



Criminal Justice Subcommittee

December 4, 2012

8:30 AM

404 HOB

Will W. Weatherford
Speaker

Matt Gaetz
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Criminal Justice Subcommittee

Start Date and Time: Tuesday, December 04, 2012 08:30 am
End Date and Time: Tuesday, December 04, 2012 10:00 am
Location: 404 HOB
Duration: 1.50 hrs

Member and Staff Introduction

Overview of Committee Jurisdiction

Agency Overviews:

Florida Department of Law Enforcement
Department of Juvenile Justice
Department of Corrections
Florida Parole Commission

NOTICE FINALIZED on 11/27/2012 16:04 by Jones.Missy



CRIMINAL JUSTICE SUBCOMMITTEE

BRIEFING BOOK

December 2012

Criminal Justice Subcommittee Jurisdiction and Major Policy Areas

The Criminal Justice Subcommittee handles a broad range of issues relating to criminal justice. The subcommittee hears bills relating to substantive criminal offenses (e.g., homicide, assault, battery, kidnapping, sexual battery, arson, burglary, and theft), as well as bills that involve criminal procedure issues, such as the arrest process, bail, pretrial proceedings, court costs, evidence, and sentencing.

In addition, the subcommittee handles legislation relating to the death penalty, specialty courts (e.g., drug court, veterans court, etc.), sexual offenders and predators, gangs, controlled substances, domestic violence, criminal traffic offenses (e.g., DUI), firearms, and weapons.

The subcommittee is usually referred any bill that affects the sentence for a criminal offense. This includes any bill that amends the Criminal Punishment Code or the Offense Severity Ranking Chart (Chapter 921, F.S.), creates prison diversion programs, creates new criminal penalties, or changes the criminal penalty for an existing criminal offense.

Criminal Justice Subcommittee Oversight Agencies and Organizations

The subcommittee has numerous state agencies under its jurisdiction and hears bills that impact these agencies. These agencies include the Florida Department of Law Enforcement (FDLE), the Department of Juvenile Justice (DJJ), the Department of Corrections (DOC), and the Florida Parole Commission (FPC).

Florida Department of Law Enforcement – Chapter 943, F.S.

FDLE's 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. Through its seven Regional Operations Centers and crime laboratories, FDLE delivers investigative, forensic, and information system services to Florida's criminal justice community.

FDLE is structured to deliver services in the following five program areas:

- Executive Direction and Business Support Program;
- Criminal Investigations and Forensic Science Program;
- Florida Capitol Police Program;
- Criminal Justice Information Program; and
- Criminal Justice Professionalism Program.

Legislative Affairs Director: Lynn Dodson
Telephone: 850-410-7001
E-mail: lynndodson@fdle.state.fl.us
Website: <http://www.fdle.state.fl.us>

Florida Department of Juvenile Justice – Chapter 985, F.S.

DJJ's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth. Currently, DJJ is organized in the following five programs areas:

- Administrative Service;
- Prevention and Victim Services;
- Probation and Community Intervention;
- Detention Services; and
- Residential Services.

Legislative Affairs Director: Ana Maria Sanchez
Telephone: 850-410-1097
E-mail: anamaria.sanchez@djj.state.fl.us
Website: <http://www.djj.state.fl.us>

Florida Department of Corrections – Chapters 941, 944, 945, 946, 948, and 958, F.S.

DOC's 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 its jurisdiction while assisting, as appropriate, their reentry into society. DOC is the third largest state prison system in the country with a budget of over \$2 billion, just over 100,000 inmates incarcerated, and approximately 115,000 offenders on active community supervision. Approximately three quarters of DOC's staff of more than 25,000 employees are either certified correctional or probation officers.

DOC is structured to serve the public and inmates in the following program areas:

- Institutions;
- Community Corrections; and
- Re-entry.

Legislative Affairs Director: Will Kendrick

Telephone: 850-488-7436

E-mail: kendrick.will@mail.dc.state.fl.us

Website: <http://www.dc.state.fl.us>

Florida Parole Commission – Chapter 947, F.S.

FPC administers parole, conditional release, conditional medical release, control release, and addiction recovery supervision to all eligible criminal offenders. Additionally, FPC administers the clemency process for the Executive Clemency Board pursuant to the Rules of Executive Clemency.

Legislative Affairs Director: Brian Logan

Telephone: 850-921-2816

E-mail: brianlogan@fpc.state.fl.us

Website: <https://fpc.state.fl.us>

Other Criminal Justice Entities

The subcommittee often works with other criminal justice entities to determine the substantive and fiscal impact of criminal justice-related bills. These entities include:

Florida Prosecuting Attorneys Association

The Florida Prosecuting Attorneys Association (FPAA) is a nonprofit corporation created to serve the needs of prosecutors. FPAA's members are the 20 elected State Attorneys and over 1900 Assistant State Attorneys.

President: Honorable Bill Eddins, State Attorney, 1st Judicial Circuit

Executive Director: John N. Hogenmuller

Telephone: 850-488-3070

<http://www.myfpaa.org>

Florida Public Defender Association

The Florida Public Defender Association (FPDA) provides training, support, and services to the Public Defenders and Assistant Public Defenders of the state of Florida.

President: Honorable Julianne Holt, Public Defender, 13th Judicial Circuit

Executive Director: Sheldon Gusk

Telephone: 850-488-6850

<http://www.flpda.org>

Office of the State Courts Administrator

The Office of the State Courts Administrator (OSCA) oversees the operation of numerous court initiatives and administrative functions. Additionally, OSCA serves as the liaison between the court system and the legislative branch, the executive branch, the auxiliary agencies of the Court, and national court research and planning agencies.

State Courts Administrator: Lisa Goodner

Telephone: 850-922-5081

<http://www.flcourts.org>

Florida Association of Court Clerks & Comptrollers

The Florida Association of Court Clerks & Comptrollers (FCCC) is a statewide, non-profit member association comprised of the Florida Clerks of the Circuit Court and Comptrollers. FCCC provides education and accreditation for Clerks of the Court and Comptrollers, information, and technical assistance to local governments.

President: Honorable Rebecca Norris, Gulf County Clerk

General Counsel: Fred Baggett

Telephone: 850-921-0808

Website: <http://www.flclerks.com>

Florida Association of Counties

The Florida Association of Counties (FAC) represents each of Florida's 67 counties on a range of issues from health care to transportation. FAC's Public Safety Committee concentrates on general public safety, the judicial system, juvenile detention, impacts to county jails, and emergency management.

President: Bryan Desloge, Leon County Commissioner
Public Safety Legislative Advocate: Lisa Hurley
Telephone: 850-922-4300
Website: <http://www.fl-counties.com>

Florida Sheriffs Association

The Florida Sheriffs Association (FSA) is a not-for-profit corporation comprised of the 67 Sheriffs of Florida as well as approximately 3,500 business leaders and 70,000 citizens throughout the state. Through the FSA, Sheriffs are given a forum to address lawmakers to push for positive changes in Florida's public safety arena.

President: Sheriff Susan Benton, Highlands County Sheriff
Assistant Executive Director: Sarrah Carroll
Telephone: 800-877-2168
Website: <http://www.flsheriffs.org>

Florida Police Chiefs Association

The Florida Police Chiefs Association (FPCA), composed of more than 750 of the state's top law enforcement executives, promotes legislation that enhances public security by providing superior police protection for the residents of Florida and its many visitors. The FPCA serves municipal police departments, airport police, college and university police, private business and security firms, as well as federal, state and county law enforcement agencies.

President: Police Chief Dennis Jones, Tallahassee Police Department
Executive Director: Amy Mercer
Telephone: 850-219-3631
Website: <http://www.fpca.com>

Criminal Justice Subcommittee Overview of Recently Passed Legislation

Controlled Substances

Florida's controlled substances laws were changed to prohibit the possession or use of synthetic cannabis and canthinone substances, which are psychoactive designer drugs known as K2, Spice and Bath Salts.¹ These substances were added to Schedule I of Florida's controlled substance schedules.

As a result, anyone in possession of the newly scheduled substances commits a third degree felony (possession of 3 grams or less of synthetic cannabinoids is a first degree misdemeanor unless the synthetic cannabinoid is in powdered form). Selling, manufacturing, delivering, or purchasing such substances is a third degree felony.

Firearm Legislation

The Subcommittee heard several bills that deal with firearm regulation issues. Some of those issues included:

- Regulation of Firearms: The state's firearm laws were amended to prohibit local governments, subject to certain exceptions, from enacting or enforcing local ordinances or regulations that impinge upon the Legislature's exclusive occupation of the field of firearm and ammunition regulation. The law authorizes a court to assess a fine of up to \$5,000 and termination of government employment if there was a knowing and willful violation.²
- Privacy of Firearm Owners: Prohibited a licensed health care practitioner or licensed health care facility from intentionally entering any disclosed information concerning firearm ownership into a patient's health record if the information is not relevant to the patient's medical care or safety or the safety of others. Non-compliance by licensed health care practitioners and health care facilities constitutes grounds for disciplinary action.³
- Open Carry: Generally, it is unlawful for a person to openly carry a firearm. The bill specified that it is not a crime for a concealed firearm permit holder, who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not necessary in self-defense.⁴

¹ 2011 HB's 39 & 1039; 2012 HB 1175

² 2011 HB 45

³ 2011 HB 155. This bill became effective on June 2, 2011, but has been challenged in the courts on First Amendment grounds. The litigation is currently pending before the United States Court of Appeals for the Eleventh Circuit.

⁴ 2011 SB 234

Sexting

The act of electronically sending sexually explicit messages or photos of oneself is generally referred to as “sexting.” Legislation passed in 2011, which created the offense of sexting and specified that a minor commits sexting if he or she knowingly transmits data electronically to another minor that includes any photograph or video that depicts nudity and is harmful to minors. Penalties for a sexting violation range from 8 hours of community service (or in lieu of community service a \$60 fine) for a minor’s first violation to a third degree felony for a third or subsequent sexting conviction.⁵

Correctional Facilities

Chapter 944, F.S. was amended to add legislative intent language encouraging the Department of Corrections to expand its faith- and character-based initiative through the use of faith- and character-based institutions while phasing out the faith-based/self-improvement dormitories.⁶

Drug Offenders

The Subcommittee heard several bills addressing issues related to individuals with substance abuse problems within the criminal justice system. Some of those issues included:

- **Drug Court Program**: Florida’s existing drug court program was expanded to increase the eligibility criteria for post-adjudicatory treatment-based drug court programs by increasing the number of sentencing points allowed for admission into the program from 52 to 60, and allowing an offender to be placed into a post-adjudicatory drug court program after violating the terms of his or her probation or community control.⁷
- **Drug Offender Re-entry**: Legislation directed the Department of Corrections to develop and administer a nonviolent offender reentry program. If approved for participation in the program (offender criteria required the inmate: be a nonviolent offender; served at least ½ of original sentence; and has an identified need for substance abuse treatment) the offender must serve at least six months in the reentry program. If program performance is satisfactory, the court may issue an order modifying the original sentence imposed and place the offender on drug offender probation.⁸
- **Pretrial Substance Abuse Programs**: Legislation passed that expanded Florida’s existing misdemeanor pretrial substance abuse and education programs to make these programs available to more individuals without compromising public safety.⁹

⁵ 2011 HB 75

⁶ 2011 HB 369

⁷ 2011 SB 400

⁸ 2012 HB 177; While this bill passed both the House and the Senate, it was vetoed by the Governor before taking effect.

⁹ 2012 SB 186

Juvenile Justice

Florida had an *optional* juvenile civil citation program that provided law enforcement with an alternative to arresting youth and placing them in custody. Legislation passed in 2011 which *required* these programs to be established and administered at the local level. It restricted the use of a civil citation to juveniles who are first-time misdemeanor offenders and requires them to complete no more than 50 hours of community service and intervention services as indicated by the assessment of the juvenile's needs in lieu of arrest and confinement.¹⁰

Protective Injunctions

The Subcommittee also has heard bills that amend Florida's protective injunction statutes. Those bills addressed the following issues:

- **Notification of Service of Injunction:** Legislation provides for a person seeking a protective injunction, if requested, be notified by the Clerk of Court when the respondent has been served with an injunction against domestic violence, repeat violence, dating violence, or sexual violence. This notification must be made within 12 hours after the law enforcement officer has served the injunction upon the respondent.¹¹
- **Stalking:** The Subcommittee passed legislation that created a statutory cause of action for a victim to get an injunction for protection against stalking, and created a first degree misdemeanor penalty for violating an injunction against stalking.¹²

Law Enforcement Investigations

Legislation passed the Subcommittee stemming from the Casey Anthony murder investigation. The bill creates a third degree felony for one to knowingly and willfully give false information to a law enforcement officer who is conducting a missing person investigation involving a child 16 years of age or younger. The defendant must have intended to mislead the officer or impede the investigation. Additionally, this offense only applies in cases where the child who is the subject of the investigation suffers great bodily harm or death.¹³

Video Voyeurism

Florida's video voyeurism statute was amended to apply to residential dwellings; increase criminal penalties under certain circumstances, e.g., if the victim is a student or a child less than 16 years of age; and adding s. 810.145(8), F.S., to the list of offenses that qualify a person for sexual offender status and s. 810.145(8)(b), F.S., to the list of qualifying offenses for a sexual predator designation.¹⁴

¹⁰ 2011 HB 997

¹¹ 2011 HB 563

¹² 2012 HB 1099

¹³ 2012 HB 37

¹⁴ 2012 SB 436, HB 437

Criminal Justice Subcommittee Anticipated Future Policy Issues¹⁵

Stand Your Ground

In response to the February 2012 shooting of 17-year old Trayvon Martin by George Zimmerman, a neighborhood watch coordinator in Sanford, Florida, Governor Scott created the “Task Force on Citizen Safety and Protection.” The task force’s mission was to review Florida’s Stand Your Ground law and its implementation, listen to the concerns and ideas from Floridians, and make recommendations to the Legislature to ensure the rights of all Floridians and visitors are protected. The Task Force will release its final report on December 7, 2012, from which proposed legislation is anticipated.

Florida Innocence Commission

The Innocence Commission (Commission) was established by an administrative order issued by Chief Justice Canady on July 2, 2010, and funded by the Legislature. It was directed to conduct a comprehensive study of the causes of wrongful convictions and of measures to prevent such convictions. The Commission issued its final report on June 25, 2012, which identified the following primary causes of wrongful convictions: eyewitness identification; false confessions; informants and jailhouse snitches; improper/invalid scientific evidence; professional responsibility; and underfunding of Florida’s criminal justice system. The Commission recommended the Legislature consider the following proposals:

- Statutorily mandate the electronic recording of statements of suspects during a custodial interrogation.
- The Legislature continues its work in evidence preservation for DNA testing, which could lead to the exoneration of innocent defendants.
- The Legislature provide supplemental funding to help pay for student loans of lawyers working for the State Attorneys, Public Defenders, Attorney General and Regional Conflict Counsel offices.
- Legislative review of the current funding process for private court appointed counsel to reduce potential ineffective assistance of counsel and wrongful convictions. The Commission proposes that the funding for private court-appointed counsel be based on the level of the felony involved and not a flat fee approach.

Smart Justice

In recent years, organizations such as TaxWatch and Associated Industries of Florida have advocated for what are commonly referred to as “Smart Justice” reforms. These reforms largely address ways to reduce the state prison population, prevent juveniles from entering the adult criminal justice system unnecessarily, and improve offender reentry efforts. Past Smart Justice proposals have included:

¹⁵ Note that this is not a list of what should pass but simply a listing of issues that may be considered. This list is a compilation of issues that are often discussed before the Subcommittee plus those that interested parties have indicated may be part of filed bills in the upcoming session.

- Expanding ways in which certain elderly or sick inmates can be released from prison;
- Requiring courts to justify, in writing, a prison sentence for persons who score low sentencing scores;
- Updating the value thresholds for property crimes; and
- Providing non-violent drug-addicted prisoners the opportunity to have their sentences reduced upon successful completion of an in-prison drug treatment program and entry into a drug offender probation program.¹⁶

This past summer, a variety of public safety and business organizations have participated in a series of planning meetings to discuss Smart Justice proposals for the 2013 session. These meetings will culminate in a Justice Summit from December 12-14, 2012, where it is anticipated that formal Smart Justice recommendations will be made to the Legislature.

Juvenile Sentencing

Graham Decision

In 2010, the United States Supreme Court held in *Graham v. Florida* that the 8th Amendment of the U.S. Constitution prohibits states from sentencing juvenile nonhomicide offenders to life imprisonment without providing a meaningful opportunity to obtain release. The court requested states “to explore the means and mechanisms for compliance” with the decision.¹⁷

Miller Decision

On June 25, 2012, the U.S. Supreme Court held in *Miller v. Alabama* that the 8th Amendment forbids a sentencing scheme that *mandates* life in prison without the possibility of parole for juvenile offenders. The Eighth Amendment “guarantees individuals the right not to be subjected to excessive sanctions” and requires that punishments be proportionate to the crime committed. In this case the Court determined that proportionality must take into account “the mitigating qualities of youth.”

It is possible that legislation addressing the *Graham* and *Miller* decisions will be filed during the 2013 Legislative Session.

Synthetic Drugs

New and dangerous synthetic substances are continually being created that are not prohibited by Florida’s controlled substance laws. This is done by slightly modifying the chemical compound of an existing prohibited substance. The solution thus far has been to file legislation every year adding the newly developed substances to the list. The problem with this approach is that designer drugs can be created more rapidly than they can be identified and controlled by action of the Legislature. The Legislature may see legislation to address this issue.

¹⁶ This proposal was passed in the 2012 Legislative Session in HB 177. However, this bill was vetoed by the Governor.

¹⁷ During the 2012 Session, the House passed CS/HB 5 in response to the *Graham* decision. Rather than opening up the option of parole in Florida, the bill provided that a juvenile offender who is sentenced to life imprisonment for a nonhomicide offense may be eligible to go back before a judge for resentencing after serving 25 years incarceration and meeting specified criteria. CS/HB 5 died in Senate messages.

Department of Juvenile Justice - Chapter 985 Rewrite

In July 2012, the Florida Department of Juvenile Justice (DJJ) began hosting a series of meetings in which interested parties and DJJ officials discussed whether and how Chapter. 985, F.S., should be rewritten to improve the juvenile justice system. DJJ is expected to work on a rewrite of Ch. 985, F.S., after thorough review and input from interested parties. They expect to have the legislative rewrite ready for the 2014 Legislative Session.

Criminal Justice Subcommittee Staff

Katie Cunningham, *Policy Chief*

Katie Cunningham joined the Legislature in 2005 as Staff Attorney with the Committee on Criminal Justice. She left the House in 2009 to serve as the Department of Corrections' Legislative Affairs Director, but returned to the House in 2010. She is currently the Policy Chief for the Criminal Justice Subcommittee.

Prior to joining the House in 2005, Mrs. Cunningham was a Senior Attorney with the Department of Corrections where she specialized in probation and community corrections issues. Ms. Cunningham's experience in the criminal justice field includes working as an attorney on a domestic violence legal hotline and working with the Florida Department of Law Enforcement as an online sex crimes investigator. Katie is a graduate of the Florida State University College of Law and holds a bachelor's degree in criminology from Florida State University.

Ryan Cox, *Attorney*

Ryan Cox recently joined House staff as an Attorney with the Criminal Justice Subcommittee. Ryan's criminal justice experience includes working as an Assistant Public Defender for the 17th Judicial Circuit. Prior to joining the House, Ms. Cox handled workers' compensation issues as an Assistant General Counsel with the Department of Financial Services. Ryan earned both her bachelor and juris doctorate degrees from Florida State University.

Lauren Jones, *Attorney*

Lauren Jones recently joined House staff as an Attorney with the Criminal Justice Subcommittee. Lauren's criminal justice experience includes working as an Assistant State Attorney in the 2nd Judicial Circuit. Lauren earned her bachelor degree from Florida State University and her juris doctorate degree from Florida Coastal School of Law.

Jessica Hudson, *Administrative Assistant*

Jessica Hudson has been the Administrative Secretary for the Criminal Justice Subcommittee since 2010. Prior to joining the House, Ms. Hudson worked as the Unit Secretary for the Neonatal Intensive Care Unit at Tallahassee Memorial Hospital. She is considering pursuing a bachelor's degree from Florida State University.

DJJ CONTINUUM OF SERVICES AT A GLANCE

Prevention 100 % Private Providers, Community-based

Prevention and early intervention of delinquency is the first step toward a safer community. DJJ provides a number of prevention services designed to be community-based and keep at-risk youth out of the juvenile justice system:

- CINS/FINS (Children/Families in Need of Services)
- PACE Center for Girls
- Juvenile Boards and Councils
- Delinquency Prevention Grants
- Faith and Community Network Programs

Probation and Community Corrections State Operated and Private

Every youth under the age of 18 charged with a crime in Florida is referred to the department. Probation is responsible for conducting assessments and screenings, preparing pre-disposition reports for the court, making referrals to diversion services, and providing follow-up services, supervision of youth and case plan for services.

Probation program types include:

- Juvenile Assessment Centers (JAC)
- Day Treatment (AMI Kids)
- Aftercare
- Conditional Release
- Evidence-Based Programming
- Intensive Delinquency Diversion Services (IDDS)
- Re-direction

Detention State and County Operated (Marion, Seminole and Polk Counties for Pre-dispositional Youth Only)

Detention services provide short-term, physically secure facilities for youth who have been assessed as risks to public safety and must remain in a physically secure detention center while awaiting court. While in secure detention, youth receive:

- Medical Screening
- Mental Health Services
- Crisis Intervention and Stabilization
- Substance Abuse
- Educational Assessment and Services

Residential State and Private Operated

- Residential Services provides a continuum of care for youth committed to the care and custody of the department.
- Once the youth is committed, the department provides programming and security to address the supervision, custody, care, and treatment needs of the youth.
- Specialized treatment services are based upon the individual need of the youth and include:
 - Intensive Mental Health
 - Substance Abuse
 - Sex Offender
 - Gender-Specific Programming
 - Vocational Training
 - Educational Services

Statewide Data for FY 2011-2012

Youth Referred

County	Black Females	Black Males	Hispanic Females	Hispanic Males	Other Females	Other Males	White Female s	White Males	Grand Total
Statewide	10,755	30,455	3,230	10,806	707	3,029	10,798	26,735	96,515

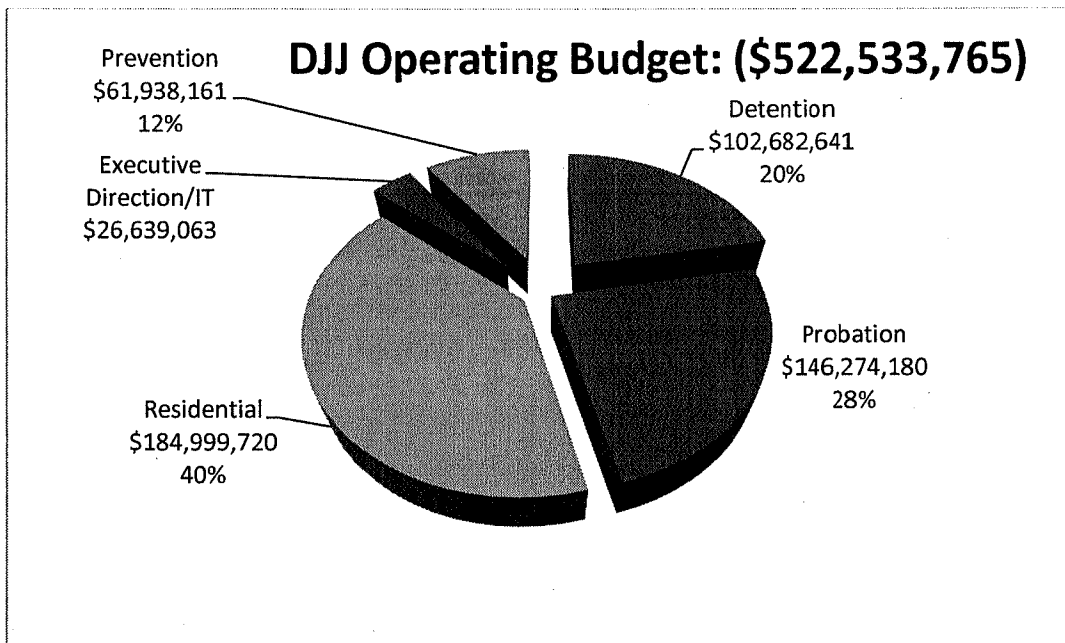
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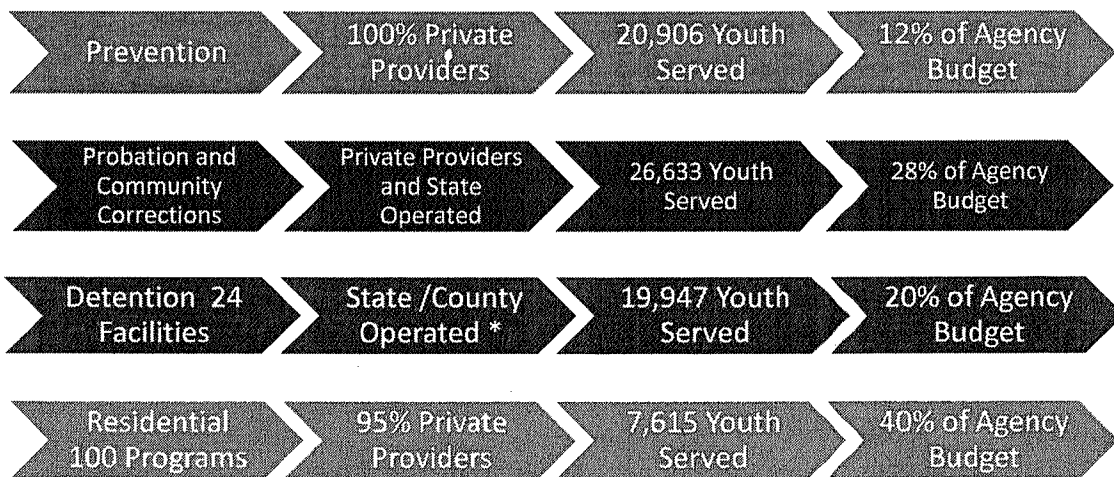
Department of Juvenile Justice
PART OF THE COMMUNITY, PART OF THE SOLUTION

DJJ MISSION:

To increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.



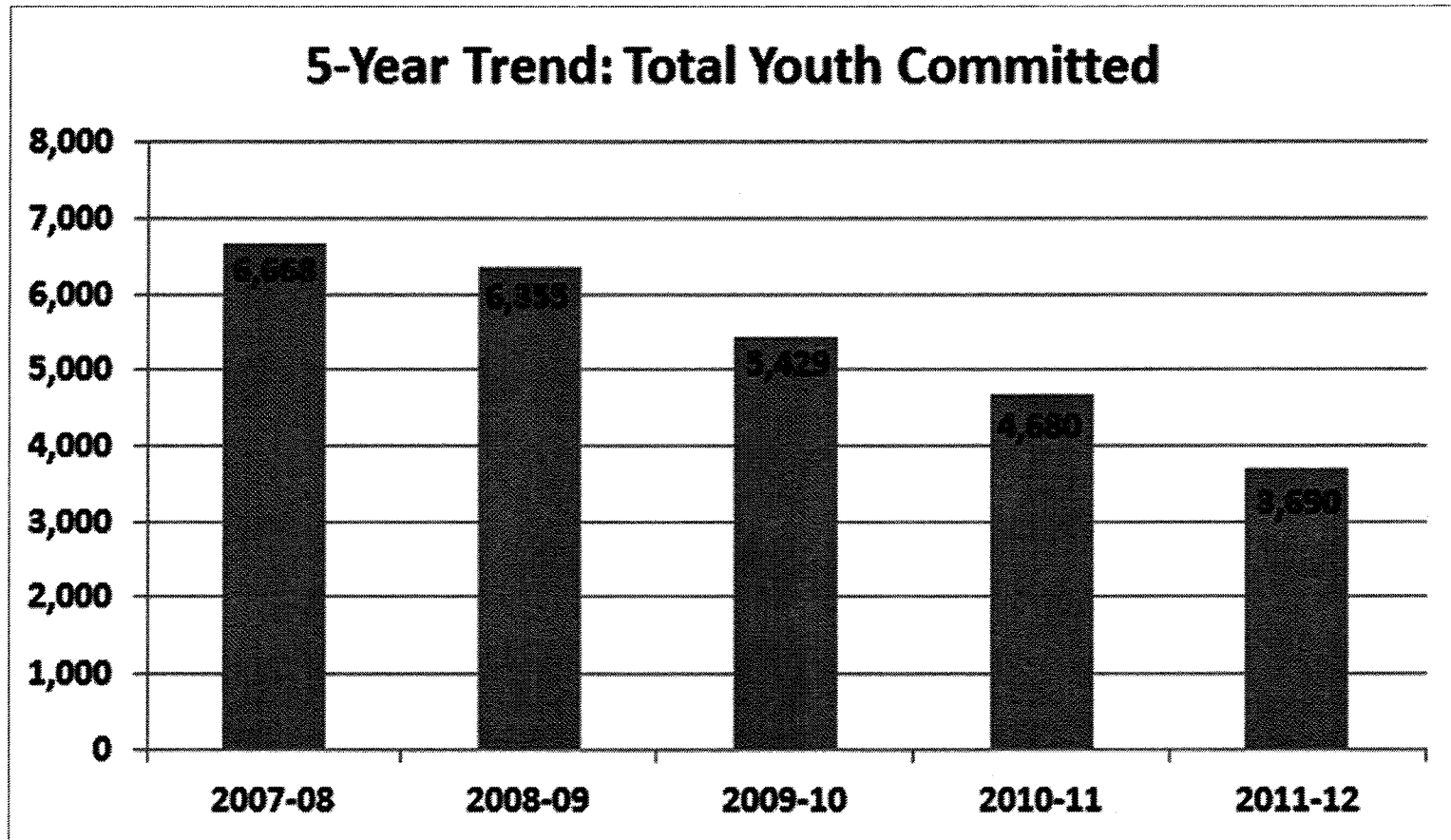
DJJ CONTINUUM OF SERVICES



*Currently there are three County Operated Detention centers serving only pre-dispositional youth.

Management of the At-Risk Youth Population

1





FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Rick Scott, Governor

Wansley Walters, Secretary

2013 Legislative Initiatives

- ***Amend child abuse and neglect statutes to cover young adults*** – The proposal will amend F.S. 827.03 so that, solely for purposes of prosecution under the statute, a “child” will include persons of whatever age who are “detained in a detention or residential facility under chapter 985”.
 - Section 827.03, Florida Statutes, makes abuse, aggravated abuse and neglect of “a child” a felony of varying degree. A “child” is defined as “any person under the age of 18 years.” It is not uncommon for young adults to be held in juvenile detention or residential commitment facilities. Though they may no longer be “children” by virtue of their years, they remain vulnerable by reason of their incarceration.
 - Currently, when such a young adult is abused or neglected while incarcerated, section 827.03 is unavailable to prosecute the abuser because the victim was not “a child.” This is particularly troubling where neglect is involved, or where the nature of the abuse is not independently prosecutable as, for example, an aggravated battery. In such circumstances, prosecutors may be left with no redress in the criminal code.
- ***Repeal statutory authority for juvenile tours of correctional facilities and jails*** –F.S. 945.75 allows the state and each county to develop a program by which a judge may order a juvenile to tour a state correctional facility or county jail. Punitive jail tours violate the Federal Juvenile Justice and Delinquency Prevention Act, which can result in DJJ losing two-thirds of its federal funding. The funding at stake is used to fund community-based prevention programs, which are typically a high return on investment.
- ***Streamline and consolidate the Juvenile Justice Boards and Councils*** – F.S. 985.664 authorizes the creation of 87 different boards and councils. DJJ proposes streamlining this system into 20 Circuit Advisory Boards representing each judicial circuit and county in the state. Currently, not all existing boards and councils are able to comply with the statutory requirements of membership and the current system does not produce consistent results. Maintaining a manageable system of high-performing Circuit Advisory Boards will provide a stronger voice for counties and local communities in juvenile justice related issues, encourage stronger collaboration at the local level, and allow for stronger community-based partnerships.
- ***Remove the reference to Youth Custody Officers*** – F.S.985.105 is an obsolete statute since Youth Custody Officers (YCO) were eliminated from the budget effective July 1, 2010. The duties of YCO were either distributed among existing employees, or are no longer performed by the Department.

2737 Centerview Drive • Tallahassee, Florida 32399-3100 • (850) 488-1850
<http://www.djj.state.fl.us>

The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

**Department of Juvenile Justice
Legislative Budget Request for FY 2013-2014
Implementation of Juvenile Justice Reform - Roadmap to System
Excellence**

- Realign budget from underutilized Residential beds to front end services - \$6.6 million: Request is to redirect savings from a reduction in non-secure commitment beds to meet higher priority needs in prevention, education, health services, and community based services.
 1. \$3,317,627 to strengthen Prevention services in order to prevent and divert more youth from entering the juvenile justice system. Includes a Prevention Referral Network.
 2. \$959,488 to improve the health and mental health needs of youth. Includes trauma informed care, psychiatric consultation, and contract clinical specialists.
 3. \$935,042 to enhance educational services to our youth. Includes on-line vocational and post-secondary classes, internet based testing, and regional staff to work with local school districts.
 4. \$618,750 to ensure gender specific services for Miami-Dade County.
 5. \$773,574 to maintain vacant residential facilities until they are reassigned or sold.

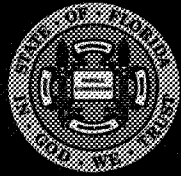
- \$898,300 to increase the state's share of the cost of detention and reduce the counties share in-line with current utilization.

- \$219,110 and three (3) new positions to strengthen DJJ's procurement, contract monitoring, and quality improvement practices and processes. DJJ currently procures over \$300 million annually in private contractual services.

- \$5.6 million in repair and maintenance construction projects to address the most critical health and safety issues within our state juvenile facilities.

- FY 2013-14 LBR Request reflects a \$17.5 million or 3.35% increase over the FY 2012-13 Approved Operating Budget. The vast majority of the increase is fixed capital outlay.

	FY 2012-13 <u>Budget</u>	FY 2013-14 <u>LBR Request</u>	<u>Difference</u>	Percent <u>Change</u>
Prevention	60,938,161	68,894,257	7,956,096	13.06%
Detention	101,882,641	102,265,545	382,904	.38%
Probation	146,274,180	141,378,675	(4,895,505)	(3.35%)
Residential	183,193,476	178,093,070	(5,100,406)	(2.78%)
Ex Dir/IT	26,639,063	28,824,756	2,185,693	8.20%
FCO	<u>3,606,244</u>	<u>20,599,061</u>	<u>16,992,817</u>	<u>471.21%</u>
Total	522,533,765	540,055,364	17,521,599	3.35%



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

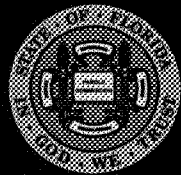
Agency Legislative Priorities

House Criminal Justice Subcommittee

The Honorable Matt Gaetz, Chair
The Honorable Ray Pilon, Vice Chair

December 4, 2012

Tena M. Pate, Chair



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

About the Florida Parole Commission

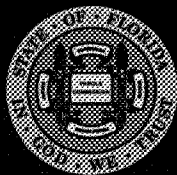
Constitutionally authorized (Article IV, Section 8 of the Florida Constitution), quasi-judicial, decision making body created by law (sec. 20.32, F.S.), that has been serving and protecting the citizens of Florida since 1941.



FLORIDA PAROLE COMMISSION
SERVING THE CITIZENS OF FLORIDA SINCE 1941

About the Florida Parole Commission

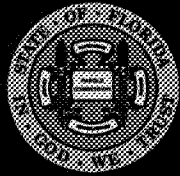
- 3 full-time Commissioners
- 122 FTEs
- Central Office located in Tallahassee
- 5 Regional Offices



FLORIDA PAROLE COMMISSION
SERVING THE CITIZENS OF FLORIDA SINCE 1941

Florida Parole Commission
Mission Statement:

To ensure public safety and provide victim assistance through the post prison release process.

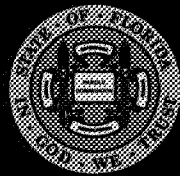


FLORIDA PAROLE COMMISSION

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The Five Activities of the Commission

1. Parole & Conditional Medical Release
2. Victims' Assistance
3. Conditional Release & Addiction Recovery Release
4. Revocation Services
5. Clemency Services

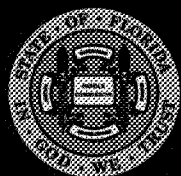


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Parole

- Discretionary Prison Release
- 5,191 eligible inmates
- Commission holds approximately 36 meetings a year
- Commission made 1,486 Parole decisions last fiscal year
- Commission sets terms and conditions of supervision
- Commission has authority to revoke if willful and substantial violations occur
- 90% of parolees successfully completed their supervision within the first 2 years

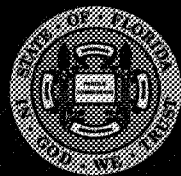


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Conditional Medical Release

- Discretionary Prison Release
- Allows Commission to release inmates based on recommendations from the Department of Corrections on supervision who are “terminally ill” or “permanently incapacitated” who are not a danger to others
- Commission sets terms and conditions of supervision
- In FY 2011-2012, the Commission granted 16 of 34 inmates recommended by the Department for Conditional Medical Release

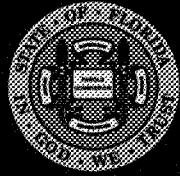


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Victims' Services

- Provides direct, personal assistance to crime victims and families
- Strive to further reduce victimization through education and by providing an environment of compassion, dignity, and respect
- In FY 2011-12, Commission made 20,219 victim assists
- 14,037 hours of work
- Inmate Family Coordinator provides similar services to family of inmate

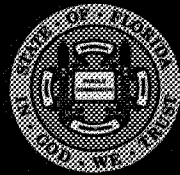


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Addiction Recovery & Conditional Release

- **Addiction Recovery Supervision**
 - Post-Prison supervision for inmates with a history of substance abuse or addiction
 - 388 offenders on Addiction Recovery Supervision
 - Commission sets terms and conditions of supervision
 - In FY 2011-12 Commission set terms and conditions of 1,365 offenders
- **Conditional Release**
 - Mandatory supervision for certain high-risk offenders
 - 3,217 offenders on Conditional Release supervision
 - Commission sets terms and conditions of supervision
 - In FY 2011-12 Commission set terms and conditions of 5,094 offenders

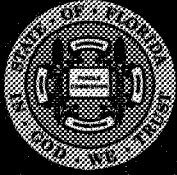


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Revocation Services

- Commission has the authority to revoke supervision if an offender willfully and substantially violates the terms of their supervision
- During FY 2011-12 Revocations issued 1,927 warrants
- During FY 2011-12 Revocations reviewed and prepared 1,724 cases for docket

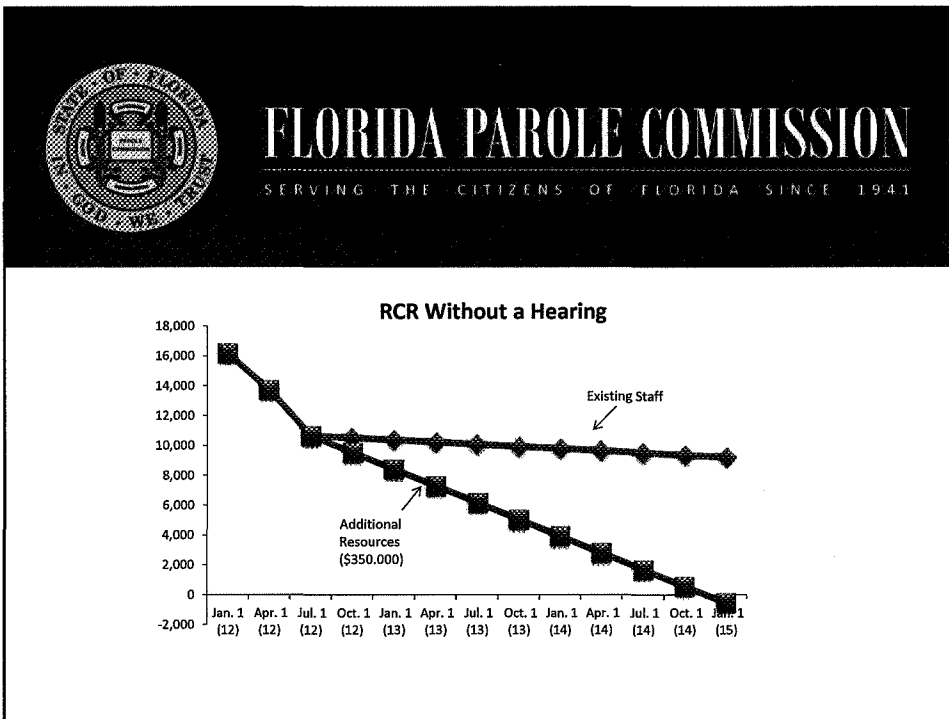


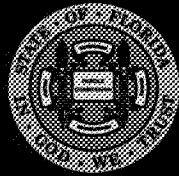
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Clemency Services

- Governor and Cabinet sit as the Board of Executive Clemency
- Commission is the administrative and investigative arm of the Clemency Board
- In FY 2011-12 Commission completed 73,569 clemency cases
- 61,452 hours of work
- Projected that there will be no pending RCR without a hearing cases by close of FY 2014-15



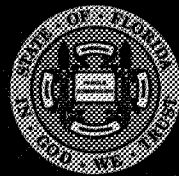


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Legislative Priority #1: EXTENDED INTERVIEWS

- Identical to HB 329/SB 506 from 2012 session
- Received strong **bi-partisan support** as well as strong support from law enforcement and victim groups
- Adds specific crimes to the current list of crimes eligible for a subsequent interview within 7 years
- Greater length between interviews reduces impact to victim
- Allows Commission to concentrate on behaviors involved in an offense not just conviction




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Legislative Priority #1: EXTENDED INTERVIEWS

For these cases, an extended interview within seven-years (7) would currently not apply, and the Commission would be required to give the inmates subsequent interviews within two (2) years:

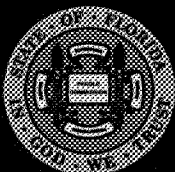
Hillsborough	The inmate went to the home of the victim asking if he could pick some mangoes. She told him to help himself to some on her kitchen table. He then grabbed her and sexually battered her. He was charged and convicted only of the robbery.
Citrus	The victim was in her living room when the inmate entered, tied her with duct tape, and asked her for money. When she didn't produce money, he took mayonnaise from the kitchen and, using this, pulled her pants down to sexually batter her with a broom handle. He was not charged with the sexual battery.
Manatee	The 16-year-old male victim was in his car and encountered a man with a gun who asked where a good place to hunt might be. The inmate and victim went to another area. The inmate took the victim's gun, forced him to perform oral sex; and then sodomized the victim. The inmate was convicted of robbery and misdemeanor lewd and lascivious conducts.
Calhoun/Bay	This involved a convenience store robbery where the inmate and two co-defendants kidnapped the clerk and took turns sexually battering her. The inmate was only charged with kidnapping and robbery.
Duval	The female victim was kidnapped and held for ransom. She was left in the forest tied to a post for four days with her eyes and mouth taped shut while the perpetrators went fishing and attempted to get more money from her husband. When she was finally recovered, she was in severe medical distress due to exposure to the elements, covered in bug bites, and her limbs extremely swollen from being tied upright to a post. The inmate was convicted of kidnapping.
Polk	The 7-year-old female victim was lured into the inmate's car and vaginally and anally battered. The inmate was convicted only of kidnapping and lewd assault.



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Legislative Priority #2: MANDATORY SUPERVISION

- Expands and renames the “Conditional Release Program” to the “Mandatory Supervision Program”
- Places **all violent offenders** under mandatory supervision after completion of their prison sentence
- Currently 80% of offenders on conditional release supervision successfully complete it
- Placing violent offenders on supervision will **increase public safety**
- Offenders on supervision have a greater chance for **successful reentry** into the community

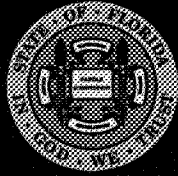


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Legislative Priority #2: MANDATORY SUPERVISION

These cases are examples of violent offenders released without supervision not captured by current statute:

<p><i>Released to Lake County</i></p> <p>The inmate was incarcerated for Robbery with a Weapon and was released on August 23, 2009 without supervision. In November 2009, he committed Sexual Battery on a minor, a 12-year-old female. Upon the mother returning from work, her son told her that the offender raped his sister. The mother took her daughter to the hospital for medical treatment. Hospital staff stated the victim was violated in multiple areas. The offender was returned to prison on June 24, 2010 with a 45 year sentence.</p>
<p><i>Released to Miami-Dade County</i></p> <p>The inmate was incarcerated for 2nd Degree Murder and was released on September 1, 2009 without supervision. He committed Robbery with a Gun by robbing 2 individuals at gun point. He was returned to prison on June 2, 2010.</p>
<p><i>Released to Brevard County</i></p> <p>The inmate was incarcerated for Aggravated Assault with Weapon and was released on June 14, 2010 without supervision. On April 4, 2011 and June 5, 2011 he committed Burglary, Grand Theft, Possession of a Firearm, and Grand Theft Firearm. He was returned to prison on August 3, 2012.</p>
<p><i>Released to Duval County:</i></p> <p>The inmate was incarcerated for Robbery with a Weapon and was released on October 21, 2009 without supervision. In April 2010, he committed Battery and Aggravated Assault on a 16 and 12 year old by holding a gun to their head. While being held, he committed battery on another inmate, breaking the inmate's jaw. He was returned to prison on January 13, 2011 with a 5 year sentence.</p>
<p><i>Released to Duval County</i></p> <p>The inmate was incarcerated for Assault with a Weapon and was released on September 17, 2009 without supervision. In October 2009, over a period of days, he committed Armed Robbery with a Deadly Weapon by entering 5 homes, robbing the victims at gun point (5 convictions). He was returned to prison on September 7, 2010 with a LIFE sentence.</p>

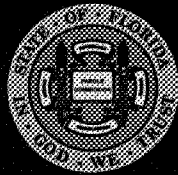


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Juvenile Parole

- *Graham and Miller* U.S. Supreme Court Cases
- The Parole Commission is a resource for the Legislature
- Commission ready to assist or accept whatever role in the Juvenile Process Legislature deems appropriate



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Questions?

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