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# **Criminal Justice Subcommittee**

**Tuesday November 15<sup>th</sup>, 2011**

**9:00 AM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Gayle Harrell  
Chair**

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

Location: 404 HOB

### Summary:

#### Criminal Justice Subcommittee

Tuesday November 15, 2011 09:00 am

HB 31	Favorable With Committee Substitute Amendment 966719	Adopted Without Objection	Yeas: 11	Nays: 3
HB 329	Favorable With Committee Substitute Amendment 617681	Adopted Without Objection	Yeas: 15	Nays: 0
HB 437	Favorable With Committee Substitute Amendment 682685	Adopted Without Objection	Yeas: 13	Nays: 0
HB 4073	Favorable		Yeas: 15	Nays: 0

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gayle Harrell (Chair)	X		
Dwight Bullard	X		
Daphne Campbell	X		
Jose Diaz	X		
Richard Glorioso	X		
James Grant	X		
John Julien	X		
Charles McBurney	X		
W. Keith Perry	X		
Ray Pilon	X		
Irving Slosberg	X		
Carlos Trujillo	X		
Charles Van Zant	X		
Barbara Watson	X		
Dana Young	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

Location: 404 HOB

### HB 31 : Funerals, Burials, and Memorial Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard		X			
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien		X			
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant			X		
Barbara Watson		X			
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 3</b>			

### HB 31 Amendments

#### Amendment 966719

Adopted Without Objection

### Appearances:

Mixon, Corinne (Lobbyist) - Waive In Support  
Independent Funeral Directors of Florida  
119 East Park Avenue  
Tallahassee FL 32301  
Phone: (850) 222-0198

Pitts, Brian (General Public) - Opponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 31 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

FAVORABLE  
11 | 15 | 11

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Rooney offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 871.015, Florida Statutes, is created to  
8 read:

9 871.015 Unlawful protests.—

10 (1) As used in this section, the term:

11 (a) "Protest activities" means any actions, including  
12 picketing, that are undertaken with the intent to interrupt or  
13 disturb a funeral, burial, or memorial service.

14 (b) "Funeral, burial, or memorial service" means any  
15 service offered or provided in connection with the final  
16 disposition, memorialization, interment, entombment, or  
17 inurnment of human remains or cremated remains.

18 (2) A person may not knowingly engage in protest  
19 activities or knowingly cause protest activities to occur within

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 31 (2012)

Amendment No. 1

20 500 feet of the property line of any residence, cemetery,  
21 funeral home, house of worship, or other location during or  
22 within 1 hour before or 1 hour after the conducting of a  
23 funeral, burial, or memorial service at that place.

24 (3) A person who violates this section commits a  
25 misdemeanor of the first degree, punishable as provided in s.  
26 775.082 or s. 775.083.

27 Section 2. This act shall take effect October 1, 2012.

30 -----  
31 **T I T L E A M E N D M E N T**

32 Remove the entire title and insert:

33 An act relating to protest activities; creating s. 871.015,  
34 Florida Statutes; providing definitions; prohibiting engaging in  
35 protest activities within a specified distance of the property  
36 line of the location of a funeral, burial, or memorial service;  
37 providing criminal penalties; providing an effective date.

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

Location: 404 HOB

### HB 329 : Parole Interview Dates for Certain Inmates

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### HB 329 Amendments

#### Amendment 617681

Adopted Without Objection

### Appearances:

Pate, Tena (Lobbyist) (State Employee) - Proponent  
Florida Parole Commission  
4070 Esplanade Way  
Tallahassee FL undefined  
Phone: (850) 921-2816

Pitts, Brian (General Public) - Opponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: (727) 897-9291

Kopczynski, Kenneth (Lobbyist) - Waive In Support  
Florida Police Benevolent Association, Inc  
300 E Brevard St  
Tallahassee FL 32301  
Phone: (850) 222-3329

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM

## **COMMITTEE MEETING REPORT**

### **Criminal Justice Subcommittee**

**11/15/2011 9:00:00AM**

**Location:** 404 HOB

Messersmith, Frank (Lobbyist) - Waive In Support

Florida Sheriffs Association

2901 Lake Bradford Rd

Tallahassee FL 32310

Phone: (850) 576-5858

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 329 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

FAVORABLE  
11/15/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Trujillo offered the following:

**Amendment (with title amendment)**

Remove lines 77-81 and insert:

7 (b) For any inmate convicted of murder; ~~7~~ attempted  
 8 murder; ~~7~~ sexual battery; ~~7~~ ~~or~~ attempted sexual battery; ~~7~~  
 9 kidnapping; or robbery, burglary of a dwelling, or burglary of a  
 10 structure or conveyance in which a human being is present and a  
 11 sexual act is completed or attempted; or any inmate who has been  
 12 sentenced to

-----  
**T I T L E A M E N D M E N T**

Remove line 8 and insert:

19 kidnapping, or robbery, burglary of a dwelling, or

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

Location: 404 HOB

### HB 437 : Protection of Minors

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant			X		
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant			X		
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### HB 437 Amendments

#### Amendment 682685

Adopted Without Objection

### Appearances:

Fay, Andrew (Lobbyist) (State Employee) - Waive In Support  
Attorney General's Office  
PL 01 The Capitol  
Tallahassee FL 32301  
Phone: (850) 245-0187

Pitts, Brian (General Public) - Opponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: (727) 897-9291

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 437 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                    — (Y/N)  
ADOPTED AS AMENDED                   — (Y/N)  
ADOPTED W/O OBJECTION               — (Y/N)  
FAILED TO ADOPT                       — (Y/N)  
WITHDRAWN                               — (Y/N)  
OTHER                                     \_\_\_\_\_

FAVORABLE  
11/15/11

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Eisnaugle offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 29-179 and insert:

7 Section 2. Paragraph (a) of subsection (4) of section  
8 775.21, Florida Statutes, is amended to read:

9 775.21 The Florida Sexual Predators Act.—

10 (4) SEXUAL PREDATOR CRITERIA.—

11 (a) For a current offense committed on or after October 1,  
12 1993, upon conviction, an offender shall be designated as a  
13 "sexual predator" under subsection (5), and subject to  
14 registration under subsection (6) and community and public  
15 notification under subsection (7) if:

16 1. The felony is:

17 a. A capital, life, or first-degree felony violation, or  
18 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
19 is a minor and the defendant is not the victim's parent or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 437 (2012)

Amendment No. 1

20 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
21 violation of a similar law of another jurisdiction; or

22 b. Any felony violation, or any attempt thereof, of s.  
23 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
24 minor and the defendant is not the victim's parent or guardian;  
25 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
26 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025(2)(b); s.  
27 827.071; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a  
28 violation of a similar law of another jurisdiction, and the  
29 offender has previously been convicted of or found to have  
30 committed, or has pled nolo contendere or guilty to, regardless  
31 of adjudication, any violation of s. 787.01, s. 787.02, or s.  
32 787.025(2)(c), where the victim is a minor and the defendant is  
33 not the victim's parent or guardian; s. 794.011, excluding s.  
34 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
35 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0133; s.  
36 847.0135, excluding s. 847.0135(6); s. 847.0145; or s.  
37 985.701(1); or a violation of a similar law of another  
38 jurisdiction;

39 2. The offender has not received a pardon for any felony  
40 or similar law of another jurisdiction that is necessary for the  
41 operation of this paragraph; and

42 3. A conviction of a felony or similar law of another  
43 jurisdiction necessary to the operation of this paragraph has  
44 not been set aside in any postconviction proceeding.

45 Section 3. Paragraph (a) of subsection (5) of section  
46 827.071, Florida Statutes, is amended to read:

47 827.071 Sexual performance by a child; penalties.—

Amendment No. 1

48 (5)(a) It is unlawful for any person to knowingly possess,  
49 control, or intentionally view a photograph, motion picture,  
50 exhibition, show, representation, image, data, computer  
51 depiction, or other presentation which, in whole or in part, he  
52 or she knows to include any sexual conduct by a child. The  
53 possession, control, or intentional viewing of each such  
54 photograph, motion picture, exhibition, show, image, data,  
55 computer depiction, representation, or presentation is a  
56 separate offense. If such photograph, motion picture,  
57 exhibition, show, representation, image, data, computer  
58 depiction, or other presentation includes sexual conduct by more  
59 than one child, then each such child in each such photograph,  
60 motion picture, exhibition, show, representation, image, data,  
61 computer depiction, or other presentation that is knowingly  
62 possessed, controlled, or intentionally viewed is a separate  
63 offense. A person who violates this subsection commits a felony  
64 of the third degree, punishable as provided in s. 775.082, s.  
65 775.083, or s. 775.084.

66 Section 4. Paragraph (a) of subsection (1) of section  
67 943.0435, Florida Statutes, is amended to read:

68 943.0435 Sexual offenders required to register with the  
69 department; penalty.—

70 (1) As used in this section, the term:

71 (a)1. "Sexual offender" means a person who meets the  
72 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
73 subparagraph c., or sub-subparagraph d., as follows:

74 a.(I) Has been convicted of committing, or attempting,  
75 soliciting, or conspiring to commit, any of the criminal

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Amendment No. 1

76 offenses proscribed in the following statutes in this state or  
77 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
78 or s. 787.025(2)(c), where the victim is a minor and the  
79 defendant is not the victim's parent or guardian; s. 794.011,  
80 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
81 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
82 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
83 847.0145; or s. 985.701(1); or any similar offense committed in  
84 this state which has been redesignated from a former statute  
85 number to one of those listed in this sub-sub-subparagraph; and

86 (II) Has been released on or after October 1, 1997, from  
87 the sanction imposed for any conviction of an offense described  
88 in sub-sub-subparagraph (I). For purposes of sub-sub-  
89 subparagraph (I), a sanction imposed in this state or in any  
90 other jurisdiction includes, but is not limited to, a fine,  
91 probation, community control, parole, conditional release,  
92 control release, or incarceration in a state prison, federal  
93 prison, private correctional facility, or local detention  
94 facility;

95 b. Establishes or maintains a residence in this state and  
96 who has not been designated as a sexual predator by a court of  
97 this state but who has been designated as a sexual predator, as  
98 a sexually violent predator, or by another sexual offender  
99 designation in another state or jurisdiction and was, as a  
100 result of such designation, subjected to registration or  
101 community or public notification, or both, or would be if the  
102 person were a resident of that state or jurisdiction, without

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 437 (2012)

Amendment No. 1

103 regard to whether the person otherwise meets the criteria for  
104 registration as a sexual offender;

105 c. Establishes or maintains a residence in this state who  
106 is in the custody or control of, or under the supervision of,  
107 any other state or jurisdiction as a result of a conviction for  
108 committing, or attempting, soliciting, or conspiring to commit,  
109 any of the criminal offenses proscribed in the following  
110 statutes or similar offense in another jurisdiction: s. 787.01,  
111 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
112 the defendant is not the victim's parent or guardian; s.  
113 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
114 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.  
115 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
116 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense  
117 committed in this state which has been redesignated from a  
118 former statute number to one of those listed in this sub-  
119 subparagraph; or

120 d. On or after July 1, 2007, has been adjudicated  
121 delinquent for committing, or attempting, soliciting, or  
122 conspiring to commit, any of the criminal offenses proscribed in  
123 the following statutes in this state or similar offenses in  
124 another jurisdiction when the juvenile was 14 years of age or  
125 older at the time of the offense:

126 (I) Section 794.011, excluding s. 794.011(10);

127 (II) Section 800.04(4)(b) where the victim is under 12  
128 years of age or where the court finds sexual activity by the use  
129 of force or coercion;

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130 (III) Section 800.04(5)(c)1. where the court finds  
131 molestation involving unclothed genitals; or

132 (IV) Section 800.04(5)(d) where the court finds the use of  
133 force or coercion and unclothed genitals.

134 2. For all qualifying offenses listed in sub-subparagraph  
135 (1)(a)1.d., the court shall make a written finding of the age of  
136 the offender at the time of the offense.

137

138 For each violation of a qualifying offense listed in this  
139 subsection, the court shall make a written finding of the age of  
140 the victim at the time of the offense. For a violation of s.  
141 800.04(4), the court shall additionally make a written finding  
142 indicating that the offense did or did not involve sexual  
143 activity and indicating that the offense did or did not involve  
144 force or coercion. For a violation of s. 800.04(5), the court  
145 shall additionally make a written finding that the offense did  
146 or did not involve unclothed genitals or genital area and that  
147 the offense did or did not involve the use of force or coercion.

148 Section 5. Paragraph (b) of subsection (1) of section  
149 944.606, Florida Statutes, is amended to read:

150 944.606 Sexual offenders; notification upon release.-

151 (1) As used in this section:

152 (b) "Sexual offender" means a person who has been  
153 convicted of committing, or attempting, soliciting, or  
154 conspiring to commit, any of the criminal offenses proscribed in  
155 the following statutes in this state or similar offenses in  
156 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
157 where the victim is a minor and the defendant is not the



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Amendment No. 1

158 victim's parent or guardian; s. 794.011, excluding s.  
159 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
160 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
161 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
162 or s. 985.701(1); or any similar offense committed in this state  
163 which has been redesignated from a former statute number to one  
164 of those listed in this subsection, when the department has  
165 received verified information regarding such conviction; an  
166 offender's computerized criminal history record is not, in and  
167 of itself, verified information.

168 Section 6. Paragraph (a) of subsection (1) of section  
169 944.607, Florida Statutes, is amended to read:

170 944.607 Notification to Department of Law Enforcement of  
171 information on sexual offenders.—

172 (1) As used in this section, the term:

173 (a) "Sexual offender" means a person who is in the custody  
174 or control of, or under the supervision of, the department or is  
175 in the custody of a private correctional facility:

176 1. On or after October 1, 1997, as a result of a  
177 conviction for committing, or attempting, soliciting, or  
178 conspiring to commit, any of the criminal offenses proscribed in  
179 the following statutes in this state or similar offenses in  
180 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
181 where the victim is a minor and the defendant is not the  
182 victim's parent or guardian; s. 794.011, excluding s.  
183 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
184 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
185 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;

Amendment No. 1

186 or s. 985.701(1); or any similar offense committed in this state  
187 which has been redesignated from a former statute number to one  
188 of those listed in this paragraph; or

189 2. Who establishes or maintains a residence in this state  
190 and who has not been designated as a sexual predator by a court  
191 of this state but who has been designated as a sexual predator,  
192 as a sexually violent predator, or by another sexual offender  
193 designation in another state or jurisdiction and was, as a  
194 result of such designation, subjected to registration or  
195 community or public notification, or both, or would be if the  
196 person were a resident of that state or jurisdiction, without  
197 regard as to whether the person otherwise meets the criteria for  
198 registration as a sexual offender.

199 Section 7. Subsection (8) of section 810.145, Florida  
200 Statutes, is amended to read:

201 810.145 Video voyeurism.-  
202  
203  
204  
205

206 -----

207 **T I T L E A M E N D M E N T**

208 Remove lines 4-18 and insert:  
209 person convicted of a second or subsequent violation of  
210 specified video voyeurism provisions to be designated as a  
211 sexual predator; amending s. 827.071, F.S.; providing that if  
212 more than one child is involved in a violation of provisions  
213 prohibiting sexual performance by a child, each child involved

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 437 (2012)

Amendment No. 1

214 in the violation creates a separate offense; amending s.  
215 943.0435, F.S.; requiring a person convicted of specified video  
216 voyeurism provisions to register as a sexual offender; amending  
217 s. 944.606, F.S.; defining the term "sexual offender" to include  
218 persons convicted of specified video voyeurism provisions;  
219 amending s. 944.607, F.S.; defining the term "sexual offender"  
220 to include persons convicted of specified video voyeurism  
221 provisions; amending s. 810.145, F.S.; increasing the  
222 classification of

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

Location: 404 HOB

HB 4073 : Florida Motor Vehicle Theft Prevention Authority

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dwight Bullard	X				
Daphne Campbell	X				
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

Pitts, Brian (General Public) - Information Only  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM

# COMMITTEE MEETING REPORT

## Criminal Justice Subcommittee

11/15/2011 9:00:00AM

**Location:** 404 HOB

### **Presentation/Workshop/Other Business Appearances:**

Department Of Corrections Risk Assessment Instruments

Lukis, Vicki - Information Only

Former Chairman Governor Bush's Ex-offender Task Force, TaxWatch Center for Smart Justice

836 Madrid St

Coral Gables FL 33134

Phone: (305) 216-7794

Department Of Corrections Risk Assessment Instruments

McLaughlin, Rusty (State Employee) - Information Only

Bureau Chief-Classification, Department of Corrections

Phone: (850) 717-3558

Department Of Corrections Risk Assessment Instruments

Locke, Bradford (State Employee) - Information Only

Correctional Program Administrator, Department of Corrections

501 S Calhoun Street

Tallahassee FL 32344

Phone: (850) 717-3556

Department Of Corrections Risk Assessment Instruments

Fontaine, Mark (Lobbyist) - Information Only

Executive Director, Florida Alcohol & Drug Abuse Association, Inc

2868 Mahan Dr Ste 1

Tallahassee FL 32308

Phone: (850) 878-2196

Risk Assessment Instruments

Petrila, John (State Employee) - Information Only

Professor & Director, USF-Criminal Justice, Mental Health & Substance Abuse Technical Assist. Center

13301 Bruce B. Downs Blvd.

Tampa FL 33612

Phone: (813) 974-9301

Risk Assessment Instruments

Flynn, Mark (Lobbyist) - Information Only

Executive Director, Associated Industries of Florida - Smart Justice Council

516 North Adams St

Tallahassee FL 32303

Phone: (850) 224-1109

Committee meeting was reported out: Tuesday, November 15, 2011 2:44:29PM

Florida Department of Corrections  
SECRETARY KENNETH S. TUCKER

# Risk Assessments


Internal & External Risk Systems



## External vs. Internal Risk


- External Classification<sup>1</sup>:
  - Determines a prisoner's custody classification and facility assignment
    - CARS      Custody              *(security risk)*
    - IAPS      Facility Profile            *(security risk)*
- Internal Classification<sup>1</sup>:
  - Determines dorm/bunk housing, work assignments and programs/services
    - IRMS      Internal Mgt            *(security risk)*
    - CINAS    Programs                *(risk to recidivate)*

<sup>1</sup> National Institute of Corrections, 2004. *Objective Prison Classification: A Guide for Correctional Agencies*. Washington, D.C. Department of Justice, National Institute of Corrections.



## External Classification

- Custody Assessment & Reclassification System (CARS)
  - 5 Custody Levels
    - Maximum (Sentence of Death)
    - Close
    - Medium (Work Camp Review)
    - Minimum (Outside Assignment Review)
    - Community (Work Release Review)
  - Validated by National Institute of Corrections in January 2002
  - Currently seeking revalidation through FSU



## External Classification

- Integrated Assessment & Placement System (IAPS)
  - Facility vs. Inmate Profile
  - Based on factors such as:
    - Past convictions (murder/sex offenses/kidnapping)
    - Medical/Mental Health Needs
    - Integrates Internal/External Factors
    - Time left to serve
  - Internal assessment system



## Internal Classification


- Inmate Risk Management System (IRMS)
  - New system initiated in March 2010
  - Internal Management tool
    - Housing
    - Work assignments
  - Integrates External Factors
    - Custody
    - Outside Influences
  - Inmate Progress Review tool
    - Time driven (every 12 months)
    - Event driven (reception/transfers/incidents)



## Internal Classification

- Corrections Integrated Needs Assessment System (CINAS):
  - Fully automated inmate needs system designed through recidivism research and evidence based practices
  - Identifies an inmate's risk of returning to prison
  - Identifies what type of core programs an inmate should be given to reduce that risk
  - Identifies an inmate's criminogenic factors related to his/her risk of reoffending
  - Tracks an inmate's progress through identified programs
  - Seeking validation through Florida State University





## CINAS Research

Risk-Needs-Responsivity (RNR) Model

Offender recidivism can be reduced if the level of treatment services provided is proportional to the offender's risk to recidivate.



“No” on #6 in QS-4

Prior Other Violent Convictions

Prior Prison

“Yes” on #6 in QS-4

Prior Property Crimes

Prior Weapons Convictions

Prior Drug Convictions

TABE Battery

Prior Burglary Convictions

Psych Grade

“No” on #5 is QS-4

Ethnicity

“No” on #3 in QS-5

Overall QS-2 Score >4

Prior Sex Convictions

“Yes” on #5 in QS-4

Overall QS-1 Score >4

IM08 Score

Prior Robbery Convictions

Overall QS-1 Score <2

“No” on #1 in QS-4

Overall QS-6 Score <3

Time Served to Date

Low Custody

“4 or More” on #7 is QS-4

Disciplinary Reports

“Yes” on #2 in QS-4

“Yes” on #3 in QS-5

Gender

TVSS Score

Overall QS-2 Score <2

Supervision to Follow

Current High Custody

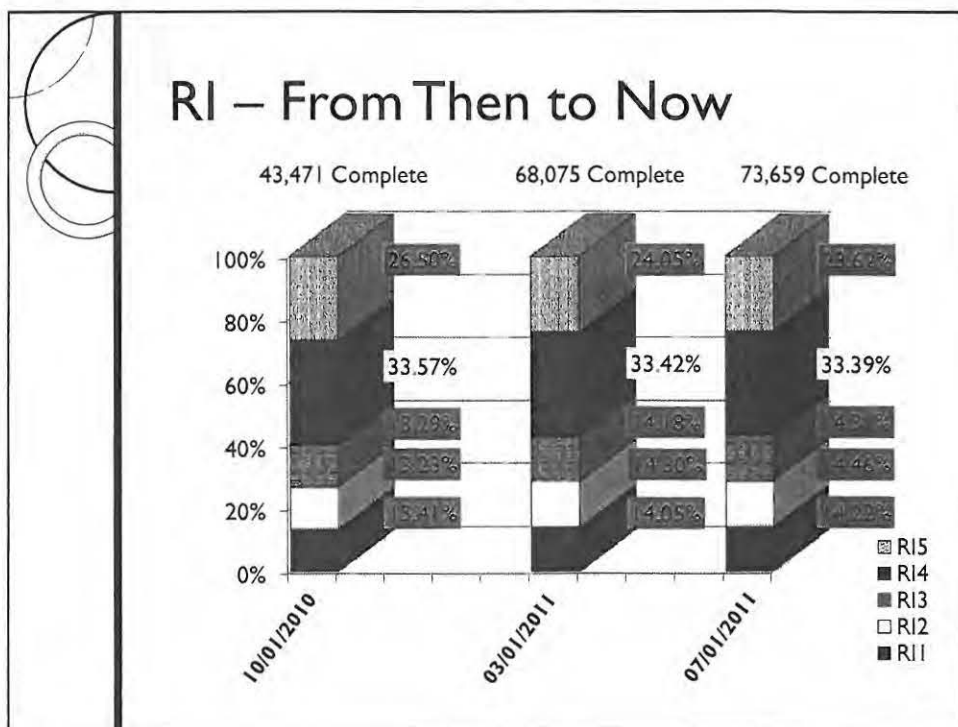
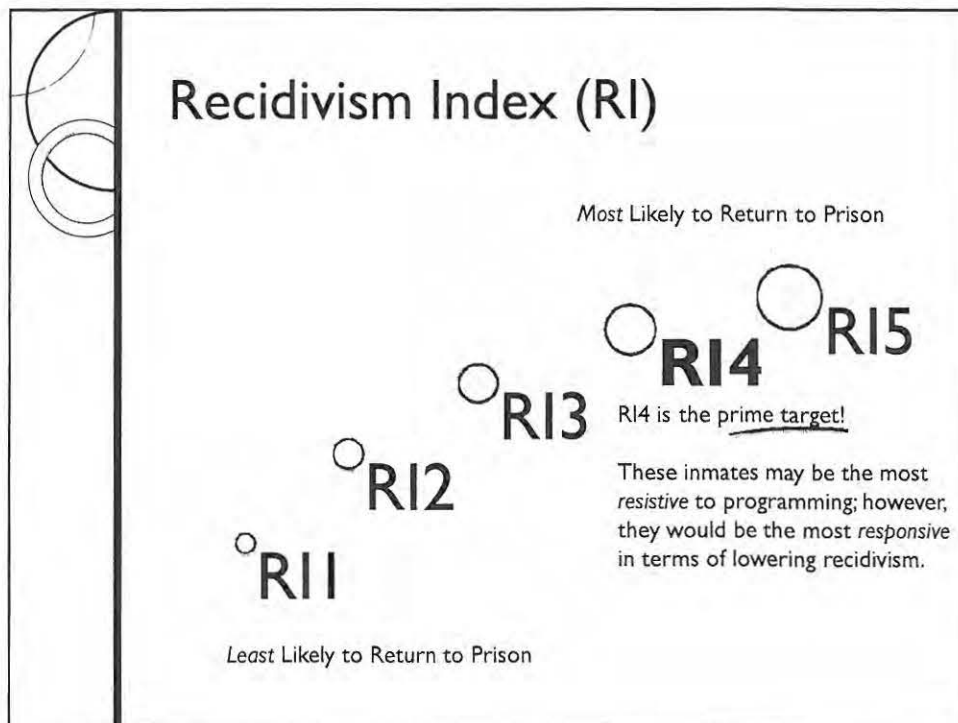
Age


“No” on #1 in QS-4



### Recidivism Index








## CINAS & Resources

There are about **12,283** core program assignments at any given time statewide



## CINAS & Resources

There are approximately **54,000** inmates within 3 years of release at any given time

## CINAS & Resources

All things being equal, 33% of the 54,000 inmates are RI4 which is about **17,820**

## CINAS & Resources



# CINAS Program Targeting

Core Programs



Cognitive Skills Programs

# Core Programs

Academic Educational	Vocational	Substance Abuse
=====	=====	=====

# Cognitive Programs

## Criminogenic Needs



- Anti-Social Personality
- Criminal Associates
- Substance Abuse
- Family/Marital
- Leisure/Recreation
- Criminal Thinking/Attitude
- Employment/School

# CINAS Schedule

**First Assessment**

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- First permanent facility after reception
- **Establishes RI Baseline**

**Second Assessment**

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- 42 months from the inmate's Forecasted Release Date
- Unless received with <=48 Months to serve
- **Establishes Program RI**

**Third Assessment (if required)**

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- The program RI was not a 4
- RI factors have changed that show the current RI score is a 4

**Program Participation Review**

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- Every 6 months after the program RI is established
- Only if targeted for programs and until programs are satisfied

**Transition Program Review**

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- Only if not targeted for programs
- One time review conducted 6 months prior to release

## Future Goals...

- System/RI algorithm modifications as needed based on continuous data collecting and analysis
- Enhanced case management plan development
- Validation

Thank you...



- **What is CINAS?** The Department's evidence-based needs assessment and risk to recidivate system.
- **CINAS is evidence-based.** Considerable research reveals that programs targeting offenders who are at a higher risk to recidivate are more effective in reducing recidivism than those that do not.<sup>i</sup> Widely accepted evidence-based practice suggests that agencies prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend. The Risk-Needs-Responsivity Principle (RNR) refers to predicting which inmates have a higher probability of recidivating, and treating the criminogenic needs of those higher risk inmates with appropriate programming and services based on their level of need<sup>ii</sup>. Criminogenic needs are those factors that are associated with recidivism that can be changed (e.g. lack of education, substance abuse, criminal thinking, lack of marketable job skills, etc.). Offenders are not higher risk because they have a particular risk factor, but, rather, because they have multiple risk factors. Accordingly, a range of services and interventions should be provided that target the specific crime producing needs of offenders who are higher risk. Consistent findings from a wide variety of recidivism studies show that supervision and treatment resources focused on lower-risk offenders produce little if any positive effect on the rates of subsequent criminal behavior<sup>iii</sup> and can at times increase the risk level of low-risk offenders. Maximum benefit is gained only when intervention resources are directed to moderate- and high-risk offenders. CINAS was developed based on this research.
- **Why did the Department build CINAS rather than obtain an existing risk assessment instrument?** 1) None of the widely accepted risk assessments (COMPAS, LSI-R, ORAS) have been validated in Florida. Risk assessments must be tested on the specific correctional population.<sup>iv</sup> 2) All widely accepted risk assessments have recurring costs associated with them – the Department would have to pay per inmate for use of the assessment, pay to have staff trained on the use of the assessment by a trained administrator, and/or pay server fees, etc. 3) While there were some front-end costs associated with CINAS (programming), once completed CINAS would belong to the Department.
- **What is next for CINAS?** 1) *Static/Dynamic Weights*. Like with anything, CINAS is consistently evolving through updated information and learning. In 2011, the Department updated its recidivism study<sup>v</sup> and from information gained in this study, the Bureau of Research and Data Analysis is adjusting the weighting of the static and dynamic factors in CINAS. This adjustment is slated to be completed in December 2011. 2) *Validation*. CINAS needs to be reviewed for inter-reliability and validated as a risk assessment. Proper validation takes time (usually about 12 months and requires 2-3 years of data) and must be conducted by an outside, independent reviewer.<sup>vi</sup> CINAS went live in March 2010, meaning the Department currently has about a year and a half of data as of November 2011.

<sup>i</sup> Andrews, D.A., Bonta, J., and J.S. Wormith (2006) The Recent Past and Near Future of Risk and/or Need Assessment. *Crime & Delinquency* 52:1

<sup>ii</sup> Taxman, F.S. & M Thanner (2006) Risk, Need, and Responsivity (RNR): It all depends. *Crime & Delinquency* 52:1

<sup>iii</sup> McGuire, J. (2002). Evidence-based programming today. Paper presented International Community Corrections Association Conference, Boston, MA, November 2002.

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<sup>iv</sup> Austin, J. (2004) The Proper and Improper Use of Risk Assessment in Corrections. *Federal Sentencing Reporter* 16:3.

<sup>v</sup> Florida Department of Corrections. (2011) Bureau of Research and Data Analysis.

<sup>vi</sup> Austin, J. (2004) The Proper and Improper Use of Risk Assessment in Corrections. *Federal Sentencing Reporter* 16:3.



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