documented.

**RECOMMENDATION:**

We recommend that the Commission monitor compliance with established procedures to ensure that the central office review process is properly administered and documented.

**FPC RESPONSE:**

The Commission agrees with the recommendations for consistency in documenting the quality assurance reviews. The Commission has a long-standing established practice of having examiners in central office dedicated to conducting quality assurance reviews on all RCR investigations. The Commission's quality assurance review process starts with field examiners completing the investigations; then, field supervisors review and approve the investigations and central office quality assurance examiners conduct quality assurance reviews on each investigation. Finally, the Director of the Office of Clemency Investigations or designee reviews each investigation prior to submission to the Clemency Board.

The Commission's quality assurance process is working well as evidenced by this audit's finding that there were zero errors in the Commission's RCR eligibility determinations. The Commission appreciates the acknowledgment that we have correctly evaluated the RCR eligibility determinations.

The Commission's March 2010 RCR Eligibility Investigations Training Manual was revised on February 9, 2012 to include an update to the RCR Eligibility Review Form to be used by central office examiners to document their quality assurance eligibility reviews. This form is retained in all clemency case files in central office. The Director of the Office of Clemency Investigations or his designee will ensure that the Quality Assurance Review form has been completed and is in all clemency case files.

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

Prior to the February 2012 revision of the Commission's March 2010 RCR Eligibility Investigations Training Manual, the central office quality assurance examiner who conducted the quality assurance review sent an e-mail to the Regional Administrator of the field office when additional information and/or revisions were needed. The copies of these e-mails and subsequent responses by the field offices were retained in the clemency case file in central office. However, if the central office quality assurance reviewer determined that no revisions or additional information were needed and that the investigation was complete and accurate then he or she did not send an e-mail.

Four of the twenty investigations reviewed for this audit were found to have no evidence of an email documenting the central office quality assurance review. This was because the quality assurance reviewer determined that the RCR investigation was complete and accurate, eliminating the need for an e-mail to the Regional Administrator of the field office.

The Commission is confident in its long-standing established quality assurance practices as evidenced by the results of zero errors found on RCR eligibility determinations during this audit. The Commission agrees it is important to consistently document quality assurance reviews both when revisions or additional information are needed and when the investigation is complete and accurate. In response to your recommendations, the Commission has taken the corrective measures. The Director of the Office of Clemency Investigations or his designee will ensure that the Quality Assurance Review form has been completed and is retained in **all** clemency case files.

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**FINDING No. 2: IT Roles and Responsibilities**

The Commission had not established adequate policies and procedures defining the roles, responsibilities, and authority regarding the Management of Application for Clemency (MAC) computer application.

**RECOMMENDATION:**

We recommend that the Commission, in conjunction with the Office of Executive Clemency and the Department, establish adequate policies and procedures defining the roles, responsibilities, and authority with regard to MAC. Additionally, we recommend that the Agreement be amended to include the Office of Executive Clemency as it is the official custodian of clemency records.

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

**FPC RESPONSE:**

Chapter 2009-81, Laws of Florida, required the Commission to transfer all of its Information Technology (IT) resources to the Department of Corrections (Department) by July 1, 2009. This resulted in the Commission, through a Service Level Agreement (SLA), becoming a customer of the Department for all of the IT services necessary for the successful operation of the Commission. The Commission agrees with the importance of amending the SLA to include the Office of Executive Clemency.

As included in the audit report the SLA established the IT service terms between the Department and the Commission including the scope and definition of technical services, roles and responsibilities for operational areas, and service level targets. To ensure accountability the agreement delineated the Department's and the Commission's roles and responsibilities for each service area, including the MAC database. The SLA defined the Commission's authority and ownership of all of the Commission's data and databases including MAC.

Chapter 2009-81, Laws of Florida, also required the SLA to be reviewed and approved by the Agency for Enterprise Information Technology to ensure that the SLA roles and responsibilities of all SLA parties required by section 282.203, F.S., are met.

The Commission acknowledges the value of having a procedure directive for the MAC database to more specifically define the roles, responsibilities, and authority. The MAC database procedure directive will contain the descriptions of the scope of functions, activities and interrelationships of the Commission, the Department, and the Office of Executive Clemency. The Executive Clemency Coordinator is the custodian of all clemency records. The procedure directive will include a requirement for approval by the Executive Clemency Coordinator or designee in order to obtain, change, or terminate access to the MAC database. The procedure directive will also include a requirement for approval by the Executive Clemency Coordinator or designee for modifications to the MAC database.

In response to your recommendations, the Commission will take the corrective measures. The SLA will be amended to include the Office of Executive Clemency as the official custodian of clemency records and specifically define the roles, responsibilities, and authority for the MAC database by referencing the procedure directive. The SLA will be signed by the Commission, Department, and the Office of Executive Clemency. The Executive Clemency Coordinator designee will be established in writing.

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

**FINDING No. 3: Change Management Controls**

The Commission did not always follow change management control policies and procedures to ensure that the change management processes were appropriate.

**RECOMMENDATION:**

To ensure that the change management process operates appropriately, the Commission should work concurrently with the Office of Executive Clemency and the Department to enhance change management control procedures. Additionally, all parties should take the necessary steps to ensure adherence to the enhanced procedures.

**FPC RESPONSE:**

The Commission understands the significance of ensuring that the change management process operates appropriately. Chapter 2009-81, Laws of Florida, required the Commission to transfer all of its Information Technology (IT) resources to the Department of Corrections (Department) by July 1, 2009. This resulted in the Commission, through a Service Level Agreement (SLA), becoming a customer of the Department for all of the IT services necessary for the successful operation of the Commission.

The Commission benefits from having a service provider "the Department" that has policies and procedures that safeguard the integrity of the MAC database. The Commission and the Department have (4) four procedure directives that establish change management controls and ensure that change management processes are appropriate. The SLA includes the role and responsibilities of programming services and project management.

The SLA requires the Commission to submit service requests to initiate changes to an existing application or development of a new application using the Service Level Agreement Tracking System (SLATS). SLATS is used by both the Commission and the Department to document and track all phases of the application programming.

Department Procedure Directive 206.006 Information Technology Resources provides direction for requesting modifications to a database. The procedure directive establishes uniform guidelines for programming services and project management including designating staff who are authorized to submit a service request to the SLATS system. The procedure directive also establishes the requirement to assign Commission staff to the service request who are knowledgeable regarding the functional area and responsible for coordinating, guiding, and monitoring the service request until satisfactorily completed. The Commission will require all

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

service requests for the MAC database be submitted by the Executive Clemency Coordinator or designee to improve the operations of the SLATS request.

Department Procedure Directive BSD-PROC-011B Request Tracking Process & Time Keeping (SLATS) requires Department IT staff to use the SLATS system to track project proposals, needs assessments, planning, design, development, testing, and implementation. The Department's IT Manager is responsible for monitoring each stage of the service for accuracy. When a service request is received, it is reviewed by the Department's IT manager to determine the scope and to assign it to a project manager or immediately assign it to a developer. All members of the development team, the Commission's designated staff, Department's IT Manager, and the Developer are involved in closing service requests. The Commission's designated staff must place a check mark beside "Accepts Work" on each work order under the service request when testing is completed and the application is ready to move to production. SLATS reports show detailed and summary information, and are available to all SLATS users. The Executive Clemency Coordinator or designee will be responsible for coordinating, guiding, monitoring and approving each work order under the service request to ensure the accountability of modifications to the MAC database. Department Procedure Directive BSD-PROC-014 System Release Management (Change Management) establishes a specific standard for the promotion of applications. The change management process coordinates pending changes to the production environment. The change management process also provides each Department IT section manager the option of approving or denying the release until issues are resolved.

The Release Manager is responsible for quality control, overseeing the movement of files into production, and for coordinating the Change Management approval process. The Release Manager works closely with the Database Administrator during movements to user acceptance testing and production. After user acceptance testing begins, the Developer uses the Issue Tracking Form to document and track resolution of issues. The Developer verifies that all source code in the user acceptance testing environment has been checked into Visual SourceSafe and labeled in accordance with Department Procedure Directive BSD-STD-018, Source Code Control and Documentation Standard. When the Release Manager has reviewed the Release Package and verified it to be complete he/she coordinates the release to the production environment with the Server Team and Database Administrator. Only the Release Manager may move an application, service, or other component to production.

The Commission recognizes changes to the MAC database were not always submitted through SLATS, which resulted in the procedure directives not always being followed. In response to your recommendations, the Commission has taken the corrective measures. The Commission will submit all service requests for changes to the MAC database through the SLATS system. All service requests for the MAC database will be submitted by the Executive Clemency Coordinator or designee. The Executive Clemency Coordinator or designee will be responsible for coordinating, guiding, monitoring and approving that the service request has been

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

satisfactorily completed. The Executive Clemency Coordinator designee will be established in writing.

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**FINDING No. 4: MAC Access Privileges**

The Commission did not ensure that complete MAC access control records were retained, including the dates that access privileges were deactivated.

**RECOMMENDATION:**

The Commission, in conjunction with the Office of Executive Clemency and the Department, should ensure that access control records are retained as required by the *General Records Schedule* and enhance its practices to ensure its ability to demonstrate that the access privileges of all former employees are deactivated in a timely manner.

**FPC RESPONSE:**

Chapter 2009-81, Laws of Florida, required the Commission to transfer all of its Information Technology (IT) resources to the Department of Corrections (Department) by July 1, 2009. This resulted in the Commission, through a Service Level Agreement, becoming a customer of the Department for all of the IT services necessary for the successful operation of the Commission.

The Commission acknowledges retaining access control records of all former employees safeguards the integrity of the MAC database. The Commission follows the Department's Procedure Directive 206.007 to prevent unauthorized access and to ensure effective controls for timely deactivation of terminated employees' access privileges to all databases including the Clemency database (MAC).

An employee cannot access databases until s/he has been granted access rights. Access to a database is provided as needed for the individual employee's job functions. Each employee's access requires a unique user-ID and a secure password.

Department Procedure Directive 206.007 establishes a secured process to request activation and deactivation of an employee's database access. The Commission processes database access requests to the Department through a web-based online Security Access Request (SAR). The SAR is used for either requesting activation or deactivation of an employee's access.

Commission supervisors are required to submit a request to deactivate the employee's access to the Commission's Security Coordinator or designee within (3) three business days when an

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

employee has been terminated or has had a change in job duties due to a transfer, promotion, and/or a function change. The Commission's Security Coordinator is a designated person in the Commission who ensures protection of the database from unauthorized access by approving or denying the database access requested by the supervisor for the employee and is responsible for submitting the web-based SAR to the Department. The Commission's Security Coordinator is required to submit the SAR to the Department within three (3) business days upon receiving the deactivation request from the supervisor. The Commission will adhere to the established timeframes to ensure the Commission's ability to demonstrate that the access privileges are deactivated in a timely manner.

Upon the Department receiving the SAR from the Commission's Security Coordinator, the SAR is routed to the Department's Central Office Information Security Coordinator or designee who is responsible for verifying, confirming, and denying database access request. Once the SAR is approved, it is forwarded to the Department's Information Security Section to process the completed SAR by making the requested changes. When an employee is terminated involuntarily or under adverse conditions the supervisor is required to immediately contact the Department's Information Security Section to request all of the employee's database access be deactivated in addition to submitting the SAR to the Commission's Security Coordinator. Employee deactivation requests submitted to the Department's Central Office Information Security Coordinator and to the Department's Information Security Section are given the highest priority. Together the Commission and the Department ensure that access to the MAC database of all employees who are terminated or have a change in job duties due to a transfer, promotion, and/or function change are deactivated in a timely manner.

The web-based SAR system provides the ability to track the date the Commission's Security Coordinator submitted the SAR, the date of approval by the Department's Central Office Information Security Coordinator, and the date the request for activation or deactivation was completed by the Department's Information Security Section. The records from the SAR system are retained as required by the *General Records Schedule*. The SAR system records do not include the specific dates the employee is deactivated for each individual database in which they had access. When the Department deactivates an employee in the MAC database, the date of deactivation is manually entered in the MAC system.

In response to your recommendations, the Commission will take the corrective measures. The Commission has submitted a formal request (SLATS) to the Department to program the SAR system to have the ability to record the specific date an employee is deactivated from the MAC database. The Department's Information Technology staff are responsible for recording in the SAR system the specific date they deactivate an employee from the MAC database.

**EXHIBIT B**  
**MANAGEMENT'S RESPONSE (CONTINUED)**

Since the Executive Clemency Coordinator is the custodian of all clemency records the Commission has also requested that the SAR system be programmed to route a SAR that includes an access request for the MAC database to the Executive Clemency Coordinator or designee for approval prior to being routed to the Department's Central Office Information Security Coordinator. The Executive Clemency Coordinator will have the ability to record the specific date of approval in the SAR system. The Department's Central Office Information Security Coordinator is not permitted to approve the MAC database access without the recorded date of approval by the Executive Clemency Coordinator or designee.

The Commission has also submitted a formal request (SLATS) to the Department to program the MAC database to automatically record the date of deactivation when the Department IT staff deactivates an employee in the MAC database.

The Commission values the recommendation for the Commission to increase the security of MAC database access privileges. The Commission will ensure its ability to demonstrate that access privileges of all former employees are deactivated from the MAC database in a timely manner by retaining the supervisor's request to deactivate the employee's access from the MAC database and the SAR MAC access control records dates of deactivation as required by the *General Records Schedule*.