

**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 Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL: CS/SB 2096

INTRODUCER: Criminal Justice Committee; and Criminal Justice Committee

SUBJECT: Community Correction Reentry Program

DATE: February 21, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	<b>Fav/CS</b>
2.	Sneed	Sadberry	BJA	<b>Favorable</b>
3.			BC	
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:**

The bill requires the Department of Corrections (department) to develop an operational plan to implement a community reentry program for inmates nearing release from prison. The bill requires that inmates who are within 36 months of their release date be considered for participation in the program based upon a risk assessment process.

The bill also amends statutes in order to allow the department to expand the permissible means by which a work-release inmate can travel to and from his or her place of employment, education, or training.

This bill substantially amends section 945.091 and repeals section 945.0913 of the Florida Statutes.

## II. Present Situation:

### Reentry Programs for Nonviolent Offenders

Inmates who enter prison often have shortcomings in one or more areas of education, employment skills, substance abuse-free living, and mental health that contributed to their current situation. For example, almost two-thirds of Florida inmates who enter prison for any crime also have a substance abuse problem.<sup>1</sup> Unless addressed, these deficiencies are likely to contribute to re-offending and a return to prison.

In the past decade the executive and legislative branches of state government have acknowledged the importance of reentry services and post-release planning and transition. Various initiatives have been undertaken to improve an inmate's post-release success. However, barriers to successful reentry abound despite this commitment by policymakers to address the problem.

In May 2007, the department revised its mission statement to include assisting offenders with reentry into society in order to reduce recidivism and to lower crime rates. The department's goal was to bring down the recidivism rate from its current 32 percent to 20 percent by 2012. Although it has made some progress, it has been unable to meet that goal.

The department currently provides the following reentry programming to a segment of the inmate population:

- Substance abuse treatment programs;
- Educational and academic programs;
- Career and technical education programs; and
- Faith and character-based programs.<sup>2</sup>

Within the 15 northwest Florida counties affected by the bill, approximately 32,000 inmates are housed in 20 major correctional facilities, 12 work camps, 2 forestry camps, and 4 work release centers. The department reports that during Fiscal Year 2010-2011, 3,939 inmates were admitted to the department's custody from the affected counties and 3,955 were released to the counties. The following table indicates the admissions/releases for each county:

<b>Admissions and Releases in FY 2010-2011 For Counties Included in Senate Proposed Bill 7180</b>		
<b>County</b>	<b>Admissions</b>	<b>Releases</b>
Bay	867	724
Calhoun	43	62
Escambia	925	1009
Franklin	52	55
Gadsden	191	236
Gulf	33	28

<sup>1</sup> Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Corrections Rehabilitative Programs Effective, But Serve Only a Portion of the Eligible Population*, Report No. 07-14 (February 2007), p. 6.

<sup>2</sup> Florida Department of Corrections, *Recidivism Reduction Strategic Plan Fiscal Year 2009-2014*, available at <http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf> (last visited November 10, 2011).

<b>Admissions and Releases in FY 2010-2011 For Counties Included in Senate Proposed Bill 7180</b>		
<b>County</b>	<b>Admissions</b>	<b>Releases</b>
Holmes	55	54
Jackson	186	153
Leon	774	767
Liberty	23	33
Okaloosa	316	321
Santa Rosa	263	225
Wakulla	51	77
Walton	82	105
Washington	78	106
<b>Total</b>	<b>3939</b>	<b>3955</b>

***Correctional Integrated Needs Assessment System***

The department assesses inmates and places them into programs using the Correctional Integrated Needs Assessment System (CINAS), which is based on the “Risk-Needs-Responsivity (RNR)” principle. The RNR principle refers to predicting which inmates have a higher probability of recidivating, and providing appropriate programming and services to higher risk inmates based on their level of need. The services would be focused on “criminogenic needs,” which are factors associated with recidivism that can be changed such as lack of education, substance abuse, criminal thinking, and lack of marketable job skills. High risk offenders have multiple risk factors, and the department provides a range of services and interventions to target the specific crime producing characteristics.

The Recidivism Index (RI) is a component of CINAS developed by the department to give a score that is used to assess an inmate’s program needs, determine the inmate’s priority for intervention and services, and guide program placement. RI scores range from 1 to 5, with those in RI 1 the least likely to recidivate.

The department reports that CINAS allows it to develop and implement programs that increase the likelihood of successful reentry. It also reports that use of the RI and CINAS “avoids focusing resources on individuals ill-equipped to handle specific behavior problems, and ensures the most appropriate treatment-setting possible is being assigned, based on an inmate’s characteristics.”

The RI is administered to an inmate when he or she is received at the initial parent institution and again after 42 months, with updates conducted every 6 months thereafter to evaluate the inmate’s progress and ensure enrollment in needed programs.<sup>3</sup>

As of January 19, 2012, the department indicates that 47,824 inmates within 3 years of release had been assessed using CINAS. The number of inmates in each RI score category are as follows:

**Recidivism Index Scores for CINAS-Assessed**

<sup>3</sup> Florida Department of Corrections, Analysis of SB 448.

<b>Inmates Within 36 Months of Release</b>		
<i><b>RI Score</b></i>	<i><b>Number of Inmates</b></i>	<i><b>Percentage of Assessed Inmates</b></i>
1	6,768	14.2%
2	7,666	16%
3	7,494	15.7%
4	15,868	33.2%
5	10,028	21%
Total	47,824	100%

**Inmate Eligibility for Program Placement**

The department offers programs in three core areas: academic, vocational, and substance abuse. Including all department and private facilities, there are 8,825 slots available in academic programs, 2,991 in vocational programs, and 3,228 in substance abuse programs.

Inmates with RI scores of 3 and 4 are ranked for placement in core programs if they have an identified need for a specific core program and are within 36 months of release.<sup>4</sup> They are enrolled in programs based on their priority ranking number, which is itself based on a three-part weighted formula that considers the inmates: (1) program score; (2) current release date; and (3) core program-specific equalization score that is designed to move inmates more in need ahead of others.

**Reentry Facilities**

The department has dedicated certain facilities throughout the state to function as reentry facilities. These facilities house inmates who are within 36 months of release and who have been assigned to the facility based upon their RI score and programming needs. To the extent possible, inmates are placed in reentry facilities in the area in which they live in order to foster support from family, friends, and community volunteers. Reentry facility staff and community volunteers help inmates with housing, employment, and other needs in preparation for release.<sup>5</sup> There are currently four reentry facilities, with three more scheduled to open in the near future:

- Baker Correctional Institution in Baker County (1,332 inmates)
- Sago Palm Reentry Center in Palm Beach County (384 inmates)
- Polk Correctional Institution in Polk County (1,393 inmates)
- DeMilly Correctional Institution in Polk County (342 inmates, but scheduled to be closed with functions absorbed by Polk Correctional Institution)
- Baker Reentry Facility scheduled to open in Baker County (432 inmates)
- Everglades Reentry Facility scheduled to open in Dade County (432 inmates)
- Gadsden Reentry Facility scheduled to open in Gadsden County (432 inmates)

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<sup>4</sup> Because of funding constraints, the department does not prioritize programming for R1, R2 or R5 inmates. This is based upon the assumption that R1 and R2 inmates have a relatively low likelihood of recidivating even without programming, and that programming is not likely to reduce the high likelihood that R5 inmates will recidivate.

<sup>5</sup> In addition to other programming, the department provides the 100-Hour Transition Training Program required by s. 944.7065, F.S., for inmates who are within 12 months of their release.

The reentry facilities each have or will have a “portal of entry” in the community. This portal of entry is the designated release site for state, federal, and local jail inmates who are released to a particular county. The purpose of the portal of entry is to connect the released offender with needed services that have been identified during release planning and to help them with administrative requirements. Among other things, these services may include:

- Access to a clothing closet
- Food or meal vouchers
- Medical/disability assistance
- Assistance with employment
- Assistance with obtaining housing
- Mentoring
- Life skill training
- Felony registration
- Contact with community corrections staff if on community supervision

The portals of entry are cooperative efforts that involve the department, local law enforcement agencies, social service agencies, and community volunteers. Although they have not been operational long enough to calculate three-year recidivism rates, the department reports that a study of one-year recidivism at Baker Reentry Facility indicates some improvement over the recidivism rates before the facility was dedicated to the reentry process.

### **Community Work Release Centers**

Work release is a transition program through which the department selects inmates to work at paid employment in the community while they serve the remainder of their sentence.<sup>6</sup> The department is statutorily authorized to place an inmate in work release programs during the last 36 months of his or her sentence, but has limited that time to 14 months by rule. Inmates who are on work release have jobs in the community, but live at a non-secure correctional facility. Work release inmates are required to pay room and board and victim restitution, and to contribute to savings. The program is designed to give inmates a chance to enhance employment skills and to re-establish ties with family and the community prior to release.

The department currently has approximately 4,000 work release beds in work release facilities and transition facilities throughout the state. These are separate from the reentry facilities and from work camps, which are secure facilities under the administration of a parent correctional facility. There are four work release centers within the northwest Florida area encompassed by the bill. These are:

- Panama City Work Release Center (71 beds)
- Pensacola Work Release Center (84 beds)
- Tallahassee Work Release Center (121 beds)
- Shisa House West, a facility operated by a private provider in Tallahassee (32 beds)

### ***Inmate Transportation at Work Release Centers***

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<sup>6</sup> Work release is authorized by s. 945.091, F.S.

Section 945.091, F.S., specifies the means by which inmates who are in work release centers can travel to and from their jobs, educational programs, or training facilities. Such inmates can walk, bicycle, ride public transportation, or use transportation provided by a family member or employer. The statute also provides that, subject to specific appropriation, the department can transport an inmate in a state-owned vehicle if there is no other means of transportation. Section 945.0913, F.S., prohibits inmates from driving a state-owned vehicle to transport work-release inmates.

The department does not currently transport work release inmates. However, vendors who operate work release centers under contract with the department are permitted to transport inmates using vans driven by the vendor's staff.

Prior to 2003, the majority of work release inmates used department-provided transportation to travel to their places of employment. Inmate drivers were used for transporting these inmates prior to suspension of the inmate driver program in October of 2002 and subsequent enactment of Chapter 2003-141, Laws of Florida. The new law resulted in the current language in ss. 945.091, and 945.0913, F.S., that limits the methods by which work release inmates can travel.

### **III. Effect of Proposed Changes:**

#### **Community Reentry Program**

Section 1 of the bill directs the department to develop an operational plan to implement a community reentry program for Fiscal Year 2013-2014. The program must be designed to provide residential care, custody, control, and reentry services to eligible inmates. Substance abuse treatment, housing assistance, money management training, employment assistance, vocational education, and life skills training are reentry services specifically required to be provided by the program.

The bill requires the department to consider all inmates who are within 36 months of their release date for participation in the program. Selection must be based on a risk assessment process that includes, but is not limited to, whether:

- The inmate has potential for rehabilitation and the need for reentry services;
- The reduction of risk of harm to the community after completion of the inmate's sentence which would result from his or her participation in the program is outweighed by any risk of harm to the community which would be posed by the inmate while participating in the program; and
- The inmate can be placed in the geographic area where he or she is from, or has family or identified friends, and intends to reside in the area upon release from custody.

These criteria appear to be consistent with the CINAS risk assessment tool and the Recidivism Index that the department currently uses for assessing and prioritizing reentry services.

An inmate who is selected for the program must be transferred into it not later than 24 months before his or her current release date. If the inmate is already within the 24 month window when selected, he or she must be transferred into the program as soon as a position is available.

The minimum requirements for the operational plan include description and documentation of:

- Resources needed for the program, including, but not limited to, specific buildings, grounds, and property that must be obtained or redesignated for residential community corrections facilities and reentry services.
- Placement of facilities and services in specific areas to maximize the opportunity for participating inmates to benefit from being located near where they plan to live after completion of their sentences.
- Additional staff or changes to staff qualifications necessary to operate the program.
- Contracts the program intends to use for private providers who desire to provide a portion of the reentry services and programming to eligible inmates.
- Security staffing, programming, and budgeting plans.
- The process and method for selecting an inmate to participate in the program, including any initial screening process, the criteria used in the risk assessment, and any prioritization of placement.
- Any changes in law that are necessary to implement the program.

The department is required to submit a status report and proposed budget request to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 2012. The report must document the number of inmates that are intended to be served in Fiscal Year 2013-2014 and the funding needed to implement the plan.

**Sections 2 and 3** of the bill amend s. 945.091, F.S., and repeal s. 945.0913, F.S., respectively, to remove statutory restrictions on the means by which work release center inmates travel to their jobs, school, or training. As a result, the department will have the flexibility to determine appropriate means of transportation. This is expected to result in increased opportunities for employment because many potential employers are not on public transportation routes or within walking or biking distance of work release centers.

#### **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:**

The bill authorizes the Department of Corrections to develop an operational plan to implement a community reentry program. The bill requires the department to submit a status report and proposed legislative budget request for Fiscal Year 2013-2014 describing the resources needed to implement the program. The report and budget request are due by December 1, 2012. The operational plan must describe the facilities, staff, programming and other resources needed as well as any methods the department would use for selecting inmates to participate in the program. According to the department, there is no fiscal impact for development of the required operational plan, status report and legislative budget request.

**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.)**CS by Criminal Justice on February 16, 2012:**

Requires that the department develop an operational plan for a statewide community reentry program rather than a pilot program limited to the Panhandle area.

**B. Amendments:**

None.