

COMMITTEE MEETING EXPANDED AGENDA

**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL
JUSTICE APPROPRIATIONS**
Senator Fasano, Chair
Senator Joyner, Vice Chair

MEETING DATE: Tuesday, February 15, 2011**TIME:** 8:00 —10:15 a.m.**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building**MEMBERS:** Senator Fasano, Chair; Senator Joyner, Vice Chair; Senators Bennett, Evers, Smith, Storms, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Budget Work Session 1) Presentation of the Governor's Budget Recommendations for FY 2011-12 by Bonnie Rogers, Policy Coordinator of Public Safety Unit, Governor's Office of Policy and Budget 2) The Honorable Julie Holt, Public Defender 12th Circuit, Appropriations Chair, Florida Public Defender's Association 3) John Hendry, Regional Conflict Counsel, 2nd District 4) Phillip Massa, Regional Conflict Counsel, 4th District 5) The Honorable Bill Cervone, State Attorney, 8th Circuit, President, Florida Prosecuting Attorney's Association		Presented
2	Update on Capital Collateral representation - By Neal Dupree, Capital Collateral Regional Counsel, South Region		Presented
3	Presentation by Clerks of Court on Legislative Budget Request and implementation of Unit Cost Budgeting - By the Honorable Bob Inzer, Clerk of Leon County, Chairman of the Budget and Finance Committee		Presented
4	Update by Economic and Demographic Research staff on prison admission and population based on October 2010 CJEC - By Kathleen O. McCharen		Presented
5	Update from Department of Juvenile Justice on the implementation of local civil citation program in Miami - By Secretary Wansley Walters		Not Considered
6	Update from the Juvenile Justice Association - By Catherine Craig-Myers		Not Considered
7	Presentation by the Southern Poverty Law Center on Department of Juvenile Justices' Community Based Care Model - By David Utter, Florida Legislative Director, Southern Poverty Law Center		Not Considered
8	Update on Department of Corrections' Prison Bed Capacity and Expansion Alternatives - By Secretary Edward Buss, Department of Corrections		Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Budget Subcommittee on Criminal and Civil Justice Appropriations
Tuesday, February 15, 2011, 8:00 —10:15 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	Overview of Department of Corrections' Health Services Operations - By Secretary Edward Buss, Department of Corrections		Not Considered

Governor Rick Scott's

Public Safety Budget Recommendations For Fiscal Years 2011-12 and 2012-13

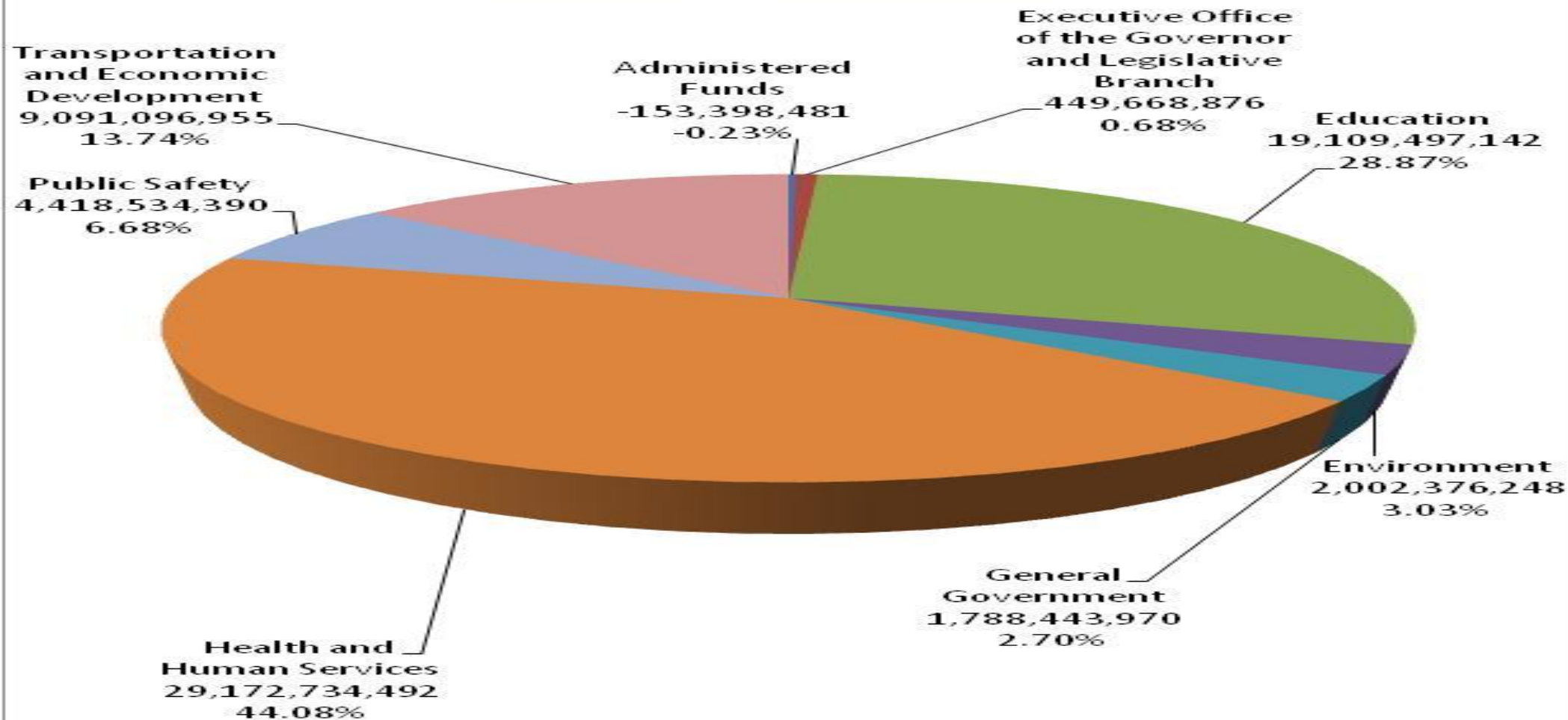
**Presented to the
Senate Budget Subcommittee on Criminal and
Civil Justice Appropriations
Senator Mike Fasano, Chair
February 10, 2011**



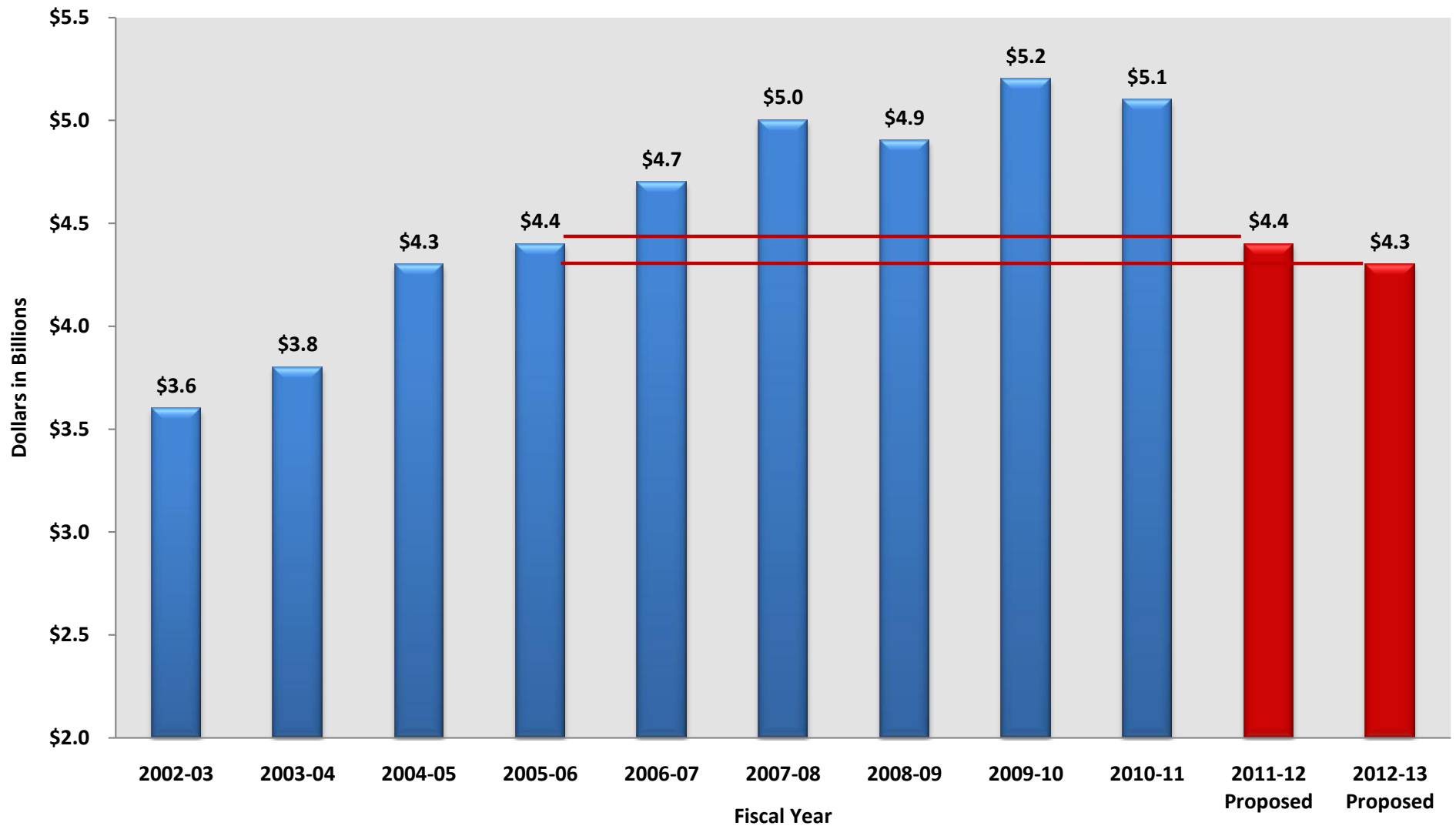
Public Safety Budget to State Budget

Total Budget by Policy Area

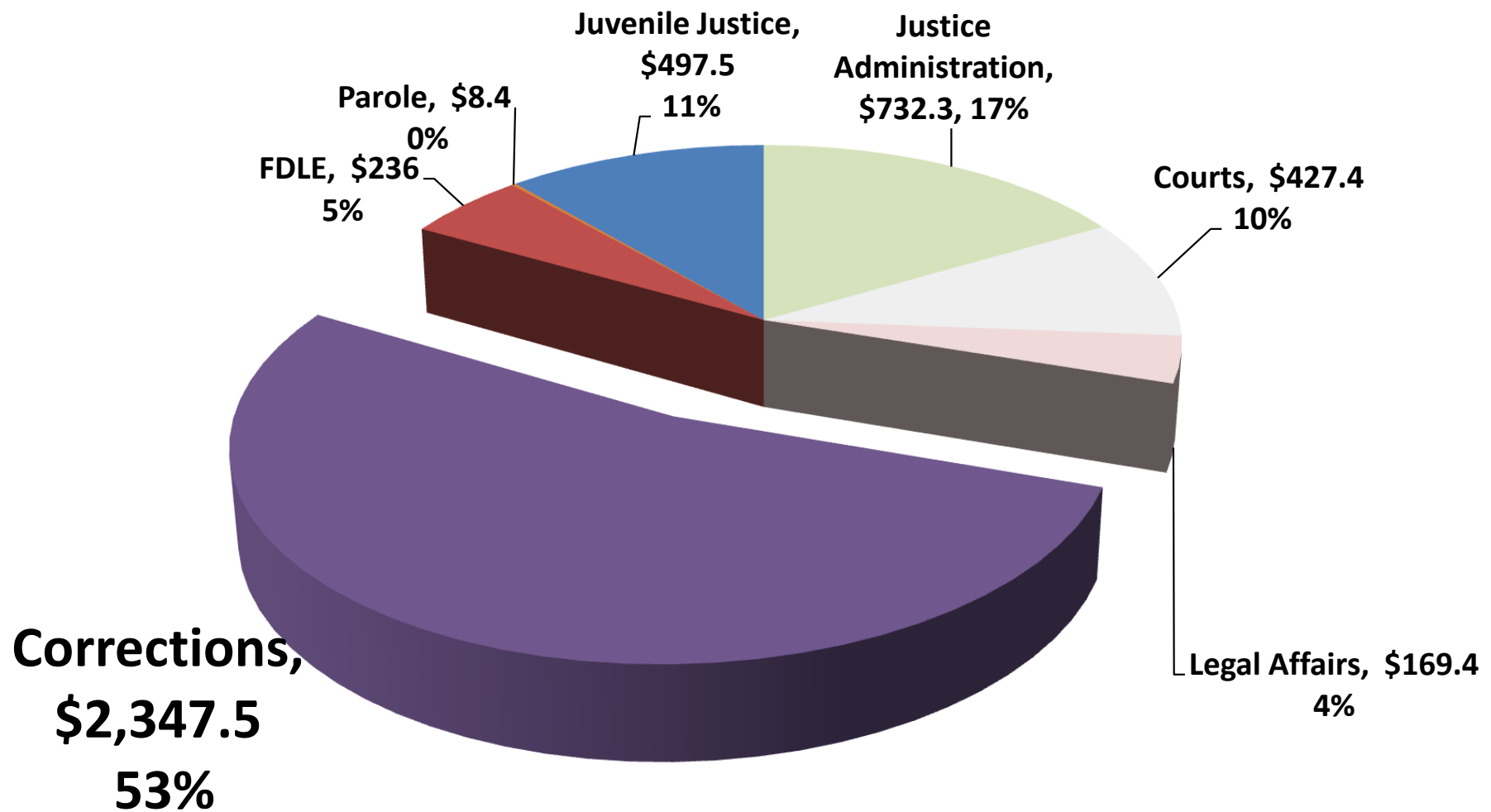
Total Budget \$65.9 billion



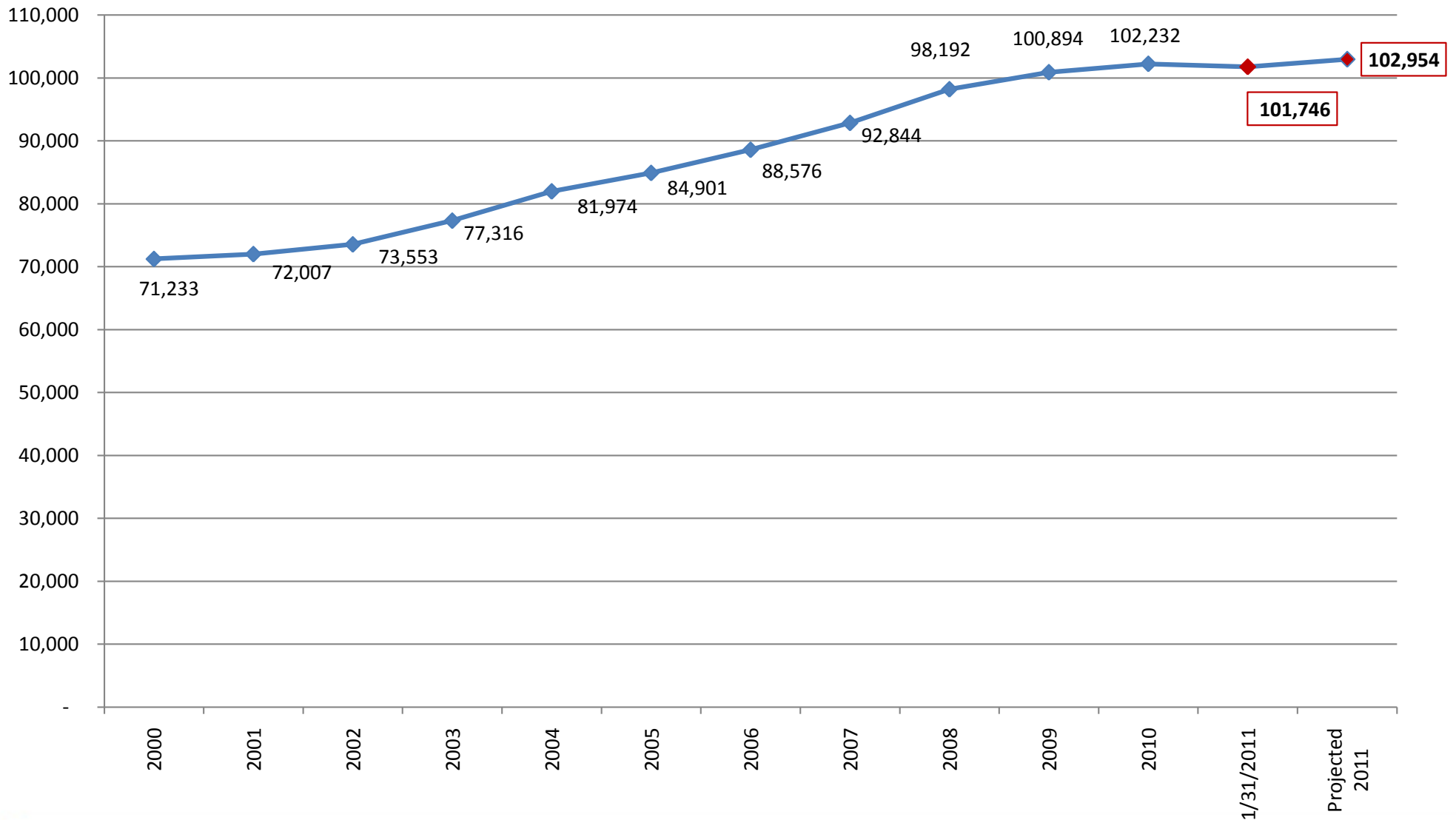
Public Safety Spending



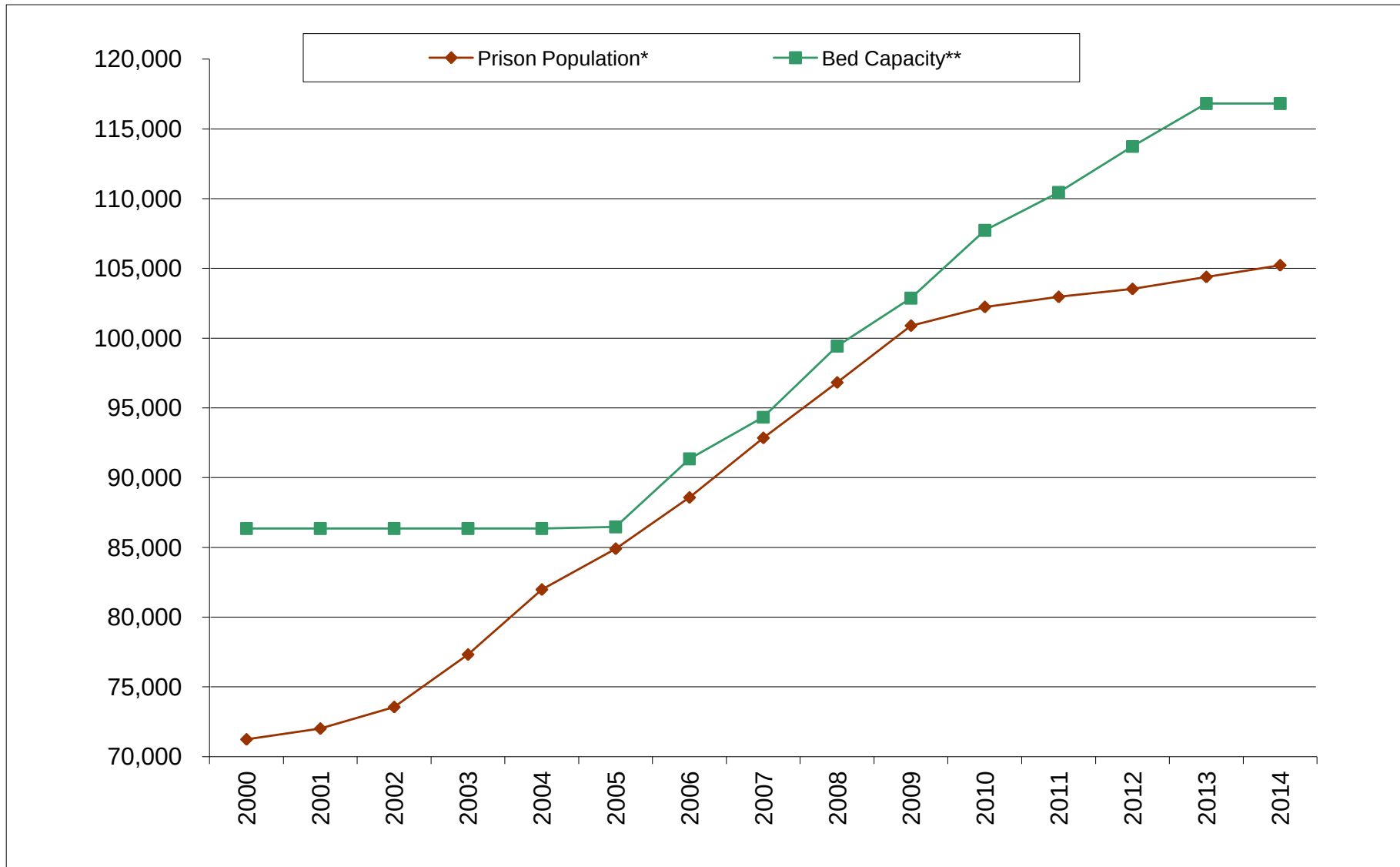
Department of Corrections \$2.3 Billion



Inmate Population by Fiscal Year ending June 30 Compared to Current and Projected Population



Prison Population to Bed Capacity



Governor Scott's Key Public Safety Objective and Approach

Work collaboratively with the business and criminal justice community to take a smart approach to government spending while ensuring public safety

- 1. Administrative efficiencies**
- 2. Operational efficiencies**
- 3. Maximize utilization of existing facilities**
- 4. Reinvest in areas that further reduce costs and increase public safety.**



Governor Scott's Proposed Administrative Efficiencies for Corrections

- ***Reduce Executive Direction and Middle Management salaries by \$2.9 million***
- ***Reduce Overtime costs by \$1 million***



Governor Scott's Proposed Administrative Efficiencies for Corrections

- ***Save \$766,201 and 10 positions in FY 2011-12 and additional \$141,651 in FY 2012-13 through the planned consolidation of the DOC Data Center with the Southwood Shared Resource Center in October 2011.***
- ***Save \$5.5 million and 85 positions by consolidating Regional Offices and Business Support Centers***



Governor Scott's Proposed Administrative Efficiencies for Corrections

- ***Save \$1.5 million in FY 2011-12 and additional \$1.5 million in FY 12-13 by reducing and renegotiating leased office space.***
- ***Reduce agency spending by \$35.7 million in FY 2012-13.***



Governor Scott's Proposed Operational Efficiencies for Corrections

➤ *Reduce Health Care spending by:*

- *Save \$4 million by expanding the 340B Program***
- *Reduce state costs by \$800,000 through inmate co-pays or contribution***
- *Save \$2 million and 7 positions through use of Psychiatric ARNPs in lieu of Psychiatrists in select areas.***
- *Access Medicaid for Eligible Inmates (\$3.5 million) and VA Medication Benefits for Released Inmates (\$11,000)***



Governor Scott's Proposed Operational Efficiencies for Corrections

- ***Reduce \$2.9 million and 50 positions by increasing supervision caseloads and providing \$2.8 million to expand court ordered electronic monitoring***
- ***Eliminate Pre-Trial Intervention (\$4.3million, 71 positions)***
- ***Fund \$300k (nr) for a stun fence at the Florida State Prison for an annual savings of \$1.2m and 27 positions***
- ***Eliminate Bootcamp Programs (\$2.7million, 50 positions)***



Governor Scott's Proposed Re-Investments into Corrections

- ***Fund \$2.5 million in non-recurring funds to provide equipment to expand edible crops – reduce food budget by \$5.3 million.***
- ***Provide \$725 k in non-recurring for Body armor***
- ***Provide \$3 million non-recurring to replace radios***



Governor Scott's Proposed Operational Efficiencies and Reinvestments for Corrections

- ***Maximize beds across the system (Public and Private) –***
 - ***Reinvest savings to open the 864 Reentry center beds and 600 work release beds at 4 facilities, with programming***
 - ***Close 200 female and 200 youthful offender beds and redirect to open 400 Secure Contracted Residential beds***
- ***Total Net Savings \$39.8m***

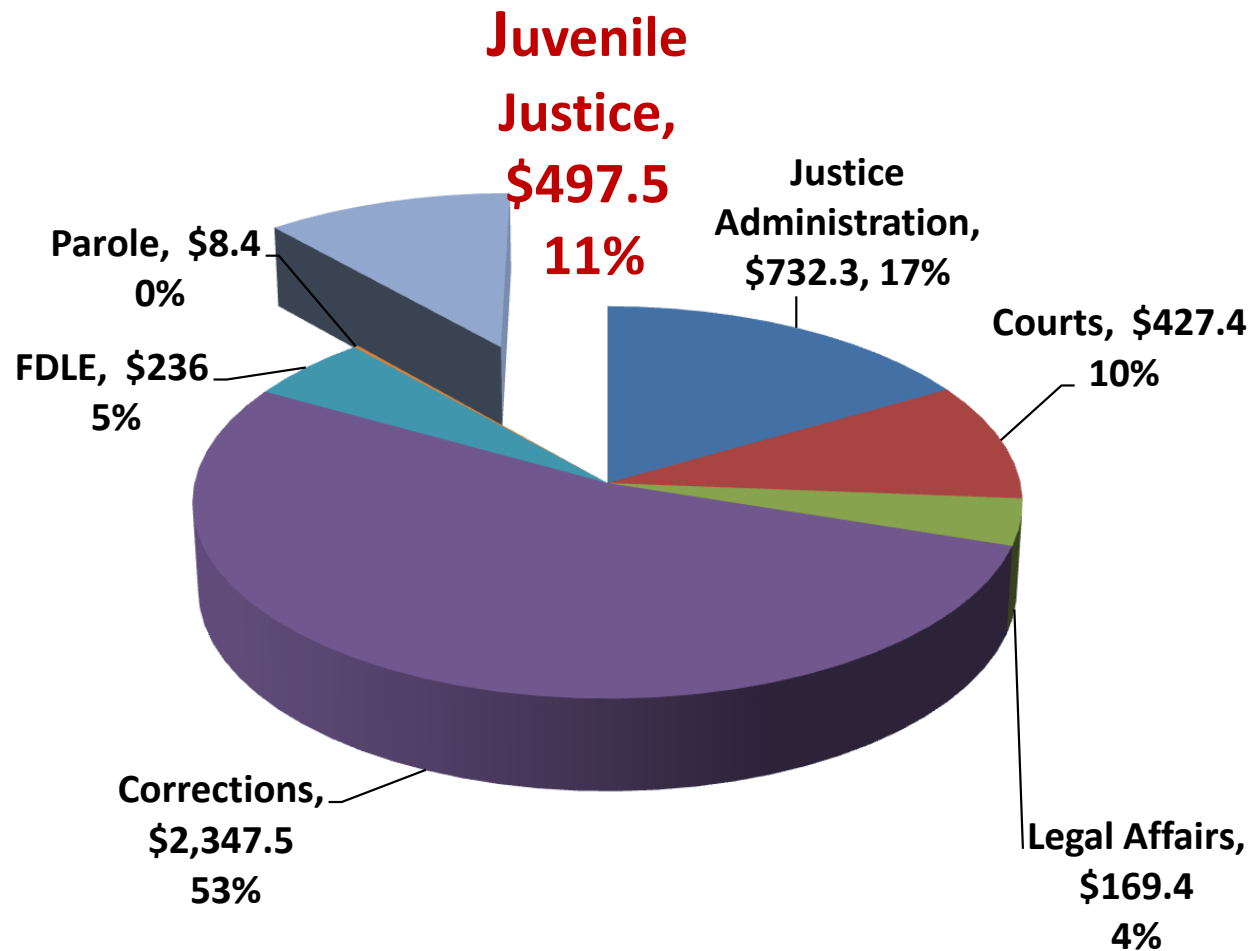


Governor Scott's Proposed Budget for Department of Corrections

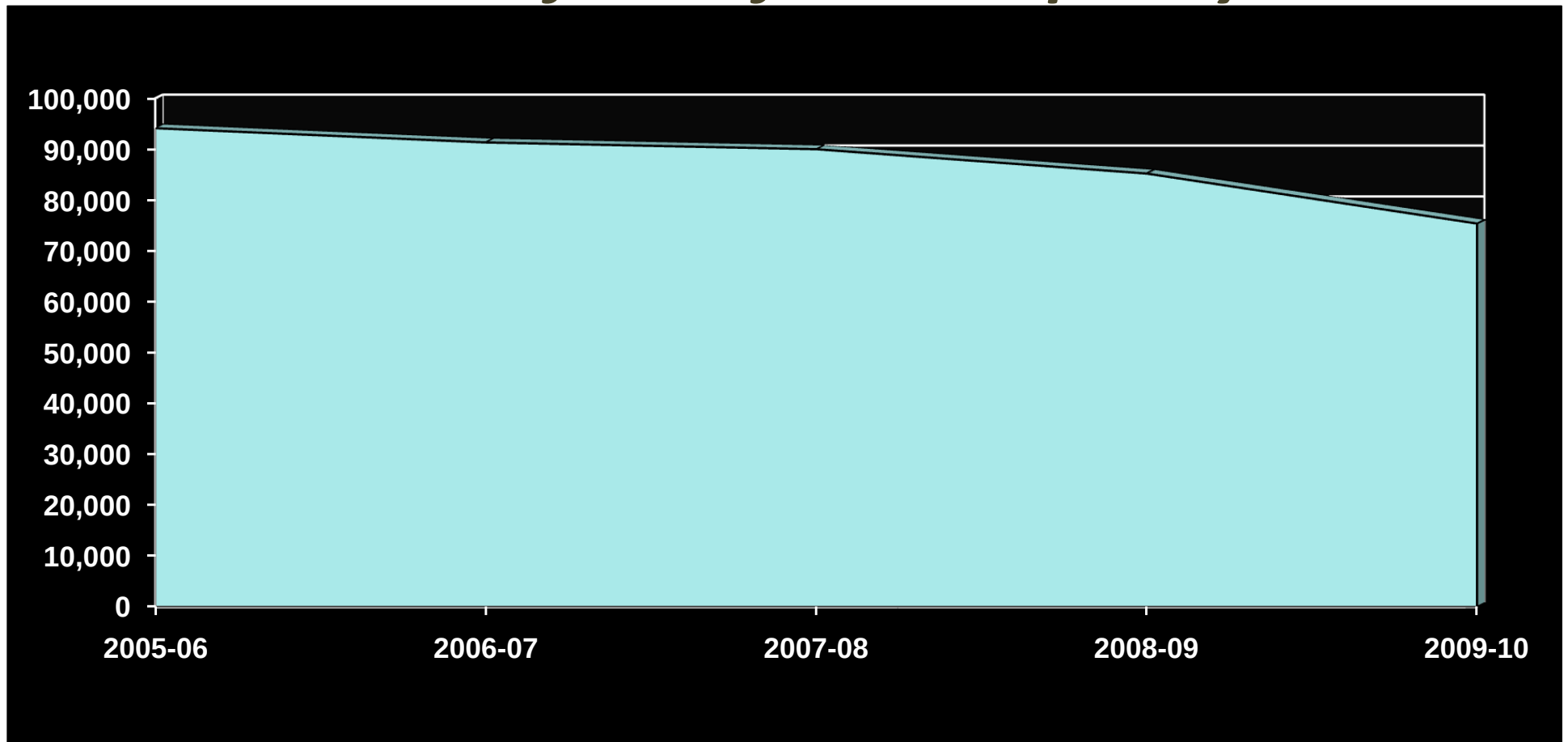
	<u>FTE</u>	<u>Funding</u>
<i>Current Year Budget:</i>	<i>29,350</i>	<i>\$2.42b</i>
<i>Proposed FY 2011-12 Budget:</i>	<i>27,660</i>	<i>\$2.34b</i>
	<i>(3.4% decrease)</i>	
<i>Proposed FY 2012-13 Budget :</i>	<i>27,350</i>	<i>\$2.27b</i>
	<i>(6.2% decrease)</i>	



Juvenile Justice \$497.5 million



Florida Department of Juvenile Justice Youth Referred for Delinquency



Governor Scott's Proposed Administrative Efficiencies for Juvenile Justice

- ***Save \$887,849 in FY 2011-12 and additional \$887,849 in FY 2012-13 by renegotiating office space and rates.***
- ***Fund \$30,318 for Data Center Services in FY 2011-12 and adjust costs down by \$23,778 in FY 2012-13.***
- ***Administrative Efficiencies (\$5.5m in second year)***



Governor Scott's Proposed Administrative Efficiencies for Juvenile Justice

- ***Savings through streamlining middle management by 52 positions and \$3.8 million)***
- ***Collapse Regional Offices (\$4.6m, 65 positions)***
- ***Prevention Services Administrative Savings (\$4.1m, 6 positions)***



Governor Scott's Proposed Operational Efficiencies for Juvenile Justice

- ***Eliminate funding for under utilized detention facilities saves \$29.4 million, 504 positions***
- ***Eliminate funding for programs serving few youth at higher costs (\$6.7 million)***
- ***Save \$21.8 million and 69 positions Residential Commitment through ensuring appropriate length of stay***
- ***Save \$41.5 million by eliminating residential commitment for Misdemeanant Youth***



Governor Scott's Proposed Re-Investment into Juvenile Justice

- ***Fund \$10.4 million for Community and Evidenced Based Services for Misdemeanant Youth***
- ***Fund \$2.2 million for Electronic Monitoring for Misdemeanant Youth in lieu of secure detention***
- ***Fund \$4.6 million to offset detention costs for Fiscally Constrained Counties***
- ***Fund \$4.6 million for full-service Juvenile Assessment Centers***
- ***Enhance Information Sharing \$199k and 3 positions***



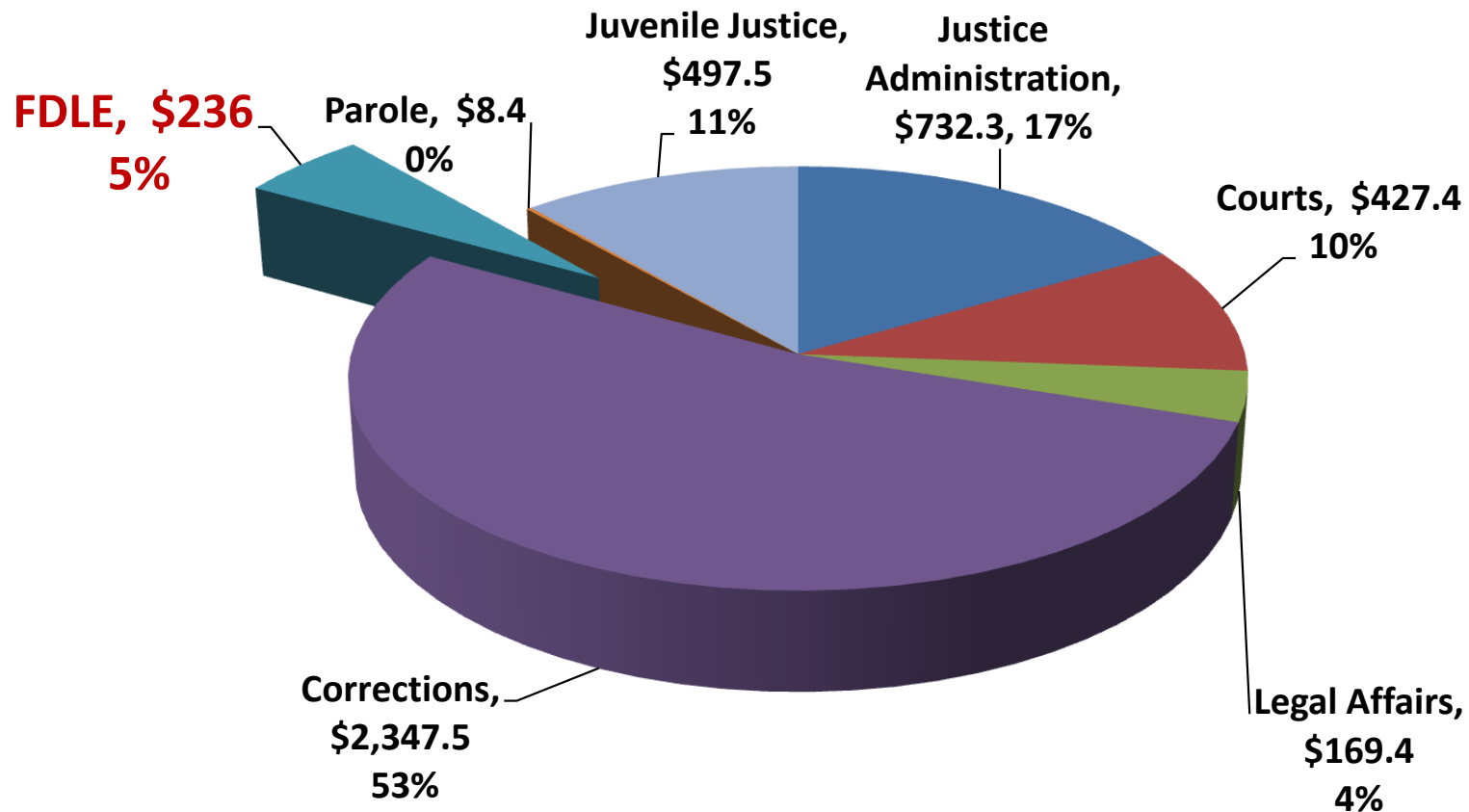
Governor Scott's Proposed Budget for Department of Juvenile Justice

	<u>FTE</u>	<u>Funding</u>
<i>Current Year Budget:</i>	<i>4,760</i>	<i>\$606.2m</i>
<i>Proposed FY 2011-12 Budget:</i>	<i>3,947</i>	<i>\$497.5m</i>
	<i>(17.9% decrease)</i>	
<i>Proposed FY 2012-13 Budget :</i>	<i>3,947</i>	<i>\$493.3m</i>
	<i>(18.6% decrease)</i>	



Florida Department of Law Enforcement

\$236 million



Governor Scott's Proposed Administrative Efficiencies for FDLE

- ***Reduce Positions Vacant over 90 days (\$2.4m, 42 positions)***
- ***Increase Special Agent Supervisor Ratios (\$2.6m, 23 positions)***
- ***Renegotiate Office Lease Space (\$351k over 2 years)***
- ***Administrative Efficiencies (\$2.3m in second year)***



Governor Scott's Proposed Operational Efficiencies for FDLE

- ***Reduce Chemistry based on Workload (\$444k, 7 positions)***
- ***Reduce Criminal Justice Network Expenses (\$2.6m, 23 positions)***
- ***Eliminates earmarks – A Child is Missing (\$232k)***
- ***Eliminates Positions identified with the DARE Program (\$384k, 4 positions)***



Governor Scott's Proposed Re-investment into Law Enforcement

- ***Expansion of the DNA Database to include Felony Arrests \$918k, 6 positions***
- ***Transfers Cybercrime from Legal Affairs to FDLE***

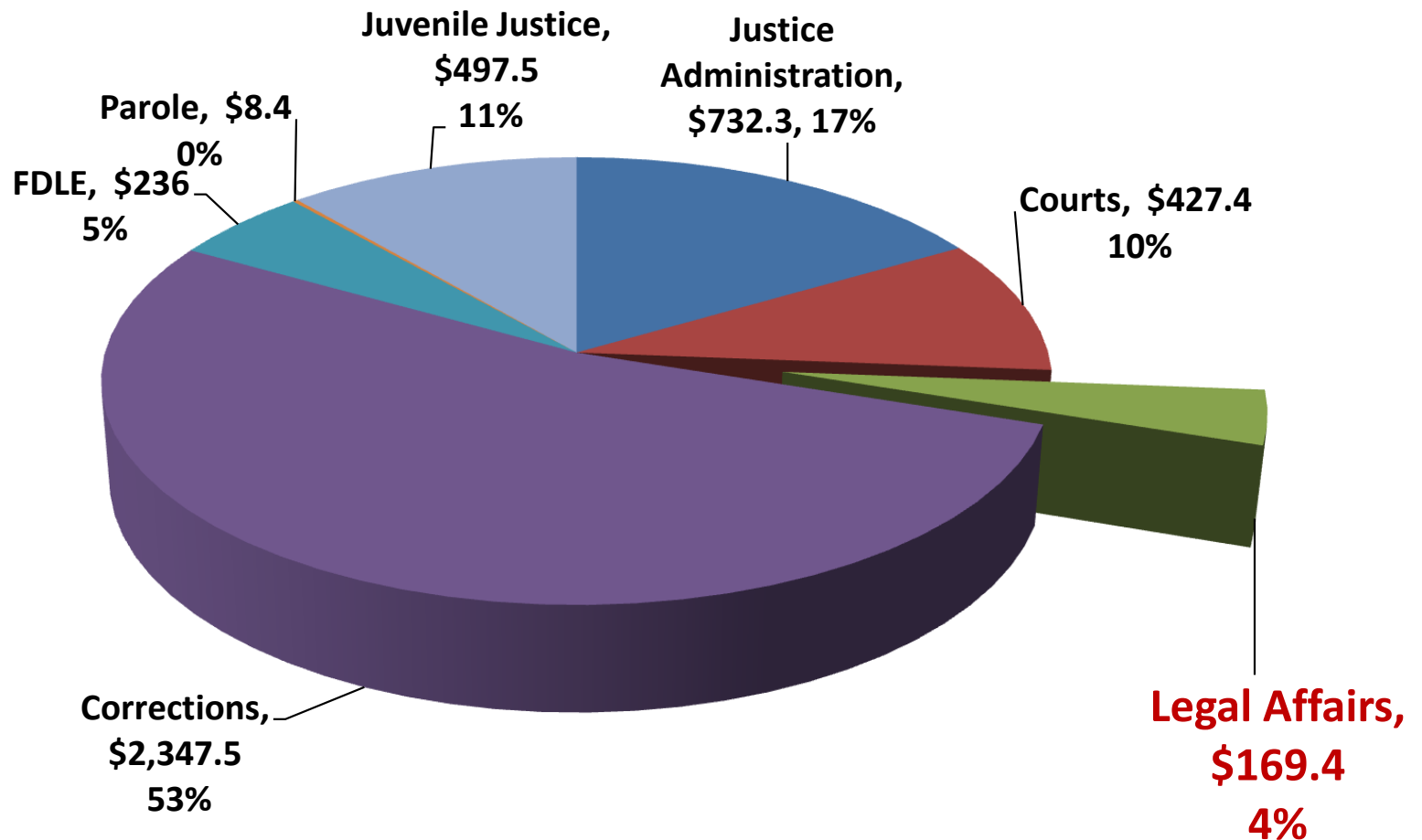


Governor Scott's Proposed Budget for Law Enforcement

	<u>FTE</u>	<u>Funding</u>
<i>Current Year Budget:</i>	<i>1,744</i>	<i>\$249.7m</i>
<i>Proposed FY 2011-12 Budget:</i>	<i>1,626</i>	<i>\$236m</i>
	<i>(5.5% decrease)</i>	
<i>Proposed FY 2012-13 Budget :</i>	<i>1,626</i>	<i>\$228.6m</i>
	<i>(8.5% decrease)</i>	



Office of Attorney General/ Department of Legal Affairs - \$169.4 million



Governor Scott's Proposed Administrative Efficiencies for Department of Legal Affairs

- ***Renegotiate Office Lease Space (\$1.1m over 2 years)***
- ***Administrative Efficiencies (\$1.3m in second year)***



Governor Scott's Proposed Operational Efficiencies and Funding for Department of Legal Affairs

- ***Eliminate earmarks in Base Budget (\$6.1 million)***
- ***Savings through combining Cybercrime with FDLE's Computer Crime section (\$1.4 million, 19 positions)***
- ***Restore Non-recurring Funds \$4.1 million***
- ***Fund Medicaid Fraud Control Unit - Asset Sharing/Forfeiture Program \$2 million***

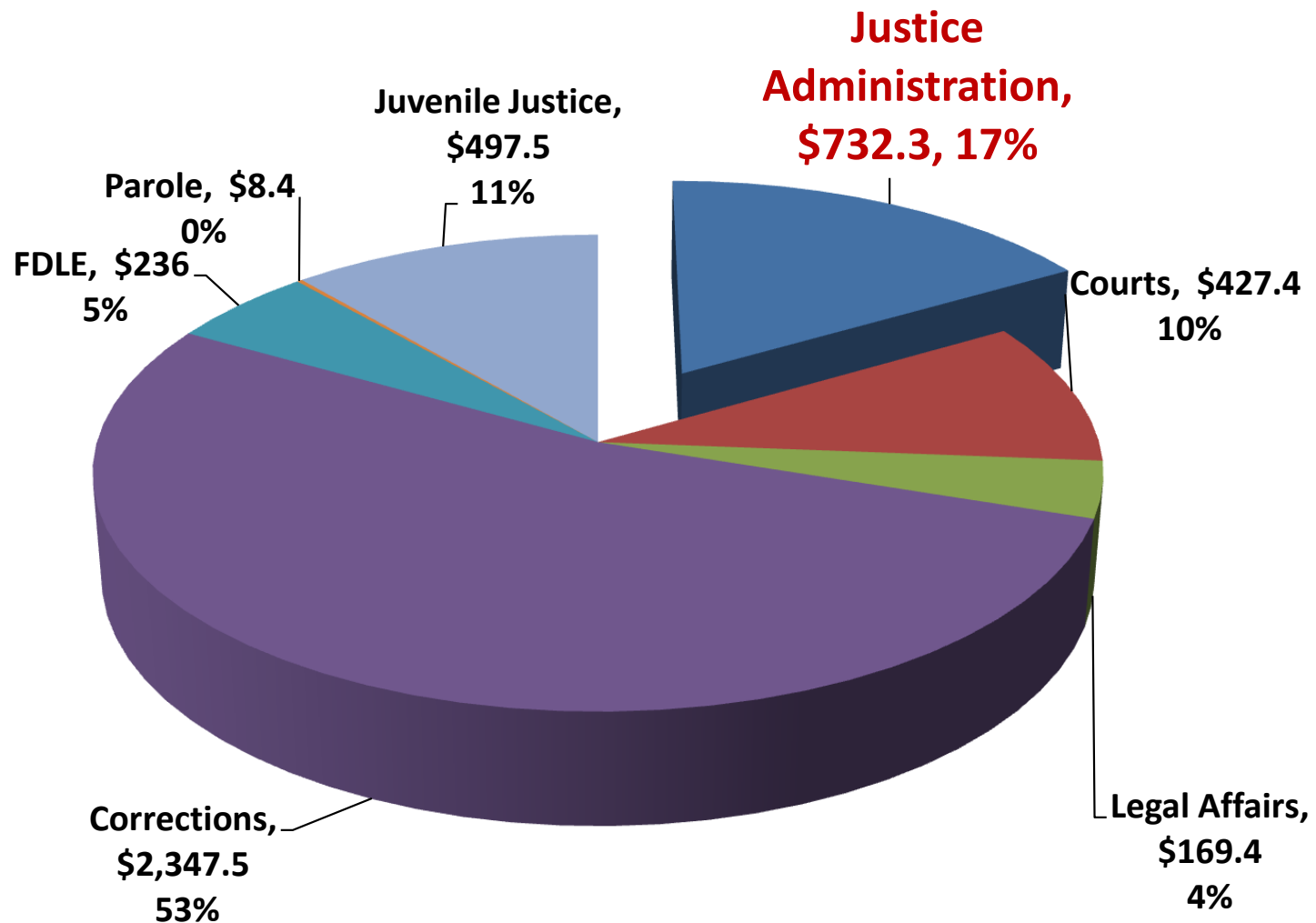


Governor Scott's Proposed Budget for the Office of Attorney General / Department of Legal Affairs

	<u>FTE</u>	<u>Funding</u>
<i>Current Year Budget:</i>	<i>1,337.5</i>	<i>\$187.9m</i>
<i>Proposed FY 2011-12 Budget:</i>	<i>1,303.5</i>	<i>\$169.4m</i>
	<i>(9.8% decrease)</i>	
<i>Proposed FY 2012-13 Budget :</i>	<i>1,303.5</i>	<i>\$167.5m</i>
	<i>(10.8% decrease)</i>	



Justice Administration - \$732.3 million



Governor Scott's Proposed Administrative Efficiencies for Justice Administration

➤ 5% Work force Reductions

- ***Justice Administration Commission (\$428k, 4 positions)***
- ***State Attorneys (\$18.4m, 301 positions)***
- ***Public Defenders (\$9.7m, 137 positions)***
- ***Capital Collateral Regional Counsel (\$342k, 4 positions)***
- ***Regional Conflict Counsel (\$1.8m, 18 positions)***



Governor Scott's Proposed Re-investment into Justice Administration

- ***Fund Due Process Costs \$17.8m***
- ***Restores Funding for the Guardian ad Litem Program \$1m***



Justice Administration

Fiscal Year 2011-12 Budget:

\$732.3 million

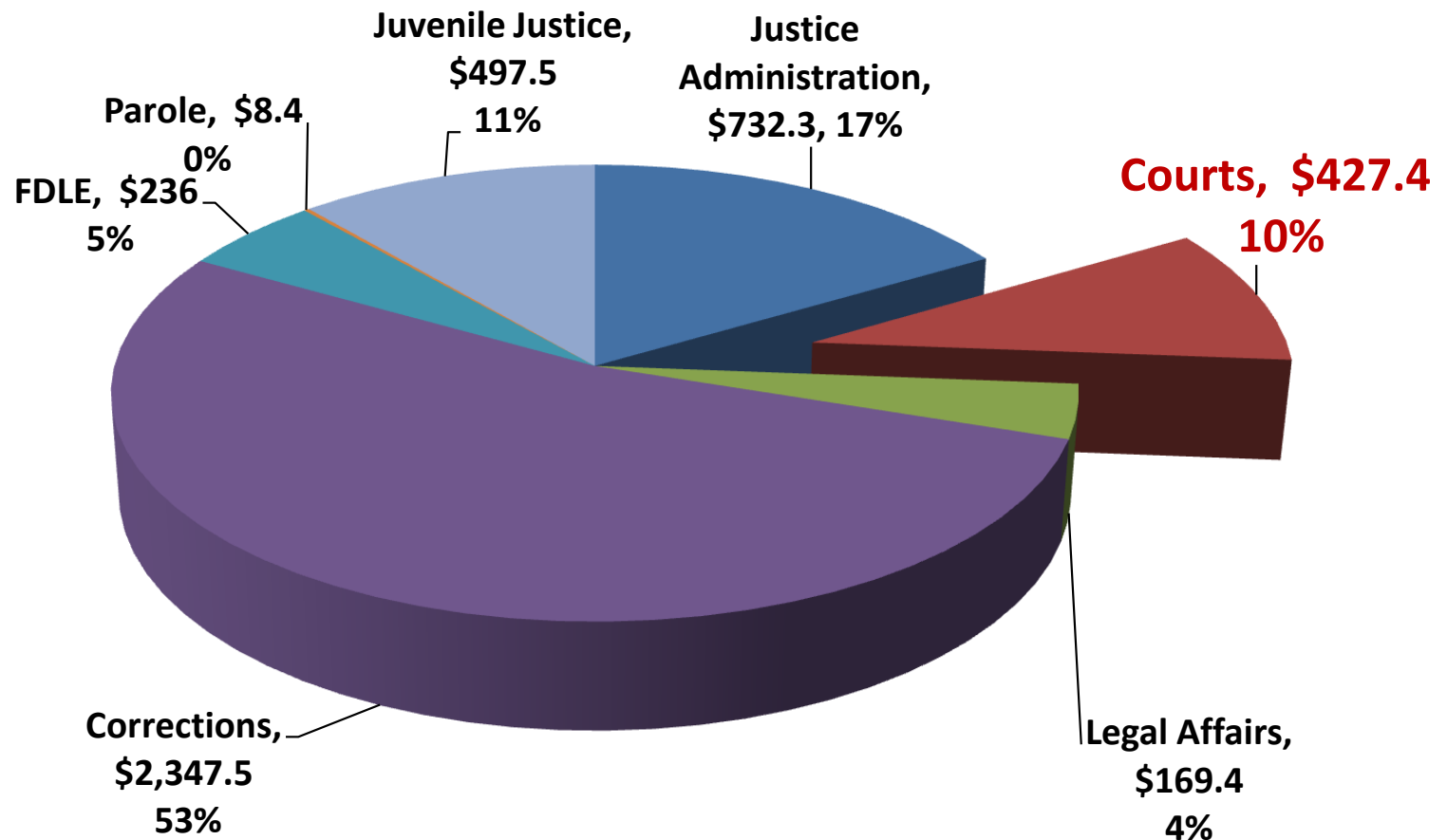
Fiscal Year 2012-13 Budget:

\$719.5 million

***Removes the Clerks of the Court Funding from the
General Appropriations Act***



State Courts - \$427.4 million



Governor Scott's Proposed Administrative Efficiencies for State Courts

- ***Increase the ratio of Judges to Judicial Assistants/Law Clerks and Attorneys (\$33.8m, 574 positions)***

Governor's Proposed Funding for State Courts

- ***Innocence Commission \$200k (FY 2011-12 only)***
- ***Fund decline in Article V Revenues \$25.5m***



Governor Scott's Proposed Administrative Efficiencies for State Courts

	<u><i>FTE</i></u>	<u><i>Funding</i></u>
<i>Current Year Budget:</i>	<i>4,325.5</i>	<i>\$467m</i>
<i>Proposed FY 2011-12 Budget:</i>	<i>3,751.5</i>	<i>\$427.4m</i>
	<i>(8.5% decrease)</i>	
<i>Proposed FY 2012-13 Budget :</i>	<i>3,751.5</i>	<i>\$420.9m</i>
	<i>(9.9% decrease)</i>	

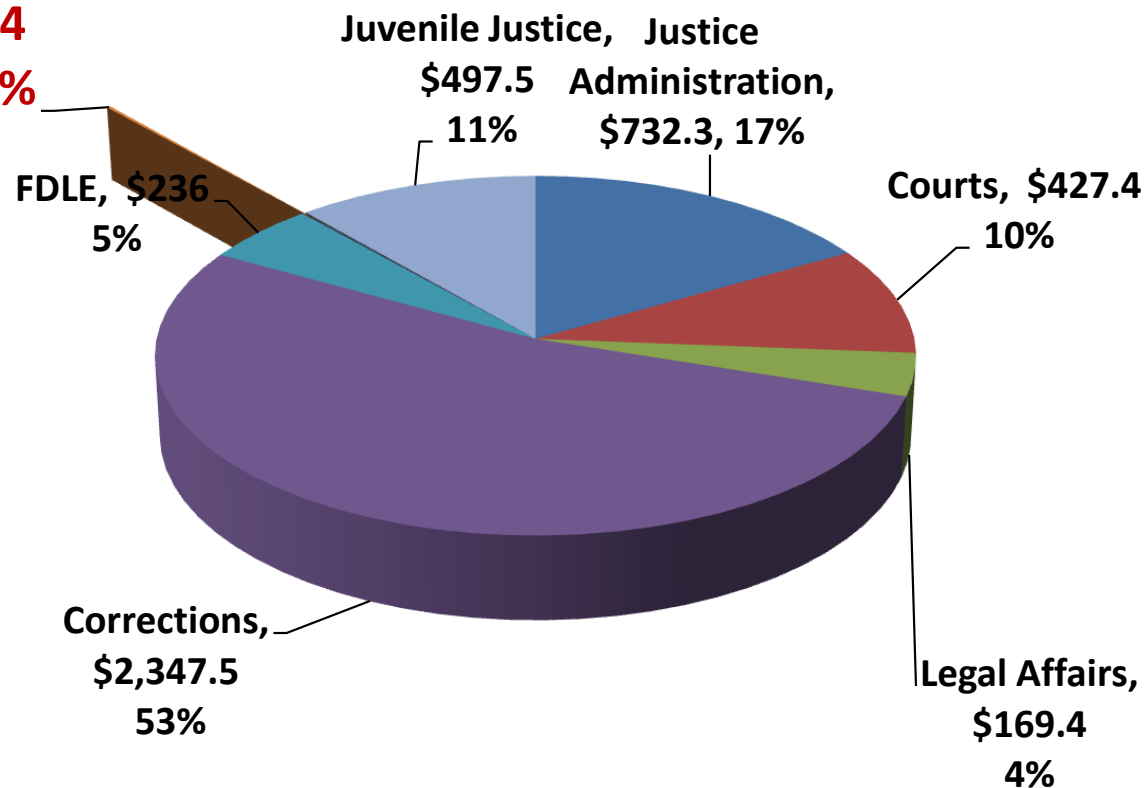


Parole Commission - \$8.4 million

Parole
Commission

\$8.4

> 1%



Governor Scott's Proposed Budget for the Parole Commission

Fiscal Year 2011-12 Budget:

\$8.4 million (continued funding level)

Fiscal Year 2012-13 Budget:

\$8.2million (1.4% decrease over current year)*

**** Reduce Fiscal Year 2012-13 expense budget by
\$132,422)***



Additional Budgetary Reforms

- ***Biennial Budget – Transparent and Accountable***
- ***Trust Fund Consolidations***
- ***Lump Sum funding for agencies***
- ***Eliminate Salary Rate***



Governor Rick Scott's

Public Safety Budget Recommendations For Fiscal Years 2011-12 and 2012-13

**Presented to the
Senate Budget Subcommittee on Criminal and
Civil Justice Appropriations
Senator Mike Fasano, Chair
February 10, 2011**



POST CONVICTION PROCESS IN FLORIDA

NEAL DUPREE CCRC-SOUTH
BILL JENNINGS CCRC-MIDDLE

CCRC HISTORY

1985 – Capital Collateral Representative created

1997 – CCR split into three regions (north, middle and south) and re-named the Capital Collateral Regional Counsel

2003 – CCRC-North closed

Auditor General's office ordered to complete a three year pilot project comparing the CCRC's and the registry of private lawyers

POST CONVICTION PROCESS

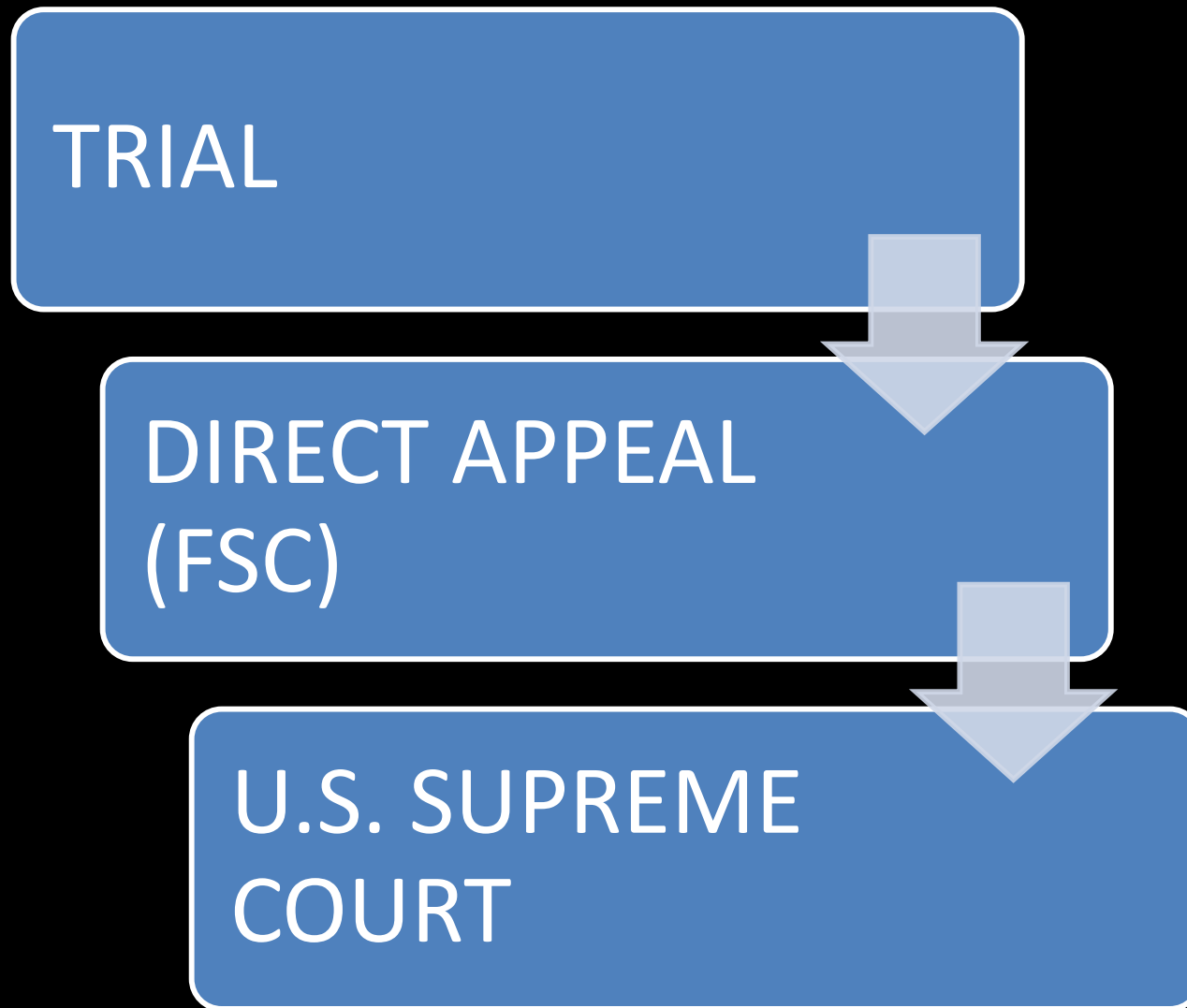
GOVERNED BY RULES 3.851, 3.852 AND
FLORIDA STATUTE 119

1998 – REVERSAL RATE AT THE FSC OVER 75%

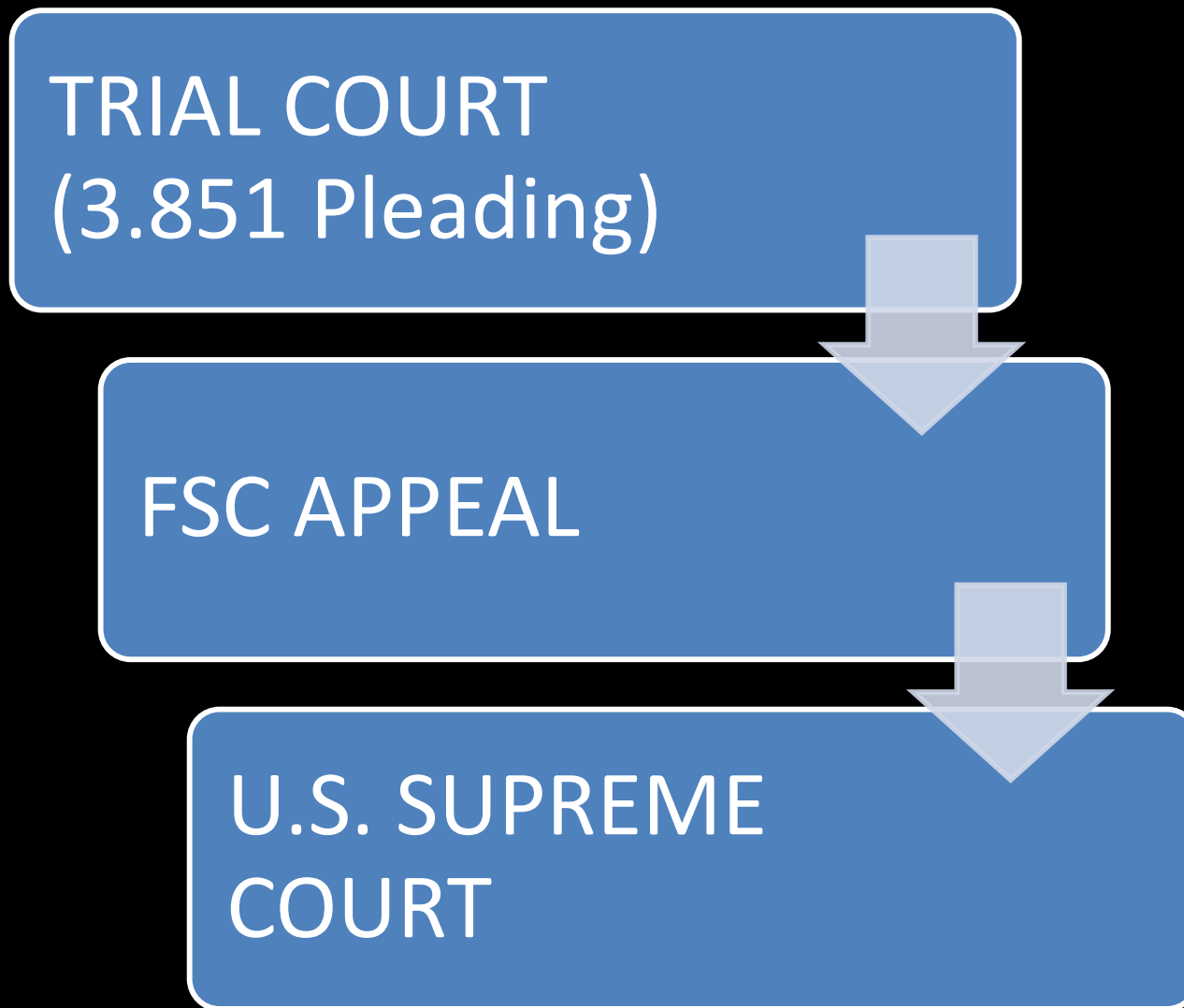
2010 – REVERSAL RATE IS LESS THAN 20%

THIS HAS RESULTED IN SUBSTANTIALLY
INCREASED CASELOADS FOR THE CCRC's.

HOW A CASE GETS TO CCRC



POST CONVICTION PROCESS (STATE COURT)

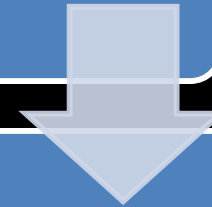
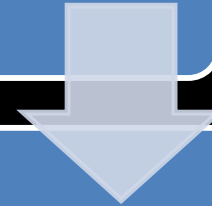


POST CONVICTION PROCESS (Federal Court)

FEDERAL DISTRICT
COURT (28 USC §
2254)

ELEVENTH CIRCUIT

U.S. SUPREME
COURT



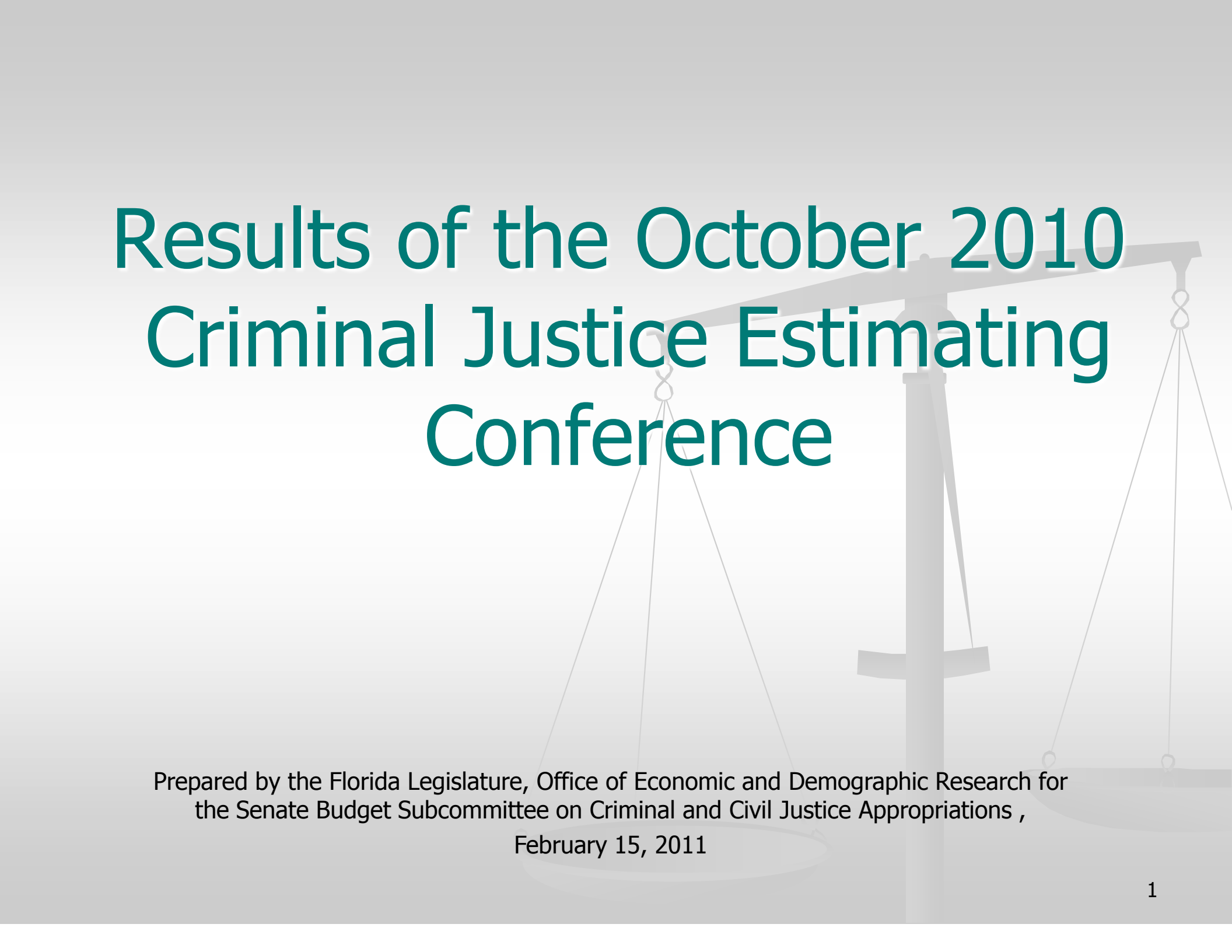
2007 – Auditor General's reported:

1. Each case, on average, consumes 11.4 years from imposition of sentence to completion.
2. The CCRCs are responsible for only 33% of that time.
3. The Registry (private attorneys) are responsible for 41% of that time

- ON A LAWYER TO LAWYER BASIS CCRCs ARE LESS EXPENSIVE AT EACH STAGE OF THE STATE PROCEEDINGS THAN THE REGISTRY ATTORNEYS.
- CCRCs PERFORM DOUBLE THE WORK OF THE PRIVATE REGISTRY AND HAVE A 3.5 - 1 SUCCESS RATIO OVER THE REGISTRY.

2005 – Florida Supreme Court Justice Raoul Cantero appears before the Commission on Capital Cases and harshly criticizes the registry stating that registry attorneys performed “some of the worst lawyering I have seen” and written “some of the worst briefs I have ever read”.

- Capital Collateral Law is considered to be one of the most complex areas in the legal profession. This requires highly skilled attorneys, who are solely focused on the intricate aspects of these cases.
- **As such, the Florida Supreme Court has on numerous occasions repeatedly and unanimously expressed to the Florida Legislature its' choice for the CCRC Model as the preferred method for the post-conviction process in Death Cases.**



Results of the October 2010 Criminal Justice Estimating Conference

Prepared by the Florida Legislature, Office of Economic and Demographic Research for
the Senate Budget Subcommittee on Criminal and Civil Justice Appropriations ,

February 15, 2011

Criminal Justice Estimating Conference will typically meet three times a year to “develop official information relating to the criminal justice system, including forecasts of prison admissions and population...for the state planning and budgeting system.”

Projections are usually based on current law/current administration.

Principals include staff from the House and Senate, the Governor’s Office of Planning and Budgeting, and the Legislature’s Office of Economic and Demographic Research.

In addition, the Criminal Justice Impact Conference meets to determine the prison bed impact of proposed legislation.

Proposed legislation which creates new felony offenses or increases the penalty for existing offenses may impact the number of prison beds that are needed.

Alternatively, proposed legislation which creates diversion programs or reduces the penalty for existing offenses may impact the number of prison beds that are needed (fewer beds).

CJEC met last year on February 19th and on October 19th

February had projected that FY 09-10 admissions would decline by 6.6% from FY 08-09.

Actual admissions were 5.6% lower than in FY 08-09.

For the CURRENT fiscal year (FY 10-11)

February CJECH had projected that admissions would remain the same as in FY 09-10.

In first three months of this fiscal year, admissions were 5.1% lower than in the same period in FY 09-10.

Going into the October CJEK, it appeared that admissions needed to be adjusted downward from the February CJEK.

October's CJEK projected prison **admissions** compared to February 2010 CJEK :

- **1,010 for FY 10-11**
- **1,376 for FY 11-12**
- **1,741 for FY 12-13**

FY 10-11 admissions now projected to be
36,394

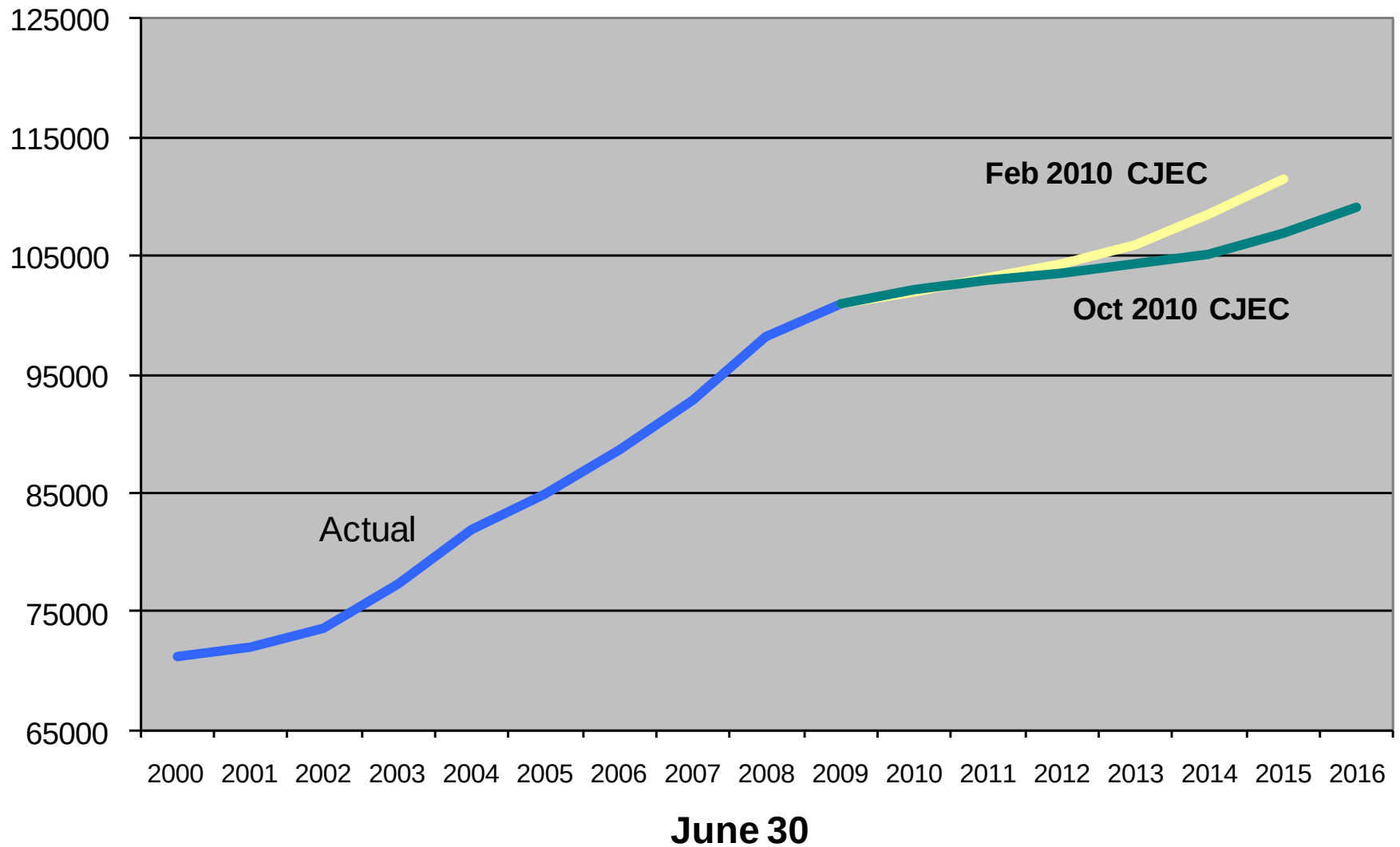
October's CJEK projected prison population compared to February's CJEK:

June 30th prison population:

- **169 for FY 10-11**
- **785 for FY 11-12**
- **1,572 for FY 12-13**

June 30, 2011 prison population projection
102,954

Prison Population on June 30: Actual and Projected-- February 2010 and October 2010 CJECs



Why were projections lowered in October?

Review of criminal justice indicators suggest that trends first observed in 2008 are continuing.

These trends will result in smaller numbers of new commitments coming to prison than previously anticipated.

Indicators

- **Crime Trends**
- **Judicial System Trends**
- **New Commitments to Prison**
- **Technical Violators**
- **Year-and-a Day Sentences**

**MONITORING PRISON ADMISSIONS TO THE DEPARTMENT OF CORRECTIONS
SINCE THE CRIMINAL JUSTICE ESTIMATING CONFERENCE HELD 10/19/2010**

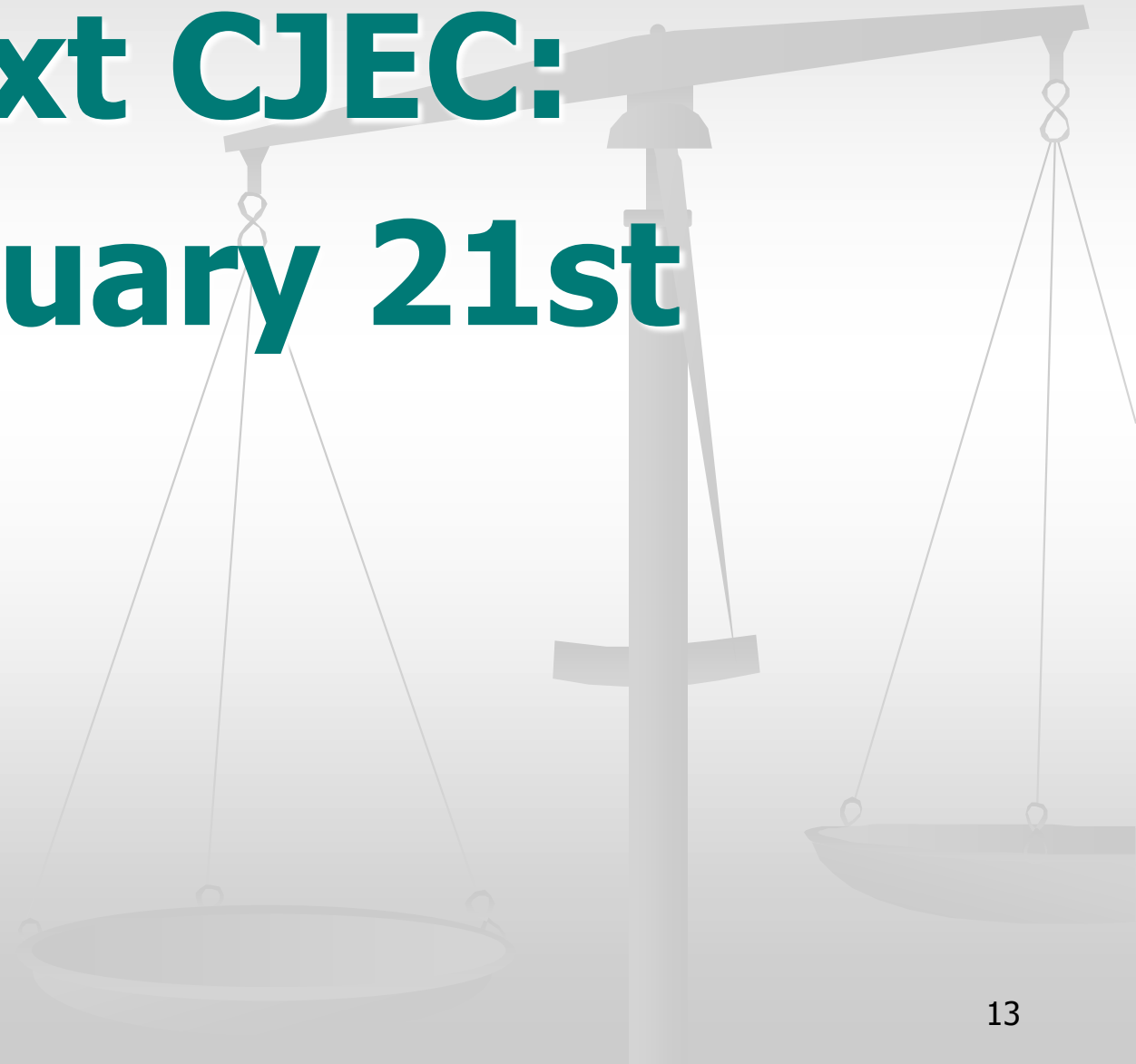
MONTH	ADMISSIONS		MONTHLY CUMULATIVE	
	ESTIMATE	ACTUAL	OVER/ (UNDER)	OVER/ (UNDER)
October 2010	3,132	2,938	-194	-194
November 2010	2,692	2,686	-6	-200
December 2010	3,173	2,956	-217	-417
January 2011 *	2,668	2,608	-60	-477
Total	11,665	11,188	% Error:	-4.1%

* Preliminary

**MONITORING PRISON POPULATION IN THE DEPARTMENT OF CORRECTIONS
SINCE THE CRIMINAL JUSTICE ESTIMATING CONFERENCE HELD 10/19/2010**

MONTH	POPULATION		CUMULATIVE OVER/ (UNDER)
	ESTIMATE	ACTUAL	
October 2010	102,569	102,397	-172
November 2010	102,375	102,220	-155
December 2010	102,437	102,138	-299
January 2011	102,138	101,746	-392
-0.4% Error			

Next CJEK:
February 21st



For Additional Information

Florida Legislature, Office of Economic and Demographic
Research

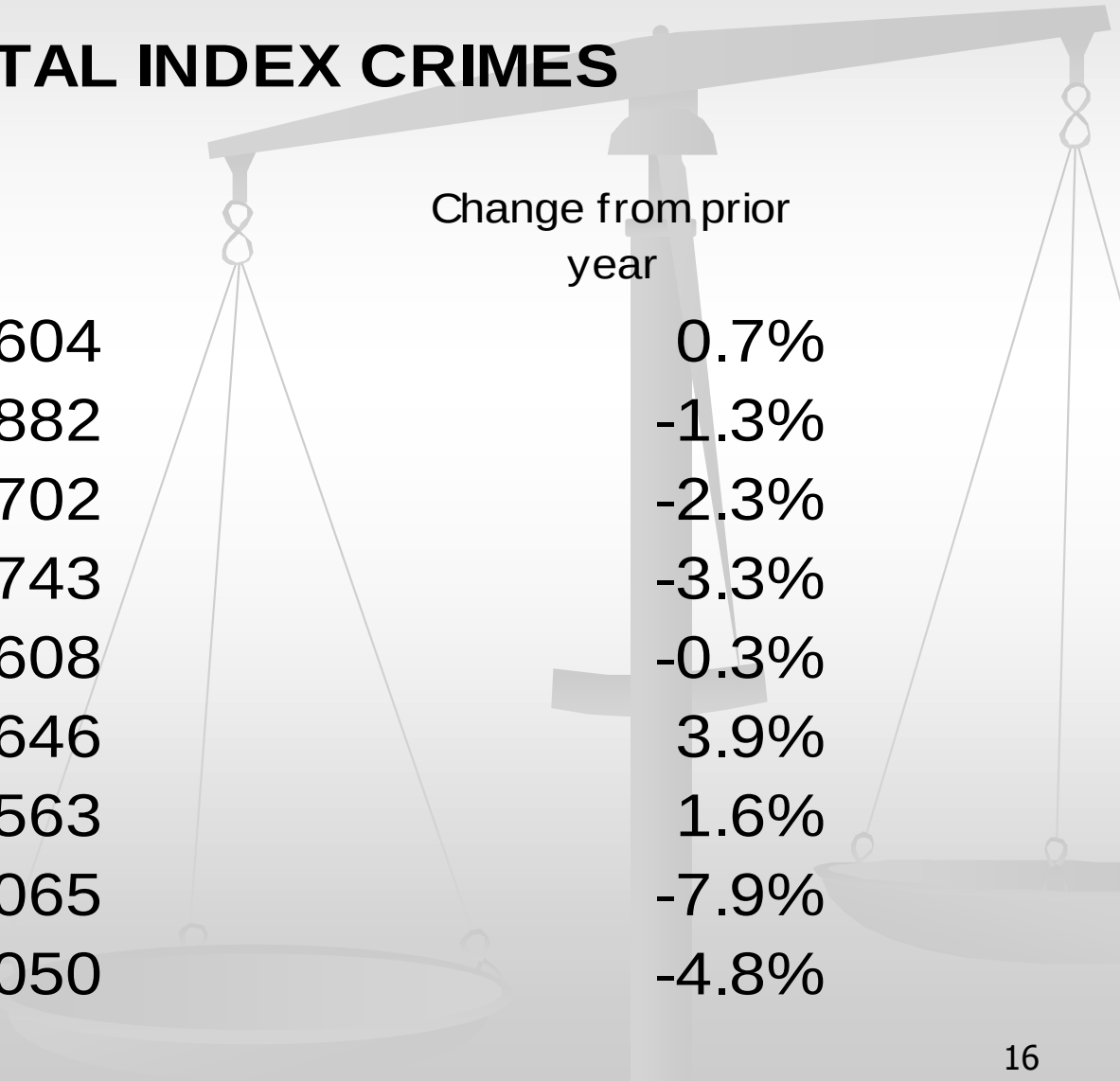
edr.state.fl.us



Indicator 1—Crime Trends

Six-Month Uniform Crime Report – January through June

TOTAL INDEX CRIMES



		Change from prior year
2002	442,604	0.7%
2003	436,882	-1.3%
2004	426,702	-2.3%
2005	412,743	-3.3%
2006	411,608	-0.3%
2007	427,646	3.9%
2008	434,563	1.6%
2009	400,065	-7.9%
2010	381,050	-4.8%

Crime Trends by Type of Crime

Six Month Uniform Crime Report: January - June

VIOLENT CRIME

Change from prior
year

2002	62,770	-1.6%
2003	61,699	-1.7%
2004	61,345	-0.6%
2005	61,737	0.6%
2006	63,712	3.2%
2007	65,011	2.0%
2008	63,421	-2.4%
2009	57,253	-9.7%
2010	51,113	-10.7%

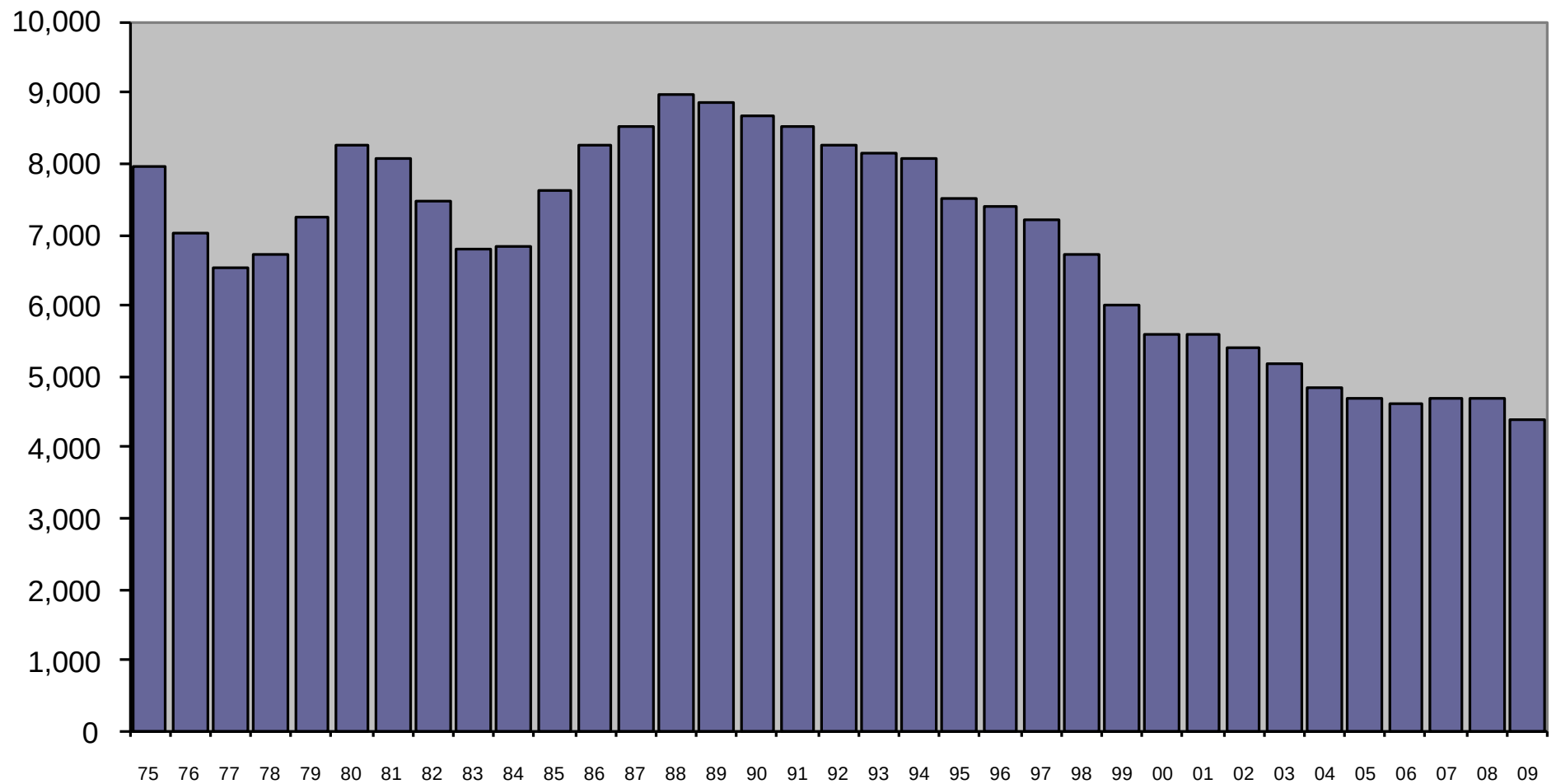
NON-VIOLENT CRIME

Change from prior
year

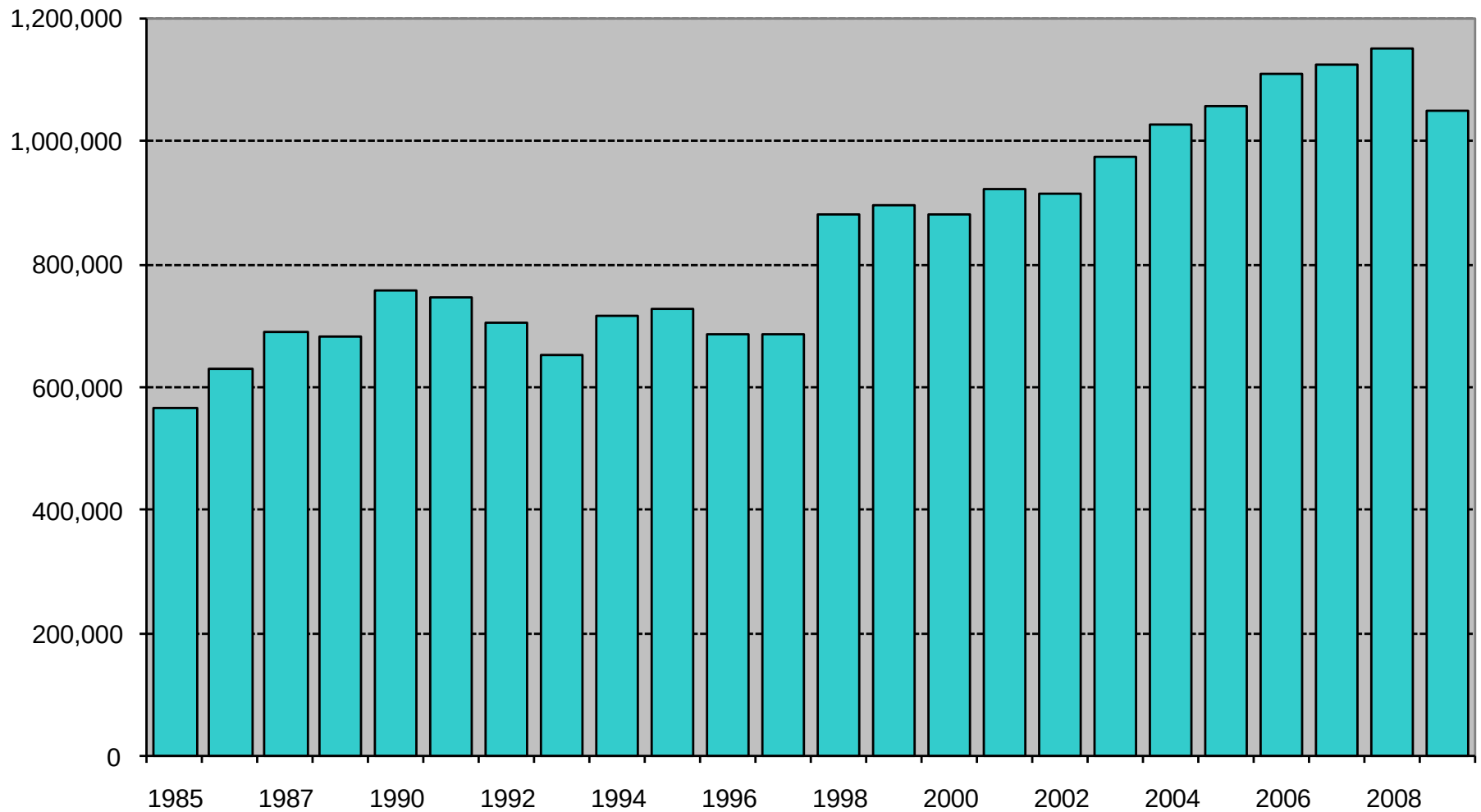
379,834	1.1%
375,183	-1.2%
365,357	-2.6%
351,006	-3.9%
347,896	-0.9%
362,635	4.2%
371,142	2.3%
342,814	-7.6%
329,937	-3.8%

CRIME RATE

Index Crimes per 100,000 Population



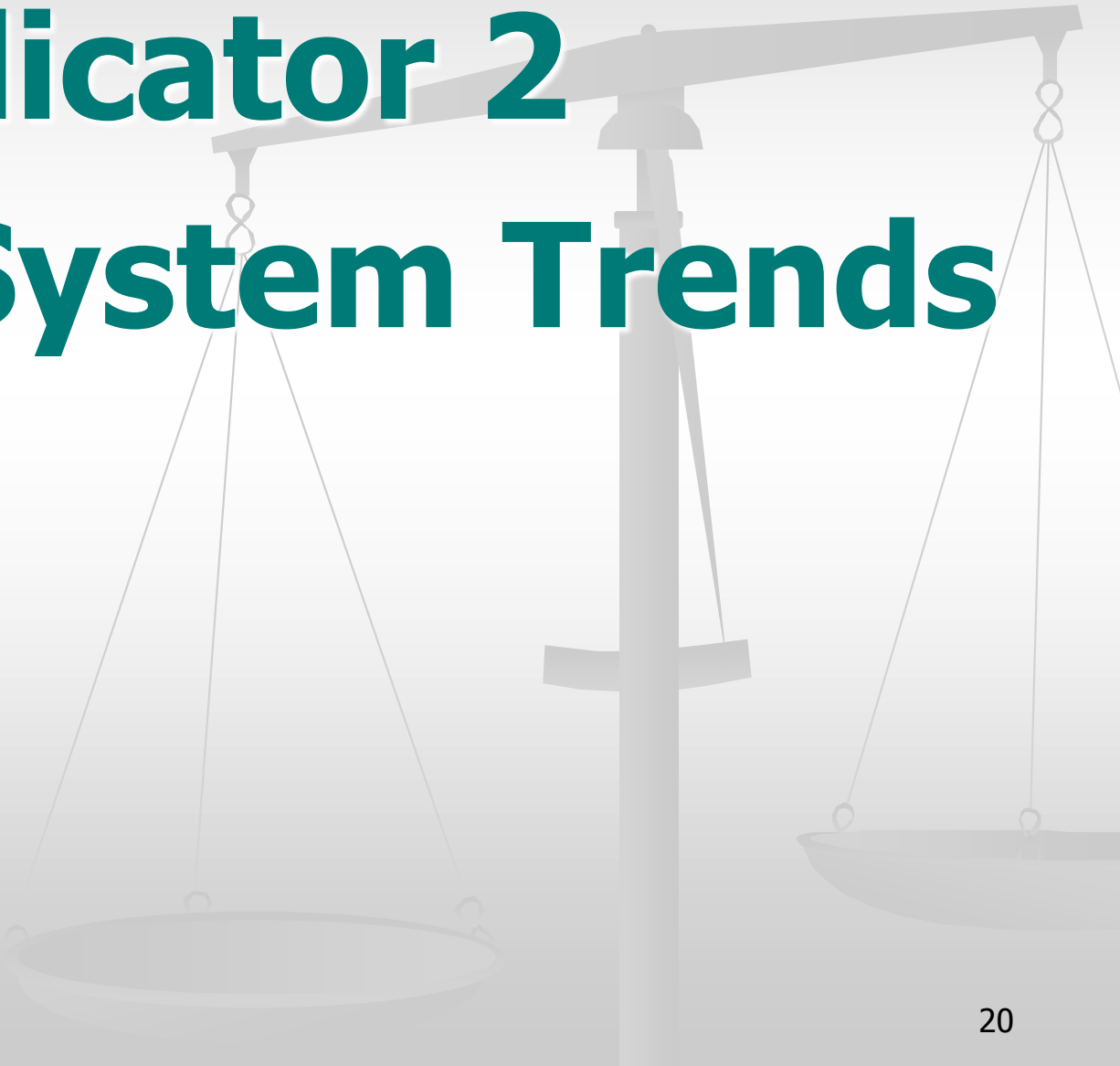
TOTAL ARRESTS



Source of data changed in 1996 to fingerprint cards and in 1998 to aggregate reports from Law Enforcement Agencies. Arrest data are not available for 1988.

Indicator 2

Judicial System Trends



RECENT TRENDS IN FELONY FILINGS AND GUILTY DISPOSITIONS

Felony Filings	
Number	Percent Change

Guilty Dispositions	
Number	Percent Change

2000	186,086		138,884	
2001	184,571	-0.8%	142,907	2.9%
2002	184,295	-0.1%	143,253	0.2%
2003	187,379	1.7%	147,707	3.1%
2004	194,863	4.0%	151,544	2.6%
2005	208,540	7.0%	159,007	4.9%
2006	220,757	5.9%	171,072	7.6%
2007	230,886	4.6%	184,112	7.6%
2008	224,743	-2.7%	186,130	1.1%
2009	205,407	-8.6%	160,435	-13.8%

Jan-Jun 2009¹ 101,848

83,393

Jan-Jun 2010 98,124

-3.7%

75,677

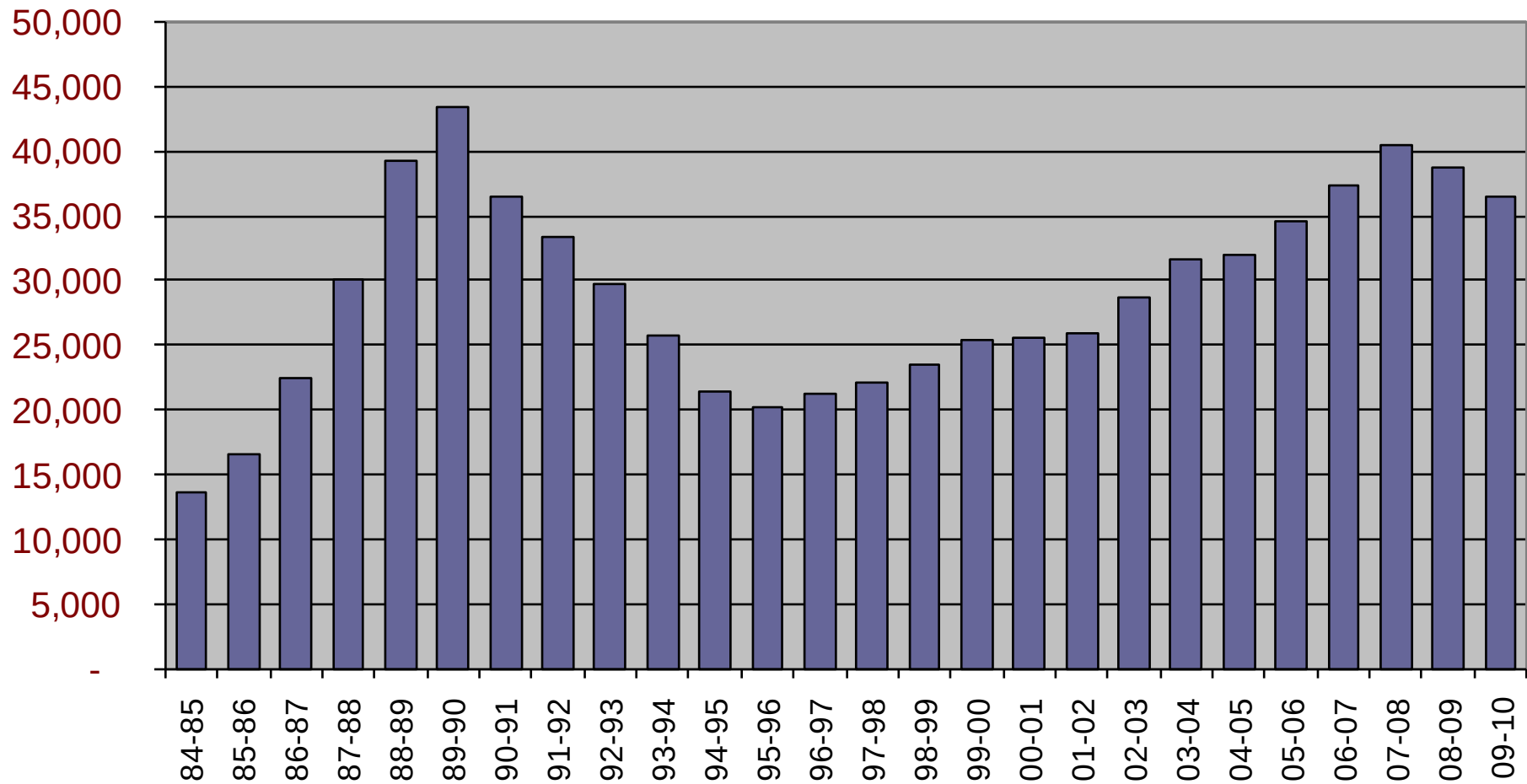
-9.3%

Indicator 3

New Commitments



New Commitments

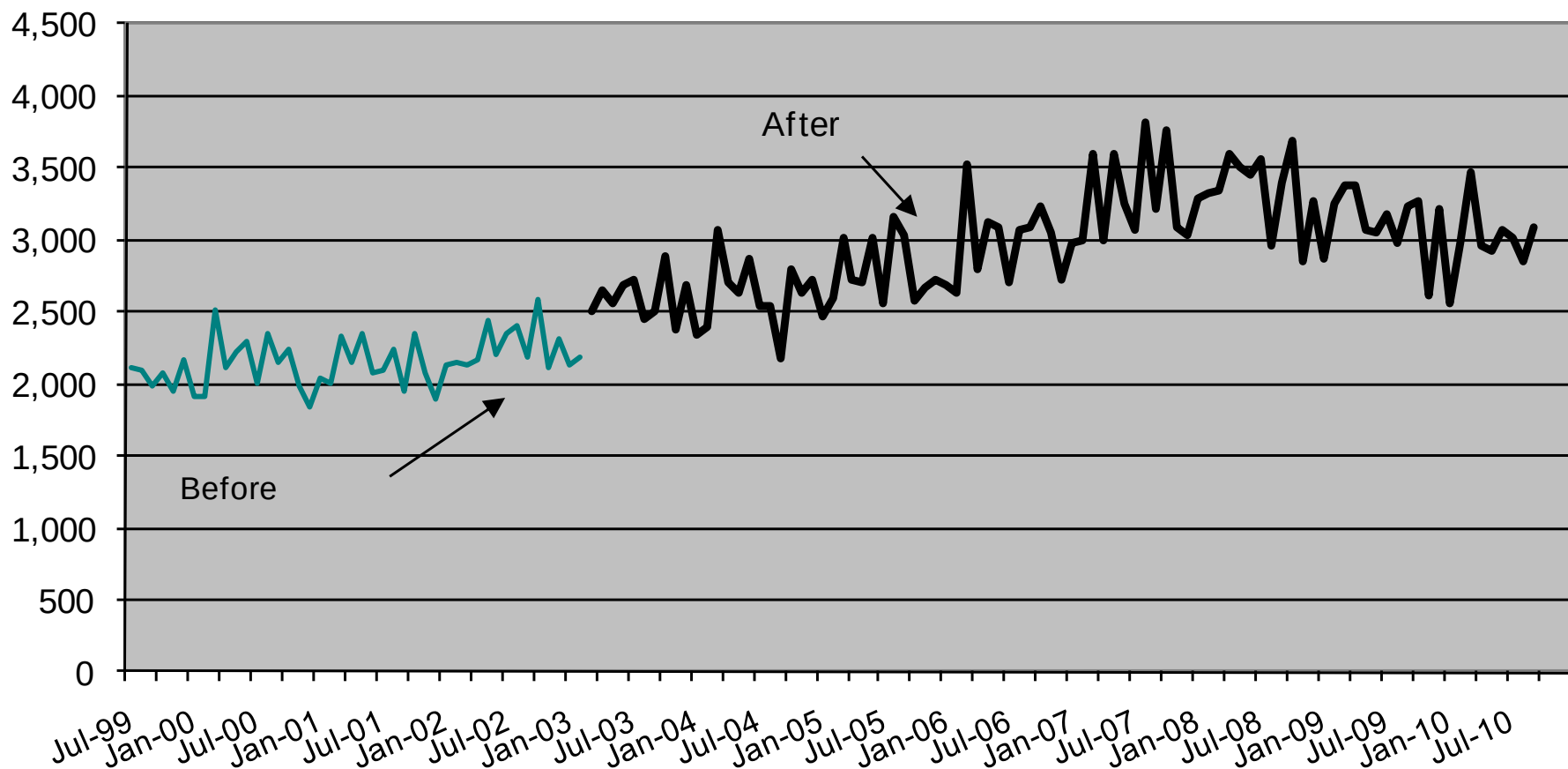


Indicator 4

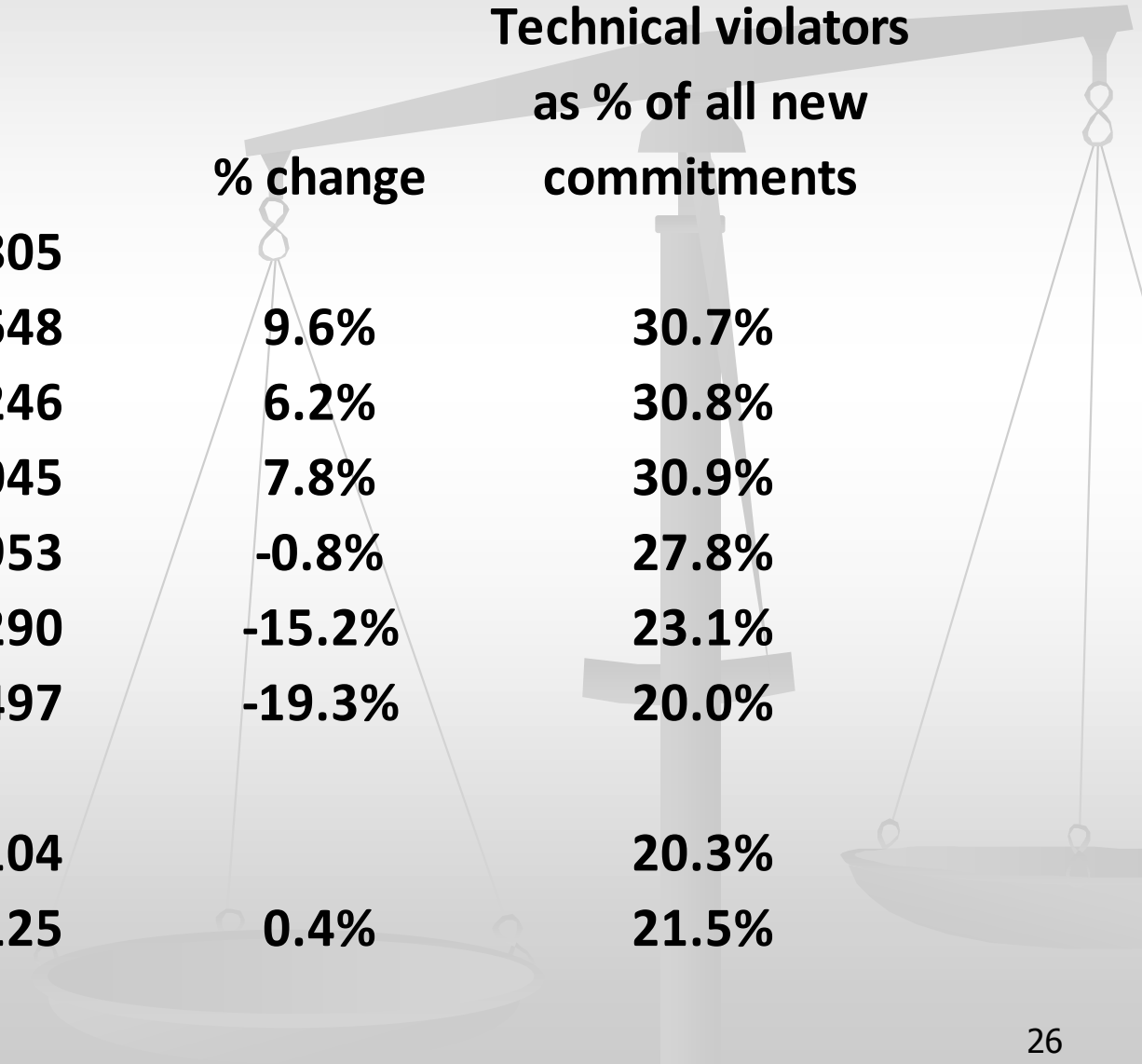
Technical Violators



New Commitments Before and After Zero-Tolerance Implementation

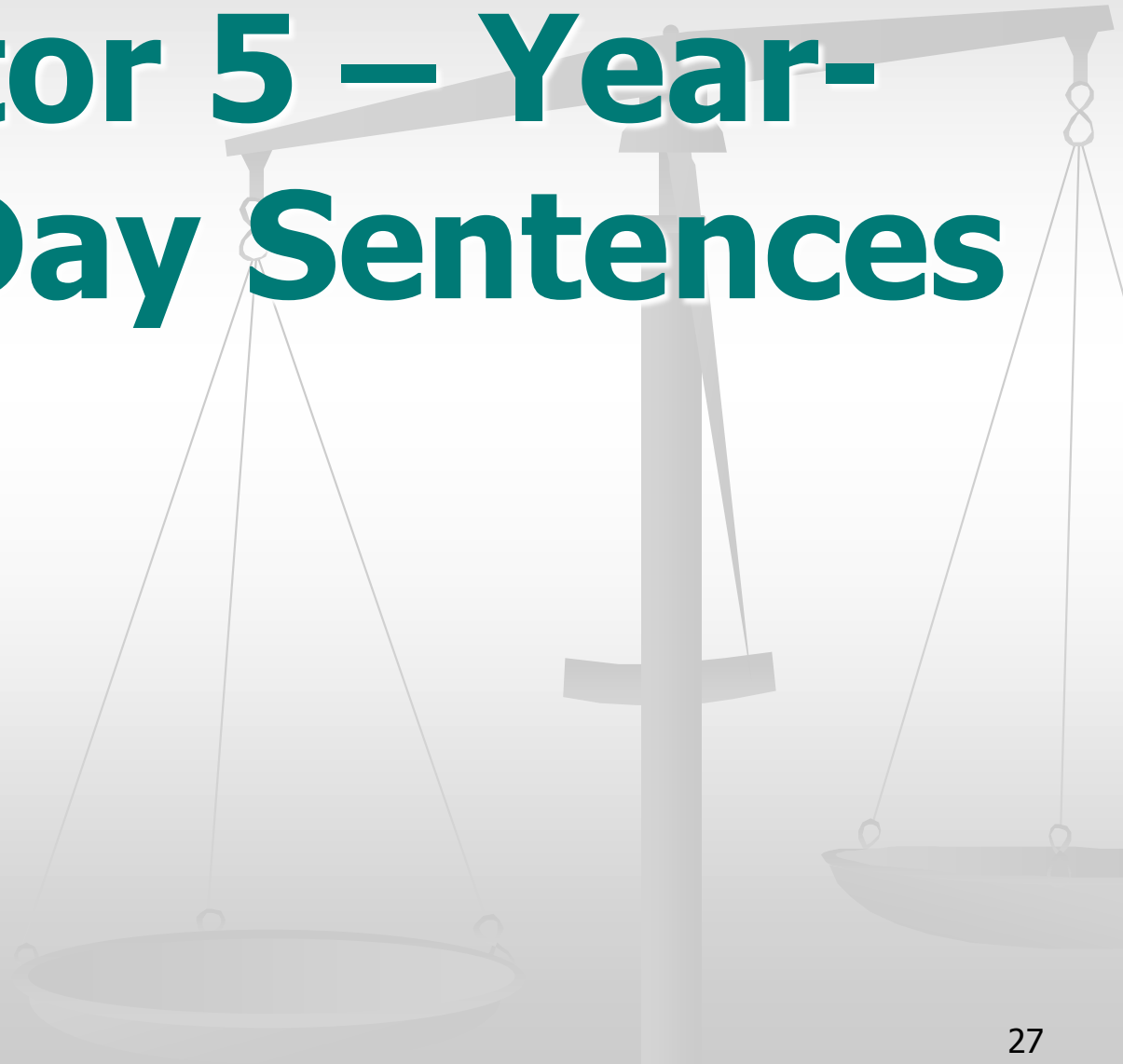


Technical Violators to Prison

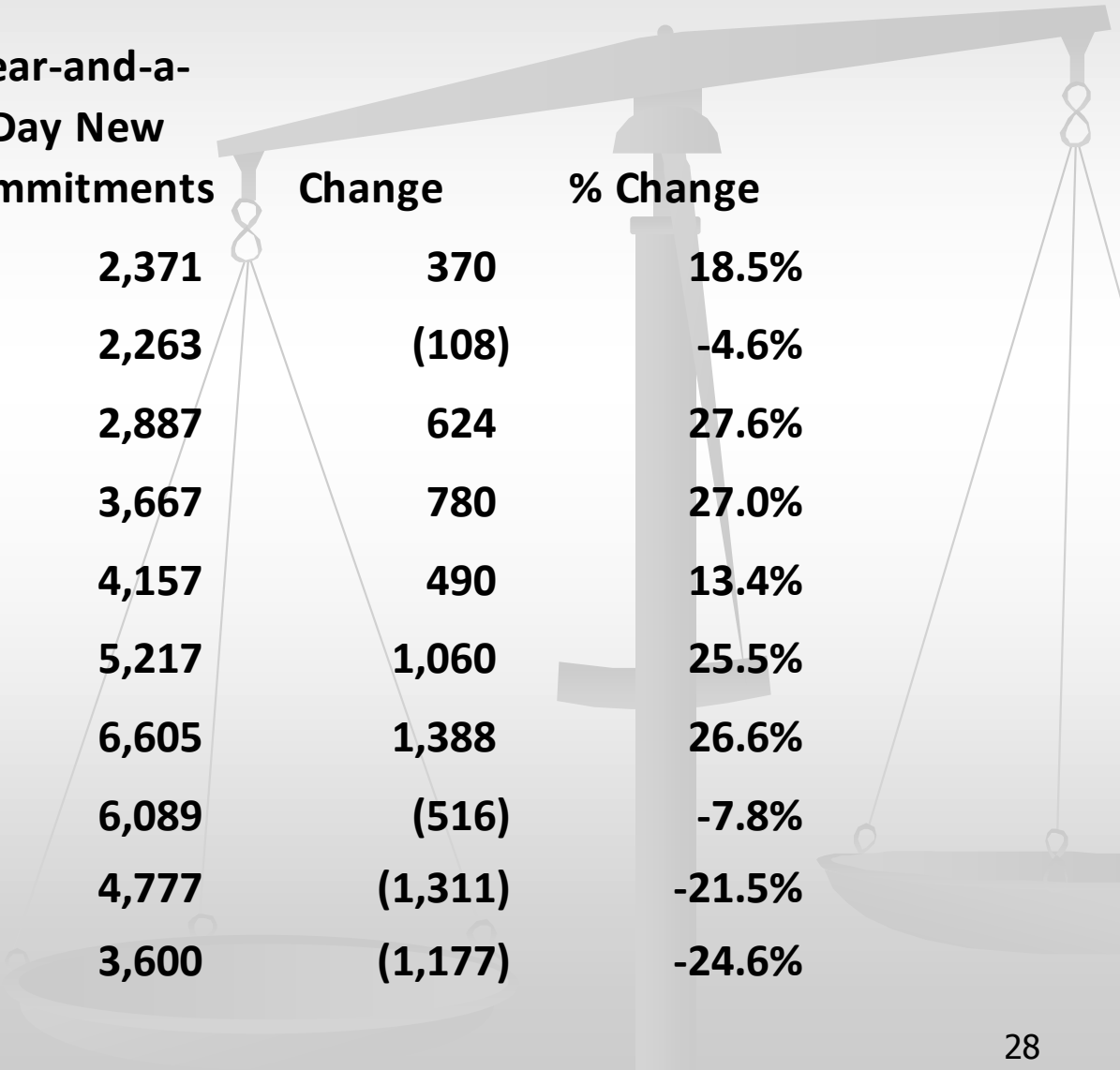


		% change	Technical violators as % of all new commitments
2003	8,805		
2004	9,648	9.6%	30.7%
2005	10,246	6.2%	30.8%
2006	11,045	7.8%	30.9%
2007	10,953	-0.8%	27.8%
2008	9,290	-15.2%	23.1%
2009	7,497	-19.3%	20.0%
Jan-Aug 2009	5,104		20.3%
Jan-Aug 2010	5,125	0.4%	21.5%

Indicator 5 – Year-and-a-Day Sentences

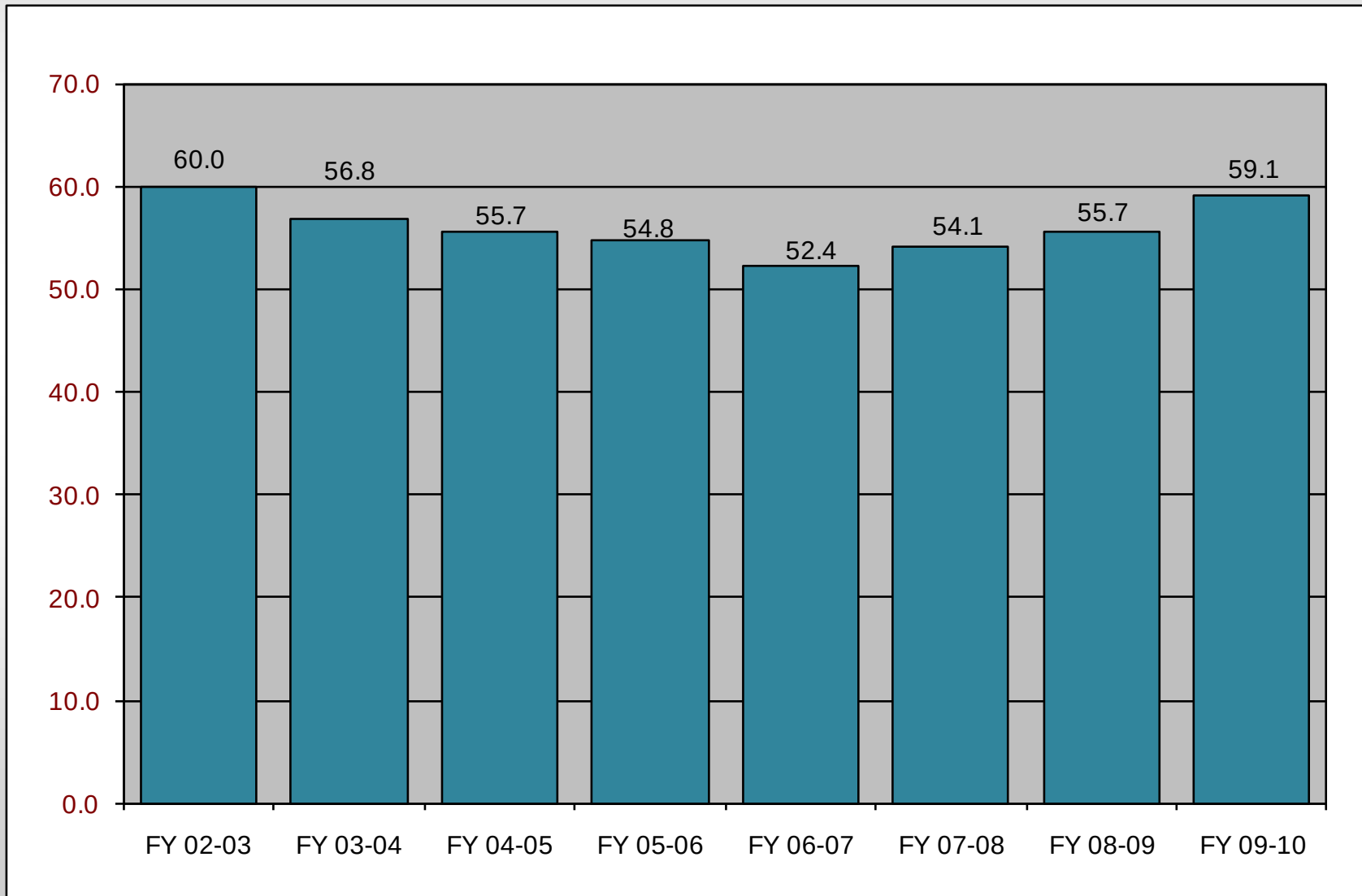


Year-and-a-day New Commitments to Prison



	Year-and-a-Day New Commitments	Change	% Change
FY 00-01	2,371	370	18.5%
FY 01-02	2,263	(108)	-4.6%
FY 02-03	2,887	624	27.6%
FY 03-04	3,667	780	27.0%
FY 04-05	4,157	490	13.4%
FY 05-06	5,217	1,060	25.5%
FY 06-07	6,605	1,388	26.6%
FY 07-08	6,089	(516)	-7.8%
FY 08-09	4,777	(1,311)	-21.5%
FY 09-10	3,600	(1,177)	-24.6%

Sentence Length of New Commitments

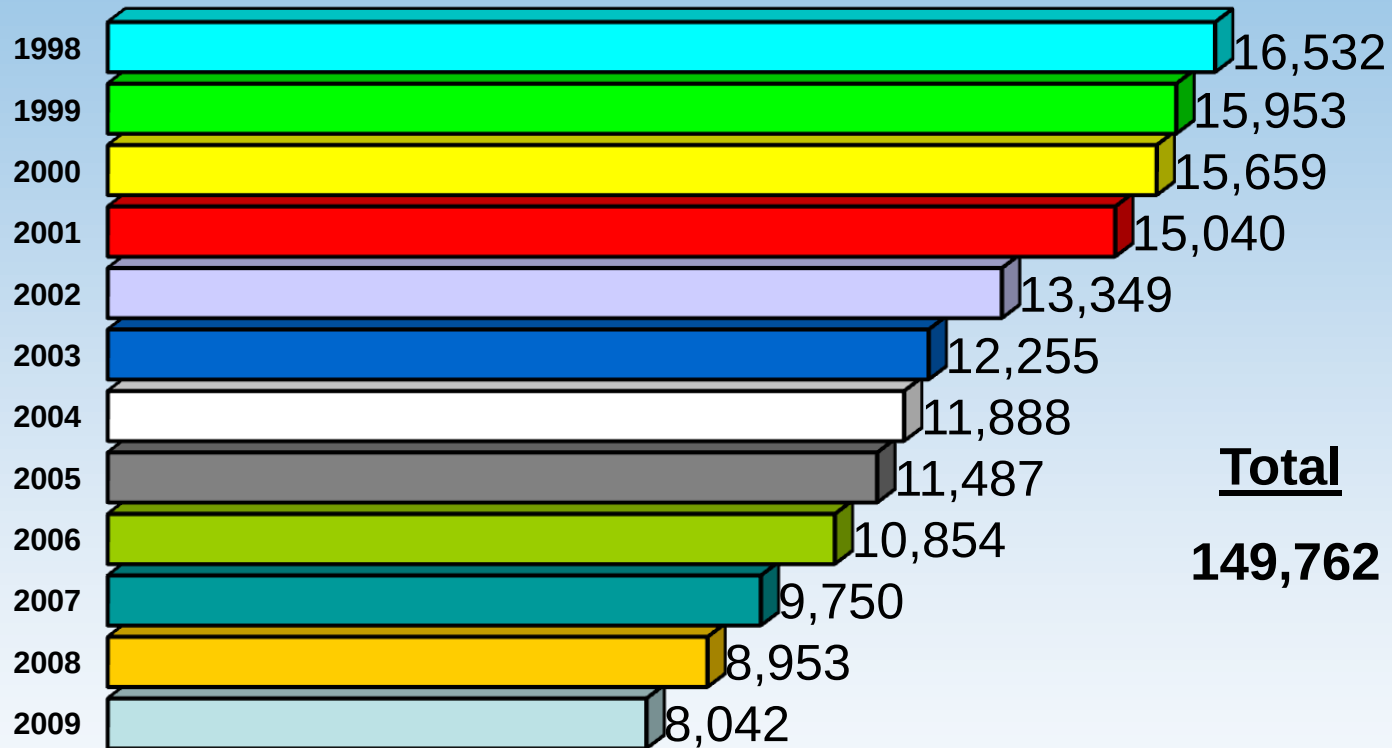


- 
- **Crime Trends**
 - **Judicial System Trends**
 - **New Commitments to Prison**
 - **Technical Violators**
 - **Year-and-a Day Sentences**

Overview of Accomplishments (1998-2009)

- Reduced juvenile arrests by 51%
(from 16,532 in 1998 to 8,042 in 2009)
- Reduced the number of first time offenders that repeat each year by 80%
 - 1998- 67% of arrested juveniles were repeat offenders
 - 2008- 27% of arrested juveniles were repeat offenders
- Reduced juvenile detention population from 300 a day to less than 100 per day
- Generate a \$33 million dollar gross systemic savings each year, and a \$20.2 million dollar net savings each year

**Total Arrests
1998 - 2009**



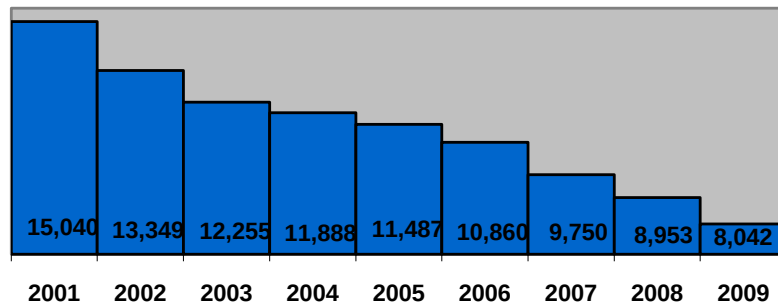
Data Source: Miami-Dade Juvenile Services Department/Data Warehouse

All reported statistics are subject to a 2% margin of error.

National Juvenile Arrests

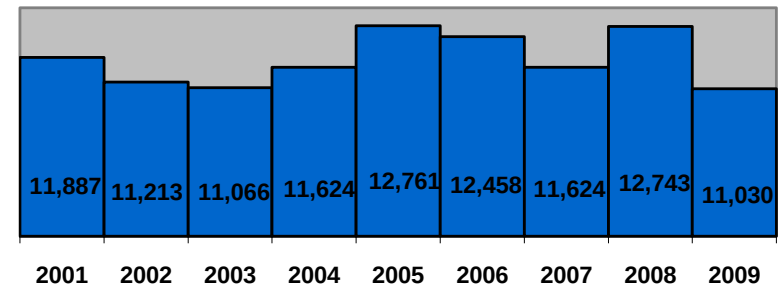
Miami-Dade Juvenile Services Department

**Miami-Dade County
Total Juvenile Arrests
2001-2009**



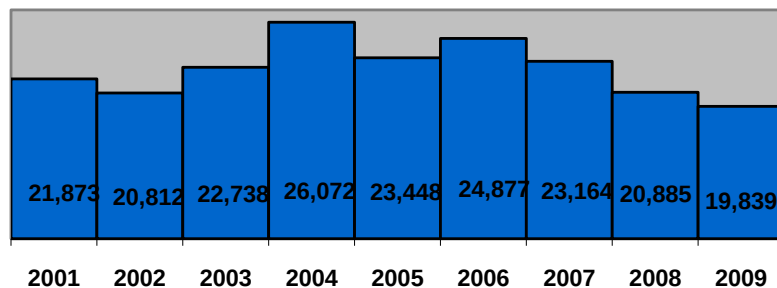
2001-2009 -47%

**Los Angeles County Sheriff's Department
Total Juvenile Arrests
2001-2009**



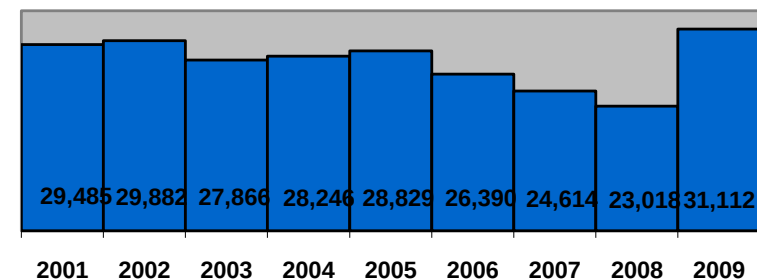
2001-2009 -7%

**Harris County JPD (Houston)
Total Juvenile Arrests
2001-2009**



2001-2008 -9%

**Chicago Police Department
Total Juvenile Arrests
2001-2009**

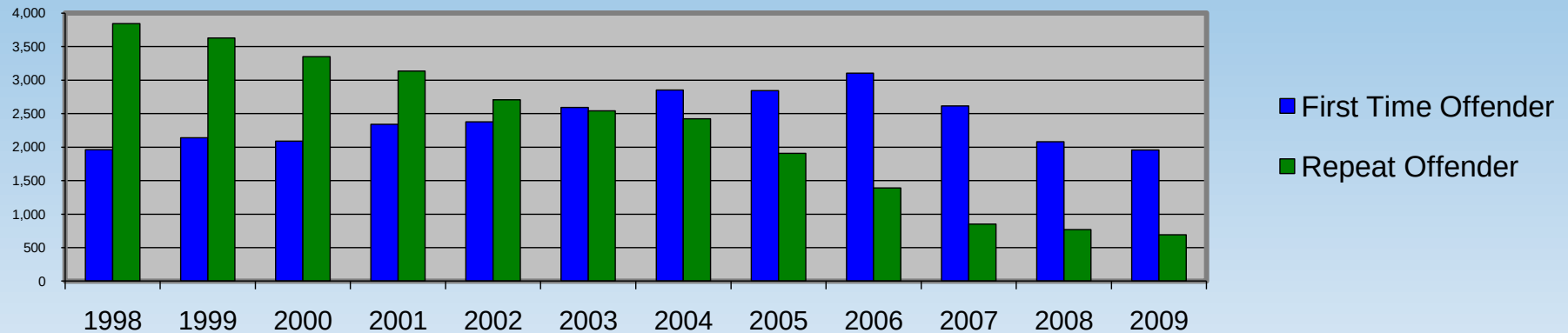


2001-2009 +6%



Delivering Excellence Every Day

First-Time Offenders that Repeat 1998-2009



First Time Offenders that Repeat each year ↓80% (1998-2009)

- 1998- 67% of first-time juveniles later repeated
- 2009- 26% of first-time juveniles later repeated

Civil Citation Initiative

Miami-Dade Juvenile Services Department

Represents true systemic change

- No arrest record
- Addresses Issues
 - Assessment, service referrals, case management
- Participation from all 37 arresting agencies



RESULTS

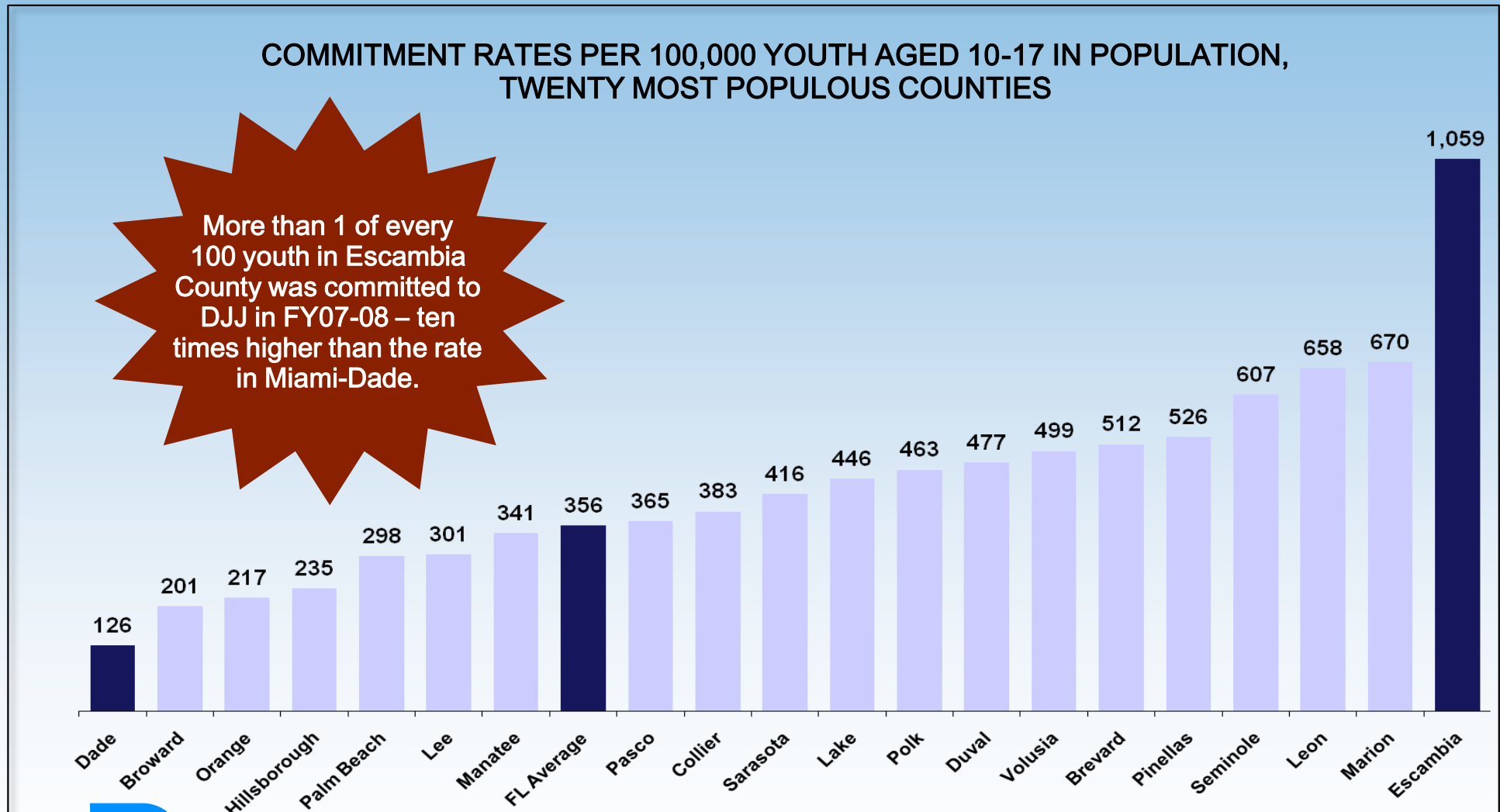
- Over 8,000 participants since April 2007
- Reduced Arrests 21%
- 95% of participants are minorities
- 82% Successful Completion Rate
- 3% Recidivism (April 2007 – July 2008)
- 29% Offsite Referrals (15% increase since inception)



Delivering Excellence Every Day

Miami-Dade Juvenile Services Department

Commitment rates vary significantly between counties – suggesting that where a child lives matters more than what he or she has done.



Presentation to the Senate Criminal Justice Appropriations Committee

February 16th, 2011

Cathy Craig-Myers, Executive Director, Florida Juvenile Justice Association

Jeff Kaplan, CEO, Gulf Coast Youth Services, President, FJJA Board of Directors

Presentation to the Senate Criminal Justice Appropriations Committee

Florida Juvenile Justice Association members serve juvenile justice involved youth throughout the system of care with the majority working directly in communities. DJJ system is 85% privatized.

The Association is encouraged and supports the direction of the Department of Juvenile Justice under the leadership of the newly appointed Secretary of DJJ.

We have pledged to maintain a strong partnership with Secretary Walters to improve the system and ensure the right service at the right time and in the right environment for youth.

Providers Support Improvement of the System

- FJJA has worked in collaboration with DJJ, the Legislature and other stakeholders to identify cost and program efficiencies, eliminate redundancies, and reduce duplication in the agency. Most of FJJA's recommendations have been implemented by the department.
- To further reduce costs and gain additional efficiencies, FJJA supports evaluating the return on investment and "real costs." We believe this will be accomplished under the new Secretary's leadership.
- FJJA has consistently advocated for reinvestment as a wise decision to pay dividends now and in the future - by preventing entry into the juvenile system now as well as the adult system in the future.

We are encouraged with the sound recommendations from the Governor's budget proposal to leverage efficiencies and save taxpayer dollars.

- We support reinvesting funds back into DJJ -\$4.6m JAC centers, \$10.4 for redirected misdemeanants, \$2.2 ankle monitoring in lieu of secure detention.
- DOC will see significant reinvestments, but we believe that reinvesting in DJJ brings an even greater return on taxpayer investment. To address public safety, services need to be available in the community.
- We would not support any reductions to effective front interventions and would be concerned about the impact of these cuts on youth.

FJJA supports Transition Team Recommendations

We urge further consideration of these recommendations:

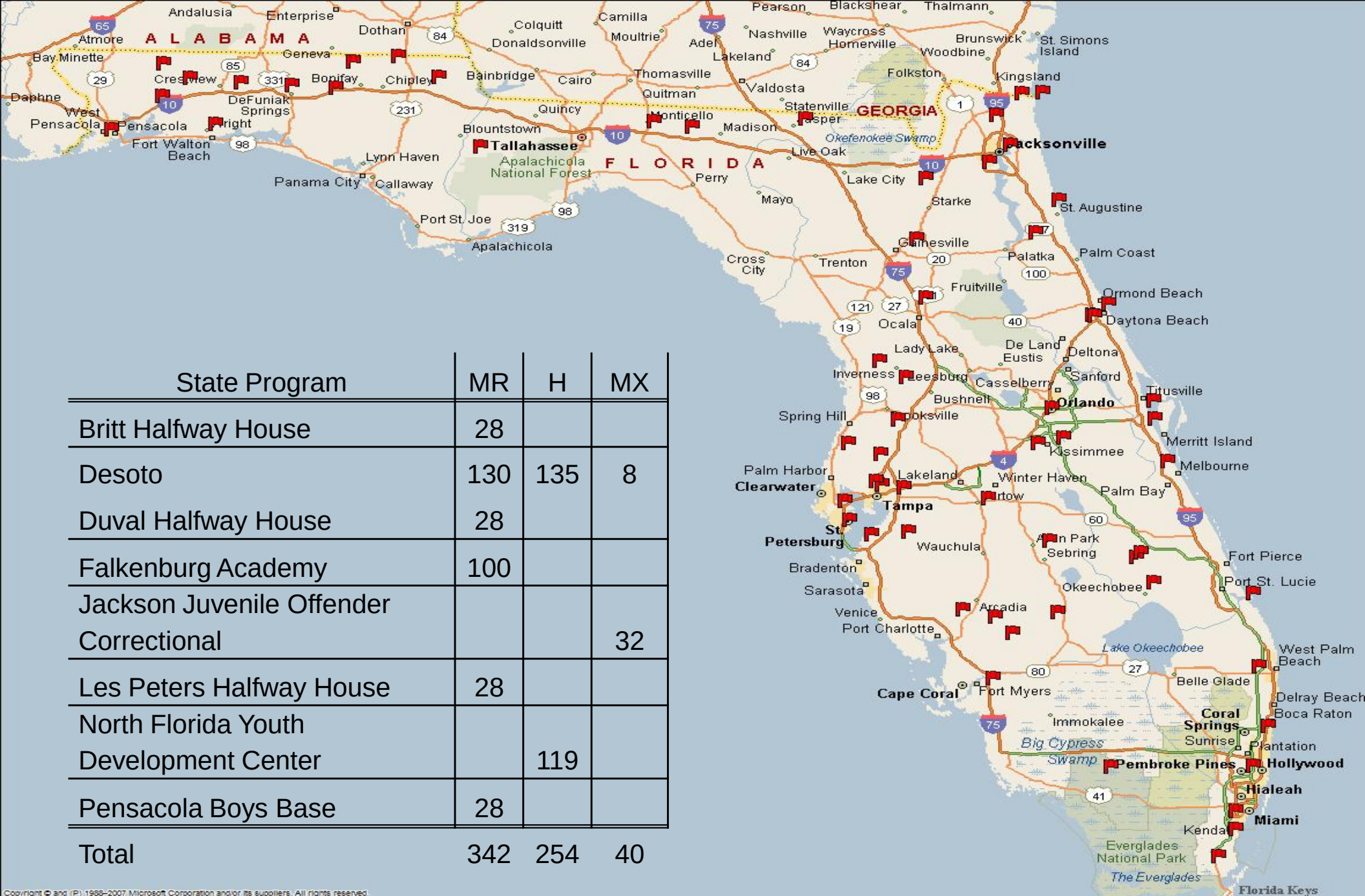
- **Close state run residential programs and net \$50-\$60 million in savings**, far greater than eliminating privately operated residential programs. There are 636 state operated residential beds in 7 locations statewide. These beds are the most costly to operate (TaxWatch 2007).
- **Enhance Quality Assurance in DJJ** through use of national accreditation to align with best practices in criminal justice policy and systems reform. SB 226

FJJA Supports Cost Savings Proposed by Transition Team

Transition Team recommendations include:	
Eliminate State Operated Residential Beds- (\$60-70mil)	
Improve Quality Assurance with Accreditation - (\$4 mil)	
Governor's recommendations include:	
Reduce Detention Centers and Capacity	
Streamline Middle Management	
Collapse Regional Offices	
Collapse Prevention into Community Supervision	
Renegotiate Office Space	
Data Center Services	
Reinvestment in DJJ- JAC's, Evidence Based Services for Misdemeanants, Alternatives to Secure Detention- Ankle Monitoring, other reinvestments	Reinvests \$22 m

The Business Case:

- Closing state residential programs will allow DJJ to ***redirect resources, increase efficiencies, and meet necessary budget reductions.***
- Reducing DJJ residential operations will transition DJJ to a smaller ***more efficient agency with a focus on oversight rather than the direct service delivery.***
- Private providers ***leverage a variety of additional resources*** to maximize program outcomes. Privately operated residential programs are well run and efficient.



State Program	MR	H	MX
Britt Halfway House	28		
Desoto	130	135	8
Duval Halfway House	28		
Falkenburg Academy	100		
Jackson Juvenile Offender Correctional			32
Les Peters Halfway House	28		
North Florida Youth Development Center		119	
Pensacola Boys Base	28		
Total	342	254	40

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Reducing Beds- What about Public Safety?

- Trend of declining commitment rates -14% decline from FY 2008-2009 to 2009-2010.
- Legislation that will reduce residential commitment for misdemeanants will keep rates declining.
- The existing system can absorb state bed reductions with no impact to public safety.
- Vacancy rates indicate that privately operated programs can serve additional youth.

Privatized providers can serve additional youth more efficiently.

Private providers already serve low, moderate, high and maximum risk youth and are equipped to accommodate the needs of all youth currently in state operated programs.

98% of privately operated residential programs are specialized in mental health, substance abuse and/or sex offender treatment and are gender responsive.



Our Mission

The Florida Juvenile Justice Association promotes the availability and accessibility of comprehensive, high quality services to pre-delinquent and delinquent youth and their families.

Fiscal Responsibility

The Key to a Safer, Smarter, and Stronger Juvenile Justice System

Strategies to improve public safety and increase efficiencies, based on an analysis of FY2008-09 admissions to the Florida Dept. of Juvenile Justice

*February 16, 2011
Presentation to the Florida
Senate, Committee on
Criminal and Civil Justice
Appropriations*

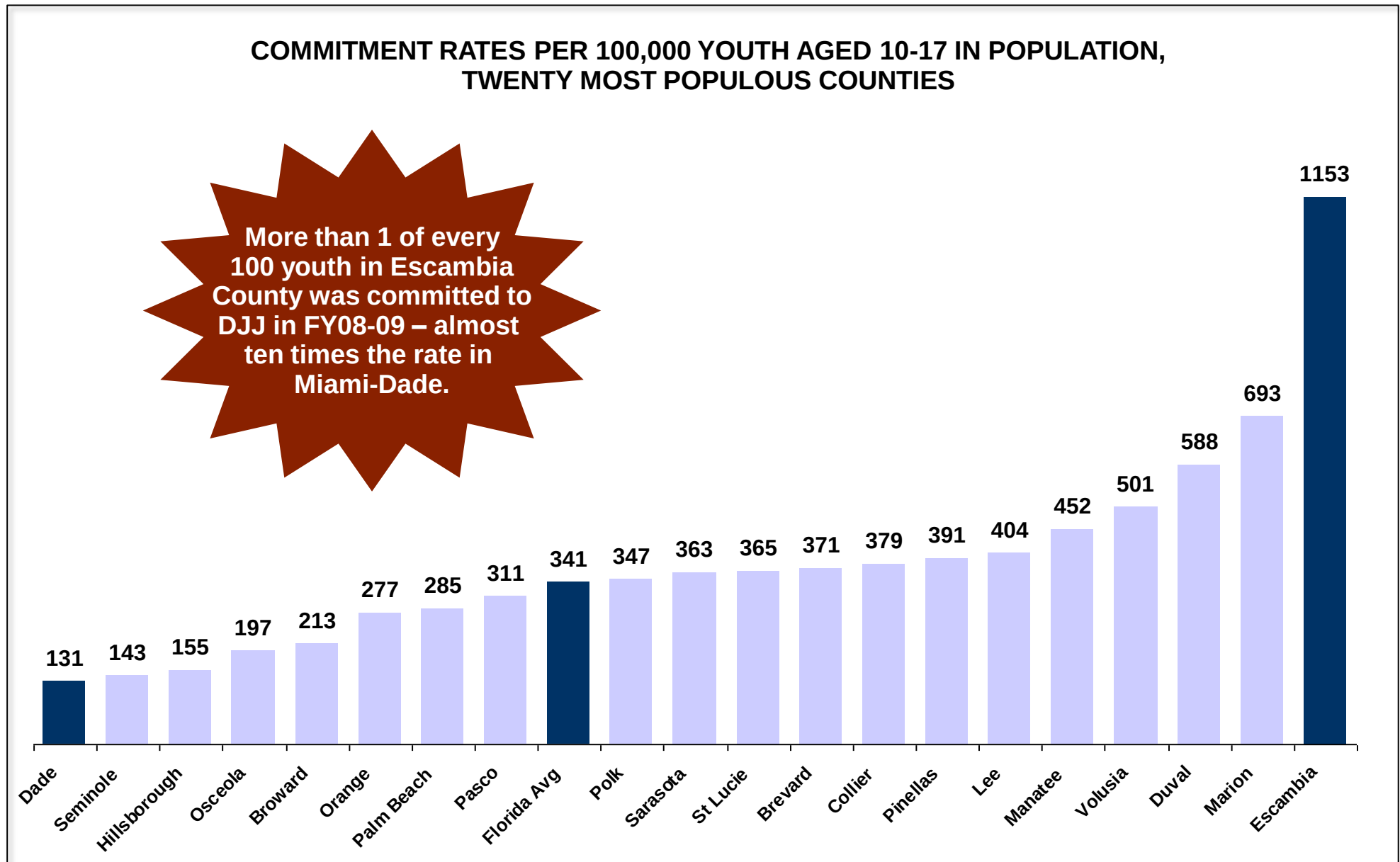
KEY FINDINGS: FLORIDA INCARCERATES THE WRONG KIDS

- ▶ The vast majority of children (71%) admitted to DJJ facilities in FY2008-09 were committed for non-violent misbehavior.
- ▶ Nearly half (44%) of all children admitted to DJJ facilities in FY2008-09 were committed for misdemeanors and violations of probation.
- ▶ Of the 2,500 children admitted to DJJ facilities for misdemeanors and probation violations, more than 1,000 children had ***never*** committed a felony.

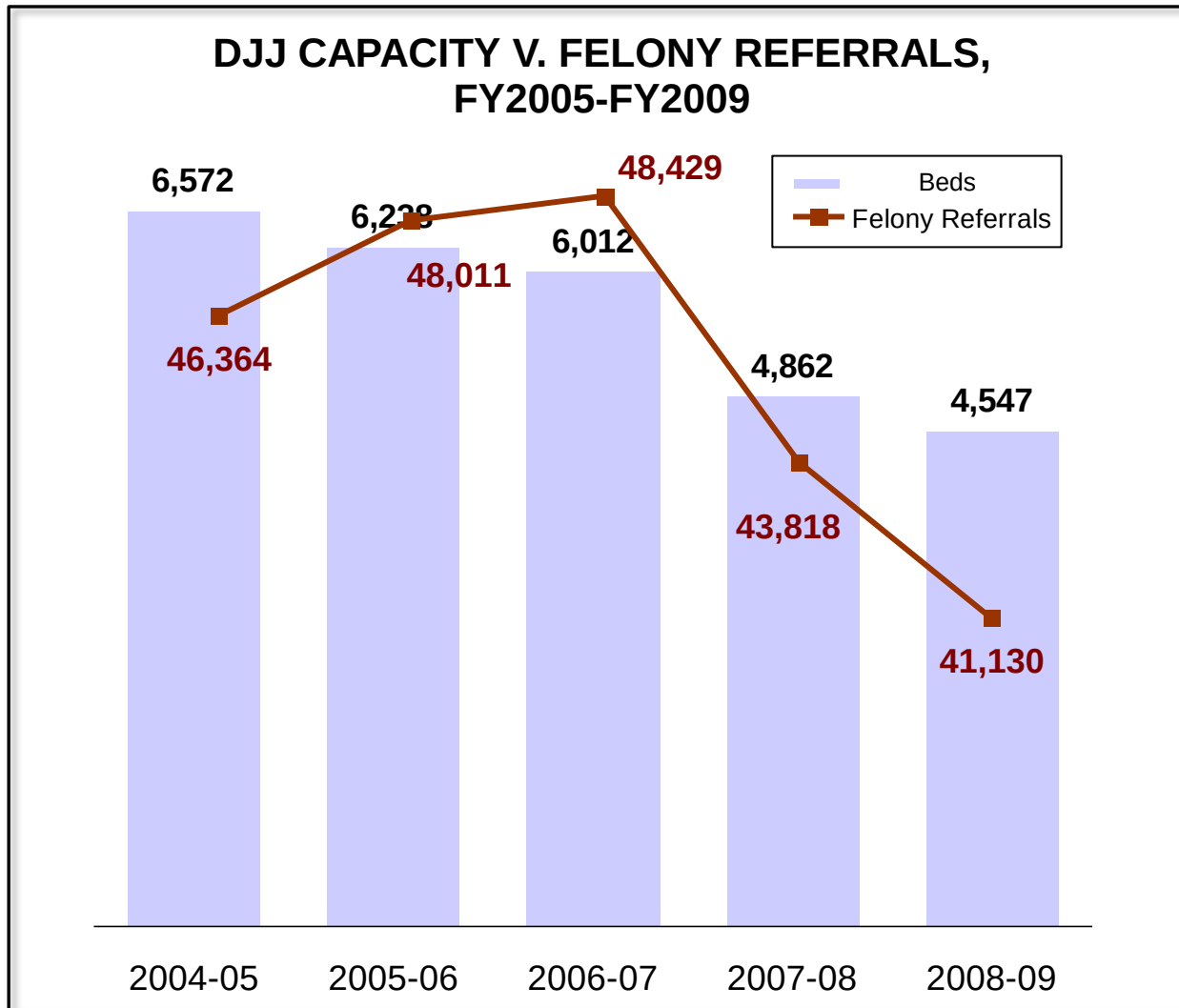
KEY FINDINGS: YOUTH ARE KEPT TOO LONG AND WHERE YOUTH LIVE MATTERS MORE THAN WHAT THEY DO

- ▶ Since 2000, the average length of stay in DJJ residential facilities has increased by 30%. Those increases cost the State more than \$18 million in FY2007-08.
- ▶ Commitment practices vary significantly by jurisdiction, suggesting that where children live matters more than what they do.

Commitment rates vary significantly between counties – suggesting that where a child lives matters more than what he or she has done.



As the number of children in DJJ custody has fallen, so has serious juvenile crime.



Serious juvenile crime has dropped by 15% in the past three years alone.

Our analysis revealed a number of opportunities for DJJ to continue toward a safer, stronger, and more effective juvenile justice system.

**MAINTAIN
CONTROL
OVER LENGTH
OF STAY**

- ▶ Align DJJ lengths of stay with best practices
- ▶ Restore average lengths of stay from FY00-01
- ▶ Monitor DJJ programs and contracts with private providers to disallow practices that contribute to excessively long stays in residential facilities

**LIMIT
ADMISSIONS**

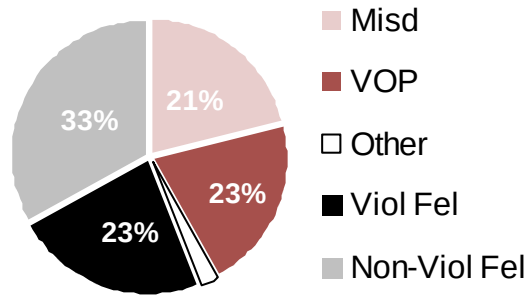
- ▶ Promote detention reform and effective probation practices to protect public safety and reduce unnecessary commitments
- ▶ Support legislation to limit the circumstances under which misdemeanants may be committed to state custody
- ▶ Protect and increase funding for Redirection
- ▶ Create a transparent, accountable, and competitive grant program to incentivize the development of non-residential, community-based services while ensuring fiscal accountability



**Reduced
residential capacity,
sustainable
cost-savings, and
safer communities**

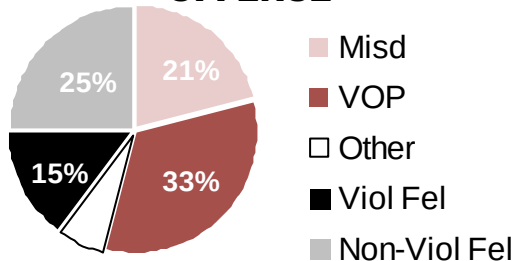
By any measure, a very large share of DJJ admissions are the result of misdemeanors and rule violations.

LEGAL BASIS FOR COMMITMENT



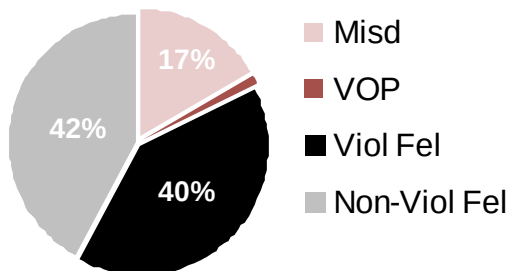
The **Legal Basis for Commitment** is the charge upon which the child's admission to DJJ is premised. Usually the same as the most recent adjudicated offense. Used by most states to describe their juvenile justice population.

MOST RECENT ADJUDICATED OFFENSE



The **Most Recent Adjudicated Offense** is sometimes less serious than the legal basis for commitment. For example, consider a child who is adjudicated on a felony and placed on probation. If that child then returns to court for a curfew violation, Florida law allows the court to reach back in time, re-adjudicate the felony, and commit the child based on that charge. The most recent adjudication is the curfew violation, but the legal basis for commitment is the felony.

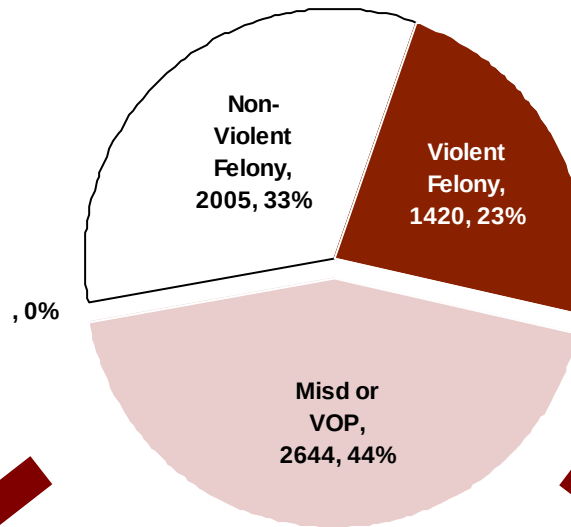
MOST SERIOUS ADJUD. IN HISTORY



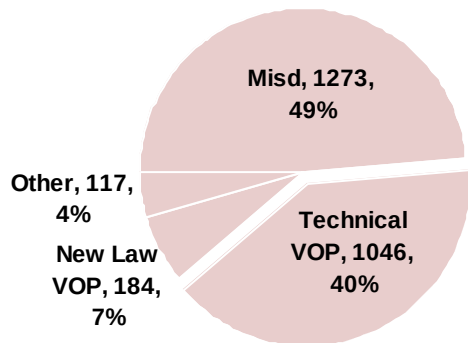
The **Most Serious Adjudication** looks at a child's *entire* DJJ history to find the most serious offense ever resulting in an adjudication or a withheld adjudication. It does not describe the basis for the instant commitment.

More than 2,500 children were admitted to DJJ for a misdemeanor or probation violation in FY2008-09.

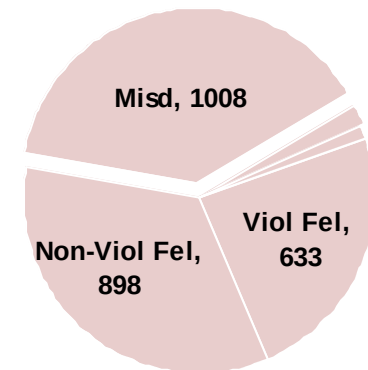
**LEGAL BASIS FOR COMMITMENT,
2008-09 DJJ ADMISSIONS**



**DETAILED COMMITTING
OFFENSE,
OF MISD/VOP CMTS**



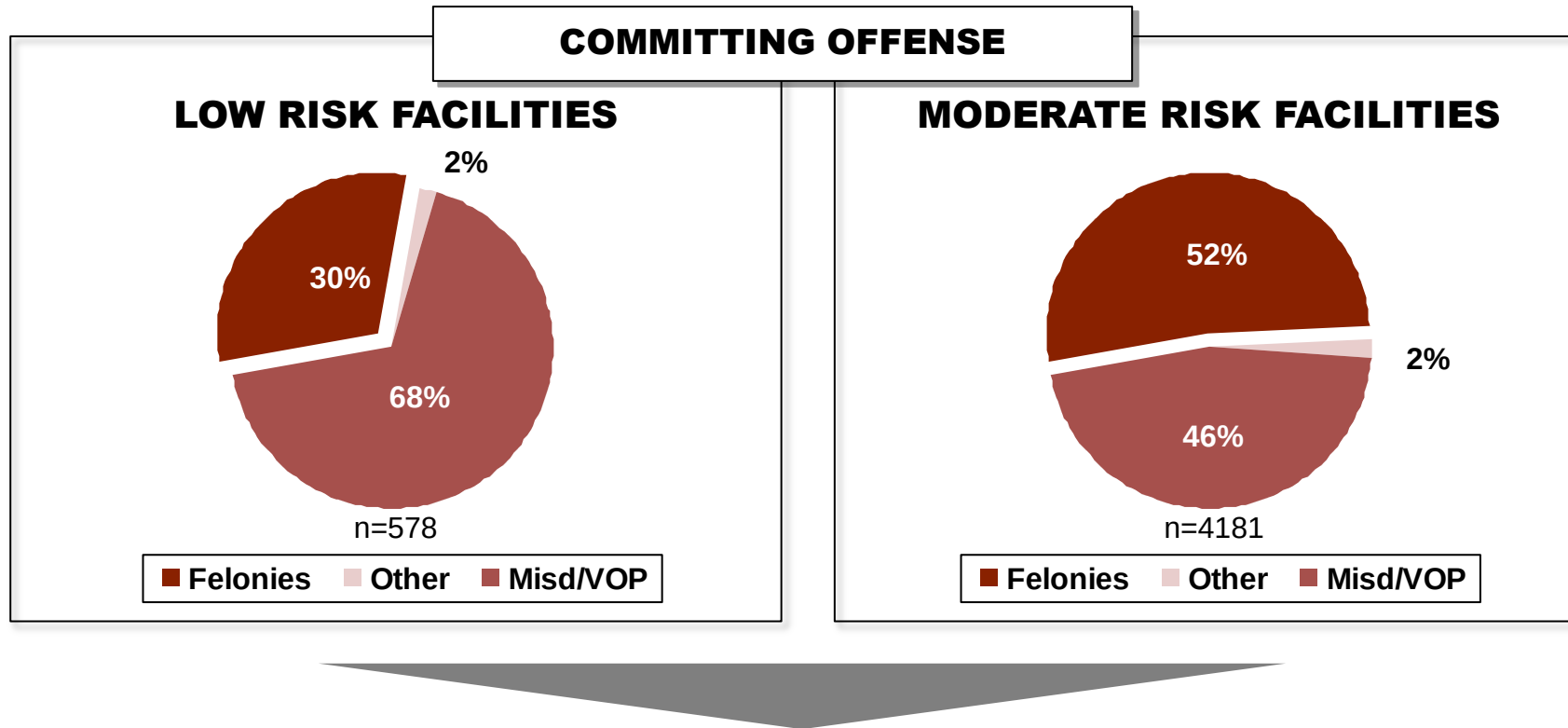
**MOST SERIOUS OFFENSE
IN CHILD'S HISTORY,
OF MISD/VOP CMTS**



More than 1,000 children were committed to DJJ on a technical violation of probation.

More than 1,000 children admitted to DJJ had never committed a felony.

In non-secure facilities alone, this year the State will spend more than \$50 million on children committed on misdemeanors and probation violations.

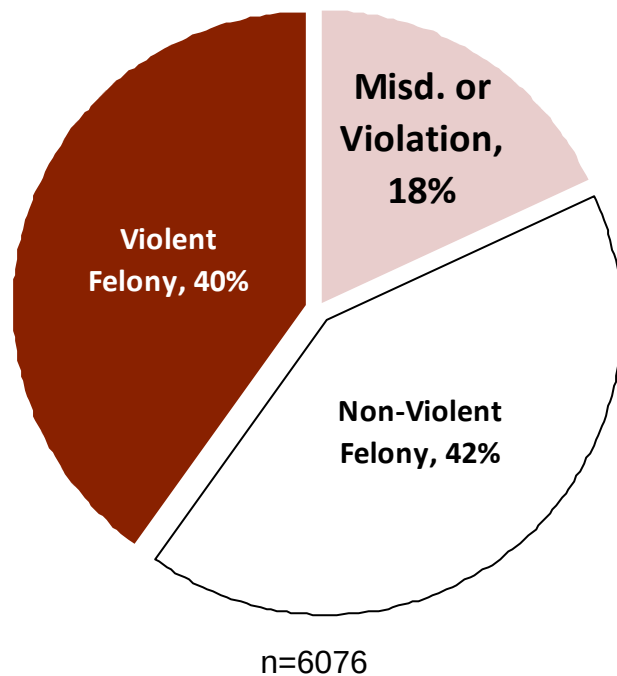


Of the \$142,860,000 allocated for non-secure beds in DJJ's FY2010-11 budget, approximately **\$50,360,000** will be spent to confine children committed to DJJ for misdemeanors or probation violations.*

* Sources: SPLC analysis of FY2008-09 DJJ Admissions; Florida Department of Juvenile Justice, Exhibit D-3A: Expenditures by Issue and Appropriation Category (10/15/2009), available at <http://www.djj.state.fl.us/opengov/documents/2009/Exhibit-D-3A.pdf>; Florida Department of Juvenile Justice, FY2008-09 Comprehensive Accountability Report. Cost approximations are based on FY2007-09 lengths of stay and per diem rates from the 2010-11 budget request (\$141.62 per day for secure; \$97.92 per day for non-secure). SPLC cost estimates are much more conservative than other methods. Estimates based on actual expenditures by DJJ (instead of projected costs per day) yield a figure of more than \$70 million spent on incarcerating misdemeanants and probation violators.

Florida spends as much as \$40 million per year to incarcerate more than 1,100 children who have **never** committed a felony.

**MOST SERIOUS OFFENSE IN HISTORY,
FY2008-09 ADMISSIONS**

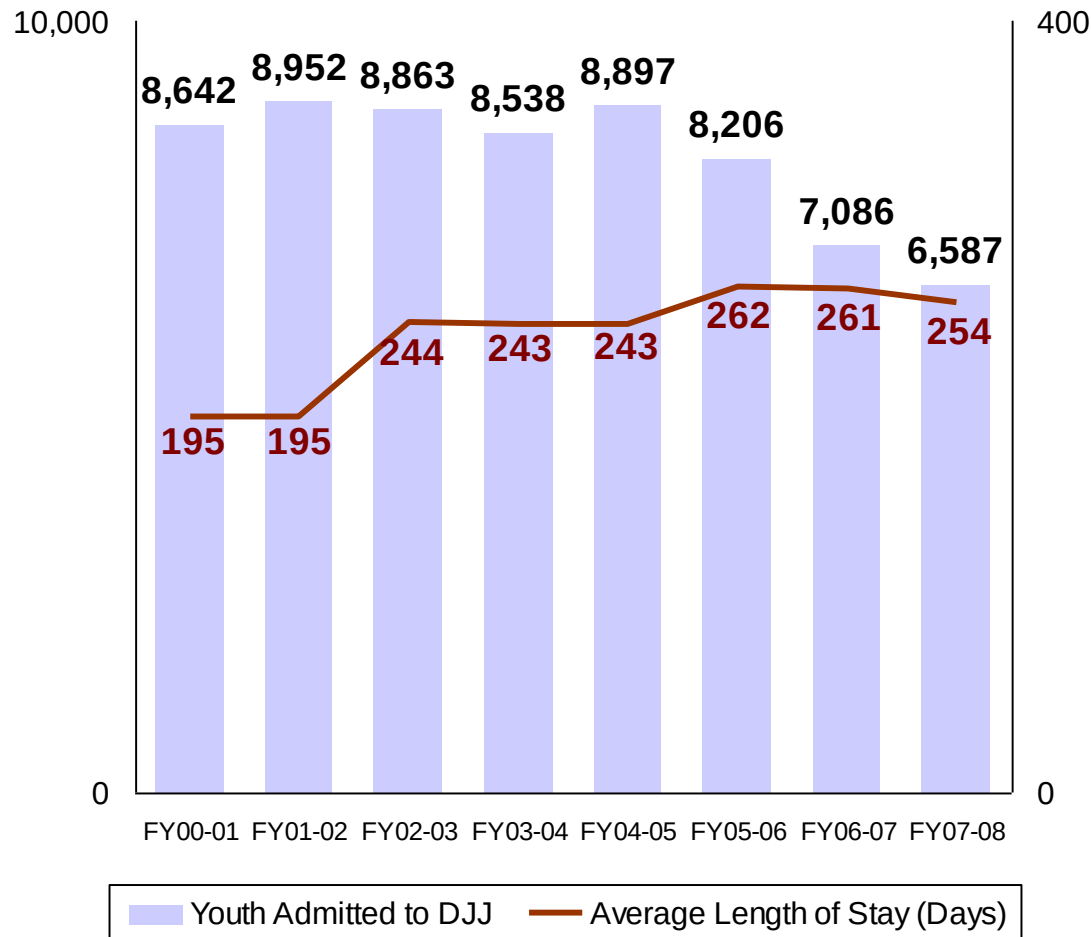


In 2008, Gov. Crist's Blueprint Commission reported that 750 children with no felony history were committed in FY07-08, but recent DJJ admissions data show that **1,106** children with no felony history were admitted to DJJ in FY08-09 – a 47% increase.

If the cost of confining 750 youth is \$27 million, the cost of confining 1,106 youth is \$39.8 million.

The average length of stay in DJJ residential facilities has increased by 30% since FY2000-01.

**DJJ COMMITMENTS V. AVERAGE LENGTH OF STAY,
FY00-01 TO FY07-08**

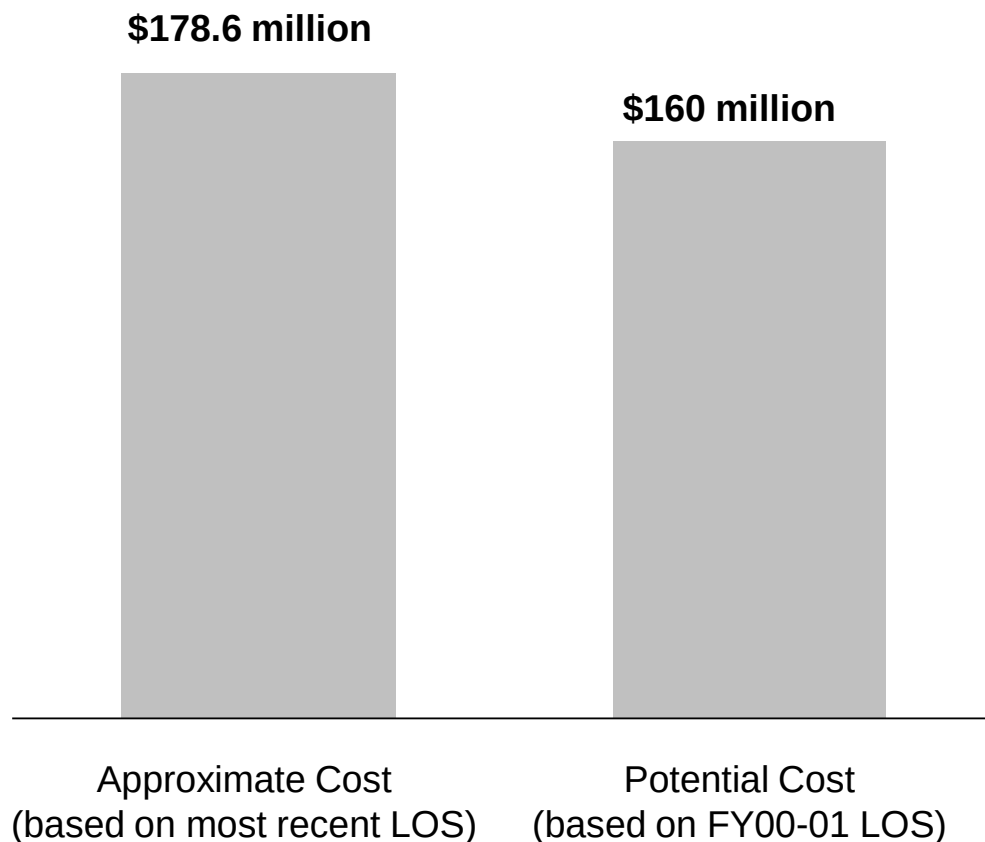


As lengths of stay increased, the cost of each commitment rose, costing the state nearly \$20 million a year.

Sources: Admissions from DJJ Delinquency Profile. Lengths of stay from DJJ Comprehensive Accountability Reports and Outcome Evaluation Reports available at: http://www.djj.state.fl.us/Research/OE/2003/2003_outcome_evaluation.pdf at 175 (FY00-01); http://www.djj.state.fl.us/Research/OE/2004/2004_oe_report_entire.pdf at 223 (FY01-02); http://www.djj.state.fl.us/Research/OE/2005/2005_outcome_evaluation_report.pdf at 107 (LOS for FY02-03); http://www.djj.state.fl.us/Research/OE/2006/2006_Residential.pdf at 133 (FY03-04); <http://www.djj.state.fl.us/OPA/2006car/residentialtables.pdf> at 36 (FY04-05); http://www.djj.state.fl.us/Research/CAR/CAR_2007/CAR_Report_2007.pdf at 106-133 (FY05-06); [http://www.djj.state.fl.us/Research/CAR/CAR_2008/2007-08_CAR_\(All_Residential_Chapters\).pdf](http://www.djj.state.fl.us/Research/CAR/CAR_2008/2007-08_CAR_(All_Residential_Chapters).pdf) at 100-127 (FY06-07); DRAFT Residential Tables-2010 (FY07-08).

Increased lengths of stay not only cost the State more than \$18 million in FY07-08 alone, but probably harmed public safety as well.

**FISCAL IMPACT OF INCREASED LENGTH OF STAY,
DJJ ADMISSIONS IN FY07-08**



A number of studies have found that longer lengths of stay actually make a child more – not less – likely to reoffend.

“For lengths of stay between 3 and 13 months, there is no marginal benefit for retaining an offender in institutional care for longer periods of time. Although we cannot make solid inferences outside of this range, this result is nonetheless dramatic.” *

*Lowenkamp, C., Latessa, E., and Holsinger, A. 2006. The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime and Delinquency*, Vol 52, No. 1, 77; Myer, J., Santman, J., Cappelletty, G., and Perlumtter, B. 1998. See, also: Variables related to recidivism among juvenile offenders, *International Journal of Offender Therapy and Comparative Criminology*, Vol 42, No. 1, 65-80; Katsiyannis, A. and Archwamety, T. 1997. Factors related to recidivism among delinquent youths in a state correctional facility, *Journal of Child and Family Studies*, Vol 6, No. 1, 43-55. SPLC analysis based on DJJ Admissions in FY07-08 and average lengths of stay (LOS) reported by DJJ for FY2007-08 and FY2000-01. See previous slide for LOS-related sources. Cost approximations were calculated using DJJ Admissions in FY07-08, DJJ-reported average LOS figures for FY00-01 or FY07-08 (as appropriate), and per diem rates from DJJ's FY09-10 budget (\$141.62 for secure and \$97.92 for non-secure). For example, the "Potential Cost" of FY07-08 admissions, based on the FY00-01 LOS was calculated as follows: [671 (low risk admissions) X 134 days (average LOS for low risk facilities in FY00-01) X \$97.92 (per diem for non-secure beds)] + [4,569 (moderate risk admissions) X 212 days (average LOS for moderate risk facilities in FY00-01) X \$97.92 (per diem for non-secure beds)] + [1,162 (high risk admissions) X 311 days (average length of stay for high risk facilities in FY00-01) X \$141.62 (per diem for secure beds)] + [72 (max. risk admissions) X 511 days (average length of stay for maximum risk facilities in FY00-01) X \$141.62 (per diem for secure beds)]. Our methodology appears to be more conservative than the method underlying the Blueprint Commission's report.

Opportunity #1: Modest reductions in the average length of stay would allow DJJ to safely close beds, realize substantial cost-savings, and *redirect* millions of dollars to initiatives like Redirection and a competitive grant program for courts.

Modest adjustments to length of stay would align Department policies with best practices and save millions in taxpayer dollars.

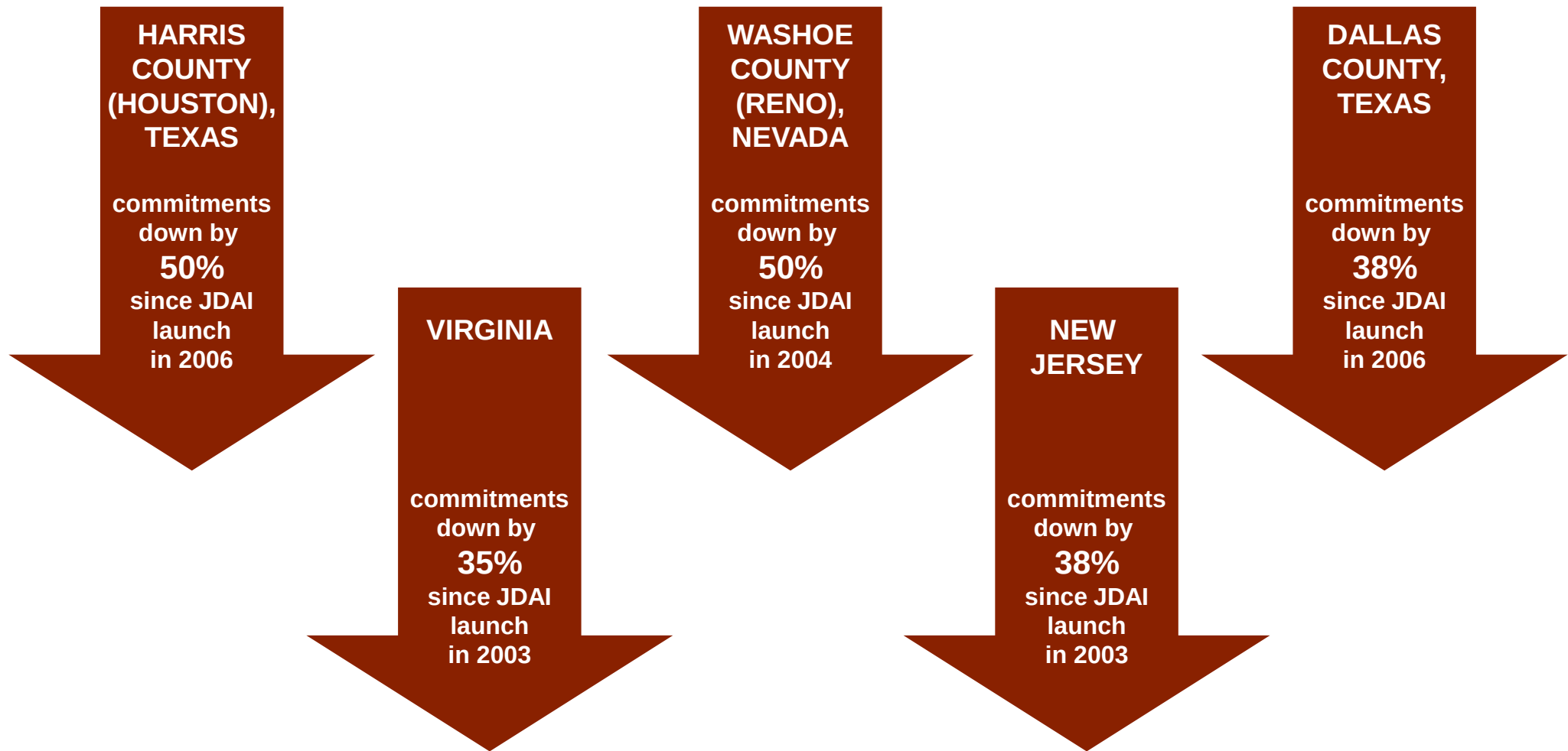
By modifying length of stay, DJJ could.....	cut beds...	& save millions.
▶ Reduce length of stay (LOS) in all facilities by 1 week.	120 <i>96 non-secure 24 secure</i>	\$4,671,708
▶ Restore average LOS from FY02-03 for Moderate and High-Risk facilities.	191 <i>156 non-secure 35 secure</i>	\$7,384,760
▶ Restore average LOS from FY00-01 for Moderate and High-Risk facilities.	483 <i>385 non-secure 99 secure</i>	\$18,877,647
▶ Restore FY00-01 average in High-Risk facilities. Reduce LOS in Moderate-Risk facilities from 8 months to 6 months, bringing DJJ closer to best practices.	868 <i>769 non-secure 99 secure</i>	\$32,602,114
▶ Reduce LOS in Moderate-Risk facilities from 8 months to 6 months and in High-Risk facilities from 11 months to 8 months, bringing DJJ closer to best practices while still imposing longer sentences for high-risk youth.	1,094 <i>769 non-secure 325 secure</i>	\$44,284,348

Opportunity #2: DJJ's comprehensive nature is an important strength, particularly with respect to the Juvenile Detention Alternatives Initiative (JDAI) and the Department's ability to promote effective probation practice at the local level.

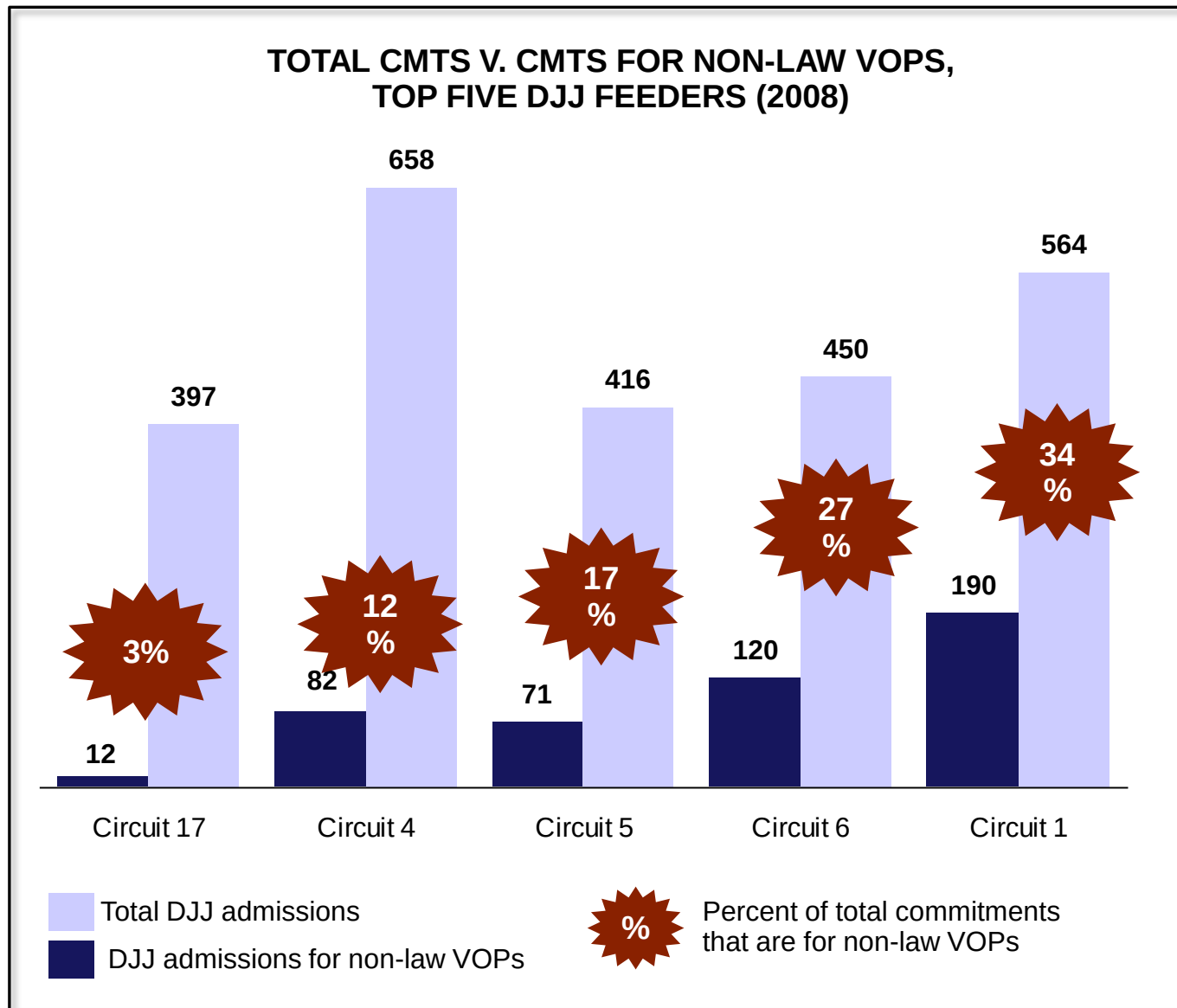
THE JDAI APPROACH TO
PRETRIAL DETENTION:
SECURE CUSTODY FOR
DANGEROUS YOUTH AND
LESS RESTRICTIVE SUPER-
VISION FOR KIDS WHO
POSE LITTLE RISK OF
REOFFENDING OR FLIGHT.



In JDAI sites across the country, detention reform has triggered substantial reductions in the number of youth committed to state custody.



Drawing on the strengths of the most effective circuits, DJJ can re-start reform and promote good probation practices in other jurisdictions, which will reduce commitments even further.



- ▶ The circuits that send the most children to DJJ appear to include both the strongest and the most challenged juvenile probation offices. While Circuit 17 rarely sends technical violators to DJJ, Circuit 1 has the highest non-law VOP commitment rate in the state.
- ▶ Although some of these disparities are due to issues of culture that can be difficult to replicate, the most effective circuits also have concrete policies that are lacking in some jurisdictions.

Of the circuits with the lowest technical violation commitment rates, four have strong policies that should be replicated statewide.

Circuit	Model Aspects of Progressive Response Policy	Non-Law VOPs* as % of all Cmts
17	▶ In deciding whether technical violation should be referred to court, JPO must ask “Has risk to public safety increased?” as a result of the violation ▶ Requires supervisor approval to file non-law VOP ▶ Prohibits non-law VOPs from being held in secure detention	3%
2	▶ Guiding principles that non-law violations are expected to occur, can generally be adjusted without formal court action, and are to be filed only when necessary to protect the public or when all other non-judicial alternatives have been exhausted ▶ JPO is responsible for assisting youth in achieving compliance	11%
3	▶ Guiding principles that non-law violations are expected to occur, can generally be adjusted without formal court action, and are to be filed only when necessary to protect the public or when all other non-judicial alternatives have been exhausted ▶ Explicit policy that “goal is always successful completion of probation and positive changes in youth”	13%
4	▶ Guiding principles that non-law violations are expected to occur, can generally be adjusted without formal court action, and are to be filed only when necessary to protect the public or when all other non-judicial alternatives have been exhausted	12%

Opportunity #3: Legislation barring the commitment of misdemeanants to state custody would reduce DJJ admissions by more than 1,000 youth – enabling the State to close enough beds to save at least \$30 million in taxpayer dollars. Similar legislation has produced substantial cost-savings in Texas, Virginia, and North Carolina.

Several states have adopted legislation to keep misdemeanants out of state custody.

STATE	LEGISLATION	IMPACT
TEXAS	Youth adjudicated for misdemeanor offenses cannot be committed to a residential facility unless previously adjudicated for four or more prior offenses.	Commitments to the Texas Youth Commission have fallen by 36% over the past three years, allowing Texas to reduce state-owned beds by 46%.
NORTH CAROLINA	Youths adjudicated for misdemeanor offenses or violations of misdemeanor probation cannot be committed to residential facilities.	Commitments have dropped by 61% over the past ten years, bringing the average daily population down from 925 in 1998 to 469 in 2008. As commitments dropped, violent juvenile crime fell 20%.*
VIRGINIA	Youth adjudicated for a misdemeanor cannot be committed to a residential facility unless he has previously been adjudicated for a felony or three or more Class 1 misdemeanors on different occasions.	Commitments have dropped by nearly 50% over the past ten years, bringing the average daily population down from 1,462 youth in 1999 to 882 in 2009. As commitments dropped, violent juvenile crime fell 36%.*

Sources: Tex. Fam. Code § 54.04; Texas Youth Commission, TYC Population Trends, 1999-2009, available at: http://www.tyc.state.tx.us/research/growth_charts.html; N.C. Gen. Stat. § 7B-2508; North Carolina Department of Juvenile Justice and Delinquency Prevention, 2008 Annual Report, available at: <http://www.ncdjjdp.org/statistics/annual.html>; Va. Code Ann. § 16.1-278.8; Virginia Department of Juvenile Justice, Data Resource Guide, FY 2008, available at: http://www.djj.virginia.gov/Resources/DJJ_Publications/DRGFY.aspx. *Puzzanchera, C.B. Adams, and W. Kang, 2009. "Easy Access to FBI Arrest Statistics 1994-2007," available at <http://ojjdp.ncjrs.gov/ojstabb/ezaucr/>. Virginia's pre-reform average was computed from 1994-1999, and post-reform average was computed from 2001-2007 data. For North Carolina, 1996-1997 and 1999-2006 data was used for pre- and post-reform averages, respectively. Federal Bureau of Investigation, Uniform Crime Reports 2006-2009, Table 69, available at www.fbi.gov/about-us/cjjs/ucr/ucr.

Misdemeanor legislation in FL would allow resources to be redirected to more effective and less expensive community-based services.

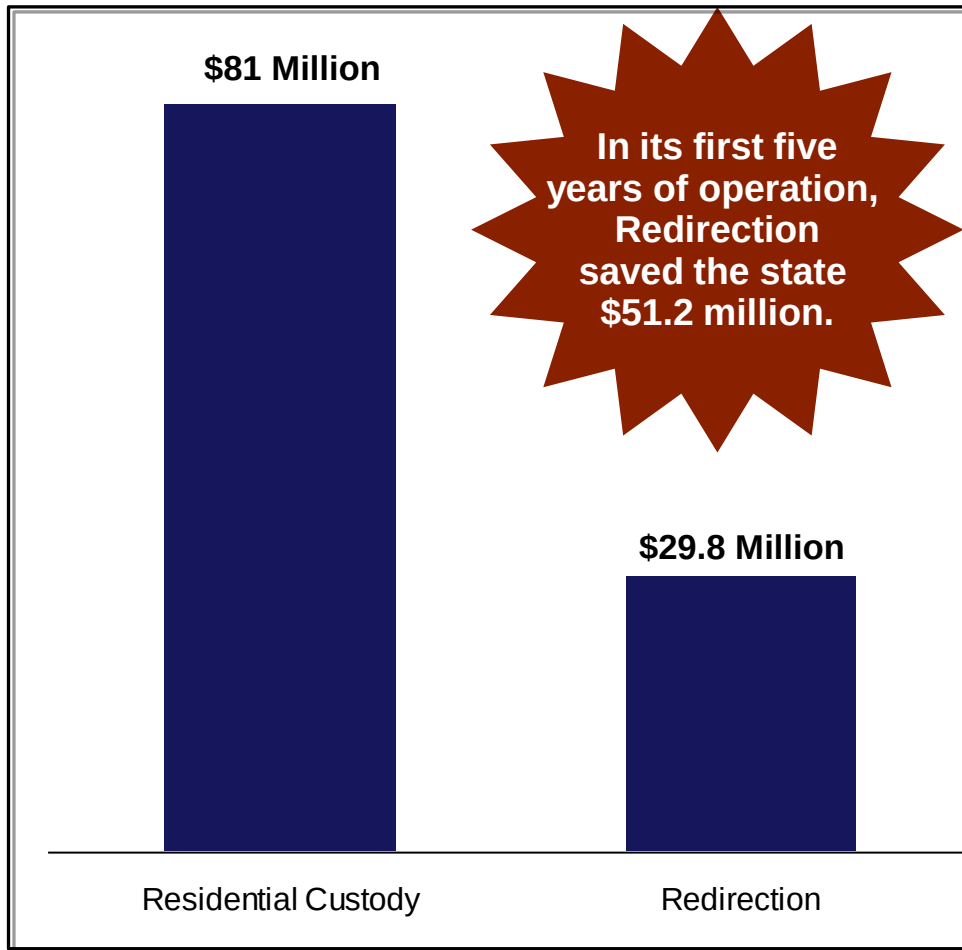
- ▶ In Florida, a statute barring the commitment of misdemeanants to state custody would have reduced admissions by 1,273 (21%) in FY 2008-09.

YOUTH	FACILITY TYPE	APPROXIMATE COST
1,183	Non-Secure	\$25,668,000
90	Secure	\$4,421,000

Opportunity #4: Continue to redirect funding from institutions to communities by –

- Protecting and expanding Redirection
- Creating a competitive grant program to incentivize the development of non-residential community-based sanctions designed to reduce DJJ commitments, and
- Hold all DJJ grantees and contractors accountable for results, including reduced commitments.

The Redirection Initiative provides effective, community-based services that serve as less expensive alternatives to residential commitment.



According to reports from the Office of Program Policy Analysis and Government Accountability:

- ▶ *Redirection youth are significantly less likely to be arrested for a felony or a violent felony than comparable youth completing residential programs.*
- ▶ *Youth completing Redirection are significantly less likely to be adjudicated or convicted for any offense, including VOPs.*
- ▶ *When compared to similar youth released from residential commitment, Redirection youth are significantly less likely to be sentenced to prison.*

In addition to Redirection, DJJ should establish a competitive, transparent, and data-driven grant program to incentivize the development of non-residential, community-based alternatives to DJJ.

Because research has shown that non-residential services are the most cost-effective way to combat juvenile crime, grant funds should be used exclusively for non-residential programs.

Grant applications should be grounded in data about the risk factors and needs common to the children who will be targeted by the new program.

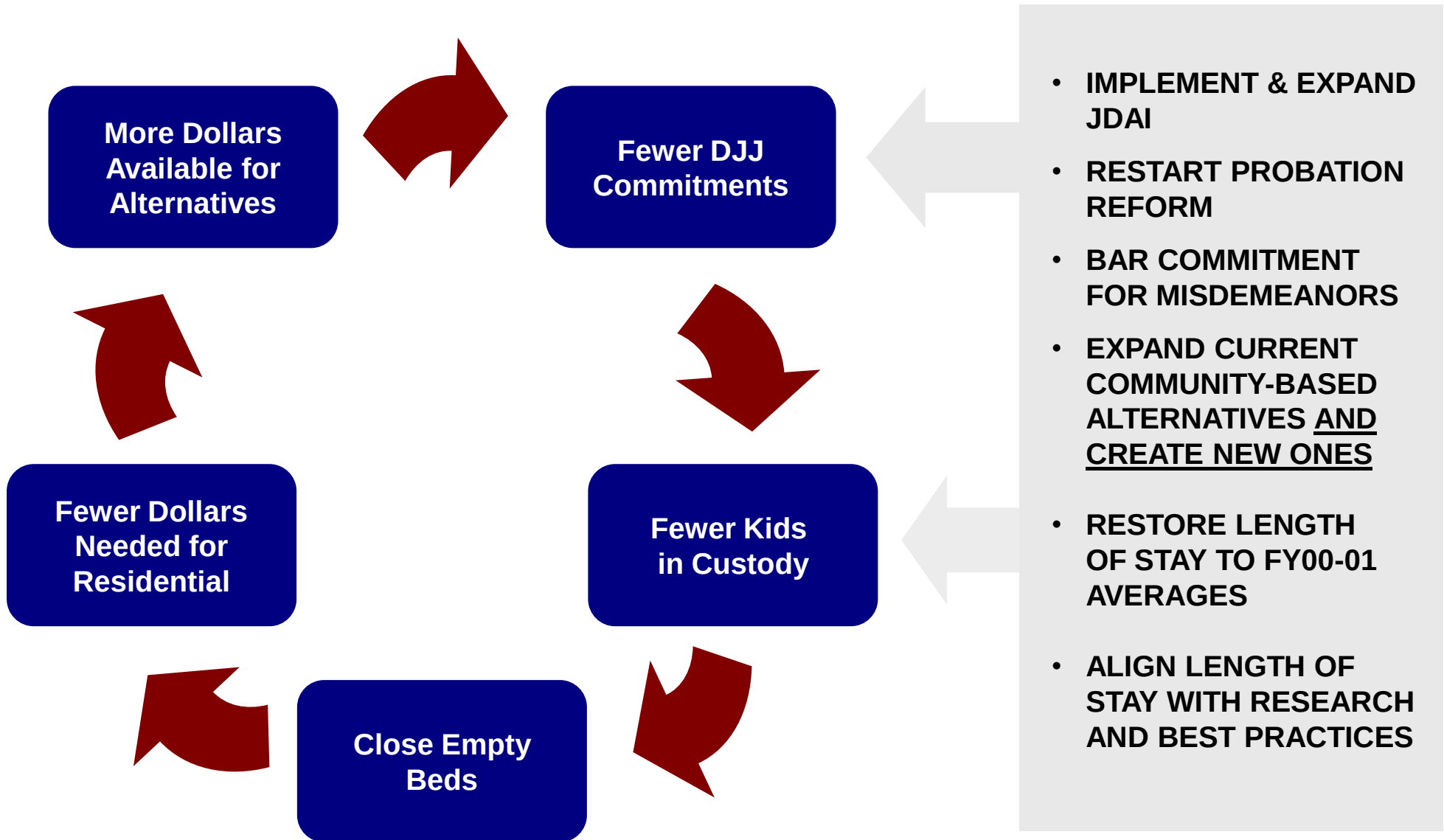
Similar grant programs in Ohio, Missouri, and Alabama have been instrumental in keeping residential populations down while improving outcomes for youth, families and communities.

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To ensure fiscal accountability, grantees should be required to make regular reports to DJJ concerning the program and the children it serves.

Renewal decisions should be made annually, based on results achieved by the program, including whether the program successfully reduced DJJ commitments.

Each reform would allow Florida to kick-off a self-sustaining cycle: fewer youth in custody → facility closures → redirect institutional funds to community-based services → fewer DJJ commitments → fewer youth in custody . . .



Contact Information

Florida Youth Initiative
Southern Poverty Law Center
3000 Biscayne Blvd. Suite 212
Miami, Florida 33137
Tel. (786) 347-2056

David.Utter@splcenter.org

