

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 1638

INTRODUCER: Criminal Justice Committee

SUBJECT: Community Reentry Programs

DATE: April 7, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon		CJ SPB 7030 as Introduced
2.	Clodfelter	Sadberry	ACJ	Favorable
3.			AP	

I. Summary:

SB 1638 requires the Department of Corrections (department) to develop an operational plan to implement a vocational work-release pilot program in Santa Rosa, Escambia, Walton, and Okaloosa counties. The bill requires inmates who are within 36 months of their release date be considered for participation in the program based upon a risk assessment.

The bill does not have a fiscal impact. The department did not identify any costs to develop the plan, and the bill does not authorize implementation of the plan that is developed.

II. Present Situation:

Community Work Release

The statutory authority for the Department of Corrections to offer a work release program is found in s. 945.091, F.S., entitled "Extension of the limits of confinement; restitution by employed inmates." Section 945.091(1)(b), F.S., authorizes the department to adopt rules permitting extension of the limits of confinement to allow an inmate to leave the confines of the facility unaccompanied by a custodial agent for a proscribed period of time to:

- Work at paid employment;
- Participate in an education or training program; or
- Voluntarily serve a public or nonprofit agency or faith-based service group in the community.

An inmate may participate in paid employment only during the last 36 months of confinement unless requested sooner by the Parole Commission or the Control Release Authority.¹ Inmates may also apply for placement at a contracted substance abuse transition housing program while

¹ s. 945.091(1)(b)1., F.S. The members of the Parole Commission acts as the Control Release Authority.

working at paid employment and residing at a facility. An inmate may also request placement in a faith-based substance abuse transition housing program after the transition specialist consults with the chaplain prior to such placement.²

Community Release Programs

There are several categories of community release programs:

- Center Work Assignment (CWA) – an inmate is assigned to a work release center to serve in a support capacity.
- Community Release Program – a program allowing inmates to work at paid employment or a center work assignment or to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a work release center, contract community work release facility, or other contract community facility.
- Community Work Release (CWR) – a community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.
- Community Study Release – allows inmates to attend an education or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.
- Community Volunteer Service – allows inmates housed at a work release center or contract facility to voluntarily work with a governmental or nonprofit agency in the community³.

Within the four northwest Florida counties affected by the bill, the department reports that 1,450 inmates were admitted and 1,380 were released during Fiscal Year 2012-2013. The department reports this group of inmates could reasonably be assumed to have ties to the geographical area. According to the department, an independent review of each case would be required to determine eligibility for the program in order to eliminate duplication between admissions and releases.

Fiscal Year 2012-2013 Admissions & Releases for Counties included in Proposed Vocational Work Release Program		
County	Admissions⁴	Releases⁵
Santa Rosa	217	219
Escambia	785	793
Walton	95	79
Okaloosa	353	289
Total	1,450	1,380

Based upon the January 31, 2014 status file, the following information from the department’s Bureau of Research and Data Analysis reflects:

² s. 945.091(1)(b)2., F.S.

³ Rule 33-601.602, F.A.C.

⁴ Florida Department of Corrections 2012-2013 Agency Statistics, http://www.dc.state.fl.us/pub/annual/1213/stats/ia_county_commitment.html (last viewed 2/7/14).

⁵ Florida Department of Corrections 2012-2013 Agency Statistics- http://www.dc.state.fl.us/pub/annual/1213/stats/ir_county.html (last viewed 2/7/14).

- 255 inmates (221 male; 34 female) meet the basic criteria required for the proposed program – minimum custody, no murder charges/sex offenses, returning to or convicted out of the four county implementation area, and have between 37 months⁶ and 14 months left to serve on their sentence.
- The number of eligible inmates may be further reduced when considering other required needs.

Eligibility Requirements to Participate in Community Release Programs

To meet the eligibility requirements to participate in a community release program an inmate must:

- Be in community custody in accordance with Rule 33-601.210, F.A.C., or have a recommendation for community custody currently under review.
- Be in department custody for 60 days prior to placement in paid employment.
- For inmates with non-advanceable dates⁷, the inmate must be within:
 - 28 months of his earliest release date for the transition program, or
 - 19 months of his earliest release date for CWA, or
 - 14 months of his earliest release date for CWR.
- For inmates who do not have non-advanceable dates⁸, the inmate must be within:
 - 36 months of his earliest release date for the transition program, or
 - 28 months of his earliest release date for CWA, or
 - 19 months of his earliest release date for CWR.⁹

Ineligibility for Community Release

An inmate is ineligible for a community release program if he or she has:

- A current or prior conviction for a sex offense;
- Been found guilty on any disciplinary report for escape or attempted escape within the last five years;
- A current or prior conviction for escape;
- Been terminated from CWR, CWA, or a transition program for disciplinary reasons during the inmates current commitment;
- Been committed to or incarcerated in a state or federal correctional facility four or more times;
- Been found guilty of any disciplinary report in the 60 days prior to placement;
- Refused to complete or has an unsatisfactory removal from a substance abuse program;
- A felony, Immigration and Customs Enforcement, or misdemeanor (for other than child support) warrant or detainer; or
- A misdemeanor detainer for child support.¹⁰

⁶ 37 months based on the method inmates are selected for the transition centers, which is most similar to the program described in the bill.

⁷ An inmate has a “non-advanceable date” if his or her release date is fixed and does not change due to continuous, monthly gain time awards over the entire length of the sentence. *See* Rule 33-602.602(1)(h), F.A.C.

⁸ *Id.*

⁹ Rule 33-601.602(2)(b), F.A.C.

¹⁰ Rule 33-601.602(2)(a), F.A.C.

III. Effect of Proposed Changes:

The bill directs the department to develop an operational plan to implement a vocational work-release pilot program for Fiscal Year 2015-2016 in Santa Rosa, Escambia, Walton, and Okaloosa counties.

The bill requires the program to be designed to provide residential care, custody, control, and on-the-job vocational training or certification to eligible inmates. Vocational training or certification includes housing assistance, money management training, employment assistance, vocational education, life skills training, and substance abuse education or treatment.

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 has the need for on-the-job vocational training.
- 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 upon release from custody.

The operational plan for the program must describe and document:

- Resources needed for the program, including but not limited to specific buildings, grounds, and property that must be obtained for or redesignated as vocational work release facilities;
- Placement of facilities and services in specific areas to maximize the opportunity for inmates to be located near where they plan to live;
- Necessary additional staff or changes to staff qualifications;
- Types of contracts the program intends to use for private providers;
- The security staffing plan;
- The programming plan;
- The proposed budget;
- The process and method for selecting an inmate to participate in the program; and
- Changes in the law which are necessary to implement the program.

The bill requires the department to submit a status report about the program by February 15, 2015, to the Governor, the President of the Senate, and the Speaker of the House. The report must document the projected number of inmates to be served by the pilot program in Fiscal Year 2015-2016 and the funding needed to implement the operational plan.

The bill has an effective date of July 1, 2014.

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 provides for the Department of Corrections to develop a plan that will be considered for implementation in Fiscal Year 2015-2016. The department did not identify any costs associated with developing the plan, and costs of making the plan operational would be incurred in Fiscal Year 2014-2015 and thereafter.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida law.

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

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

None.

B. Amendments:

None.