

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

BILL: SB 2260

INTRODUCER: Senator Crist

SUBJECT: Faith and Character Based Correctional Institution Programs

DATE: April 14, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>Butler</u>	<u>Sadberry</u>	<u>JA</u>	Favorable
3.	_____	_____	<u>WPSC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill adds character-based programs to the current statute that regulates faith-based programs offered in state and private correctional facilities. It also removes staffing and inmate eligibility requirements.

This bill substantially amends section 944.803 of the Florida Statutes.

II. Present Situation:¹

The Department of Corrections (department or DOC) offers faith and character-based programs² for all inmates at specified institutions and for inmates who live in specific dormitories at certain other institutions. As of November 2009, approximately 4,947 inmates were participating in a faith and character institution or dormitory program.

In 1999, the department partnered with Kairos Horizon³ to open a dormitory at Tomoka Correctional Institution. This program emphasized faith and character programming and was based on models operating in a few other states. Beginning in 2000, several faith-based dormitories were opened around the state beginning with youthful offender females at Hillsborough Correctional Institution. Since that time, the department has continued to add faith and character programs throughout the prison system.

¹ Much of the background information is derived from the Department of Corrections' analysis of the bill.

² Although s. 944.803, F.S., refers only to faith-based programs, the department currently operates faith and character-based programs.

³ Additional information about Kairos Horizon can be found at www.kairoshorizon.org.

Section 944.803, F.S., provides that: (1) participation in a faith or character-based program is voluntary; (2) priority must be given to inmates who have shown an indication for substance abuse; and (3) at least 80 percent of the inmates assigned to the dormitory program must be within 36 months of release. The 80 percent requirement does not apply to entire institutions that are faith and character-based. Eligible inmates volunteer for participation in the program without regard to religion and can choose among secular or religious programming.

In addition to the statutory eligibility requirements that participation must be voluntary and that priority is given to inmates with substance abuse problems, department procedures require that the inmate:

- Have received no disciplinary reports that resulted in disciplinary confinement during the previous 90 days;
- Be in general population housing status, and not in work release, reception, transit, or other status; and
- Fits the profile for the institution’s population, such as medical and psychological grade, custody level, youthful offender status, escape level, and length of sentence.

The department can remove an inmate from the program for purposes of population management, conduct that may result in disciplinary confinement or loss of gain-time, physical or mental health concerns, or security and safety concerns.

The chart below lists information about the department’s faith and character-based programs:

Location	Capacity	Gender	Date Became Faith and Character Based Dormitory or Institution
<i>Dormitories</i>			
Tomoka C.I. (F Dorm)	132	Male	November 1999
Polk C.I. (A Dorm)	128	Male	November 2001
Lowell C.I. (A Dorm)	32	Female	January 2002
Gulf – Annex (J Dorm)	128	Male	January 2002
Everglades C.I. (B Dorm)	128	Male	February 2002
Lancaster C.I. (I Dorm)	37	Male (over 21)	January 2003
Union C.I. (J Dorm)	96	Male (over 50)	February 2003
<i>Total Dorms</i>	681		
<i>Prison</i>			
Lawtey C.I.	835	Male	December 2003
Hillsborough C.I.	292	Female	April 2004
Wakulla C.I.	1,756	Male	November 2005
Glades C.I.	1,808	Male	March 2009
<i>Total Prison</i>	4,961		
TOTAL CAPACITY	5,372		

The department reports that there are an appropriate number of faith and character beds for the pool of eligible inmates. There is currently a turnover rate of 1.9 inmates per bed each year, which allows for inmates to move from the eligible pool to a program slot in a reasonable amount of time.

Volunteers provide most of the programming in the faith and character-based programs. Participating inmates have the opportunity to take classes on writing, marriage and parenting, money management, interviewing and job skills, computer literacy, and personal faith along with other faith and secular programs. These programs contribute to positive adjustment while the inmate is incarcerated and also prepare him or her for re-entry into society.

In May 2007, DOC revised its mission statement to include assisting offenders with reentry into society in order to reduce recidivism and to lower crime rates. Successfully reaching the department's goal of reducing recidivism from its current 32 percent rate to a 20 percent rate by 2012 could avoid \$85 million of costs annually to the correctional system. There would be additional cost savings to law enforcement agencies and the court system, and both financial and social benefits for those citizens who would not become victims of crime.

The department has established the Reentry Advisory Council to address issues of offender reentry and to assist in the formation of a statewide strategy to reduce recidivism within the correctional system. It also created the Office of Re-Entry with the task of implementing effective strategies and programs for the inmate population. The emphasis is on improving the success of inmates and offenders in returning to crime-free living once criminal sanctions have been completed. While these strategies target those inmates who are nearing release, the department's re-entry philosophy focuses re-entry best practices on inmates beginning at reception and continuing through incarceration.

In October 2009, the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) reviewed the faith and character-based programs. OPPAGA found that the institutional programs have a "positive effect on inmate institutional adjustment and institutional security, and a modest but positive effect on reducing the likelihood that inmates will reoffend." The dormitory programs also have a positive effect on institutional adjustment and security, but did not have a demonstrated effect on recidivism.⁴

III. Effect of Proposed Changes:

The bill adds a reference to character-based programs wherever s. 944.803, F.S., currently refers to faith-based programs. It also makes other changes that reflect this addition, such as referring to volunteers from secular institutions as well as faith-based institutions.

The bill removes requirements regarding chaplain assignments, including:

- A general requirement that the department fund an adequate number of chaplains and staff to operate faith-based programs in correctional institutions.

⁴ "Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest." OPPAGA Report No. 09-38, October 2009.

- A specific requirement that a chaplain and a full-time clerical support person be assigned to each faith-based dormitory. The department states that each institution has one assigned chaplain. Dedicated full-time clerical support staff have been eliminated through budget reductions over the years.
- A specific requirement that chaplains be assigned to community correctional centers, or work release centers, authorized pursuant to s. 945.091(1)(b), F.S. Chaplain duties included recruiting community volunteers, assisting inmates with transition, and placing inmates who requested assistance in a mentoring program. Chaplains were also required to work with the institutional transition assistance specialist to help place inmates who requested assistance in a contracted substance abuse housing program upon release. Institutional transition assistance specialist positions were eliminated by the Legislature in 2003, and there is currently insufficient funding to place a chaplain in each community correctional center, or work release center.

The bill removes a requirement that preference for admission into the program be given to inmates who have shown an indication for substance abuse.

The bill deletes a requirement that there be six new operational programs, similar to and in addition to the original pilot program. The department currently operates 11 faith and character-based programs.

The bill removes a requirement that 80 percent of program participants be within 36 months of release. By removing the requirement, potentially more inmates may be able to be placed in the faith and character-based programs available.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.