



TAXATION AND BUDGET REFORM COMMISSION

600 South Calhoun Street, Room 245, Tallahassee, FL 32399-1300

Ph. (850) 921-8905 Suncom 291-8905 Fax (850) 921-0492

Website: www.floridatbrc.org

Governmental Services Committee Report Public Safety and Corrections

SUMMARY

Ensuring public safety for all residents and visitors is one of the highest priorities for the State of Florida. There are many elements involved in safeguarding Florida from threats to public safety.

Law enforcement agencies such as the Florida Department of Law Enforcement (FDLE), Florida Highway Patrol, county Sheriffs' Departments, and local Police Departments are usually the most visible and recognizable components of public safety, but there are many other law enforcement agencies and components involved in protecting Florida's public. The Florida Department of Corrections (DOC) and the Florida Department of Juvenile Justice play integral roles in promoting and maintaining public safety in the state.

Other state agencies have law enforcement divisions, as well. The Department of Agriculture and Consumer Services, Department of Environmental Protection, Department of Business and Professional Regulation, and the Florida Fish and Wildlife Conservation Commission are just a few of the other agencies with active law enforcement components.

Non-law enforcement agencies, such as the Department of Community Affairs,

Division of Emergency Management, Department of Health, and Agency for Health Care Administration play active roles in the state's domestic security operations. These agencies work in cooperation with federal, state, and local law enforcement agencies to protect the public against domestic threats.¹

BACKGROUND

Law enforcement in Florida begins at the local and regional level. County Sheriffs' Departments and local Police Departments are often counted on to be the first line of defense against threats to public safety. Each Sheriff's Department and Police Department operates independently and enjoys a high level of autonomy, giving each department a higher level of budget and operating flexibility than with a centralized system. However, this autonomy can lead to structural problems when there is a lack of effective free-flowing communication and cooperation between departments.

State law enforcement agencies work with local and federal agencies to assist in coordination of mission assignments and to better the communications between departments. This renewed effort to provide better coordination is a

¹ www.fdle.state.fl.us/Domestic_Security, Florida's Domestic Security Strategy.

result of the implementation of the state's strategic plan for domestic security which requires agencies to work together across regions and across the state.

State Law Enforcement Agencies

FDLE is the agency charged with managing the broad task of law enforcement and domestic security across the state in cooperation with other local, state, and federal agencies.² FDLE's stated mission is: *"To promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida's citizens and visitors."*³

In addition to its investigatory responsibilities, FDLE is responsible for the training and oversight of over 90,000 sworn law enforcement officers in the state.⁴ There are 15 state agencies or departments that employ sworn law enforcement officers.⁵ Each of these departments has their own specific uses for their officers, but they all are dedicated to the preservation and protection of Florida's public safety. Since the implementation of the state's Strategic Plan for Domestic Security,⁶ state and local agencies have been required to work more closely together

in order to be eligible for federal homeland security grant funding.

Among the 15 departments with sworn officers, some are not very well known for having law enforcement officers. Some agencies like the Department of Business and Professional Regulation, the Department of Agriculture and Consumer Services, the Department of Transportation, and the Department of Environmental Protection have specialized officers who serve the public by protecting Florida's citizens and visitors from commerce, environmental, and other more obscure crimes. These officers are protecting us, for the most part, without many of us ever knowing they are there.

All state law enforcement officers, in conjunction with local and federal law enforcement officers, work together to implement the State Strategy on Domestic Security under the direction of FDLE and the Department of Community Affairs (DCA). FDLE serves as the liaison for the federal Department of Homeland Security (DHS), while DCA serves as the State Administering Agency for all grant funds distributed to Florida by DHS.⁷

County Sheriff's Departments

There are 67 county Sheriff's Departments in the State of Florida. Each department is headed by a Sheriff, who is elected to 4-year terms (except the Miami-Dade Sheriff, whose title is Director of the Miami-Dade Police Department and who is appointed by the

² Chapter 943, Florida Statutes.

³ http://www.fdle.state.fl.us/about_fdle/general.as.p.

⁴ Presentation by Mark Zadra, FDLE Assistant Commissioner, August 21, 2007.

⁵ www.fdle.state.fl.us/CJST/CJAP/2006/Demographics.

⁶ Presentation by Mark Zadra, FDLE Assistant Commissioner, August 21, 2007.

⁷ 2006 Annual Report on Domestic Security available at www.fdle.state.fl.us/Domestic_Security.

Mayor)⁸, and have county-wide jurisdiction that includes both incorporated and unincorporated areas.

The Sheriff's office is responsible for law enforcement, corrections, and court services within the county. Sheriff's deputies provide law enforcement services within county lines, detention deputies work within the county jail, bailiffs work with local courts to provide security, and court service deputies handle the civil process of serving papers.

The counties of Dade and Duval have both undergone consolidation, so that today the incorporated areas of Miami and Jacksonville are policed by the Miami-Dade Police Department and the Jacksonville-Duval Sheriffs' Department, respectively. Historically, Sheriffs across the state have worked together on law enforcement issues. The Florida Sheriffs Association, founded in 1893, has been a conduit for information sharing and program development for Florida Sheriffs.⁹

Local Police Departments

According to the Florida Police Chiefs' Association, there are approximately 308 local police departments in the state.¹⁰ Not all cities or towns have independent police departments. In fact, in several counties, law enforcement responsibilities are consolidated at the county level.¹¹

Local police agencies have the same law enforcement responsibilities as state and county agencies within the boundaries of their city limits. In addition to municipal police forces, several school districts, community colleges, and universities have sworn police forces to protect the students in their respective school systems.

Department of Corrections

The DOC is the state agency responsible for Florida's state prisons and correctional facilities. As the agency in charge of corrections, the DOC plays a vital role in promoting public safety by influencing and educating inmates about how to re-enter society as law abiding citizens. Its mission is to protect the public safety, to ensure the safety of Department personnel, and to provide proper care and supervision of all offenders under DOC's jurisdiction while assisting, as appropriate, their reentry into society.¹²

The DOC maintains 137 facilities statewide, including 60 prisons, 41 work/forestry camps, one treatment center, 30 work release centers and five road prisons.¹³ Of DOC's more than 27,000 employees, approximately three quarters are either certified correctional officers or probation officers.¹⁴

Community Corrections

One of the more recent developments in the field of corrections is the expanded administration and use of community corrections. According to a 1997 report by the Center of Community

⁸<http://www.flsheriffs.org/index.cfm/referer/content.contentList/ID/320/>.

⁹www.flsheriffs.org.

¹⁰www.fPCA.org Information provided via phone call on November 7, 2007.

¹¹www.flsheriffs.org.

¹²<http://www.dc.state.fl.us/about.html>.

¹³<http://www.dc.state.fl.us/facilities/index.html>.

¹⁴<http://www.dc.state.fl.us/about.html>.

Corrections, community corrections consist of a variety of local, state, or Federal government activities involving the punishment and management of juvenile and adult offenders in controlled environments within the jurisdictions where they live.¹⁵

Community corrections activities engage communities, victims, offenders, and volunteers in local efforts to avert future crime, provide effective correctional treatment, observe offender compliance, punish appropriately, and pay for the harm that has occurred.¹⁶ Community corrections programs rely on a wide range of economic, treatment, restorative, and punishment sanctions. Community correctional partnerships separate the violent from the nonviolent and save limited beds for violent offenders.¹⁷

Faith and Character Based Institutions

The Faith and Character Based Correctional Initiative (FCBI), begun in late 2003, is a bold and innovative effort to reduce recidivism and disciplinary infractions in correctional institutions by offering character-based programming in a positive environment to inmates committed to inner transformation. Without regard to religion, this initiative offers inmates a variety of activities and classes (both religious and secular) focused on personal growth and character development.

Without additional cost to the state, this initiative employs residential clustering

to concentrate program offerings among like-minded inmates, utilizes mentors and provides an open public forum for community volunteers interested in making a difference in inmates' lives. Volunteer programming is rich with positive reinforcement designed to help inmates take well-defined steps toward mature and responsible living. The exciting news is that this young initiative shows promising signs of working as evidenced by substantially lower disciplinary rates.

Department of Juvenile Justice

The Department of Juvenile Justice (DJJ) is the agency responsible for juvenile delinquency issues including: prevention, intervention, probation, commitment, and aftercare. DJJ is not a long-term youth corrections department. Rather, juvenile detention in Florida is a short-term temporary program. Juvenile offenders who require long-term sanctions and rehabilitation are placed into non-residential or residential treatment programs, or (for more serious offenses) may be tried in the courts as adults and interned in an adult facility.

The Community Corrections model is employed by DJJ for a large part of its operations. According to the department's approved manual, supervising and counseling youths in their home communities through diversion and conditional release programs, the probation and community corrections branch is the most community-based program in the agency.¹⁸ The principle programming for this branch includes diversion, court ordered supervision, conditional release,

¹⁵<http://www.communitycorrectionsworks.org/site/ourresources/publications/punishments.pdf>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸<http://www.djj.state.fl.us/manuals/approvedmanuals/probation/rev9-06/Introduction.pdf>.

intensive delinquency diversion, and other probation services.

Probation is an individualized court-ordered program in which the youth is restricted to home or another designated placement in lieu of commitment to the department. Juvenile probation officers supervise youths to ensure compliance with court ordered sanctions, such as restitution, community service, or curfew. They also focus on developing more pro-social behaviors through service interventions with the youth's family, school, and community agencies.¹⁹ Some of these service interventions concentrate on the needs of youth with mental health, substance abuse, sex offender, and developmental disability factors.

Conditional Release includes day treatment and community supervision programs for youth released from residential commitment programs.²⁰

Domestic Security

The State of Florida has led the nation in domestic security planning and response since the days following the attacks on America in 2001. In October 2001, the state adopted a strategic plan which incorporated the actions of federal, state, and local law enforcement and first responders in a regional preparedness and response capacity.²¹

Under the direction of the Governor, FDLE is charged with domestic security

operations for the state.²² FDLE coordinates domestic security planning and operational strategy across all federal, state, and local jurisdictions, and across all disciplines, for the State of Florida. The department works very closely with multiple state and local agencies to assure that a smooth operational plan is reviewed and updated every year.

The Florida domestic security strategy is based on a regional structure that supports all levels in preparation and response. Local and regional teams are trained and equipped using standardized courses, technology, terminology, and equipment so that teams from across the regions and the state can respond across boundaries, if needed.

The state is divided into seven Regional Domestic Security Task Force regions, each of which are fully staffed and equipped to mitigate against, prepare against, and respond to a myriad of terrorist or other domestic security scenarios. There are trained analysts and fusion centers throughout the state that share information on a continuous basis to protect against domestic threats. The state has a very active seaport security program to guard against attacks at its twelve active public seaports, and many trained specialty teams to respond to all types of attack profiles.²³

Florida utilizes an "all-hazards" approach to preparedness and response, so that local and state agencies are trained to follow protocols based on scenarios, but can respond to any type of

¹⁹ Ibid.

²⁰ Ibid.

²¹ Strengthening Domestic Security in Florida: Strategic Plan and Funding Strategy, October 2001. Available at www.fdle.state.fl.us.

²² s. 943.0311, Florida Statutes.

²³ 2006 Annual Report on Domestic Security, www.fdle.state.fl.us/Domestic_Security.

emergency using that training.²⁴ The “all-hazards” approach is used in conformance with the National Response Plan of the Department of Homeland Security.²⁵

The state’s domestic security training efforts paid off in 2004 and 2005 when agencies from across the state were called on to assist in hurricane response activities. Florida was actually put in charge of the six most devastated counties in lower Mississippi after Hurricane Katrina due to the demonstrated capability to work in impossible conditions after the storm season of 2004.

The agreement between Mississippi Governor Haley Barbour and Florida Governor Jeb Bush represented a fine example of the operation of the Emergency Management Assistance Compact (EMAC) that exists between states.²⁶ The mechanism allows states to assist one another without direction from the federal government. Florida’s first responders restored order and provided much needed relief and guidance to the people of Mississippi.

As of 2006, the State of Florida had received \$1,062,252,828 in federal and state funding from specialized grants for domestic security. The funds are available to either local or state governments for specific programs and purposes. Funds are tightly monitored by both the federal and state agencies overseeing the grant programs. Grant

funds have been used in Florida to build protection, preparedness, and response capabilities across the seven domestic security regions.²⁷

The federal funds are awarded annually by various federal agencies based on appropriations by the U.S. Congress. Funds must be used within a certain period for specific, pre-approved purposes, and are not recurring. Funds awarded to Florida have declined each year from a peak allocation in 2002. Funds are now based on risk and need, and Florida’s good work in the past will probably cause the state to continue to receive flat or declining amounts of funding for this effort.

One example of the strategic use of the funds is the creation of an inter-operable communications system that is used in all 67 counties to allow local and state law enforcement and first response agencies to talk across differing technologies. This very important response tool was designed by workgroups within the state domestic security structure and over \$40 million in federal grant funds have been allocated for the completion and maintenance of the system. The system is now used on a daily basis across the state to allow agencies to communicate without having to purchase expensive new radio equipment.²⁸

By purchasing equipment and training opportunities in large volumes and allowing law enforcement and response personnel from across the state to use and train on the same equipment, using the same protocols, the state has created

²⁴ Florida’s Domestic Security Strategy, Appendix One of 2006 Annual Report on Domestic Security.

²⁵ <http://www.dhs.gov/xlibrary/assets/NPRbaseplan.pdf>.

²⁶ Chapter 252, Part III, Florida Statutes.

²⁷ 2006 Annual Report on Domestic Security, www.fdle.state.fl.us/Domestic_Security.

²⁸ Ibid.

a circumstance that allows for officers from one part of the state to stand ready to assist their fellow officers anywhere in the state. The state has adopted this methodology across all disciplines, including hospitals and paramedics in the standardization process. This practice has allowed the state to maximize its grant allocations from the federal government and to provide additional support to local agencies through better purchasing arrangements.

METHODOLOGY

A public meeting held by the Governmental Services Committee of the Taxation and Budget Reform Commission on August 21, 2007 was the primary source of data collection used in creating this committee report.

The committee heard presentations from a panel of speakers including: the Assistant Commissioner of the Florida Department of Law Enforcement, Mark Zadra; Duval County Sheriff, John Rutherford; President of the Florida Sheriffs Association and Sheriff of Baker County, Joey Dobson; First Vice-President of the Florida Police Chiefs Association and Port Orange Police Chief, Gerald Monaghan; Third Vice-President and Gulf Breeze Chief of Police, Peter Paulding; Orlando Police Chief, Mike McCoy; Port Saint Lucie Police Chief, John Skinner; Deputy Chief Financial Officer for the City of Orlando, Ray Elwell; Secretary of the Department of Corrections, James McDonough; and Director of Law Enforcement Relations from the Attorney General's Office, Emery Gainey.

Other sources of information used in the project were: Florida Department of Law Enforcement; Florida Division of Emergency Management; Florida Office of Program Policy Analysis and Government Accountability Reports; Florida Government Accountability Reports; Urban Institute Justice Policy Center's 2007 report on Faith and Character Based Institutions; U.S. Department of Health and Human Services Report – "Rediscovering Compassion: An Evaluation of Kairos Horizon Communities in Prison;" U.S. Department of Health and Human Services Report – "Navigating a New Horizon: Promising Pathways to Prisoner Reintegration;" Florida Department of Corrections Report – "Evidence-Based Practices: Programs That Work in the Florida Department of Corrections;" Department of Juvenile Justice's Approved Manual; and Center of Community Corrections 1997 Final Report.

Meeting minutes, audio recordings, presentations, and documents presented to the committee are available on the web at www.floridatbrc.org.

FINDINGS

Law enforcement is defined as the government activity of keeping the public peace and causing laws to be obeyed.²⁹

State Law Enforcement – Florida Department of Law Enforcement

In a presentation to the Governmental Services Committee, FDLE Assistant Commissioner Mark Zadra identified the

²⁹ <http://dictionary.cambridge.org/>.

following three factors that principally influence law enforcement: Customers, Climate, and the Criminal Element.³⁰

The customers of FDLE are separated into two categories: criminal justice agencies and the public. Both groups of customers have demands which are expected to be met by FDLE. The criminal justice agencies necessitate specialized support and training, human resources, effective interagency communication, and adequate funding levels. The public demands protection and service, effective investigations, access to safety information, and the guarantee of their right to privacy and civil liberties.

The climate in which law enforcement operates is a fundamental concern. Changes in populations through growth, tourism, migration, and immigration are factors which can affect law enforcement. The economy, public policy and legislation, and current events in policing also may impact the climate of law enforcement. Critical infrastructure in ports, theme parks, rail lines, and schools are all points of interest for law enforcement officers.

The types of crimes committed, who is committing the crimes, and where the crimes are committed are components which make up the Criminal Element of law enforcement. The way in which the crimes are committed (technology, street crimes, organized crimes, etc.) also impacts how law enforcement measures the criminal element.

Mr. Zadra's presentation to the Governmental Services Committee

³⁰ Presentation by FDLE Assistant Commissioner Mark Zadra, August 21, 2007.

included data on the standard index crime rate. The data was first collected in 1971 and continues today. The crimes which are indexed for data collection are the following felonies: murder, forcible sex offenses, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. The crime rate is based on the number of indexed crimes divided by the population of the sample. By this method of calculation, the State of Florida is experiencing the lowest crime rate in 36 years.³¹

FDLE is in charge of a wide range of law enforcement activities. The department's long-range program plan (2008-2013) identifies their primary responsibility as preventing, investigating, and solving crimes while protecting Florida's citizens. FDLE offers a range of diverse services to Florida's law enforcement community, criminal justice partners, and citizens. Performance goals and customer surveys have been established and are used to monitor the performance, delivery, and quality of FDLE's services.³²

The department's role in law enforcement is both primary and back-up for other agencies. In addition to its forensic and investigative responsibilities, FDLE acts as a record keeping and administrative agency and as back-up for other federal, state, and local law enforcement agencies. Departments such as the Fish and Wildlife Conservation Commission, the Department of Transportation, the Department of Agriculture and Consumer Services, the Department of

³¹ Ibid.

³² Florida Department of Law Enforcement – Long Range Program Plan FY 2008-2009 through 2012-2013.

Environmental Protection, and several others all rely upon FDLE for assistance.

Advancements in technology are helping to make law enforcement officers more efficient and drastically improving effective communication. Examples of technological improvements include digital fingerprint scanning, dashboard cameras in cruisers, body armor, less-than-lethal weapons (tasers, rubber bullets, pepper spray, etc.), and laptop computers mounted in vehicles. These trends toward technological advancements are expected to continue to increase efficiencies for officers in the future.

Domestic Security

Florida's five Domestic Security focuses include: Preparation, Prevention, Mitigation, Response, and Recovery.³³ The FDLE long-range program plan outlines the expansion of the domestic security activities implemented in order to protect Florida from potential attacks.

Since the 2001 terrorist attacks, the Legislature has expanded FDLE's scope of services to include domestic security. In Fiscal Year 2002-2003, the Legislature appropriated \$2.3 million and 35 positions to the agency for these additional responsibilities.³⁴ Since 2001, federal and state funding for domestic security programs has exceeded \$1 billion.³⁵ These responsibilities are consistent with the agency's mission of detecting, preventing, and solving crime

in partnership with other criminal justice agencies.

Under its expanded mission, the department has worked with local, state, and federal agencies to develop:

- Strategies and plans to deal with potential or actual terrorist acts affecting the state;
- A statewide domestic security information system to collect, analyze, and share intelligence information among federal, state, and local agencies;
- Training and exercises for ensuring that first responders react uniformly to terrorist attacks; and
- Security plans and compliance procedures for securing Florida's critical infrastructure, such as water supply, power grids, phone system, ports, and borders.

Consistent with FDLE's role of protecting against terrorist threats, the 2002 Legislature transferred command of the Capitol Police from the Department of Management Services to FDLE. The role of the Capitol Police has expanded to include officer training in FBI-certified bomb deactivation, explosives disposal, and the use of dogs to detect explosives.³⁶

Domestic security spending has not eroded other law enforcement costs and is now considered part of FDLE's core mission. Forty two percent of FDLE's sworn officers are investigators, some of whom are involved in anti-terror

³³ Presentation by FDLE Assistant Commissioner Mark Zadra, August 21, 2007.

³⁴ House Bill 27-E, 2002 General Appropriations Act.

³⁵ 2006 Annual Report on Domestic Security, FDLE, found at www.fdle.state.fl.us.

³⁶ Florida Department of Law Enforcement – Long Range Program Plan FY 2008-2009 through 2012-2013.

investigations while others are involved in traditional criminal investigations.

Sheriffs Departments

In his presentation to the Governmental Services Committee on August 21, 2007, Duval County Sheriff John Rutherford expressed the need for improvements in infrastructure despite budget reductions. Sheriff Rutherford indicated that these increasing needs are due in part to rapid population growth increases.

Some of the needs Sheriff Rutherford identified are: a new courthouse, new jails, new juvenile assessment centers, and improved technology. He indicated that the inmate population in correctional institutions is growing at higher than expected rates.

The aging of the inmate population is also creating increased medical costs. In 1995, medical costs for inmates were \$2 million. In 2007, medical costs will be \$10 million. Sheriff Rutherford explained that rising energy and fuel costs are also causing an increase in spending. Last year, the Duval County Sheriff's office spent \$1.8 million more than was projected on gasoline and diesel.³⁷

In contrast to FDLE's position, Sheriff Rutherford indicated that after September 11, 2001, Duval County's local law enforcement shifted its focus to anti-terrorism which *does* increase their operational costs. Moreover, Mr. Rutherford suggested that the lack of DNA processing capacity in the State of Florida has reached near-crisis levels.

³⁷ Presentation by Duval County Sheriff John Rutherford to the Governmental Services Committee, August 21, 2001.

He suggested that FDLE should increase forensics spending immediately. There are currently 140 inmates in Jacksonville awaiting trial for murder who are in line for DNA testing.³⁸

In order to compensate for budget shortfalls, Jacksonville is looking into implementing a system of user fees in the county jails. Services like telephone calls, which are currently paid for by the City of Jacksonville, may soon be available only after inmates pay a nominal fee.

Sheriff Rutherford identified the primary sources of funding for the Jacksonville-Duval Sheriff's Department as ad valorem taxes and general revenue sharing. However, because of the budget restraints, the Mayor is seeking a new tax on garbage collection and an electric surcharge fee to help the department sustain record population growth rates while budgets continue to shrink.

When asked if he would support a separate millage just for law enforcement, Sheriff Rutherford responded that a Sheriff's Department's needs go beyond law enforcement. "There is limited capacity for DNA processing, State Attorneys are swamped, courtroom space is limited, and the Department of Juvenile Justice lacks detention facilities. Creating a separate millage for law enforcement would put strain on a system that is overwrought as it is," said Rutherford.³⁹

President of the Florida Sheriffs Association and Baker County Sheriff

³⁸ Ibid.

³⁹ Ibid.

Joey Dobson was another presenter at the August 21, 2007 meeting of the Governmental Services Committee. Sheriff Dobson discussed the issues faced by smaller departments in rural counties.

As Sheriff Dobson explained, “Baker County is one of the smaller departments in the state and faces some different challenges than the departments from counties with larger populations. Baker County has a population of 30,000 residents and a millage rate of 5.5 for the Sheriff’s budget. We have a consolidated law enforcement policy in Baker County. There is no police department; the sheriff’s deputies handle all calls in both incorporated and unincorporated areas of the county. Our funding comes from local taxes and turnover is high because officers leave for more money in larger departments.”⁴⁰

Police Departments

Port Orange Police Chief Gerald Monaghan, who is also the First Vice President of the Police Chiefs’ Association, addressed the committee on August 21, 2007. Chief Monaghan explained that Port Orange has a population of 50,000 and that more people equal more calls for service. He indicated that officer recruitment and planning without revenue will be very difficult.

Chief Monaghan explained that federal revenue streams are diminishing and that regional assistance will shrink as

resources are cut. He noted that while crime rates may be down, actual crime numbers are rising, and that cutting revenues will cause the problem to worsen.

Chief Monaghan emphasized that equipment needs are critical. He also made clear that it is hard to recruit and retain new officers, but that it is even harder for the smaller departments. When asked if his officers have enough protection in the field, Chief Monaghan replied that his force does, but not all agencies do. The Police Chiefs Association is working with FDLE to get grant money to those agencies. He explained that budget cuts may cause less protection for officers.⁴¹

Orlando Chief of Police Mike McCoy was another presenter at the August 21, 2007 meeting. Chief McCoy’s presentation began with a comment on the budget and the criminal justice system as a whole. He indicated that all departments will want more money and that there is never enough.

Chief McCoy suggested looking at the whole system, not just the budgets. He explained that the criminal justice system is overwhelmed, broken and needs to discourage repeat offenders in order to get under control. He added that monetary incentives are needed to keep repeat offenders out of the system.

Chief McCoy went on to suggest that in juvenile cases the system should try to help the children, not just defend them.

⁴⁰ Presentation by President of the Florida Sheriffs Association and Baker County Sheriff, Joey Dobson, Governmental Services Committee meeting, August 21, 2007.

⁴¹ Presentation by Port Orange Police Chief Gerald Monaghan, Governmental Services Committee meeting, August 21, 2007.

He indicated that not enough is done to help them when they are young – we defend them until they are convicted instead of trying to change their wrong behavior as soon as they enter the system. He suggested that we must keep them out of the broken system.

Chief McCoy explained that this treatment amounts to the equivalent of “cruel and unusual punishment” – once someone is in the system, they lose all ability for a meaningful life. He suggested that juvenile offenders who drop out of school could possibly be diverted from criminal activity with job training, and added that too many children are not getting the vocational training that non-college bound students should receive.⁴²

Privacy and Civil Liberties

Assistant Commissioner Mark Zadra of FDLE indicated that privacy has little or no effect on the budgetary process, but from an operational prospective, it is necessary to maintain a balance between “need to know” and privacy. Most privacy and civil liberties issues deal with identity theft, information storage, the Patriot Act, etc. Mr. Zadra suggested that it is important to have privacy policies for public records laws.

Many citizens probably do not have any idea how law enforcement compiles and uses information. The problem is not only about identity theft and hacking, but with inappropriate use of government information. Accountability by government employees is vitally

⁴² Presentation by Orlando Chief of Police, Mike McCoy, Governmental Services Committee meeting, August 21, 2007

important and there are laws in place to protect the public from misuse.⁴³

Law Enforcement Pensions and Retirement

Ray Elwell, Deputy Chief Financial Officer for the City of Orlando, addressed the Governmental Services Committee on the subject of law enforcement officers’ pensions and retirement benefits. Mr. Elwell stated that the greatest challenge is trying to balance new requirements caused by *ad valorem* changes with an increased need for services.

He also indicated that the city bears all of the risk in its pension plan. If markets are down, the city must make up the difference. While normal law enforcement retirement is at 20 years of service, the city negotiates the terms and conditions of retirement policies with the union.⁴⁴

Mr. Elwell explained that all of the officers are represented by the union negotiators whether or not they are paying union members. He indicated that while it may seem retirement after 20 years is quite generous, one has to take into account the type of service and the fact that law enforcement officers have a lower amount of usable years than most careers.

Despite their physically trying careers, retirees must pay their own health

⁴³ Presentation by Mark Zadra, Assistant Commissioner of FDLE, Governmental Services Committee meeting, August 21, 2007.

⁴⁴ Presentation by Ray Elwell, Deputy Chief Financial Officer for the City of Orlando, Governmental Services Committee meeting, August 21, 2007.

benefits unless they have completed the “20 and out” program. Mr. Elwell stated that all law enforcement officers are in a competitive market and suggested that if the city did not offer “20 and out” then they would be out of the competitive market.⁴⁵

Emery Gainey, Director of Law Enforcement Relations from the Attorney General’s Office, addressed the group on the issue of retirement costs for law enforcement personnel. He indicated that while the City of Orlando presentation on costs may be reflective of some city systems, it is important to note that county governments in Florida fall under the state retirement system, and that while sworn officers may retire under the “Special Risk” category at 25 years of service, all non-sworn personnel work for a full 30 years, and once an officer has retired as Special Risk, that officer is not eligible to return as a Special Risk employee. The officer may return to work, but at the regular retirement accrual rate.⁴⁶

Corrections

According to Department of Corrections Secretary James McDonough, the department’s budget is currently \$2.2 billion, with most of the funds directed toward corrections and probation, and \$365 million for health care being absorbed by the prison system.⁴⁷ Secretary McDonough stated that one to

two new prisons are needed each year (under current projections) at a cost of approximately \$100 million per prison. If no changes are made, these costs may rise to \$114.5 million per prison by 2013. He also pointed out that he has no faith in the estimation that operating costs will rise by \$1 million through 2013. He believes these costs will rise at a much higher rate.⁴⁸

The DOC is the largest provider of mental health care in the State of Florida. Secretary McDonough informed the committee that the largest growth sector in prison populations is women, and that approximately 50 percent of incarcerated women are in need of mental health care. When asked why women are the fastest growing cohort, Secretary McDonough replied that changes in culture where women compete in all things may be weakening families’ protections against exposure to more aggressive elements of society.

According to the Secretary, there are two things that feed the growth in prison populations: original entries and recidivism. He indicated that 32 percent of all released inmates return to incarceration within three years. Nearly 36,000 prisoners are released each year, and with a 32 percent recidivism rate, that means 12,000 inmates return to the system within three years (enough to fill two prisons).⁴⁹

Secretary McDonough explained that cost effective investments reducing the return rates of inmates are needed and stated that DOC is working to bring the re-entry rate down to 20 percent through better parole supervision and improved

⁴⁵ Ibid.

⁴⁶ Presentation by Emery Gainey, Director of Law Enforcement Relations from the Attorney General’s Office, Governmental Services Committee meeting, August 21, 2007.

⁴⁷ Presentation by Secretary James McDonough, Secretary of Department of Corrections, to the Governmental Services Committee, August 21, 2007.

⁴⁸ Ibid.

⁴⁹ Ibid.

inmate training. He pointed out that the keys to getting out of the recidivism cycle are: education, substance abuse treatment, vocational education, and the development of life skills and accoutrements.

Secretary McDonough and his staff at DOC have developed four proposals to help lower costs for the department, which are outlined below. The Secretary conceded that he considers the fourth proposal risky and believes it would violate the 85 percent rule.⁵⁰

Proposal 1. Re-Entry Supervision Work Release – This proposal expands existing work release authority to permit temporary housing of inmates at approved residences in the community. It requires these inmates to report weekly to DOC and includes employment verification and drug testing. It also provides additional supervision of inmates at home and in the workplace with the help of probation officers, and may allow overnight furloughs. The savings expected in fiscal year 2007-2008 are \$22 million in operating costs and \$100 million in construction costs. The savings expected in fiscal year 2008-2009 are \$31 million in operating costs and \$4 million in construction costs.⁵¹

Proposal 2. Supervised Re-Entry “Year and a Day” Diversion – This proposal provides DOC with the authority to divert offenders, with an initial state commitment of less than one year, to

temporary housing at approved residences in the community. It requires these inmates to report weekly to DOC and includes employment verification and drug testing. It also provides additional supervision of inmates at home and in the workplace with the help of probation officers. The savings expected in fiscal year 2007-2008 are \$26 million in operating costs and \$164 million in construction costs. The savings expected in fiscal year 2008-2009 are \$141 million in operating costs and \$190 million in construction costs.⁵²

Proposal 3. Periodic Gain Time – This proposal permits DOC to grant up to three separate 90-day gain time awards to inmates. It provides inmates with up to two awards in 2007-2008 and one award in 2008-2009. It also provides adequate community supervision through correlating an increase in probation officers, and can be given and taken away administratively. (57 probationers were convicted of committing murder this year.) The savings expected in fiscal year 2007-2008 are \$39 million in operating costs and \$100 million in construction costs. The savings expected in fiscal year 2008-2009 are \$69 million in operating costs.⁵³

Proposal 4. Control Release – This proposal lowers the control release trigger to 96 percent of capacity. It places control release under DOC control. It also constitutes a back-up plan; not a primary mechanism. (This proposal is not supported by Secretary McDonough because it allows for crowding and automatic release.)⁵⁴

⁵⁰ Section 944.275 (4)(b)3., Florida Statutes.

⁵¹ Presentation by Secretary James McDonough, Secretary of Department of Corrections, to the Governmental Services Committee, August 21, 2007.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

Secretary McDonough indicated that health care costs include third party and private groups, and noted that he uses private health care providers in extreme emergencies. The Secretary added that at times, people are compelled to dial 911 for emergency services and when they do, DOC loses control of the cost situation. Secretary McDonough indicated that he anticipates a 10 percent growth in medical costs and feels that he is wasting tens of millions of dollars on health systems.⁵⁵

Secretary McDonough explained that he is not a “soft sell,” but does believe the State of Florida has gone to the extreme on hard laws and hard time. The reality is that 90 percent of the inmate population will return to the street. Inmates who are able to smoothly transition back into society are much less likely to return to jail or prison. He believes it is better to give them the tools to make their return to society easier, and that by so doing the crime rate can be reduced as it will reduce the rate of recidivism. He suggested this can be done by investing in education, substance abuse treatment, vocational rehabilitation, developing life skills, and expanding alternative ideas such as faith and character based initiatives.

Secretary McDonough indicated that Allison DeFoor, State Coordinator of EarthBalance, has been working on faith and character based initiatives in Florida’s prisons and would be a valuable source of information on the subject.⁵⁶

⁵⁵ Ibid.

⁵⁶ Presentation by James McDonough, Secretary of the Florida Department of Corrections,

Faith and Character Based Initiatives

As noted earlier in this report, the Faith and Character Based Correctional Initiative (FCBI) is a bold and innovative effort to reduce recidivism and disciplinary infractions in correctional institutions by offering character-based programming in a positive environment to inmates. This initiative offers inmates an opportunity to focus on personal growth and character development without additional cost to the state.

Listed below are examples of programs (courses of studies) that focus specifically on strengthening Florida’s families and are provided by secular and religious organizations as well as individual volunteers.⁵⁷

- Life Skills
- Personal Faith
- Family Relationship
- Parenting
- Substance Abuse
- Financial Concepts
- Anger Management
- Interview & Job Skills
- Goal Setting
- Computer Literacy
- Small Business Concepts
- Fatherhood Curriculum
- Family Days
- Reading Family Ties
- Marriage Enrichment
- Women’s Empowerment

Currently, there are three Faith and Character Based Institutions and seven

Governmental Services Committee meeting, August 21, 2007.

⁵⁷ <http://www.dc.state.fl.us/oth/faith/index.html>.

facilities with Faith-Based/Self-Improvement Dorms located in various state Correctional Institutions (CI). Combined, these two programs total 3,564 beds from the following facilities.⁵⁸

- Faith and Character Based Institutions:
 - Lawtey CI
 - Hillsborough CI
 - Wakulla CI
- Faith-Based/Self-Improvement Dorms:
 - Everglades CI
 - Gulf CI
 - Lancaster CI
 - Lowell CI
 - Polk CI
 - Tomoka CI
 - Union CI

Overall recidivism rates in DOC are in the 35 percent range. As return rates are usually reported for a 36-month period after release, recidivism figures for faith and character based programs are still preliminary. However, the DOC monthly reports appear to show positive results. Since March 1, 2006, a total of 493 inmates have been released from Wakulla CI and 30 persons have been returned to incarceration within the department. This is a return rate of 6 percent for 16 months. The current recidivism rate for Lawtey CI is 8 percent, measured from December 24, 2003 to May 31, 2007.⁵⁹

Released in November 2006, the final report of Governor Jeb Bush's Ex-Offender Task Force recommended that faith and character based prisons be

expanded to help create a more positive prison culture.⁶⁰ A front page New York Times article from December 2006 named Florida as the one state in the country that "got it right" with faith-based prison programs and First Amendment church and state issues.⁶¹

The Horizon Communities in Prison-sponsored Faith and Character Based Initiative is clearly endorsed by the executives and administrators of DOC, but perhaps a more revealing fact is that the corrections officers who guard the facilities are very supportive of the program. They often find that the inmates who participate in the FCBI program are easier to deal with and much less likely to cause problems.

DOC offered strong support for program establishment. Prison administrators were interested in the program's promise for increasing prison safety and reducing recidivism, particularly at minimal cost. Prison officials saw the advantage of segregating a relatively low-risk, self-accountable population, thereby freeing up correctional officer time and labor to focus on higher-risk segments of the prison population. While some correctional officers were initially skeptical of allowing inmates to have roles of authority over others, and questioned if inmates were potentially taking advantage of the program to get an "easier time," most officers have witnessed positive program outcomes and have confidence in the program.⁶²

⁵⁸ Ibid.

⁵⁹ <http://horizoncommunities.org/FLORIDA.html>.

⁶⁰ Final Report of Governor's Ex-Offender Task Force, November 2006.

⁶¹ <http://horizoncommunities.org/FLORIDA.html>.

⁶² <http://horizoncommunities.org/images/Horizon3%20-compassion%20.pdf>.

Correctional officers reported that the FCBI dorm at Tomoka CI did not have the same problems that other dorms experienced such as fighting, substance abuse, sexual behavior, and a general disrespect for prison staff. Staff found that the FCBI dorm was easier to work because the inmates police themselves as peers. This self-management resulted in less paperwork and less need for correctional officer involvement in the dorm. In the words of one correctional officer, “having seen the difference compared to the other dorm, this dorm is the smoothest I’ve seen since I’ve been in corrections.”⁶³

The personal transformation and rehabilitation possible at an FCBI was perceived by respondents to lead to many positive outcomes after an inmate’s release. Several staff and volunteers view the spiritual and character development central to the FCBI model as a complement to more concrete educational and vocational skills, and as a necessary foundation for re-entry success. The faith-based programs complement secular life skills programs in that they instill in inmates the desire and the tools to make life choices that prevent them from returning to prison.⁶⁴

The chaplain and other staff members report that they have witnessed the success of the FCBI model in reducing recidivism. While the FCBIs do not employ formal methods for tracking inmates once they are released back into their communities (aside from reentry into the DOC system), the chaplains and some officers keep in contact with

former inmates and many believe that inmates exiting FCBIs have a smoother transition back into the community than those from other facilities.

Indeed, respondents report that at least some share of former inmates keep in contact with the prison, sharing information on how they are doing at home and expressing that what they learned while at the FCBI facility has helped keep them out of prison. Other correctional officers and staff, however, were of the opinion that many of the former inmates who do not recidivate are individuals who were likely to succeed regardless of their FCBI experience.⁶⁵

RECOMMENDATIONS

The Governmental Services Committee, based on information received in public meetings, sponsored three proposals regarding Florida’s Criminal Justice System.

SR0037 – Statutory Recommendation related to Supervised Re-Entry Programs (Tabled by the Governmental Services Committee).

SR0038 – Statutory Recommendation related to Alternative Corrections Programs for Offenders serving less than 1 Year with the Florida Department of Corrections (Tabled by the Planning & Budgetary Processes Committee).

SR0039 – Statutory Recommendation related to Inmate Gain Time (Tabled by the Governmental Services Committee).

⁶³ Ibid.

⁶⁴ http://www.urban.org/UploadedPDF/411561_fcbi_evaluation.pdf.

⁶⁵ Ibid.