

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 Committee on Criminal Justice

BILL: SB 1032

INTRODUCER: Senate Altman

SUBJECT: Correctional Reentry Treatment Facilities

DATE: March 26, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Pre-meeting
2.			ACJ	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1032 requires the Department of Corrections to create one or more Correctional Reentry Treatment Facilities for minimum custody inmates who are within the last 36 months of imprisonment. The facilities would be targeted to provide reentry-related services to inmates who are serving a sentence for a non-violent third degree felony or a second-degree felony involving the purchase of a controlled substance and who have been determined to need such services in order to reduce the chance that they will return to prison after release. The bill requires the facilities to be operated by providers that have experience in providing substance abuse, behavioral health, educational, vocational, and other transitional services to offenders.

Providers must be selected by competitive solicitation, and priority consideration must be given to Florida non-profit providers with relevant experience.

The bill also requires that an inmate cannot participate in a work release program unless he or she agrees to pay for a voucher to obtain a government-issued photo identification card upon release from prison, as well as paying for any documents that are necessary to obtain the identification card. The department is required to assist the inmate in obtaining a birth certificate, Social Security card, and other necessary documents and to provide them to the inmate upon release.

This bill creates sections 944.0281, 944.0282, 944.0283, 944.0284, 944.0285, 944.0286, 944.0287, 944.0288, and 945.0915 of the Florida Statutes. The bill substantially amends sections 944.02, 944.024, 945.091, and 784.078 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, 24.6 percent of the inmates admitted to prison during Fiscal Year 2011-2012 had been convicted of a drug crime¹ and almost two-thirds of inmates who enter prison for any crime also have a substance abuse problem.² 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. In May 2007, the Department of Corrections 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 reported goal was to bring down the three-year post-release recidivism rate from 32 percent to 20 percent by 2012. The department reports that the three-year post-release recidivism rate for inmates released in 2008 was 27.6 percent.³

Correctional Integrated Needs Assessment System⁴

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

¹ Fla. Dep't of Corrections, *Inmate Admissions*, http://www.dc.state.fl.us/pub/annual/1112/stats/im_admis.html (last visited November 10, 2011).

² 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.

³ Department of Corrections, *Recidivism Rates Over Time*, <http://www.dc.state.fl.us/pub/recidivism/2013.html> (last visited on March 28, 2013).

⁴ Information in this section is based upon the Department of Corrections' Analysis of Senate Bill 1032 (2013) and Analysis of Senate Bill 448 (2012).

characteristics.” As a general rule, the closer an inmate’s RI score is to either end of the range, the less likely the inmate is to benefit from recidivism reduction programs. The department focuses reentry programming on inmates with RI scores of 3 or 4 based on 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.

It is department policy to administer CINAS assessment to an inmate when he or she is received at the initial parent institution unless the inmate has a death sentence or a life sentence. The inmate will not receive another CINAS assessment if his or her forecasted release date is 48 months or less. Otherwise, the policy is to give the inmate a secondary CINAS at 42 months from the forecasted release date. After the inmate’s final assessment, inmates who are targeted for programs are required to meet with the classification officer every 6 months. The stated purpose of these meetings is to monitor the inmate’s progress or enrollment status and for the classification officer to motivate the inmate toward completing programs.

The department reports that the percentage of inmates in each RI score category is currently as follows for the total inmate population and for those who are in minimum custody status:⁵

Recidivism Index Scores for CINAS-Assessed Inmates		
<i>RI Score</i>	<i>Percentage of Assessed Inmates (Total Population)</i>	<i>Percentage of Assessed Inmates (Minimum Custody)</i>
1 (lowest risk)	14%	40%
2 (low risk)	14%	26%
3 (low-medium risk)	14%	17%
4 (medium-high risk)	36%	14%
5 (highest risk)	22%	2%

According to department policy, 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. By policy, 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.

The department reports that it focuses on the following core programs in its reentry programming:⁶

- Faith and Character/Purposeful Living Units Serve
- United States Department of Labor apprenticeships
- Vocational training
- Thinking for a Change

⁵ Department of Corrections 2013 Bill Analysis of Senate Bill 1032, p. 2.

⁶ Department of Corrections Reentry Core programs, <http://www.dc.state.fl.us/reentry/programs.shtml> (last visited on March 26, 2013).

- 100 Hour Transition⁷
- Veteran's units
- Education
- Substance abuse

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, considering other inmate and institutional needs, 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 are charged with helping inmates with housing, employment, and other needs in preparation for release.⁸ There are currently three operational reentry facilities. These are:

- 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)

In addition to the operating programs, three new reentry facilities have been built but never opened due to budget constraints. These are:

- Baker Reentry Facility in Baker County (432 inmates)
- Everglades Reentry Facility in Dade County (432 inmates)
- Gadsden Reentry Facility in Gadsden County (432 inmates)⁹

The operating reentry facilities each 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

⁷ This program is mandated by s. 944.7065, F.S., for inmates who are within 12 months of release.

⁸ 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.

⁹ It is anticipated that Gadsden Reentry Facility will receive funding to begin operations during the next fiscal year. See “Prison officials offer tour of shuttered inmate re-entry center,” March 26, 2013, at <http://www.tampabay.com/blogs/the-buzz-florida-politics/prison-officials-offer-tour-of-shuttered-inmate-re-entry-center/2111327> (last visited March 27, 2013).

- 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, faith communities, and community volunteers.

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.¹⁰ 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.

As of June 30, 2012, the department had 20 state-run work release centers with a total population of 1962 inmates, and 13 contracted work release centers with a total of 1558 inmates.¹¹ In December 2012, the department issued a Request for Proposals for operation by private providers of six work release centers that are currently operated by the department. The RFP contemplated that the work release centers would begin transitioning to operation by the selected providers by April 1, 2013, but the RFP process has been temporarily suspended.¹²

Identification Cards and Social Security Cards

Inmates are issued an identification card during the reception process and are required to display it at all times while incarcerated. This serves the department's need to account for each inmate while incarcerated. The inmate may retain the identification card for use when released from prison. However, the inmate identification card has limited usefulness outside the prison setting, carries an inherent stigma, and is not always accepted as identification. Any other identification card that the inmate had when incarcerated, such as a driver's license or social security card, is returned to them upon release. However, many inmates do not bring identification with them when they enter prison, and identification left with someone else is often either lost or expired by the time they are released. Without proper identification and documentation upon release, inmates may be unable to acquire public assistance, legitimate transportation or employment, and housing.¹³

¹⁰ Work release is authorized by s. 945.091, F.S.

¹¹ "Summary of Florida State Correctional Facilities," <http://www.dc.state.fl.us/pub/annual/1112/facil.html> (last visited on March 27, 2012).

¹² The RFP and additional information are available at http://myflorida.com/apps/vbs/vbs_ad.view_ad?advertisement_key_num=105925 (last visited on March 28, 2013).

¹³ See Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Department of Corrections Should Maximize Use of Best Practice in Inmate Rehabilitation Efforts*, Report No. 09-44 (December 2009), pages 5-6.

Section 322.051, F.S., provides for issuance of an official state identification card by the Department of Highway Safety and Motor Vehicles (DHSMV). Issuance of a state identification card requires presentation of documentation that is sufficient to prove the applicant's identity in accordance with the state statute and the federal REAL ID Act. Many released inmates do not have this required documentation, and very few have it available while they are incarcerated.

The department reports that it works in cooperation with DHSMV and the Department of Health's Bureau of Vital Statistics to obtain identification cards for inmates prior to release.¹⁴ The department obtains birth certificates from the Department of Health and works with DHSMV for dispatch of the FLOWmobile (Florida Licensing On Wheels vehicle) to department facilities. In 2011 and 2012, a total of 30 visits were made, with 1100 identification cards issued to inmates.¹⁵

In addition to its efforts to obtain identification cards, the department has a Memorandum of Understanding with the Social Security Administration to expedite the process for inmates to obtain replacement Social Security cards.¹⁶

The inmate must pay \$9 to obtain a Florida birth certificate and \$25 to obtain an identification card. The cost and difficulty of obtaining an out-of-state birth certificate varies from state to state.

III. Effect of Proposed Changes:

The bill, called the "Correctional Reentry Treatment Act," requires the Department of Corrections to establish one or more minimum custody correctional reentry treatment facilities (CRTF), subject to appropriations. The facilities would be operated by providers with experience in providing substance abuse, behavioral health, educational, vocational, and other transitional services to offenders. The provider must be selected by competitive procurement, with preference given to Florida-based non-profit organizations that have direct experience in Florida in providing the above services as well as work release services. The bill provides that the private provider operating the CRTF may subcontract with the department, educational institutions, government entities, or other providers for security, educational, vocational, and other professional services.

The sentencing court can recommend that an offender be placed in the CRTF. In doing so, the court must consider the original charge and any information provided by the arresting law enforcement agency, defense counsel, or the prosecutor. The bill requires the department to provide the court with information about current and projected availability of beds in the CRTF if requested. The department can place an offender who does not have a recommendation from the court in the program if there are vacancies after admission of any eligible offenders who are recommended by the court.

¹⁴ Department of Corrections Analysis of Senate Bill 1032 (2013), p. 9.

¹⁵ House of Representatives Staff Analysis of PCB JDC 13-01 (now HB 7121), p. 3.

¹⁶ Department of Corrections Analysis of Senate Bill 2616 (2009), p. 3.

In order to be eligible to participate in the program, the department must determine that the offender needs services provided by the CRTF and can appropriately be classified as minimum custody. In addition, the inmate must meet the following objective criteria:

- Committed for a nonviolent third-degree felony or a second-degree felony involving the purchase of a controlled substance
- Not the subject of an active domestic violence injunction
- Never convicted of any of the following Florida offenses (or a substantially similar offense in another jurisdiction):
 - A forcible felony as defined in s. 776.08, F.S.¹⁷
 - An offense listed in the definition of “prison releasee reoffender” in s. 775.082(9)(a)1., F.S., regardless of whether the inmate had been previously imprisoned¹⁸
 - An offense listed in ch. 847, F.S., involving a minor or a depiction of a minor
 - An offense described in ch. 827, F.S.¹⁹
 - An offense described in ss. 784.07, 784.074, 784.075, 784.076, 784.08, 784.083, or 784.085, F.S., (all of which are within the definition of a forcible felony)
 - An offense involving the possession or use of a firearm or other weapon
 - A capital, first, or second degree felony except a second degree felony involving the purchase of a controlled substance
 - An offense that requires registration as a sexual offender pursuant to s. 943.0435, F.S.²⁰

The bill expresses legislative intent that offenders who are sentenced for a drug-related offense or whose substance abuse was a factor in committing the offense be given priority for placement in the CRTF over other eligible inmates.

The following services must be offered at a CRTF:

- Assessments concerning psychosocial, educational, vocational, employability, social skills, and behavioral needs

¹⁷ The offenses included within the definition of “forcible felony” are treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

¹⁸ The offenses that are listed in s. 775.082(9)(a)1., F.S., and that are not also a forcible felony are: committing a felony while carrying a concealed weapon (s. 790.07, F.S.); lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age (s. 800.04, F.S.); child abuse or neglect (s. 827.03, F.S.); sexual performance by a child (s. 827.071, F.S.); and lewd and lascivious exhibition by computer transmission (s. 847.0135, F.S.).

¹⁹ The offenses in ch. 827, F.S., that are not disqualifying under a previous item are contributing to the delinquency or dependency of a child (s. 827.04, F.S.), non-support of dependents (s. 827.06, F.S.), and misuse of child support money (s. 827.08, F.S.).

²⁰ The offenses that require registration as a sexual offender and that are not disqualifying under a previous item are: luring and enticing a child (s. 787.025, F.S.); unlawful sexual activity with certain minors (s. 794.05, F.S.); procuring person under the age of 18 for the purposes of prostitution (s. 796.03, F.S.); selling or buying of minors into sex trafficking or prostitution (s. 796.035, F.S.); lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person (s. 825.1025, F.S.); and sexual misconduct by a Department of Juvenile Justice employee or provider with a juvenile offender (s. 985.701, F.S.).

- Expedited intake and classification by department staff for offenders who are court-recommended for participation in order to verify that the offender meets eligibility requirements and to assess the appropriateness of placement in the CRTF
- Individual service and treatment plans
- Educational instruction
- Behavioral health services
- Vocational and prevocational training
- Behavioral services including victim awareness, anger management, and criminal thinking remediation
- Basic life skills training
- Transitional services and development of skills necessary for successful reentry

The bill provides for administrative matters relating to the CRTFs including:

- Criteria for removing an offender from the CRTF.
- A requirement to maintain a waiting list if the availability of beds exceeds demand. The waiting list must give first priority to offenders whose placement is recommended by the court, with additional priority categories established by the department. The waiting list must include information concerning the offender's need for services and other descriptive items, and must be available upon request to courts and CRTF providers that are under contract with the department.
- A requirement that the department's annual recidivism report include information concerning recidivism rates of offenders who are released from a CRTF.

Identification Cards

Separate from the provisions concerning CRTFs, the bill provides that an inmate cannot participate in a work release program unless he or she agrees to use employment proceeds to pay the cost of a voucher to obtain a government-issued photo identification card after release and also to pay for any documents that are required to obtain the card. If necessary, the department must assist the inmate in obtaining a birth certificate, a Social Security card, and any other required documents. These documents and the voucher purchased by the inmate must be given to the inmate upon release along with detailed instruction about how to obtain an identification card.

Battery on Facility Employee

Section 14 of the bill amends s. 784.078, F.S., with the intent of adding employees of a CRTF to those who are protected by the prohibition against battery on a facility employee by throwing, tossing, or expelling certain fluids or materials.

Other Potential Implications:

In its analysis, the department expressed concern that restricting placement in the CRTF to minimum custody inmates would exclude the majority of inmates who are identified by CINAS as being most likely to benefit from reentry services in terms of reduction of recidivism.²¹

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:

Private providers who contract with the department to operate a CRTF, or who subcontract with the private operator, would benefit from funds received for their services.

C. Government Sector Impact:

The fiscal impact upon the Department of Corrections depends upon the extent to which the CRTF either replaces existing programs and operations or adds to them.

VI. Technical Deficiencies:

Section 14 of the bill does not substantively change existing law. It is recommended that the new s. 944.02(2), F.S., be added to s. 784.078, F.S., in order to include offenses against CRTF employees within the prohibition against battery on a facility employee by throwing, tossing, or expelling certain fluids or materials.

VII. Related Issues:

None.

²¹ Department of Corrections Analysis of Senate Bill 1032 (2013), pp. 2-4.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
