

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 39 Autism Awareness Training for Law Enforcement Officers

SPONSOR(S): Justice Appropriations Subcommittee and Criminal Justice Subcommittee, Jenne, Stafford and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 154

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------------|----------|--|
| 1) Criminal Justice Subcommittee | 14 Y, 0 N, As CS | Brummett | White |
| 2) Justice Appropriations Subcommittee | 14 Y, 0 N, As CS | Welty | Gusky |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Autism Spectrum Disorder (ASD) is a developmental disorder characterized by repetitive behaviors and difficulties with social interaction and verbal and nonverbal communication. The Centers for Disease Control and Prevention estimates that approximately one in 68 children has ASD. Individuals with ASD are estimated to have up to seven times more contacts with law enforcement agencies during their lifetimes than others.

Currently, individuals seeking law enforcement officer certification receive information relating to ASD in two sections of the *basic* recruit curriculum developed by the Criminal Justice Standards and Training Commission (CJSTC). Law enforcement officers must complete at least 40 hours of continued employment training (CET) every four years, however, the CJSTC does not currently offer specific *post-basic* training on ASD. The Florida Department of Law Enforcement (FDLE) is developing a CET course that will address the symptoms of ASD and how to respond to individuals who exhibit such symptoms and it will be available in Spring 2017.

The committee substitute creates s. 943.1727, F.S., requiring FDLE to establish a CET component relating to ASD. The training 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 such individuals. Completion of the training may count toward a law enforcement officer's required 40 hours of CET under s. 943.135, F.S.

The bill has a fiscal impact of \$10,548, which can be absorbed within the existing resources of the FDLE.

The bill takes effect October 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Autism Spectrum Disorder

Autism Spectrum Disorder (ASD) is a developmental disorder that is characterized, in varying degrees, by repetitive behaviors and difficulties with social interaction and verbal and nonverbal communication.¹ The ASD diagnosis once included Autistic Disorder, Asperger Syndrome, Pervasive Developmental Disorder Not Otherwise Specified, and other disorders; however, in June 2013, all autism disorders were merged into one umbrella diagnosis of ASD when the fifth edition of the Diagnostic and Statistical Manual of Mental Disorder (DSM-5) was published.²

Current Florida law provides the following definitions of terms relating to autism:

- “Autism” is defined as a “pervasive, neurologically based developmentally based 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 non-verbal communication and imaginative ability, and markedly restrictive repertoire of activities and interests.”³
- “Developmental disability” is defined as “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, 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.”⁴
- “Autism spectrum disorder” is defined 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: 1. Autistic disorder. 2. Asperger’s syndrome. 3. Pervasive developmental disorder not otherwise specified.”⁵

The latest analysis from the Centers for Disease Control and Prevention estimates that approximately one in 68 children have been identified with ASD.⁶ This estimate is based on surveys of eight-year-old children living in 11 communities in the United States in 2012.⁷ According to this data, boys are almost 5 times more likely than girls to be identified with ASD and white children are more likely to be identified than black or Hispanic children.⁸

Law Enforcement and ASD

Individuals with ASD are estimated to have up to seven times more contacts with law enforcement agencies during their lifetimes than other individuals. Yet, only 20 percent of patrol responses related to autistic individuals are for criminal activity.⁹ Instead, reports regarding autistic individuals are often made by individuals who are observing a domestic disturbance or suspicious person acting in an unusual manner or requesting assistance with a medical emergency.¹⁰

¹ CENTER FOR DISEASE CONTROL & PREVENTION, *Facts about ASD*, <http://www.cdc.gov/nbcddd/autism/facts.html> (last visited Jan. 26, 2017).

² NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE, *Autism Spectrum Disorder Fact Sheet*, <https://www.ninds.nih.gov/Disorders/Patient-Caregiver-Education/Fact-Sheets/Autism-Spectrum-Disorder-Fact-Sheet> (last visited Jan. 26, 2017).

³ s. 393.063(5), F.S.

⁴ s. 393.063(12), F.S.

⁵ ss. 627.6686(2)(b), F.S. and 641.31098(2)(b), F.S.

⁶ CENTERS FOR DISEASE CONTROL & PREVENTION, *Data and Statistics*, <https://www.cdc.gov/nbcddd/autism/data.html> (last visited Jan. 26, 2017).

⁷ CENTERS FOR DISEASE CONTROL & PREVENTION, *10 Things You Need to Know about CDC’s Latest Report from The Autism and Developmental Disabilities Monitoring Network*, <http://www.cdc.gov/features/dsautismdata/index.html> (last visited Jan. 26, 2017).

⁸ *Id.*

⁹ Pamela Kulbarsh, *Law Enforcement and Autism*, OFFICER.COM (Feb. 15, 2013), <http://www.officer.com/article/10880086/law-enforcement-and-autism> (last visited Jan. 26, 2017).

¹⁰ *Id.*

Law Enforcement Training on Autism Spectrum Disorder

Basic Training

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

- 1) Chapter 3 (Interactions in a Diverse Community- 40 classroom hours), Unit 2 (Communicating in a Diverse Society), Lesson 3 (Developmental Disabilities); and
- 2) Chapter 6 (Calls for Service- 36 classroom hours), Unit 6 (Responding to a Person in Crisis), Lesson 2 (Intervention and Referral).¹¹

Instructors for the courses described above are provided with resources such as videos and links to informational websites to aid classroom instruction. A guide is provided to all instructors that, along with required activities, include suggested activities such as: reviewing websites related to autism, reviewing case law, and inviting a guest speaker from the Autism Society or a member of the Exceptional Student Education Program.¹²

Post-Basic Training

Currently, as a condition of continued employment or appointment, s. 943.135, F.S., requires law enforcement officers to receive at least 40 hours of continued employment training (CET) every four years. Current Florida law requires the department to develop training relating to several topics, such as training for diabetic emergencies¹³, juvenile sexual offender investigations¹⁴, and interpersonal skills relating to diverse populations¹⁵. The employing agency must document that the CET is job-related and consistent with the needs of the employing agency, and report training completion to the Criminal Justice Standards and Training Commission (CJSTC).¹⁶

The CJSTC does not currently offer specific post-basic training on ASD. Agencies wishing to offer training to their officers rely on CJSTC-certified training schools or vendors to provide training on the topic. Training schools may use CJSTC Trust Fund Officer Training Monies to deliver the training. The training topic is provided in the Crisis Intervention Team (CIT) training program (the Memphis Model) that is independently offered through training facilitated by the Florida Sheriffs Association through June 2018.¹⁷

The Criminal Justice Professionalism Division within the Florida Department of Law Enforcement (FDLE) is currently developing a CET course that will address the symptoms of ASD and how to respond to individuals who exhibit such symptoms. The course will be available to all Florida law enforcement officers in the Spring of 2017. Completion of the training may count toward an officer's mandatory CET requirement.¹⁸

Effect of the Bill

The bill creates s. 943.1727, F.S., requiring FDLE to establish a CET component relating to ASD as defined in s. 627.6866, F.S. The training 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 such individuals. Completion of the training component may count toward a law enforcement officer's required 40 hours of instruction for CET under s. 943.135, F.S.

The bill takes effect October 1, 2017.

¹¹ Florida Department of Law Enforcement, Agency Bill Analysis for HB 39 (2017) (on file with the Justice Appropriations Subcommittee).

¹² *Id.*

¹³ s. 943.1726, F.S.

¹⁴ s. 943.17295, F.S.

¹⁵ s. 943.1716, F.S.

¹⁶ Florida Department of Law Enforcement, Agency Bill Analysis for HB 39 (2017) (on file with the Justice Appropriations Subcommittee).

¹⁷ *Id.*

¹⁸ *Id.*

B. SECTION DIRECTORY:

Section 1: Creates s. 943.1727, F.S., requiring FDLE to establish a continued employment training component relating to ASD.

Section 2: Provides an effective date of October 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: This bill does not appear to have any impact on state revenues.
2. Expenditures: The bill requires FDLE to develop continued employment training relating to Autism Spectrum Disorder (ASD). The department estimates the cost of developing the training is \$10,548, which is based on curriculum development workshops and production of training.¹⁹ However, the Criminal Justice Professionalism Division within FDLE is currently developing a course that will address ASD, and the fiscal impact of the bill can be absorbed within existing agency resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: This bill does not appear to have any impact on local government revenues.
2. Expenditures: This bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: None.
2. Other: None.

B. RULE-MAKING AUTHORITY: This bill does not appear to create the need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 8, 2017, the Criminal Justice Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute (CS). The CS differs from the bill as filed in that the CS

¹⁹ Florida Department of Law Enforcement, Agency Bill Analysis for HB 39 (2017) (on file with the Justice Appropriations Subcommittee).

removed the bill's requirements for the CET component relating to Autism Spectrum Disorder to be a minimum of four hours and consist of in-person instruction.

This analysis is drafted to the CS as passed by the Criminal Justice Subcommittee.

On February 22, 2017, the Justice Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute (CS). The CS changed the word "idiosyncrasies" to "characteristics" as it describes a person with ASD.

This analysis is drafted to the CS as passed by the Justice Appropriations Subcommittee.