

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 Justice Committee

BILL: CS/SB 2010

INTRODUCER: Criminal Justice Committee and Senator Braynon

SUBJECT: Faith and Character-Based Correctional Programs

DATE: April 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill amends s. 944.803, F.S., which governs faith-based programs in correctional institutions. Significant changes include:

- Reflecting current practice by adding references to “character-based programs” and “secular institutions.”
- Removing the requirement that 80 percent of the inmates in a dormitory-based program must be within 36 months of release.
- Clearly making the statute applicable to all faith and character-based programs, not just dormitory-based programs.
- Expressing legislative encouragement for the department to phase-out dormitory-based programs in favor of faith and character-based institutions.
- Eliminating the statutory preference for admitting inmates who have a substance abuse issue.
- Providing that peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, must be allowed at faith and character-based institutions in the state correctional system when appropriate.

This bill substantially amends section 944.803 of the Florida Statutes.

II. Present Situation:

References to faith-based programs in correctional institutions first appeared in the Florida Statutes in 1997. Chapter 97-78, Laws of Florida, created s. 944.803, F.S., and expressed legislative intent for public and private correctional institutions to operate religious and chaplaincy programs with the help of volunteers from faith-based institutions in the community. In addition, it required the department to conduct a study of the effectiveness of faith-based programs, including those in other jurisdictions, and to make recommendations for improvement of current programs. In 1999, the department opened its first faith-based dormitory in cooperation with Kairos Horizon at Tomoka Correctional Institution. Several other faith-based dormitories were opened around the state beginning in 2000.

In 2001, the Legislature substantially amended s. 944.803, F.S., to require the department to have six additional faith-based dormitory programs fully operational by June 1, 2002.¹ In 2003, Lawtey Correctional Institution became the first faith-based institution. The department currently has faith and character-based programs at 11 institutions:²

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
Total Dormitories	681		
<i>Prisons</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.	1,424	Male	March 2009
Total Prison	4,307		
TOTAL CAPACITY	4,988		

¹ Section 13, Chapter 2001-110, Laws of Florida.

² Department of Corrections Analysis of Senate Bill 2010, p. 2.

The 2001 amendments to s. 944.803, F.S., established requirements for faith-based dormitory programs that are still in effect:³

- Programs must be a joint effort between the department and faith-based service groups in the community.
- An inmate's faith orientation (or lack thereof) must not be considered in making admission decisions.
- There must not be an attempt to convert an inmate toward a particular faith or religious preference.
- Programs must emphasize the importance of personal responsibility, meaningful work, education, substance-abuse treatment, and peer support.
- Participation must be voluntary.
- Priority must be given to inmates with substance abuse issues.
- State funds must be used toward the goals of criminal rehabilitation, successful reintegration of offenders into the community, and reduction of recidivism, not toward religious indoctrination.
- At least 80 percent of inmates participating in the program must be within 36 months of release.⁴

Chapter 2001-110, Laws of Florida, also required the department to assign a chaplain and a full-time clerical support person for each dormitory to implement and monitor the program and to strengthen volunteer participation and support. In addition, it required assignment of chaplains to community correctional centers. Due to a lack of appropriations, these conditions have not been fulfilled in recent years.

The department refers to institution-based programs as Faith and Character-Based Institutions (FCBI) and dormitory-based programs as Faith-Based/Self Improvement Dormitories (FB/SID). Programming is similar for both FCBI programs and FB/SID programs, except that FB/SID programming is more intensive. Programs are run by volunteers and allow inmates to participate in both religious and secular programming. Inmates can take classes on topics such as writing, marriage and parenting, money management, interview and job skills, computer literacy, personal faith, and a variety of religious and secular topics.⁵

FB/SID programs invite secular and religious charitable organizations to mentor inmates and offer programming designed to transform inmates inwardly. There are separate faith and secular-

³ The department has interpreted these requirements to apply only to dormitory-based programs. This is a reasonable interpretation because the statute is not clear on the point and there were no institution-wide programs at the time the requirements were established. In any event, the department reports that its requirements for institution-wide programs are basically the same as these statutory requirements except for the 80%/36 month restriction.

⁴ The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) has recommended that this requirement be removed or, in the alternative, that it be clarified that the requirement applies to the total population of all FCB dormitories and not to individual dormitories. See OPPAGA Report No. 09-38 (October 2009), "Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest," p. 7.

⁵ Department of Corrections Analysis of Senate Bill 2010, p. 3.

based dormitories. Faith-based dormitory programs build upon the inmate's personal faith, while self-improvement dormitory programs take a secular approach.⁶

The only statutory eligibility requirement is that the inmate must enter the program voluntarily. However, the department has established procedures requiring that an inmate entering the program must:

- Not have received a disciplinary report that resulted in disciplinary confinement during the previous 90 days;
- Be in general population housing status;
- Not be in work-release, reception or transit status; and
- Fit within the institutional profile.⁷

Of course, placement in a program is also dependent upon the availability of space. As of November 29, 2010, there were 471 inmates on the state-wide waiting list for faith-based dormitories, 452 inmates for self improvement dormitories, and 6,785 inmates for FBCIs.⁸

An inmate can be housed in an FCBI until completion of his or her sentence (or permanently if sentenced to life) unless he or she commits a serious infraction.

Effectiveness of Faith and Character-Based Programs

OPPAGA's 2009 review of faith and character-based programs found that institution-wide programs had a positive effect on inmate institutional adjustment and security, and a positive but modest effect on reducing recidivism. Dormitory-based programs also had a positive effect on institutional adjustment and security, but had no effect on recidivism.⁹

III. Effect of Proposed Changes:

This bill amends s. 944.803, F.S., as follows:

- It reflects the department's current practice by changing references to "faith-based programs" and "religious programs" to "faith- and character-based programs," and adding references to "secular institutions" in the community to existing references to faith-based institutions.
- It deletes the requirement that 80 percent of the inmates in a dormitory-based program must be within 36 months of release. This implements an OPPAGA recommendation and the department indicates that it will have a positive impact on the department due to the flexibility that it allows.¹⁰
- It clearly makes the statute applicable to all faith and character-based programs, not just dormitory-based programs.

⁶ Faith-Based/Self Improvement Dormitories. The Department of Corrections. <http://www.dc.state.fl.us/oth/faith/dorms.html>, last viewed on March 30, 2011.

⁷ *Id.*

⁸ Department of Corrections Faith- and Character-Based Initiative, November 2010 Update, <http://www.dc.state.fl.us/oth/faith/stats.html>, last viewed on March 30, 2011.

⁹ OPPAGA Report No. 09-38, *supra*, pages 3-6. *See also* Department of Corrections Analysis of Senate Bill 2010, pages 3-4.

¹⁰ Department of Corrections Analysis of Senate Bill 2010, p. 4.

- It provides for allowing peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, at faith and character-based institutions in the state correctional system when appropriate. It appears that this would include any private faith and character-based institutions that may be established in the future.
- It provides legislative intent encouraging phasing out dormitory-based programs in favor of faith and character-based institutions.
- It deletes the statutory preference for admitting inmates who have a substance abuse issue.
- It deletes the requirement that a chaplain and support staff be assigned to each dormitory program, and that a chaplain be assigned to each community corrections center. This requirement has not been met in recent years due to lack of funding.
- It deletes a fulfilled requirement in the 2001 legislation to establish six new faith-based programs.

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:

Senate Bill 2018 also amends s. 944.803, F.S., but is limited to elimination of the requirement that 80 percent of inmates in a faith-based dormitory program be within 36 months of their release date.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Criminal Justice on April 4, 2011:

- Provides that peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, must be allowed at faith and character-based institutions in the state correctional system when appropriate.
- Providing legislative intent encouraging the department to phase-out dormitory-based programs in favor of faith and character-based institutions.

B. Amendments:

None.