

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 Appropriations

BILL: CS/CS/SB 154

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice); Criminal Justice Committee; and Senators Thurston and Garcia

SUBJECT: Autism Awareness Training for Law Enforcement Officers

DATE: April 6, 2017

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|-----------------|------------|--------------------------|
| 1. | <u>Erickson</u> | <u>Hrdlicka</u> | <u>CJ</u> | <u>Fav/CS</u> |
| 2. | <u>Crosier</u> | <u>Hendon</u> | <u>CF</u> | <u>Favorable</u> |
| 3. | <u>McAuliffe</u> | <u>Sadberry</u> | <u>ACJ</u> | <u>Recommend: Fav/CS</u> |
| 4. | <u>McAuliffe</u> | <u>Hansen</u> | <u>AP</u> | <u>Fav/CS</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 154 requires the Florida Department of Law Enforcement (FDLE) to establish continued employment training relating to autism spectrum disorder (ASD). Instruction must include, but is not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

The FDLE is currently developing a course that will address the symptoms of ASD, how to respond to it, and who to call for assistance. This course will be available to all Florida law enforcement officers in the Spring of 2017, and completion of this course may count toward an officer's mandatory retraining credit. The FDLE believes this course should meet the objectives of the bill. The FDLE states the estimated total costs of developing this course (\$10,548) will be covered by current budget resources. Course development is funded by the Criminal Justice Standards and Training Trust Fund.

The bill is effective October 1, 2017.

II. Present Situation:

Autism Spectrum Disorder

The Centers for Disease Control (CDC) estimates that one in 68 children have been identified with autism spectrum disorder.¹ The CDC defines “autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. Though there is nothing about how ASD people look that sets them apart from other people, the CDC states that people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The range of abilities of people with ASD can span from gifted to severely challenged.²

Though formerly diagnosed separately, autistic disorder, pervasive developmental disorder, and Asperger syndrome are now included in the diagnosis of ASD.³

The following definitions are codified in Florida law:

- “Autism” is a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.⁴
- “Developmental disability” is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.⁵
- “Autism spectrum disorder” is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:
 - Autistic disorder;
 - Asperger’s syndrome; and
 - Pervasive developmental disorder not otherwise specified.⁶

Interactions between law enforcement and persons with autism can be dangerous. Law enforcement officers may not understand the behaviors of a person with autism and such behaviors can be seen as a threat. Such interactions can lead to tragic results. An article in the Miami Herald July 20, 2016, reported that a caretaker for a man with autism was shot when the

¹ “Autism Spectrum Disorder (ASD), Autism and Developmental Disabilities Monitoring (ADDM) Network,” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/addm.html> (last visited on February 9, 2017). Data is from the Autism and Developmental Disabilities Monitoring Network.

² “Autism Spectrum Disorder (ASD), Facts about ASD,” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/facts.html> (last visited on February 9, 2017).

³ *Id.*

⁴ Section 393.063(5), F.S.

⁵ Section 393.063(12), F.S.

⁶ Sections 627.6686(2)(b) and 641.31098(2)(b), F.S.

autistic patient would not obey police commands. The caretaker recovered but the case highlights the dangers when law enforcement encounters persons with autism.⁷

Law Enforcement Training on Autism Spectrum Disorder

In order to maintain certification as a law enforcement officer, the officer must satisfy the continuing training and education requirements of s. 943.135, F.S., which requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every 4 years. The officer's employing agency⁸ must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC) within the FDLE.⁹

The CJSTC does not currently offer specific post-basic training on ASD. Employing agencies that want to offer ASD training may seek such training directly from vendors, such as CIT International, or from CJSTC-certified training schools (contracting with vendors). CJSTC-certified training schools receive funding each fiscal year to provide post-basic training to officers at no charge.¹⁰ Additionally, ASD training is currently provided in the Crisis intervention Team Training (CIT) program ("Memphis Model"), a law enforcement-based crisis intervention team training program,¹¹ which is facilitated by the Florida Sheriffs Association.¹²

⁷ <http://www.miamiherald.com/news/local/crime/article90905442.html>

⁸ "Employing agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term also includes any private entity which has contracted with the state or county for the operation and maintenance of a nonjuvenile detention facility. Section 943.10(4), F.S.

⁹ The CJSTC is a 19-member commission composed of law enforcement and correctional officers and officials, a state and county correctional institution administrator, and a state resident. Section 943.11, F.S. Its duties include, but are not limited to, "creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct." "Overview," Florida Department of Law Enforcement, available at <http://www.fdle.state.fl.us/cms/CJSTC/Overview.aspx> (last visited on February 9, 2017), and s. 943.12, F.S. Most of the information in this section of the analysis regarding law enforcement training on ASD is from the 2017 FDLE Legislative Bill Analysis (SB 154), dated December 20, 2017, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). This document is further referenced in this analysis as "FDLE Analysis." This section of the analysis also incorporates additional information provided by the FDLE via phone and e-mail communications (on file with the Senate Committee on Criminal Justice).

¹⁰ Currently, FDLE/CJSTC is providing more than \$5.1 million dollars to the training schools, which equates to \$67 per officer. The training schools are provided quarterly disbursements and provide training that meets local needs in accordance with CJSTC rules.

¹¹ The CIT program ("Memphis Model") is a crisis intervention team training program that was created in Memphis, Tennessee, in the late 1980's to provide "a collaborative approach to safely and effectively address the needs of persons with mental illnesses, link them to appropriate services, and divert them from the criminal justice system if appropriate." Watson, Amy C. and Fulambarker, Anjali J. "The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Practitioners," *Best Pract Ment Health*. 2012 Dec; 8(2): 71. This article is available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3769782/> (last visited on February 9, 2017). The model includes "specialized training for a select group of officers that volunteer to become CIT officers," but also includes "an organizational and community intervention that involves changes in police department procedures as well as collaboration with mental health providers and other community stakeholders." *Id.* "CIT curriculums may also include content on developmental disabilities, older adult issues, trauma and excited delirium." *Id.*

¹² During the 2015 Regular Session, the Attorney General's Office (through the Department of Legal Affairs) was appropriated recurring funding for three fiscal years to contract with the Florida Sheriffs Association to provide this CIT

The topic of ASD is included in two sections of the Florida Law Enforcement Academy basic recruit curriculum:

- Chapter 3 (Interactions in a Diverse Community), Unit 2 (Communicating in a Diverse Society), Lesson 3 (Developmental Disabilities); and
- Chapter 6 (Calls for Service), Unit 6 (Responding to a Person in Crisis), Lesson 2 (Intervention and Referral).

There is no set number of training hours dedicated specifically to autism spectrum disorder. For the purpose of reference, Chapter 3 (Interactions in a Diverse Community) is 40 classroom hours and Chapter 6 (Calls for Service) is 36 classroom hours. Instructors for each of the referenced chapters are given resources such as videos and links to informational websites to aid classroom instruction. An instructor guide is provided to all instructors that, along with the required activities, includes suggested activities. Examples of suggested activities are reviewing websites such as floridaautismcenter.info, florida-card.org, and autismfl.com, reviewing case law, and inviting a guest speaker from the Autism Society or a member of the Exceptional Student Education Program (ESE).

The FDLE's Criminal Justice Professionalism Division¹³ is developing a course that will address the symptoms of ASD, how to respond to persons with ASD, and who to call for assistance in responding to persons with ASD. The course is expected to be available to officers in Spring 2017.

III. Effect of Proposed Changes:

The bill creates s. 943.1727, F.S., to require the FDLE to establish a continued employment training component relating to autism spectrum disorder as defined in s. 627.6686, F.S.¹⁴ Instruction must include, but is not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect on October 1, 2017.

program training statewide. According to the FDLE, if state funding is not appropriated beyond FY 2017-18, ASD training will still be available for Florida law enforcement agencies from vendors and the CJSTC-certified training schools.

¹³ The Criminal Justice Professionalism Division provides staff support to the Criminal Justice Standards & Training Commission (CJSTC), the Florida Medical Examiners Commission, and the Florida Accreditation Office. It is also responsible for the FDLE Criminal Justice Executive Institute, the Bureau of Professional Development, the Florida Alcohol Testing Program, the Florida Drug Abuse Resistance Education (D.A.R.E.) Program, and FDLE member training. "Overview," Florida Department of Law Enforcement, available at <http://www.fdle.state.fl.us/cms/CJSTC/Overview.aspx> (last visited on January 23, 2017).

¹⁴ Section 627.6686(2)(b), F.S., defines "autism spectrum disorder" as any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association: autistic disorder; Asperger's syndrome; and pervasive developmental disorder not otherwise specified.

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:

CS/CS/SB 154 requires the FDLE to establish a continued employment training component relating to autism spectrum disorder. The FDLE is currently developing a course that will address the symptoms of ASD and will be available to all Florida law enforcement officers in the Spring of 2017. The FDLE believes this course should meet the objectives of the bill and the estimated total costs of developing this course (\$10,548) will be paid from the Criminal Justice Standards and Training Trust Fund.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.1727 of the Florida Statutes.

¹⁵ FDLE Analysis and additional information provided by the FDLE via phone and e-mail communications (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on March 22, 2017:

The committee substitute replaces the word “idiosyncrasies” with the word “characteristics” so that instruction on autism spectrum disorder will include instruction on the recognition of the *characteristics* of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such *characteristics*.

CS by Criminal Justice on February 6, 2017:

The Committee Substitute:

- Deletes reference to the term “online” so that continued employment training relating to autism spectrum disorder may be delivered by any appropriate means.
- Defines the term “autism spectrum disorder” by reference to the definition of that term in s. 627.6686, F.S.

- B. **Amendments:**

None.