

Detailed Summary of Presentations from the 2012 Justice Summit & Pre-Summit Meetings

February 2013

Background

From December 12th through the 14th a large group of stakeholders committed to justice reform met in Orlando, Florida for the 2012 Justice Summit to address key issues attendant to seeking continued reform in Florida's criminal and juvenile justice systems. Organizers of the Summit, which was sponsored by the Florida Smart Justice Alliance, decided that the best way to prepare for discussion that would take place at the Summit was to conduct a series of Pre-Summit Planning Meetings. The Florida TaxWatch Center for Smart Justice played an integral role in planning for and hosting these Pre-Summit Planning Meetings.

The first Pre-Summit Planning Meeting was held on September 20th in Orlando, Florida and addressed pre-sentencing / pre-incarceration issues. The second meeting was held on October 24th in St. Petersburg, Florida and addressed issues attendant to the time an offender is incarcerated in Florida's criminal justice system. The third Pre-Summit Planning Meeting was held in Tampa, Florida on November 14th and addressed issues attendant to the juvenile justice system. Reports summarizing discussion from each of these Pre-Summit Planning Meetings were previously submitted and are provided herein as appendices to the present endeavor.

The remainder of this report will describe the Summit agenda in broad strokes. It will then provide an overview of justice reform challenges facing Florida, as well as recommended approaches for dealing with these challenges and for achieving continued and meaningful justice reform in Florida.

Summit Agenda

The Summit began with presentations from the executive leadership of three Florida agencies that are key stakeholders in justice reform, namely the Florida Department of Corrections (DOC), the Florida Department of Juvenile Justice (DJJ), and the Florida Department of Children and Families (DCF).

Following these presentations, Summit attendees heard two presentations addressing justice reform in other states across the country. One presentation was made by the Executive Director of Right of Crime, an arm of the Texas Public Policy Foundation and a national level advocacy group for justice reform. The next presentation was made by the state legislator who was the architect for comprehensive justice reform recently voted into law in Georgia.

A series of presentations by select panel members, followed by discussion with Summit attendees, then provided occasion to address those opportunities for reform that were identified in the three Pre-Summit Planning Meetings and integrated into the Summit agenda.

The first two panel discussions addressed juvenile justice issues. Particular attention was focused on the DJJ Roadmap to System Excellence. Other topics addressed included juvenile justice trends, community-based public-private partnerships, transitional reentry services, education services, and diversion programs.

The next panel addressed issues attendant to criminal justice. Presentations focused on judicial issues, diversion programs, probation, and the perspective of law enforcement regarding opportunities for justice reform. Other topics included adult civil citations, drug courts, substance abuse treatment, and community corrections.

Criminal justice was again the focus of the next series of panel presentations which focused on release and reentry. Specific topics addressed included community-based reentry, vocational training, faith-based initiatives, and barriers to successful reentry.

The final panel presentation addressed perspectives on smart justice and was comprised of 10 members of the Florida legislature, to include the Chairman of the Senate Criminal Justice Committee, the Chairman of the House Judiciary Committee, and the Chairman of the Senate Appropriations Subcommittee on Criminal and Civil Justice. Each member was invited to share his/her thoughts on justice reform in light of presentations that preceded this panel. All agreed that the initiatives addressed at the Summit provided a solid foundation for legislation to be considered during the 2013 legislative session.

Reform Challenges

Floridians have much to be pleased about with regard to current statewide trends in public safety. The crime rate is at its lowest level in over 40 years and funding for criminal justice programs has decreased 21 percent since 2008-09. In addition, after several years of recording an incarceration rate among the nation's highest, Floridians should now find some comfort in knowing that the state's inmate population has declined over the past two years, and that there are no major increases anticipated for the next several years.

Notwithstanding these favorable trends, there are still over 100,000 felons serving time in Florida prisons today, at a cost to the taxpayers of Florida of over \$2 billion per year. To the extent that almost 40 percent of these offenders were convicted for violent and/or sexual crimes against other people, then it is well and good that they remain incarcerated in a situation where they cannot jeopardize the well-being and safety of other citizens.

At the same time, however, over 60 percent of those admitted to Florida prisons in 2011-2012 were non-violent offenders, many of whom require treatment for substance abuse, and among these, about 20 percent require treatment for mental health issues. At present, approximately 75 percent of newly admitted offenders will be released from the Florida Department of Corrections (DOC) within 3 years of entering. Most of these offenders released within 3 years, again, close to 60 percent, are suffering from either substance abuse and/or mental health issues

Bottom line is that Florida's prison system is comprised of many who need to be incarcerated so as to preserve public safety, as well as many who are non-violent offenders whose criminal activity is most likely related to substance abuse and/or mental health issues.

On the release and reentry end of the criminal justice system, it should be noted that approximately 33,000 to 35,000 offenders are released from Florida prisons each year. Of these, less than 20 percent experience some form of post-release reentry programming while more than 80 percent experience no post-release reentry programming. In light of this simple fact, the reality of a 33 percent recidivism rate (as of Jan. 1, 2013) is perhaps not surprising. DOC reports that over 40 percent of those entering its prisons each year are returning inmates.

Trends in juvenile justice are quite similar to those noted for criminal justice. The number of youth arrested for delinquency has declined by 35 percent over the past five years and is the lowest since 2002-03. In fact, almost every measure of juvenile delinquency and/or criminal activity among Florida's youth has declined by approximately 35 percent in the past five years. In the same vein, referrals for felonies (the most serious charges) for Florida youth were down 35 percent from 2006-07, while felony drug referrals dropped 62 percent during the same period.

In spite of these positive trends, Department of Juvenile Justice (DJJ) studies demonstrate that approximately 50 percent of those who enter the juvenile justice system wind up in state prison at some point in their lives. The route from the school yard to the prison yard most usually follows a path through secure residential detention facilities. Only 20 percent of those youthful offenders coming out of secure detention have completed their GED and approximately 40 percent have a diagnosed learning disability on release. Hence, many are ill-prepared for making a successful reentry into the community. And, approximately half of them do not.

Clearly, then, there are positive trends to note with regard to both criminal and juvenile justice in Florida. But, there are also clear opportunities to reduce the number of persons being incarcerated at extreme cost to taxpayers. Many of the programs and initiatives addressed at the Justice Summit strongly suggest that the way forward requires acknowledging that not all offenders, whether adults or juveniles, should be treated the same.

Opportunities for Reform

Discussion of opportunities for justice reform at the Summit was rich and productive. An overview of that discussion follows. Comments reflect themes and issues gleaned not only from the Summit, but also from the three Pre-Summit Planning Meetings. Themes addressed below have been organized around three over-arching areas of discussion: alternatives to traditional incarceration; the importance of effective reentry programs; and optimizing utilization of residential beds.

Alternatives to Traditional Incarceration

The theme that received the most discussion from those in attendance at the Summit was the need to consider alternatives to traditional incarceration for low-level, non-violent offenders. Offenders convicted of substance abuse or property crimes constitute close to half of the admissions to Florida prisons each year. Many potential alternatives were presented and discussed, among them: adult and juvenile civil citations, community-based drug and mental-health diversionary treatment programs, expanded use of problem-solving courts (for drugs, mental health, veterans, and teens), expanded use of work release programs and electronic monitoring for non-violent offenders, use of alternative or graduated sanctions in probation reform, as well as juvenile intervention and diversion programs aimed at reducing and/or minimizing the pipeline leading from the school yard to the prison yard. Speakers consistently reminded attendees that non-violent offenders can and should be treated differently than more serious, violent offenders so as to provide them means of treating criminogenic needs and reducing the likelihood of recidivism.

There are many factors that make these alternatives especially attractive to those interested in reducing the costs of current processes & programs. For example, the costs of processing cases under the Juvenile Civil Citation Program are about one-tenth the costs of formally processing a youthful offender for arrest and, the impact on lowering recidivism is significant. Similarly, the entire cost of processing cases under the Adult Civil Citation Program are borne by the offender, making the expenditure of public monies minimal compared to the cost of formal processing for arrest. To the extent that both programs reduce the number of youth and adults being admitted to residential detention and state prison, respectively, the value-added potential of these programs is even more compelling.

The case for expanded use of drug courts is equally as sound. The Government Accounting Office (GAO) has repeatedly issued reports documenting the effectiveness of drug courts in reducing crime, while the Florida Office of Program Policy Analysis and Government Accountability released a 2009 report noting that offenders who successfully completed post-adjudicatory drug courts were 80 percent less likely to go to prison than a matched comparison group. These alternatives provide treatment where it is needed and reduce the number of offenders being sent to prison.

Similarly, the case for expanded use of Miami-Dade's Forensic Alternative Center to provide essential mental health services for prisoners needing them is also compelling. On any given day there are over 18,000 prison inmates in Florida suffering from serious mental health problems. The Forensic Hospital Diversion Program constitutes a much needed approach that aspires to decrease demand for costly treatment services by creating pilot programs offering safe, effective, and cost-efficient alternative options for inmates with mental health disorders.

The Alternative Sanctions Program and the Florida Accountability Initiative for Responsible Probation represent programs for dealing with technical violations of probation. They provide highly effective and economical approaches to minimizing recidivism and the return to prison of ex-offenders who qualify for the respective programs. The secret is highly predictable, graduated, and immediate sanctions that are administered after technical violations of probation instead of simply sentencing the offender to yet another taxpayer supported term in state prison.

Each of the previously noted alternatives to incarceration being encouraged for non-violent, low-level offenders addresses the same fundamental issue. Is it more effective and more economical to keep such offenders incarcerated in traditional correctional facilities where they get little, if any, treatment for the substance abuse/mental health issues that contributed to their criminal offense(s), or is it more effective and more economical to use alternative programs that are known to: preserve public safety; produce significant cost savings; reduce recidivism; and provide treatment for the conditions most often associated with the criminal activity responsible for the offender's arrest in the first place ?

The Importance of Effective Reentry Programs

A second theme addressed by numerous speakers was the necessity of targeting more resources to support community and evidence-based reentry programs. The reason such programs are so critical, like alternatives to traditional incarceration, is because of the opportunity they present to reduce recidivism. Each year, approximately 34,000 ex-offenders return to local communities from Florida prisons. Of these, less than 20 percent experience post-release reentry programming, while more than 80 percent experience no post-release reentry programming.

Successful reentry requires actions so seemingly simple as providing every ex-offender with valid photo identification, to actions far more complex, such as education and vocational job training, job placement assistance, familial and/or collegial emotional support, post-incarceration supervision, and incentivizing employers to hire ex-offenders. Underpinning any discussion of the challenges of achieving successful reentry is realization that preparation and planning for reentry requires effective transitioning from prisons to communities and that such transitioning, to include education and vocational training, as well as life skills

training, must be programmatically addressed from the time an offender enters prison until the day he or she is released.

Bottom line is that there are no easy solutions to quickly or easily achieving successful reentry. The current average grade level for offenders released from Florida prisons is the 6th grade. DOC studies have demonstrated that the recidivism rate decreases 3.5 percent for each grade level that an offender achieves. Ex-offenders with a GED are 8 percent less likely to recidivate and 10 percent more likely to have a job upon release. Ex-offenders with a vocational certificate are 17 percent less likely to recidivate and 18 percent more likely to be employed. Consequently, any steps that can be taken, whether pre-release or post-release, to improve an offender's educational level will facilitate successful reentry and reduce recidivism.

DOC's current Transition from Prison to Communities Initiative (TPCI) and DJJ's Roadmap to System Excellence constitute two sound approaches to strengthening reentry programs and processes through emphasis on community-based public-private partnerships. Both recognize the importance of vocational training, education, and life skills programming. TPCI originated from an initiative by the National Institute of Corrections to address the critical nature of reentry operations and has been successfully implemented in several states, with a concomitant reduction in recidivism. Among the states where TPCI has been implemented are: Missouri, Michigan, Indiana, New York, and Georgia. Likewise, DJJ's Roadmap to System Excellence emphasizes community-based reentry programs that have been shown to work.

Optimizing Utilization of Residential Beds

A third theme sounded by multiple speakers, and one that reflects concern for both alternatives to the traditional approach to incarceration, as well as deliberate planning for reentry, was the challenge of reducing the "revolving door" of recidivism. Of the 34,000 offenders released to our communities each year, experience has shown that approximately one-third will return to prison within three years. One way to address this challenge is to replace costly residential prison beds with less expensive transitional and/or reentry beds in institutions that provide programming specifically designed to reduce recidivism. Cost savings realized in doing so could then be reinvested in corrections programs and/or returned to general revenue.

This approach was the foundation for a proposal by the Florida Smart Justice Alliance to create a Correctional Detention Treatment Program offering substance abuse, educational, and vocational programs for non-violent offenders sentenced to not more than three years in state prison. Rather than going to traditional DOC institutions, qualifying offenders would be placed directly into one of three new DOC facilities that have yet to be opened. These minimum security facilities would be specifically designed to provide programming to address the offender's substance abuse issues and to reduce the probability of recidivism upon release. Offenders with a violent past would not be eligible for selection for the program.

The Correctional Detention Treatment Program would also employ electronic monitoring and work release to reduce costs and to facilitate preparation for reentry upon satisfactory completion of the program and completion of the offender's sentence. Additional cost savings would be realized owing to the fact that offenders sentenced to a correctional detention treatment facility would not spend time (normally several months) in a DOC reception center, where the cost per day is double the cost per day in state prison.

The approach was also evident in a proposal for Reentry Legislation in 2013 dealing with transitioning of non-violent, substance abuse offenders from prison and back into local communities. This represents approximately 60 percent of those offenders released from DOC prisons each year. Reentry legislation would target third degree felony offenders and would establish conditional split sentences between DOC institutions and community-based reentry treatment facilities. Offenders with a violent past would be excluded from participation. The program would require developmental programs such as education, vocational training, housing, employment, as well as substance abuse and mental health treatment. Under this proposed program, taxpayers would realize cost savings in association less time being served in prison and more, less costly time being served under strict supervision and in community-based reentry treatment facilities.

Both initiatives represent approaches to incarcerating non-violent offenders without violating the 85 percent rule. One (Correctional Detention Treatment) addresses non-violent offenders on the front end of incarceration. The other (Reentry Legislation) addresses offenders when they are preparing to leave DOC institutions. Both represent approaches to saving more costly prison beds for those offenders that constitute the greatest risk to public safety and all the while optimizing the use of constrained taxpayer dollars to favorably address the revolving door or recidivism.

Conclusion

Notwithstanding the fact that Florida incarcerates over 100,000 offenders at excessive cost to its taxpayers, reform initiatives outlined herein and discussed at the 2012 Justice Summit and the three Pre-Summit Planning Meetings represent a tremendous opportunity to build on recent successes. With crime rates dropping, the focus now should be on adopting evidence-based programs and initiatives that will reduce spending, reduce recidivism, and continue to improve public safety.

Appendix A

Sept. 20 Meeting Report

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Update on Meetings Prior to December 2012 Justice Summit

Meeting 2 - October 24

Executive Summary

In December of 2012 stakeholders committed to justice reform in Florida will meet at a Justice Summit to be held in Orlando. The objective of the summit will be to develop an operational agenda to guide smart justice initiative planning in anticipation of Florida's 2013 legislative session.

To help lay the groundwork for the summit and so as to identify consensual issues for further development by justice reform stakeholders, a series of Pre-Summit Planning Meetings during each of the months prior to the summit are planned for September, October, and November.

The meeting held on 24 October focused primarily on issues and events that take place "behind the wall" while offenders are incarcerated and under control by the Florida Department of Corrections. Agenda topics included the following: Several reports by the Florida Department of Corrections (Transitioning from Prison to Community & Re-Entry; Community Corrections; Corrections Performance Measures; and Classification Review); the Detention Treatment Program; Probationary Risk Assessment; Evidenced-Based Practices in Community Supervision; and Institutional Programs (Education and Drug Treatment).

Participants included a wide range of stakeholders and subject matter experts. Among them were representatives from the Executive Office of the Governor, the Florida Department of Corrections, the Florida Department of Juvenile Justice, the Florida Department of Law Enforcement, the Florida Sheriff's Association, the Florida Public Defender's Association, the Florida Association of Drug & Alcohol Abuse, the Florida Smart Justice Alliance, and the Florida TaxWatch Center for Smart Justice. Overall, approximately 50 people were in attendance.

Prior to addressing the designated areas of focus for the second Pre-Summit Planning Meeting, attendees heard the comments of the former Florida Secretary of Corrections, James R. McDonough. Secretary McDonough challenged attendees to think of corrections issues and the challenges and opportunities attendant to these issues in a new and bold way. Following his comments a spirited and productive interchange occurred with all in attendance. The presentation below represents an edited summary of the comments of the former Florida Secretary of Corrections, Colonel James R. McDonough. Secretary McDonough's comments were edited in the interests of time and space.

A Framework for Reforming Florida's Criminal Justice System

In setting a course for criminal justice reform it would be good to have a framework of objectives in which to do so. As in so many things, the paradox is that the pursuit of any one of a set of objectives, taken too far, can prove to be the detriment of the other objectives.

The controlling parameters of a criminal justice system are dictated by three central objectives: public safety, public expense, and the restoration of human potential. And of these, public safety must be the first. But the trick is finding the right balance among all three. A singular focus on public safety (as in locking everybody up forever) comes at enormous public cost and foregoes any chance for the development of human potential. Conversely, betting that all men are inherently good and can be reformed by gentle sanctions may not cost very much but is certain to put public safety directly at risk.

Let's explore the trade-offs in various reform efforts as we discuss how to improve Florida's criminal justice system. The focus will be on the Florida corrections system and the intent is not to push any particular approach so much as to call for an all-inclusive consideration (meaning nothing should be off the table) as long as the trade-offs are analyzed in a rational, as opposed to ideological, way.

We begin with consideration of internal policies, on the surface as safe a starting point as any. In 2007, there was a high rate of violations of probation then occurring. There were, at that time, 155,000 offenders on probation and parole, mostly the former since parole had been discontinued many years prior. An absolute policy of "zero tolerance", steeped in the purported notion that any offender who demonstrated a failure to comply with the sanctions of probation conditions must be a risk to the public, meant that any missed appointment, late return to domicile, and so on – whether intentional or not or even under the control of the offender – was to be met with a violation of probation ruling. The probation officer had no choice; to violate that policy was to risk termination. Although the stated objective was public safety, the underlying intention was most likely avoidance of political backlash should an offender who was not violated went on to commit a crime. But under that guise, some 18 percent of the incarcerations in the preceding 12 months had come from violations of probation and parole. A simple ruling that "zero tolerance" was to be replaced by an objective assessment of the probation officer brought the numbers of violations down dramatically; crime did not go up; and it is likely that the beginning of the downturn in what had been an ever-rising inmate population (which would peak at about 102,000 in a few more years) began at that time.

Similarly, in those years there were a surprising number of "year-and-a-day" sentences. These referred to relatively minor offenses which normally would have led to a jail sentence of a few months – an expense that would have been borne by the county. But affixing the sentence at 366 days, the costs immediately shifted to the state, which by law must take all offenders whose sentence was more than a year. At first the solution to the problem seemed implacable – a major political debate was brewing between local and state government about who was shifting the burden to whom. With a little bit of research it was discovered that almost all of the year and a day sentences were coming from just three courts. The solution – a letter to each of the judges involved asking them to take into account the enormous implications of what they were doing. They did, and the rates of such sentences dropped precipitously.

If internal policies that can be readily set in place hold the potential to make improvements in the criminal justice system, even more so can policies set between agencies. For example, with a mental health need

clinically diagnosed among almost 20 percent of inmates, setting up appointments upon release with the Department of Children and Families (normally the servicing agency) or with the Veterans Administration, when applicable, can go a long way toward reducing recidivism. Even more effective would be coordinating a community sponsor so that the recently released ex-offender is assisted in arriving at that first appointment on the outside. Experience shows that if the first appointment is met, the following appointments are also made. Conversely, if the first is missed, they are all subsequently missed and recidivism rates among mentally ill ex-offenders go way up.

The point in this part of the discussion is that leadership plays a large part in determining optimal outcomes that impinge on public safety, public cost, and human potential. Indeed, leadership is always the critical factor. No human system will work well without committed, intelligent, and courageous leadership.

So what of the notion of placing a council over the department – whether it be supervisory or merely advisory? It's an idea worthy of discussion. But there is a danger of merely plunking down another level of bureaucracy and expecting improvement. Certainly, it might assist in coordination across departments. And it also might assist in maintaining a steady hand in steering the large ship of Corrections when there is frequent changeover of leadership, a phenomenon of the last several years. Certainly, the Department should not be able to act in isolation from higher level guidance.

But do not overlook the fact that such higher level guidance – and, therefore, accountability -- already exists in the three branches of government: First with the executive branch that appoints – and can dismiss – the Secretary; secondly with the legislature that appropriates the budget and passes the laws that govern criminal justice policies; and thirdly with the judiciary that rules on compliance with the laws of the state and the Constitution of the United States. Yet another body overseeing the Department might do well, so long as it has not only the authority to dictate what policies will be adopted, but also the responsibility for accounting for the success or failures of those same policies. To give them authority without responsibility would make for a very dangerous arrangement indeed.

This brings us to the subject of privatization. One way to look at the utility of a system is to take it out to its extreme. In other words, consider how well the triple concerns of public safety, public cost, and the preservation of human potential would be met with a one hundred percent privatized system. If you see troubles there, then how well does it work if only one-half of the system is privatized, or one fourth, one eighth, and so on.

A case in point, consider the medical care being given by private sources that contract with the Department of Corrections. It may be that they (both the private prisons and the medical contractors) focus primarily on economies – i.e., costs. They look to public safety and human potential as well, for they are part of the contract and help to sell their public image, but the primary concern is cost. That is understandable for a corporation, but you must ask if that is what Florida wants – a system whose over-riding concern is cost. If you think that is merely a theoretical concern, consider the fact that it is often necessary to ask the privates to think hard about hiring the people who had been fired by the Department. Even though they could get them for a low price, that there was a reason they were fired in the first place.

So think it through as you make your recommendations. And please, also think through who is ultimately responsible for the incarceration of the individual. The issue can be unwieldy, for example, to have the

contract for privatization overseen by one department while another, the Department of Corrections, was responsible for the care of those inmates, while both had to look to a third party, the private corporations, to actually do the job.

And since we are now entering sacred cow country, let's consider another hot issue – the 85 per cent rule. Many justice system stakeholders advise not to even consider changing it, for it is politically inviolable. But, perhaps that is for others to rule on. The point now is to question, to analyze, and to offer. Why is 85% sacrosanct? Would 84% suffice? Would 83% be an abomination? And why? Remember, that the concerns must be public safety, public cost, and the preservation of human potential. Consider the elderly and virtually totally incapacitated that are within the prison system. Recently the number of those was approximately 2000. Now we are not talking about the partially incapacitated. Rather, we are talking about the totally bed-ridden, the quadriplegic, those in advanced stages of Alzheimers, and those crippled by age and rendered immobile by other terminal ailments. These are not inmates who cost the average \$20,000 per year to house. The attention and medical care they require inflate the per diem costs they accrue to many times the norm. In many cases, they have families who are willing to take them in for their final months of life. For what reason do we keep them imprisoned – is it public safety, lower public costs, or to help rehabilitate them? Or is it because some of those who fashion themselves “tough on crime” believe that crossing the line of 85% would bring down the gates and put us all at risk? The costs hardly justify continued adherence of the 85% rule for inmates like those described above.

Now, let's view the 85% rule another way: How is it defined. If a judge says you are to spend two years behind bars and then -- provided you meet all the qualifications required while in prison -- serve the final year under the constraints of a drug court, how do you figure the number of days to spend in prison? Isn't it 85% of the two years – the sentence to be served behind bars? “Well,” you might say, “that's okay, but we can't make such rulings retroactive, it would violate the 85% rule.” But consider the current work release program already in place. The judge doesn't decree that the inmate will go to a work release program in the final year of his or her sentence. The Department does that, and only when that person presents a minimal risk, has met all of the qualifications, and demonstrated a track record of good behavior. For the most part, that program has been deemed a success and by my last count over 3000 inmates was in it – no locks, no towers, and the work day spent in and around the public at large, without a Corrections Officer in site. Why is one program acceptable (and, more, deemed successful and productive) while the other is seen as a potential blight on the seemingly sacred 85% rule?

In this, as in all things, do the math. See what other states have done. Understand human nature and how human systems affect it. Avoid zealotry and single issue solutions. In a complex criminal justice system – or even a slightly less complex corrections system – there can be no single issue solution, whether it is faith-based prisons, substance abuse treatment, education, privatization or anything else. Above all, remember the objectives – public safety, public costs, and human potential, with the realization that the maximizing of one or even two, will surely come at great expense to the third. What we need is the optimization of an entire system that achieves to more or lesser degrees, each of these separate objectives.

I. Presentations by the Florida Department of Corrections

Several senior managers from FDOC attended the Pre-Summit meeting and made presentations on a variety of issues. Among them, were the Assistant Secretary of Re-Entry, the Director of the Office of Community Corrections for the North Region, the Director of Institutions for Region III, and the FDOC Director of Operations & Support.

Re-Entry

FDOC is in the process of implementing a program called the Transition from Prison to Community Initiative (TPCI). TPCI is an evidenced-based re-entry initiative that was introduced by the National Institute of Corrections (NIC) in 2001. Since then, TPCI has been successfully implemented in several states, with a concomitant reduction in recidivism. Among the states where TPCI has been implemented are: Missouri, Michigan, Indiana, New York, and Georgia.

TPCI is comprised of three phases: Getting Ready; Going Home; and Staying Home. A key factor in successful implementation will be establishment of public-private partnerships among all stakeholders at the community level. Toward this end, FDOC conducted a series of Town Hall meetings at 12 locations across the state to establish a sound foundation for public dialogue and engagement in the successful re-integration of ex-offenders into local communities.

Some interesting facts: Ex-offenders with a GED are 8% less likely to recidivate and 10% more likely to have a job upon release. Ex-offenders with a vocational certificate are 17% less likely to recidivate and 18% more likely to be employed. Faith-based programs result in similar outcomes, but it is not easy to isolate direct causality. TPCI is described in great detail at the following NIC website: <http://nicic.gov/Library/022669>

Corrections Performance Measures

FDOC is working to introduce performance measures scorecards and contracts so as to improve organizational performance and accountability. Measures will first be introduced in the Institutions across then state, followed by other operational areas, such as Community Corrections, Re-Entry, and Medical / Health Services.

Twenty-seven specific performance measures have been developed, based on standards of the Association of State Correctional Administrators (ASCA). The measures are divided into two categories, based on how they are to be utilized. All measures are regarded as Operational measures and will be used to inform performance contracts and quarterly evaluations. Accountability measures, on the other hand, will be used to inform Institutional Rankings and represent fourteen of the twenty-seven measures.

There are six assessment categories for which performance measures have been identified: Public Safety; Institutional Safety; Inmate Justice; Inmate Idleness and Achievement; Facility Management; and Community Impact.

Because of the diversity of FDOC facilities & institutions, there are many reasons for not comparing performance measures from one institution to another. Rather, a scoring system was devised that essentially evaluates institutions against their own past performance and tracks improvement and change.

Community Corrections

The Office of Community Corrections assists in accomplishment of the FDOC mission by providing appropriate supervision to offenders that are placed on community supervision programs. These (programs) may include: pre-trial intervention, probation, community control, drug offender probation, sex-offender probation, and post-release supervision. Community Corrections provides referrals to resources necessary to assist offenders in successfully completing the conditions of supervision. In addition, Community Corrections manages offenders in other states through Interstate Compact agreements.

An offender placed under supervision by the court or released by the Parole Commission must abide by “conditions of supervision”. The conditions of supervision are mandated by Florida statute (s.948.03) but the statutes also allow the sentencing/releasing authority to design “special conditions” for the offender based upon the type of crime for which they have been convicted.

The offender under supervision must comply with the conditions prior to terminating supervision. A willful violation of these conditions may result in revocation and imposition of any sentence which may have been imposed before placing the offender on supervision (including prison) or a return to prison in the case of a prison release.

The probationer is required to pay the cost of supervision to the State of Florida, and may have additional conditions requiring payment of restitution, court costs, and fines. Often, in the case of persons under court supervision, the court will order completion of public service hours which are designed to aid local communities by reducing costs and provide the offender with a means of “paying back” to the community.

Offenders under supervision for drug offenses are often required to attend and complete residential or outpatient drug treatment programs and undergo random urine testing to check for the possible abuse of illegal substances.

Offenders on community control supervision, in addition to the regular conditions of supervision, must remain confined to an approved residence except for one-half hour before and after their approved employment, public service work or any other activity approved by their officer.

Supervising officers visit all persons under supervision at their homes, employment and elsewhere in the community.

Supervising officers have powers of arrest over offenders on supervision and participate regularly with other law enforcement agencies in planned initiatives involving offenders under supervision who are members of gangs, sex offenders or absconders from supervision. Many supervising officers are certified to carry a firearm for protection.

Two programs have been especially effective and successful within Community Corrections. They are the Alternative Sanctions Program (ASP) and the Independent Reporting Status (IRS) program. Both are described in more detail below.

Alternative Sanctions Program

The current violation process can take months for the court to schedule a violation of probation hearing and make a decision on a technical violation. Meanwhile, during this time period, the offender may be in custody which often leads to loss of employment or residence. It also is an expense to the county to house technical violators in jail, time for the court, prosecutors, law enforcement to serve warrants, etc.

Community Corrections is proposing an Alternative Sanctions Program (ASP) which would provide the court with an administrative diversion option to handle certain non-violent first and second time technical probation violators.

Research indicates that:

- Future violations are prevented when there is little time delay between behavior and response;
- Compliance increases when responses are viewed as impartial and logical by the offender; and
- Response should be graduated and based on the violation severity

Eligibility: The Alternative Sanctions Program will be limited to technical violations for non-violent offenders.

- The judge must decide which technical violations can be addressed administratively by probation officers through the Alternative Sanctions Program. Much like the Pre Trial Intervention (PTI) program where the State Attorney determines which offenses will be considered for PTI.
- The judge must decide on appropriate sanctions for the specified technical violations unique to county/circuit based on existing resources.
- These decisions made by the court must be formalized on a matrix which officers will use when selecting sanctions to recommend to the court.
- Ordered in an Administrative Order
- Not Eligible: Court will select their own eligibility criteria, the Department recommends that the following offenders be excluded:
 - Lengthy or violent criminal history, including sex offenders
 - New law violation
 - Absconders
 - Violation of a “no contact” condition of supervision
 - Offenders whose remaining time under supervision is insufficient to complete the recommended sanctions
 - Offenders who have three or more previous violations

Benefits of the Alternative Sanctions Program:

- Reduce court docket
- Reduce prosecutor/public defender resources
- Reduce law enforcement resources utilized to serve violation warrants
- Reduce prison/jail population
- Allow the offender to remain engaged in employment/school/etc.
- No additional resources to administer

The Process of the Program:

- After the qualifying offenses/sanctions are in place and Administrative Order is executed.
- Offenders are made aware of the Alternative Sanctions Program and the offenses/sanction
- Officer detects a technical violation on the matrix
- Offender admits to the violation and agrees with the recommended sanction
- Alternative Sanctions Program Technical Violation Notification/Waiver form which is a 3-part form with the following sections:
 - Technical Violation Notification – Includes narrative of the circumstances for the technical violation that occurred, as well as a section to include the recommended sanction (based on the court-approved matrix)
 - Waiver Section – Includes the offender's signature, acknowledging their admission of the violation, their waiver of a formal VOP hearing, and their acceptance of the sanction recommended by the officer. Offenders will be advised that final approval or program participation and the selected consequences may be accepted or rejected by the Court.
 - If the offender does not wish to admit to the violation, waive his/her hearing or accept the recommended sanction, the violation will be treated as any other violation.
 - Order - Alternative Sanctions Program, signed by the judge and checked with one of the following decisions:
 - Voluntary - offender can opt for a formal hearing
 - The Technical Violation Notification is forwarded to the court for approval, and if approved the sanction is executed immediately by the Probation Officer
 - Offender advised final approval is from the Court

Pilot Program:

- Pilot Program was approved September 2012
- Pilot Program in 5 counties (Bay, Brevard, Palm Beach, Desoto, and Sarasota)
- Circuit Administrators are meeting with Judges, State Attorney and Sheriff's to develop local specific approved sanctions for a range of technical violations

Independent Reporting Status (IRS)

- Department of Corrections/Community Corrections:
 - Supervise and monitor close to 180,000 (179,866)
 - Sex Offenders – Over 5,000
 - GPS - over 3,041 (mostly sex offenders)
 - Violent Felony Offenders of Special Concern = 23,854 (16,821 active)
 - Last two legislative session Community Corrections lost positions
 - Total Staff - 2,792
- Accountability:
 - Maintain public safety
 - Comply with legislatively mandated caseload ratios
 - Reduce, and maintain, regular probation caseload size
 - Challenge was to reduce violation and enhance supervision compliance in a measureable fashion with existing resources
- Community Corrections has embraced Evidence Based Practices (EBP):
 - EBP research indicates “over supervising” low risk offenders is counterproductive and results in a greater number of violations
 - To the contrary, focused supervision strategies for medium and high risk offenders results in reduced recidivism
 - A means was needed to free up resources to focus on the medium and maximum cases
 - Independent Reporting Status not only creates a positive incentive for low risk offenders, it allows for resources to be redirected toward recidivism reduction in medium and high risk offenders

- IRS--How it works:
 - Reduced level of reporting for low risk/needs offenders holding the offender accountable for compliance with supervision requirements.
 - Supervision Requirements - No routine field/office contact required:
 - Residence and employment verifications continue to be verified per procedure.
 - Investigation of violation status may require a field visit.
 - Special conditions will be verified telephonically or by other means.
 - Monthly Reporting – No office visit required; a monthly telephone call will be placed to the officer. IRS cases may submit monthly report to the front desk, U.S. Mail or e-mail. They do not need to see an officer unless directed to do so
 - Intervention – IRS cases that become “unstable” should be removed from IRS status so that problems may be addressed prior to violation.
 - Eligibility – minimum risk cases that are assessed with low needs and have stability in residence, source of income, treatment, and compliance with supervision conditions:
 - Status Cases – all minimum cases will be assessed; utilizing the above criteria, for placement into Independent Reporting Status (IRS)
 - New Cases – upon completion of IT30, Individual Supervision Plan (ISP), and a minimum of 90 days of supervision: a determination may be made by the officer and supervisor that offender meets the IRS criteria
- The following cases will not be included in IRS
 - Pre-Trial Intervention (PTI)
 - Drug Offender Probation (DOP)
 - Curfew as a Special Condition
 - Drug Court
 - Parole
 - Interstate Compact (ICOTS) cases will be included in IRS
 - Contacts - NO routine office/NO field contact will be made; exceptions:
 - Initial residence and employment verifications per procedure
 - Residence change
 - Investigation of violations

- IRS Pilot Program:
 - Pilot Program ran March 2 to May 31, 2012 in two Circuits – one northern; one southern of comparable size trained and participated.
 - Evaluation points: “risk to public safety” and “supervision compliance”
 - Pilot results indicate no appreciable difference in stability (new arrest , technical violations, supervision compliance) between offenders qualifying for IRS status with reduced reporting requirements and those without
 - These findings would suggest that public safety and offender success has not been negatively impacted by implementation of Independent Reporting Status.
 - Implementation of IRS is a Reward for Compliant Cases
 - No need to report, take off of work or have family bring them in to probation office
 - Allows for our limited resources to be focused on higher risk offenders and reduce those focused on lower risk cases consistent with current philosophy and data on successful supervision strategies.
- IRS Implementation:
 - 14 of the state’s 20 circuits are implementing (in various stages of startup), over 3,100 offenders in IRS
 - Community Corrections is now ready to move forward with development and implementation of programs focused on reducing recidivism:
 - EBP Training – 6 hours
 - Motivational Interviewing Training – 16 hours
 - Thinking for a Change – Cognitive Behavioral
 - Incentives – early termination, modification, IRS

Risk / Needs Assessment & Classification

Risk/needs assessment and classification plays a very important role in an offender’s experience while incarcerated in the Florida Department of Corrections (FDOC). At the time an offender begins his or her sentence, risk/needs assessment and classification determines the risk (custody) level to which the offender is assigned. Once assigned to a specified risk (custody) level, the assessment informs the specific programs that the inmate experiences during his or her time of incarceration. Much later during an offender’s incarceration, when nearing time for release and re-entry, risk and needs assessment and classification informs the specific programs that can best prepare the offender for re-entry into the community.

In conducting risk/needs assessment and classification FDOC differentiates between what it calls external and internal classification. External classification determines an offender's custody level and facility assignment. External classification is accomplished through use of the Custody Assessment and Reclassification System (CARS). Internal classification determines the offender's housing and work assignments, as well as the programs and/or services for which offenders will be scheduled. Internal classification is accomplished through use of the Corrections Integrated Needs Assessment System (CINAS). This presentation primarily addresses internal classification accomplished with CINAS. CARS will be addressed in less detail.

CINAS is an evidenced-based needs assessment system based on the "Risk-Needs-Responsivity" model. It was implemented in DOC in March of 2010. CINAS aims to accomplish several ends for DOC:

- First, it calculates an inmate's risk of recidivating based on 38 static and dynamic factors.
- Second, it determines an inmate's risk factor in seven distinct domains or criminogenic areas.
- Third, it takes the aforementioned risk to recidivate score, called the recidivism index or RI, and assists staff in placing inmates in the appropriate programs based on their individual needs and risk to recidivate.

In accomplishing these ends, CINAS allows DOC to concentrate limited program resources on those inmates with a higher likelihood of returning to prison during the final three years of incarceration.

CINAS is fourth generation assessment instrument:

- First generation assessment reflects professional judgment by correctional or clinical staff.
- Second generation assessment augments professional judgment with objective data that does not change (static). This is sometimes referred to as "actuarial assessment."
- Third generation assessment builds on second generation assessment but adds dynamic factors that may change over time. Such assessment informs risk to recidivate.
- Fourth generation builds on third generation assessment through integration of a case management component from intake to closure.

CINAS has been evaluated by two external sources, the Northpointe Institute and the National Institute of Corrections (NIC). Both evaluations commended CINAS, while also citing recommendations for further improvement and development of the instrument.

Excerpts from the Northpointe evaluation include the following: "The findings of the predictive validity of the Recidivism Index (RI) are especially encouraging...the RI relies on objective and highly reliable variables pulled from official records...the Department definitely has an excellent start towards a second version of the RI predictive model."

Similarly, excerpts from the NIC evaluation included the following: "DOC should be congratulated and applauded for its work in development of CINAS...the system has the potential for expansion to case management services related to criminogenic needs."

In addition to the above-referenced evaluations of CINAS, the department's Custody Assessment & Reclassification System or CARS was recently the subject of a study by the Florida State University College of Criminology and Criminal Justice. Excerpts from study findings included the following:

- The percentage of classification actions in which the suggested custody level recommended by CARS is modified (final) to a different level by classification staff, commonly referred to as custody "overrides", increased from 10.8% in 2005 to 16.4% in 2008, but has declined each year to a level of 14.4% in 2011.
- The 14.4% override rate in 2011 is less than the maximum rate of 15% recommended by the National Institute of Corrections (NIC). Additionally, the override rate when the final custody level is higher than the custody level recommended by CARS is below 9.5%, which is within the 5% to 15% range recommended by NIC.
- With some exceptions, the data indicate that the CARS custody risk score, which ranges from 0 to 27, is positively correlated with whether inmates commit a Disciplinary infraction of any kind and violent DI's ("DI" used herein refers to Disciplinary Infraction *aka* "DR" or Disciplinary Report within the Department of Corrections) specifically, as well as the number of DI's. This general validation of custody system is found when examining male and female inmates separately and for the initial and reclassification decisions.

Recent Inquiries: The following are responses to recent inquiries regarding the absence of mental health factors as a CINAS domain and a potential 900 inmate minimum custody increase based on a one point adjustment to the custody scale.

Research has identified risk factors related to criminal behavior. These studies indicate "seven risk factors associated with criminal conduct that can be assessed and altered through effective interventions (Pew Safety Performance Project, September 2011). The seven domains are "(1) Antisocial Personality Pattern; (2) Pro Criminal Attitudes; (3) Social Support for Crime; (4) Substance Abuse; (5) Poor Family/Martial Relationships; (6) School/Work Failure and (7) Lack of Pro Social Recreational Activities." Mental health was not included as a separate domain in CINAS since mental health evaluations are done by a licensed professional and through specific assessments.

A preliminary report regarding the custody system for the Florida Department of Corrections conducted by the FSU College of Criminology and Criminal Justice indicated that approximately 900 minimum custody inmates could be gained if the point system was altered by one point, notwithstanding mandatory overrides. This number represents inmates who are currently medium custody but may be eligible for minimum if the altered point scale is used. It should be noted that this number is unconfirmed and preliminary and it should also be noted that this number in no way equates to the number of inmates that would be eligible for community custody and community program placement.

Based on a preliminary review of the potential 900 inmates as compared to the current transition and work release criteria, only 128 inmates would qualify for a possible reduction to community custody. This number can be further broken down as follows:

26 Inmates are currently within the timeframe for transition beds

22 Inmates may be eligible for center work assignment

- Approximately 10% of this number may be eligible for work release
- These are generally non-85% inmates earning 20 or more days of gain time a month

39 Inmates are currently within the timeframe for work release

41 Inmates have a current release date less than 6 months away

- Inmates are not generally eligible for work release within 6 months of their release date
- These numbers were included to show the amount that may have been eligible prior to 6 months

The above numbers do not take into account other factors such as medical or mental health disapprovals, the current approximate upward discretionary override rate of less than 9.5% or an inmate's expressed desire to not participate in the work release program. Based on the information provided herein, it is imperative that the general and unconfirmed number of 900 inmates not be considered as the final potential pool for transition and work release eligible inmates.

II. Drug Treatment Programs

Re-Write of House Bill 177

During the 2012 legislative session the Florida Legislature passed HB 177, which provided conditions for the release and treatment of certain 3d degree felony drug offenders. HB 177 was subsequently vetoed by the Governor. This presentation dealt with a proposed bill to be introduced during the 2013 legislative session that would accomplish the same objectives as HB 177, but without its objectionable provisions.

Major Provisions of HB 177:

- Offenders convicted of a third degree felony
- Exempted those convicted of other violent crimes
- Allowed the DOC to recommend a modification of sentence to Drug Offender Probation similar to process employed in Youthful Offender Statute
- Required offender to participate in in-custody substance abuse treatment
- Offenders convicted of a third degree felony
- Exempted those convicted of other violent crimes

- Allowed the DOC to recommend a modification of sentence to Drug Offender Probation similar to process employed in Youthful Offender Statute
- Required offender to participate in in-custody substance abuse treatment

Major Provisions of the Proposed 2013 Re-Write:

- Establishes Conditional Split-Sentence
- Front-End Loaded Sentencing with Last Year to 18 months served in the community on drug offender probation as part of Reentry
- Motivation for good behavior and completion of treatment
- 90-day substance abuse treatment in prison
- Post-release treatment plan
- Supervision by Drug Court if available

Similarities Between the Original HB 177 and the Proposed 2013 Re-Write:

- Both target 3d degree offender
- Both exclude offenders with a violent past
- Both require developmental programs (such as education, vocational training, housing, employment, substance abuse, mental health treatment)
- Both require a re-entry plan
- Both include supervision by a drug court if available
- Both include evaluation and report to the Governor, Senate President and Speaker of the House

Differences Between the Original HB 177 and the Proposed 2013 Re-Write:

- HB 177 required input from the victim and the State after the offender spent time in custody. The proposed 2013 Re-Write requires input from the victim and the State at the time of sentencing.
- HB 177 would have resulted in immediate reduction of the prison population, whereas the proposed Re-Write would result in future reduction of in-custody offenders.
- HB 177 would have produced immediate cost savings by placing non-violent offenders in strict community supervision, whereas the proposed 2013 Re-Write would produce future savings by reducing time in-custody.
- HB 177 was vulnerable to perceived violations of the 85% rule, whereas the proposed 2013 Re-Write would not be vulnerable to being perceived as violating the 85% rule.

Drug Treatment Concerns from The Unlimited Path, Inc.

- The prison population averages around 100,000 inmates. Of this population, the Bureau of Research & Data Analysis at the Department of Corrections identified 64%+ needing institutional substance abuse treatment prior to release. The department also reports that over 37,000 inmates needing treatment are within 3 years of release.
- There are 4,514 pre-release treatment beds in DOC that make up intensive outpatient, residential therapeutic, substance abuse transition, and community work release in fifty-two facilities. The lack of beds shows that substance abuse treatment within the prison population is underserved.
- Numerous studies support the concept that treatment is an effective and cost efficient tool at reducing recidivism. In order to meet the needs of inmates with substance use problems, the Department of Corrections must be committed to sustaining the current level of treatment beds and create a case management plan for expanding treatment for inmates who are within three years release.
- Currently, there is a disconnect between release and integration back into the community. As we know, aftercare works, the Department should at a minimum work towards creating case management plans for moderate and high-risk offenders.

III. Educational Programs

Smart Horizon's Career On-Line Education Initiative

The Florida Department of Corrections recently awarded Smart Horizons Career Online Education (SCHOE: www.schoe.org) a contract to provide online education to inmates in Florida prison facilities. Founded in 2009, SCHOE is the world's first Advanced ED/SACS accredited online school district, offering an instructional program that enables students to earn an 18-credit high school diploma and a credentialed career certificate in on, comprehensive online program.

SHCOE tailored its cutting-edge online program to address the specific needs of prisons populations. In so doing, SCHOE is able to offer a timely and innovative solution as state corrections systems seek to lower revidivism rates and reduce costs. Statistics show that 65% of the more than 100,000 adult inmates in Florida and the more than 2.3 million adult inmates in the United States do not have a high school diploma.

The SCHOE program went live at two Florida correctional facilities earlier this year as part of a pilot program. The Madison Correctional Institution began enrolling students in April and Ocala's Lowell Annex Correctional Institution began enrolling students in May. Inmates take SCHOE's online courses in supervised on-site learning labs that are available to them 5 days a week. The programs at Madison and Lowell are the first online secondary education programs at any correctional institution in the United States.

There is already a waiting list among inmates in both the Madison and Lowell facilities. Of particular note is the fact that the Madison facility was recently the scene for the first accredited high school graduation in the State, and perhaps in the nation, to take place within a correctional institution. Twenty-one inmates, with families in attendance, walked across the stage to receive their diplomas.

SCHOE is currently looking to expand this program to other facilities within the FDOC.

SCHOE is a fully accredited in all states and is recognized in across the nation as a quality school system. The program is designed to prepare students for entrance into the workplace, with career certificate offerings in a host of marketable occupations.

IV. Evidenced-Based Community Supervision Program

Historical Overview of Misdemeanor Probation in Florida:

- 1975 – Legislature separated felony and misdemeanor probation
- FL Stature Chapter 94B – Allows counties to contract for misdemeanor probation
- Approximately 38 FL counties have private misdemeanor probation contracts
- Statute allows for sentence of maximum of 1 year for any case – same as sentence served in county jail
- Mission is public safety and is completed by: monitoring court-ordered conditions, drug testing, offender contacts
- Cases returned to court via violation of probation warrant or NTA
- Examples of misdemeanor cases: DUI, DWSL, Domestic Violence, Drug Possession

The R-N-R Model of Offender Rehabilitation (Risk-Need-Responsivity):

- **Risk Principle** (who to target)
 - Moderate to high risk offenders
- **Need Principle** (what to target)
 - Identification and treatment of needs
- **Responsivity Principle** (how to target it)
 - Interventions adapted to client needs

Recent History of Risk / Needs Assessment in Corrections (1990 to Present):

- Third and Fourth Generation Approaches
- Third Generation
 - Static and Dynamic (changeable) Risk Factors
 - Criminogenic Factors
- Fourth Generation
 - Protective Factors

Criminogenic Factors:

- History of Antisocial Behavior
- Antisocial Personality Pattern
- Antisocial Cognition
- Antisocial Associates
- Family / Marital Circumstances
- School / Work
- Leisure / Recreation
- Substance Status

The Strategic Training Initiative in Community Supervision (STICS):

- Three-day Training
 - 10 modules explaining STICS, R-N-R, Motivational Interviewing, Cognitive Restructuring and Criminogenic Factors
- Ongoing Skill Maintenance
 - Monthly meetings to discuss, practice & critique officer-client sessions
 - A refresher course one year after initial 3-day training
- Assessing Adherence
 - Audio tapes of supervisor sessions

Recidivism Before and After STICS:

- Supervision by Probation Officers Pre-STICS
 - 46.7% of Probationers went back to jail
- Supervision Under Post-STICS Probation Officers
 - 25.3% of Probationers went back to jail
- Supervision Under Probation Officers in the Control Group
 - 40.5% of Probationers went back to jail

Recidivism as a Result of Adherence to STICS, in Conjunction with Use of Cognitive-Behavioral Techniques:

- Probation Officer that did STICS and sometimes used cognitive techniques
 - 19% of Probationers went back to jail
- Probation Officer that did STICS and Never used cognitive techniques
 - 37% of Probationers went back to jail

Top Ten Ways Correctional Systems Increase Recidivism:

- No validated risk assessments
- Shaming, blaming, lecturing, arguing, and negative reinforcement or punishment
- Treatment of low-risk offenders
- Letting high and low risk offenders associate
- Treatment determined by availability not need
- No cognitive-behavioral skill building
- Not structuring offender's time
- Using ad-hoc or disorganized treatment plans
- Providing no post-release community linkages or support
- Never conducting quality assurance on practitioners skills and knowledge

V. Probationary Risk Assessment

Goal is to reduce recidivism and save money:

- Risk / Needs Assessment Evidenced-Based Practices (EBP) means using strategies that have been proven to work in reducing recidivism.
 - Issue: Whether (probationary) decisions are the result of intuitive prediction or statistical prediction? Need more use of the latter.
 - Issue: Sentencing disparities from one judicial circuit to the next and from one courtroom to the next.

Key Elements for statistical prediction based on Probationary Risk Assessment EBPs:

- R-N-R (Risk-Need-Responsivity) Principle
- Review of Criminogenic Factors, in particular those most closely related to criminal behavior:
 - Antisocial Personality Pattern
 - Procriminal Attitudes (Criminal Thinking)
 - Social Support for Crime (criminal friends, isolation from others, etc.)
- How Best to Address Criminogenic Factors in Probationary Risk Assessment:
 - Cognitive Behavior Therapy (Thinking for a Change)
 - R-N-R
 - Community Supervision

VI. Subsequent Meetings and Initiatives

The final Pre-Summit Meeting to precede the Justice Summit that will occur in Orlando in December is scheduled to be held in Tampa on 14 November. This meeting will focus exclusively on juvenile justice issues and programs. Several key senior leaders from the Department of Juvenile Justice are slated to attend and to present. In addition, the Florida Juvenile Justice Association will be attending and has been closely involved in developing the agenda for the meeting.

Upon completion of the final Pre-Summit Meeting on 14 November, the next major action involves planning for the Justice Summit and finalizing the agenda that will guide discussion at the Summit. Several meetings among key stakeholders have already taken place and additional coordination meetings will be planned for the weeks ahead.

Final Planning Meeting

A calendar interface for November 2012. The calendar grid shows days from 28 to 1. The 14th is highlighted in blue. To the right of the calendar, under the heading "Selected day", the date "14" is displayed in large blue font, followed by "November". Below this, a blue dot indicates an event: "CSJ Pre-Summit Meeting", with subtext "Re: Juvenile Justice Issues" and "Tampa, FL".

November 2012							Selected day
SU	MO	TU	WE	TH	FR	SA	
28	29	30	31	1	2	3	14 November ● CSJ Pre-Summit Meeting Re: Juvenile Justice Issues Tampa, FL
4	5	6	7	8	9	10	
11	12	13	14	15	16	17	
18	19	20	21	22	23	24	
25	26	27	28	29	30	1	

Appendix B

Oct. 24 Meeting Report

Update on Meetings Prior to December 2012 Justice Summit

Executive Summary

In December of 2012 stakeholders committed to justice reform in Florida will meet at a Justice Summit to be held in Orlando. The objective of the summit will be to develop an operational agenda to guide smart justice initiative planning in anticipation of Florida's 2013 legislative session.

To help lay the groundwork for the summit and so as to identify consensual issues for further development by justice reform stakeholders, a series of Pre-Summit Planning Meetings during each of the months prior to the summit are planned for September, October, and November.

The purpose of the present endeavor is to report on discussion that took place at the Pre-Summit Planning Meeting held on 20 September, 2012. The meeting focused primarily on issues attendant to the period of time from arrest to incarceration. Hence, the first meeting addressed alternatives to incarceration, programs for substance abuse and mental health offenders, diversionary programs, adult civil citations, crisis intervention team (CIT) training, judicial issues, problem-solving courts, and sentencing guidelines.

Participants included a wide range of stakeholders and subject matter experts. Among them were representatives from the Executive Office of the Governor, the Florida Senate, the Florida House of Representatives, the Florida Supreme Court, the Florida Attorney General's Office, the Florida Department of Corrections, the Florida Department of Juvenile Justice, the Florida Department of Law Enforcement, the Florida Sheriff's Association, the Florida Public Defender's Association, the Florida Association of Drug & Alcohol Abuse, the Florida Office of Executive Clemency, the Florida Smart Justice Alliance, Florida TaxWatch, and the Florida TaxWatch Center for Smart Justice. Overall, approximately 60 people were in attendance.

Prior to addressing the designated areas of focus for the first Pre-Summit Planning Meeting, attendees received a concept proposal for an initiative that will hopefully do much to diminish Florida's prison population and save taxpayers millions of dollars, the Correctional Detention Treatment Program.

Correctional Detention Treatment Program

Prior to addressing the designated areas of focus for the first Pre-Summit Planning Meeting, attendees received a concept proposal for an initiative that will hopefully do much to diminish Florida's prison population and save taxpayers millions of dollars, the Correctional Detention Treatment Program, as described below:

The Florida Legislature and the Office of the Governor have supported transitional and re-entry services for prison inmates as important in lowering recidivism. The Legislature attempted to expand programs for certain substance abuse offenders by passing reentry legislation in 2012. However, the legislation included an exception to the rule that inmates serve a minimum of 85% of their sentence, which many in law enforcement believe is critically important to keep. As a result, the 2012 legislation was vetoed by the Governor for violating the 85% rule noted above. Therefore, the proposal outlined herein is an alternative that would allow the court to sentence offenders directly to facilities dedicated to providing transition and reentry services without any violation of the 85% standard.

Under Florida's current budget the Department of Corrections has been directed to develop a plan to contract for the management and operation of three newly constructed facilities located in Baker, Gadsden, and Miami-Dade counties, and scheduled to come online in October 2012. The proposal being advocated herein seeks to dedicate those (three) assets for use as correctional detention facilities that provide programs for inmates convicted of certain substance abuse related offenses.

These three sites would be secure facilities designed to house inmates as specifically described in last year's legislation, non-violent felons that meet certain other qualifying criteria. Transitional services would include initial inmate assessments followed by educational, vocational, life skills and other programs. Inmates could step down into a work release program toward the end of their sentence as currently provided in Florida Statutes.

A key component under this plan is that the court would determine eligibility at the time of sentencing. Hence, an offender would serve his or her prison sentence in one of these dedicated structures based on the same eligibility standards that were agreed to during the 2012 legislative session. An additional benefit is that these inmates would bypass the FDOC reception centers, where they often spend many months at a cost to the taxpayer of approximately twice the daily rate as state prison. This aspect of the program could save millions of dollars.

The Correctional Detention Treatment Program will be presented again at the October Pre-Summit Planning Meeting since the October meeting will address issues particular to the Florida Department of Corrections and issues attendant to the period of time that offenders spend in incarceration.

Agenda and Organizational Template for the September Pre-Summit Planning Meeting

In order to encourage interactive dialogue among participants, presentations were required to adhere to strict time limits. Audio-visual devices such as projectors and power points were not employed. The meeting's focus, on activities that occur between arrest and incarceration, was divided into three panel discussions.

Each panel was comprised of three to four presenters and a moderator. Each panelist was given approximately 7 minutes to present the program or issue they were asked to address. Following presentation by all panelists, the floor was opened to comment, questions, suggestions, etc. from members of the audience, as facilitated by the moderator.

The first panel addressed issues dealing with innovations in diversion programs. The second panel addressed issues dealing with community-based programs and graduated sanctions. The third panel addressed issues dealing with court initiatives and sentencing guidelines.

Presentations are summarized below under each of the three panel sessions described above.

I. Diversion Programs

The first panel addressed initiatives that represent innovations in diversion programs. Presentations included discussion of a pre-diversion initiative in Orange County, Florida; an anti-drug initiative in Florida's 7th Judicial Circuit; a proposal for a statewide adult civil citation program; and crisis intervention team training currently being offered in Orange County.

Pretrial Diversion Initiatives in Orange County, Florida

The first presentation addressed pretrial diversion initiatives in Orange County, Florida. Aimed primarily at low-risk, non-violent offenders, said initiatives offer close supervision and a variety of programming to help offenders efforts to minimize the likelihood of future criminal behavior. The Orange County Pretrial Diversion Initiative is outlined below.

A. National Institute of Corrections / National Association of Pretrial Service Agencies

- Developed in the 1960's, Pretrial Diversion provides a meaningful intervention to criminal behavior by low-risk, non-violent defendants and helps systems to target court, prosecutorial and corrections resources to more serious cases and defendants. It also prevents offenders from further or deeper immersion into the criminal justice system.
- Prevalence of non-violent charged defendants in the U S suggests that a number of defendants would be suitable for alternatives to adjudication (2010 - 80% of 21 million criminal cases processed in state courts were misdemeanors; 29% of felony filings were non-violent offenses such as drug charges and 28% were property crimes).
- Research shows that many defendants exhibit criminogenic issues such as drug use, mental health issues, and poor vocational skills that could be better addressed through alternative problem-solving programs.

- Diversion programs offer close supervision and a variety of programming to assist offenders with addressing criminal behavior (community service, restitution, mediation) and reduce the risk of future criminal behavior (counseling, substance abuse treatment, mental health services).
- Diversion has been identified as a critical area for future application of evidence-based practices within an evidence-based decision making framework.
- Diversion programs are voluntary and frequently require victim approval before admission and they usually result in a dismissal of charges or no adjudication of guilt.
- Criteria established in statute or in local jurisdictions usually includes no previous convictions, no felony charges, limited misdemeanor charges, and no participation in prior diversion program.
- Offenders are supervised much like probation (have to complete contract conditions and usually pay cost of supervision fees).
- Usually have higher successful closure rate than probation

B. Misdemeanor Pretrial Diversion in Florida (Florida Statute Chapter 948)

- Several counties operate Pretrial Diversion Programs – examples: Orange and Miami-Dade
- Orange County has a total caseload of 1500 -usually on a six month contract but some are longer (9 months for Domestic Violence case)
- Approximately 25% of these cases were arrested but were issued an NTA - predominately Petty Theft cases\Orange County diverting **1st** time DUI cases only since 2007 and now diverting DUIs with higher BAL and refusal to take breath test
- Orange County now developing Veteran's Diversion Program

C. Felony Pretrial Intervention in Florida

- Operated by DOC statewide
- Orange County program -approximately 300-350 cases
- 12 month contract but cases can be terminated upon completion of contract conditions

D. Jail Diversion

- Several counties in Florida operate mental health receiving centers which function as jail diversion programs
- Orange County - Central Receiving Center (CRC)
- Single point of entry for those experiencing mental health or substance abuse issues
- Law Enforcement delivers to CRC instead of jail
- Reduce costs by significantly reducing time for law enforcement officers
- Quicker access to treatment for the mentally ill
- Since opening 9 years ago, the Orange County CRC has resulted in a savings to taxpayers of 103,972 jail bed days

E. Recommendations or Directions for the Future

- Gather and examine data on existing misdemeanor Pretrial Diversion programs in Florida --where they exist, why they don't exist in certain counties; performance data – total caseload size, operating costs/ savings to the system, successful closures, recidivism, etc.
- Gather and examine data on Felony Pretrial Intervention programs in Florida
- Determine which counties or Judicial Circuits (for felonies) allow NTAs for pre-arrest Diversion
- Work with any State Attorney Associations to expand dialogue on diversion programs

Anti-Drug Initiative (7th Circuit)

The second presentation addressed a program targeting first time drug offenders in courts within Florida's 7th Circuit. The Anti-Drug Initiative, or ADI, requires the offender to pay program fees in part or in full before commencing the program. Subsequent online sessions are based on scientifically validated best practices that have been shown to be effective in treating persons suffering from substance abuse. ADI is described in more detail below.

The Anti-Drug Initiative program is a web based drug intervention program targeting first time drug offenders, consisting of 7 online sessions. The ADI program is designed to be completed in 30-45 days. Clients are referred by the State Attorney, typically at arraignment. Clients are provided an offender referral agreement which contains program website and contact information.

Partial or full program fee payment is required before a client can begin the program. This fee can be paid on line or at an office location. Two payment options are provided: a client may pre-pay the fee in full or pay half of the fee at registration and submit the balance in 30 days. Once enrolled, the client is provided with a user name and password to access the online program.

Following enrollment, the client is directed to the ADI website and instructed to complete the intake session. The intake session includes review of the client handbook, a self-administered psycho-social assessment, completion of the readiness for change ruler, the SOCRATES questionnaire and an initial client satisfaction survey. Clients who have enrolled on line must print out required forms, read them, sign them and mail them to their ADI counselor along with the Offender referral Agreement and a copy of their photo identification.

The six subsequent online sessions are based on Motivational Enhancement Therapy and the Trans-theoretical Model of Change, which have been scientifically evaluated and demonstrated to be effective with substance abusing populations. The online sessions provide the client with education regarding the change process, define substance abuse and substance dependence and provide opportunities for the client to weigh the benefits and costs substance use. The client is challenged to take an honest look at their substance use and the client is provided with information about the change process.

Clients are required to submit to a minimum of four (4) acceptable, consecutive, weekly, random urinalyses. Clients are to refrain from illegal substances and alcohol while they are in the program. Clients are to call the urinalysis hotline daily and listen to the color code assigned to them. When the client's assigned color code is listed they are required to visit the laboratory that day and provide a monitored urine specimen for analysis.

Clients are to complete one online session every 3-4 days. The ADI counselor is notified by the web server when a client has completed a session. The counselor reviews the client's session and approves it. If not approved, the client will be required to address the problems in completing the session identified by the counselor. When approved, the client may then access the next session online. Sessions will be approved after receipt of the first UA result.

ADI counselors provide phone counseling and guidance to clients as needed. Clients who have questions regarding the online program and/or any questions about their progress are able to obtain prompt answers and guidance from their counselor. All ADI counselors are certified in Florida as addictions professionals or licensed as a social worker or mental health counselor.

Upon completion of the intake session, six online sessions and submission of a minimum of four consecutive random urine specimens that are acceptable, the client is successfully discharged from the program. The ADI counselor faxes or emails the discharge letter to the State Attorney's office, the Judge with jurisdiction over the case, and the client's public defender or private attorney. The original discharge letter is mailed to the State Attorney with the client receiving a copy.

A client who tests positive for illegal drugs or alcohol while in the program or fails to complete the online sessions is discharged unsuccessfully from the program. This information is reported to the State Attorney who then cancels the diversion, resulting in reinstatement of the referring charge.

Clients who successfully complete the ADI program have their charges dismissed by the State Attorney's office, indicating that they have no criminal record based on this charge.

Adult Civil Citation Program

The third presentation in the first panel addressed a new initiative –Adult Civil Citations – that is being proposed based on Florida’s highly successful program of Juvenile Civil Citations. Adult Civil Citation is a low-cost, community based intervention and diversion program that provides law enforcement a discretionary tool to divert adults from unnecessary arrests while still ensuring accountability for behavior.

Building on the model that contributed to the success of the Juvenile Civil Citation program, Florida has seen recent development of a statewide network of not-for-profit, community-based behavioral health agencies that have come together to form an initiative targeting adults who commit a misdemeanor alcohol, drug or other non-violent misdemeanor offenses to receive sanctions through an Adult Civil Citation in lieu of criminal arrest.

Moving this population from the current arrest model to an alternative sanctions model involving intensive intervention strategies targeting specific offences and behaviors could be the single most significant change in the criminal justice system in 30 years. A priority population will be first-time drug or alcohol related offenders since most national studies and experience in Florida indicate the preponderance of crime is related to factors tied to alcohol and drug use.

The same core principles and intervention strategies used successfully by the juvenile justice system will be modified and implemented for adults. These fundamental principles and strategies are outlined in a document entitled, “Getting Smart on Juvenile Crime in Florida: Reducing Juvenile Arrests by 40%” developed in conjunction with the Miami-Dade County Juvenile Services Department, Tallahassee DISC Village Civil Citation Program and Associated Industries of Florida Foundation.

The elements of an Adult Civil Citation program include:

- The entire cost of the program is borne by the offender.
- Based on the offence and the circumstances surrounding the alleged violation,
- the law enforcement officer, at their discretion, may offer a Civil Citation in lieu of arrest.
- Law enforcement will now be able to maximize patrol officer time.
- The burden is reduced at all levels of the criminal justice system.
- Early intervention is highly effective at treating issues identified early and more cost effective.
- An unnecessary criminal record and the related collateral damage can be eliminated to improve prospects of becoming a productive member of society.

With successful completion of a comprehensive assessment at the statewide network of behavioral health agencies, followed by individualized and intensive education, or substance abuse, mental health, or other identified intervention, including community service hours, a criminal record can be avoided. Avoidance of a criminal record is an important benefit, since an arrest record follows an individual and hinders them from employment, education, and military service opportunities for the remainder of their lives. Failure

to successfully complete these requirements or a subsequent offence while participating in the alternative sanction program will result in the individual's immediate arrest and criminal prosecution.

For any program to be successful, especially one that fundamentally changes the way in which the Florida criminal justice system handles non-violent misdemeanor offenders, support from local elected officials and members of law enforcement is critical. These individuals can be criticized for being soft on crime, or letting criminals go who may then jeopardize public safety.

To reduce any push back that these officials may incur for supporting an Adult Civil Citation alternative, only those community-based behavioral health care/criminal justice agencies with extensive experience and that are already embedded in each of the jurisdictions, and currently serving this population, will be allowed to participate in this coordinated statewide effort. For this program to maximize its effectiveness, it must have a high degree of credibility and an existing successful track record working with all facets of the criminal justice system, as well as the established support networks in each community.

An important element for building the credibility of this model will be the establishment of a comprehensive and uniform data collection, analysis, and evaluation system for all participating agencies. This statewide data system (www.FloridaCivilCitationNetwork.com) will provide all law enforcement agencies real-time information regarding an individual's eligibility to participate in the Adult Civil Citation program. This system will also provide a single uniform data and reporting system that will track all key data sets including demographic, programmatic, and comparative and outcome information. The proposed statewide data system will ensure transparency and accountability.

Central Florida Crisis Intervention Team (CIT)

The final presentation of the first panel addressed recent innovations for dealing with persons with mental disabilities within the criminal justice system.

Crisis Intervention Team training represents a new approach for dealing with mentally ill individuals who come to the attention of law enforcement. Instead of confronting and arresting a person who shows signs of emotional distress, CIT team members are trained to deal with the situation and direct the person into treatment instead of jail.

Based on a model developed in Memphis, Tennessee, CIT is endorsed by law enforcement, mental health providers, consumers of mental health services and their families. It represents a major step forward in acknowledging that mental illness is a disease – and recognizing the fact that arrest is not always an appropriate response to someone whose behavior is directly related to symptoms of their disease.

The success of CIT Training depends on the willingness of officers to participate in an intensive training program which provides information on signs and symptoms of mental illnesses; medication and treatment; suicide assessment and prevention; mental health issues in children and among the elderly; alcohol and drug assessments and issues and de-escalation techniques.

The goal of CIT is to facilitate getting people with mental illness into treatment rather than into jail. CIT increases officer and community safety by designating well-trained staff to respond to situations involving a person with a mental illness. CIT is cost-effective by reducing the number of inappropriate arrests.

CIT also reduces concerns among family members and friends of the individual with a mental illness, knowing that there are specially trained police officers that can de-escalate the situation. CIT helps reduce the stigma of mental illness when law enforcement makes a distinction between a symptom and a crime.

Law enforcement has traditionally been the first responder in almost any crisis situation, and no doubt this will continue to be the case. Over the years – and particularly in the past decade as traditional mental health institutions have shut down in favor of community placements – it has become obvious that special strategies are needed when a person with a mental illness is in a crisis. A community-based partnership has proven to be an effective way to provide the best services to those affected by mental illness. The CIT framework for meeting this need is indeed an idea whose time has come.

CIT Partners in Central Florida: Apopka Police Department; Center for Drug-Free Living; Department of Children and Families; Eatonville Police Department; Edgewood Police Department; Florida Hospital; Lakeside Alternatives; National Alliance on Mental Health; Maitland Police Department; Mental Health Association; Ocoee Police Department; Orange County Corrections; Orange County Sheriff's Office; Orlando Police Department; University of Central Florida Police Department; Winter Garden Police Department; Winter Park Police Department.

II. Community Based Programs

The second panel addressed initiatives incorporating community supervision and local implementation, as well as use of graduated sanctions. Presentations included discussion of the Florida Accountability Initiative for Responsible (FAIR) Probation; the Goodwill Industries Community Drug Treatment Program; and the Meridian Behavioral Healthcare Forensic Team.

The first presentation on this panel introduced attendees to an innovative proposal for dealing with offenders on probation so as to reduce recidivism and thereby lower costs associated with incarceration. The proposal was based on a very successful model previously implemented in Hawaii called Project HOPE.

Florida Accountability Initiative for Responsible (FAIR) Probation

The Florida Accountability Initiative for Responsible (FAIR) Probation is a collaborative partnership between the courts, corrections, and sheriffs/law enforcement officials aimed at reducing both drug use and recidivism among offenders on probation. Long delays between a violation (of probation) and the delivery of the sanction often hampers the ability to effectively change probationer behavior and sends a message to probationers that compliance is not a priority. FAIR Probation uses a minimum amount of punishment – imposed quickly and consistently – to change offender behavior, increase compliance with the conditions of probation, reduce violations involving drug use, reduce incarceration in state prisons and enhance public safety.

This program also assists in identifying those offenders in greatest need of more intensive substance abuse services. FAIR Probation improves public safety by reducing drug use, reducing new crimes, and by reducing incarceration without increasing costs. In fact, FAIR Probation saves local governments money by reducing the amount of time an offender will spend in the county jail and will reduce crime by lowering the rate of drug use and subsequent probation violations.

Barely half of all felony probationers successfully complete supervision. This leads to more costly prison admissions. The failure of community supervision suggests a need for an offender-management approach that goes beyond the status quo. If no change is made, then Florida will continue to experience the same tragic and costly cycle of crime, namely: incarceration, probation, violation of probation, and recidivism.

FAIR Probation is designed to reduce crime and drug use among offenders on community supervision by:

- Identifying probationers who are likely to violate their conditions of community supervision (based on risk assessments and prior behavior under supervision).
- Providing a clear warning from the judge that detected violations will have immediate consequences (short terms of incarceration in the county jail).
- Conducting frequent, random, on-the-spot drug testing that permits no “safe window” for undetected use.
- Responding to violations (failed drug test and/or missed meetings) with swift and certain short terms of incarceration that will escalate with subsequent violations.
- Economizing limited drug treatment space by providing treatment upon request or for those who do not abstain from drug use while in the testing and sanctions regimen.

Desired Outcomes of FAIR Probation:

FAIR Probation will not increase costs

The project can be phased in over time, and no additional funding or personnel is required. Leveraging existing jail bed space, court personnel, and probation officers, FAIR Probation shifts current organizational assets to ensure offenders are credibly warned. Non-compliance receives swift and certain sanctions.

FAIR Probation will not increase workload

As previously noted, FAIR Probation is modeled after the successful Hawaii’s Opportunity Probation with Enforcement (HOPE). The program in Hawaii started small, worked the kinks out early, and then grew slowly, taking advantage of the fact that new offenders added had already seen the program in action. Critics of HOPE predicted the project would be a disaster. The judge would overcrowd the jail, probation officers would be swamped by having to write too many violation reports, prosecutors and public defenders would never be able to keep up with a full docket of cases.

However, none of the doomsday scenarios occurred once the pilot was initiated. This feat was achieved because the judge, probation officers, prosecutors, public defenders, and local law enforcement were all able to bring their justifiable concerns to the table, and through open discussion, and streamlining existing processes, all facets of the criminal justice system were able to get their concerns resolved before getting started.

FAIR Probation does not require additional treatment capacity

No additional treatment capacity is required. Some offenders now referred to treatment by the courts can show themselves capable of abstaining from drug use without treatment, under the steady pressure of testing and sanctions. This type of “coerced abstinence” will economize treatment bed space by having offenders sent to treatment if they either request treatment on the front end of supervision or fail repeated drug tests and are then mandated to treatment.

For a pilot of 50 offenders it has been estimated that between 10-15 offenders will need a treatment referral. For offenders who will need treatment, they can receive treatment from a vendor that is already contracted with the Department of Corrections or perhaps use treatment space that is a part of the Office of State Court Administration’s drug court expansion program.

FAIR Probation strengthens supervision at the Department of Corrections

There is no additional cost to the Department of Corrections because the offenders will already be placed on supervision. The real cost will be the additional time a probation officer will have to spend on drug-testing offenders. This can be addressed by having only 2-3 probation officers supervise FAIR probationers during the pilot. Also, Florida Statutes do not require that a probation officer must conduct the drug test. Other court or correctional staff may administer the random drug test. Furthermore, the Department of Corrections has enough drug testing supplies to handle the additional drug testing capacity that has to occur.

Goodwill Industries Community Drug Treatment Program

The second presentation of this panel addressed yet another community program for treating low-level substance abuse offenders. Goodwill’s Suncoast Substance Abuse Community Drug Treatment Program (in St. Petersburg) is designed to help people break the chains of addiction and to become productive members of the community. The program consists of a six-month residential program serving non-violent offenders referred by the Florida Department of Corrections.

For the first two months, men and women in the program receive intensive substance abuse treatment, working with Goodwill counselors to face the reasons for their addiction and learning to live drug-free. They may also receive help to earn their GED high school equivalency and job placement assistance. During the next four months, participants leave the facility each day to work in the community, then return after work to continue treatment.

After participants complete the six-month residential portion of the program, they begin the aftercare phase, in which they attend weekly counseling sessions while living and working in the community.

This program is available Pinellas, Hillsborough and Pasco County residents referred by the courts. It is located at Goodwill’s Tampa Bay Community Corrections Center in St. Petersburg. Goodwill Industries also offers a six-month residential program serving men and women referred by the Pinellas County Drug Court. This program is very similar to the one described above.

Meridian Behavioral Healthcare Forensic Team (Alachua County)

The final presentation in the second panel focused on a diversion program aimed at offenders with substance abuse and/or mental health issues.

The Meridian Forensic Team is a jail diversion program that provides intensive case management, therapy, intervention, peer specialists, outreach and wrap-around services for persons with mental illness, substance abuse, and/or co-occurring disorders. Within the program, specialized services are also included such as Court Advocacy and Community/Jail Competency Restoration.

In January 2008, Alachua County was awarded a three year grant totaling \$999,000. The grant funded a Forensic Diversion Team (FDT) that was implemented in July 2008. The original grant expired March 27, 2011. Alachua County was then awarded another (expansion) grant for \$750,000 over three years effective March 28, 2011. The second grant allowed blending the original FDT with the Forensic Specialist Team (FST) that is funded through Alachua County. The goal of the second (expansion) grant was to serve additional people with mental illness and/or substance abuse disorders through more cost-effective community based treatment. Through the expansion grant funding, new partnerships were formed with Vocational Rehabilitation and Florida Works in order to provide a greater array of services.

With the merging of FST and FDT, Meridian Behavioral Healthcare can now get participants out of jail and into treatment groups much more quickly. The expanded resources of the blended team allows them to provide immediate treatment and services upon release from jail and to provide psychosocial rehabilitation, targeted case management, psychiatric services, and forensic groups even for clients that lack Medicaid. Without access to these services, clients have historically extended their time in jail.

From March 2010 to March 2012, on average 80% of the Forensic Team participants were stable in the community and 20% were in the jail. At the end of March 2012, of the 192 program participants, 80% were in the community; 55 were FL Statute 916 (ITP or NGI) on conditional release orders monitored by the program. During FY 2011-12, the program restored 67 ITP clients, specifically diverting their admission to state hospital. For those that are not suitable candidates to be released into the community, we are able to provide services in the jail, whereas other counties are required to incur significant extra costs by contracting with outside private treatment providers. Restoring competency in jail costs around \$55.00 per hour, as opposed to \$300 per day in the State Hospital; increasing public safety by limiting the danger inherent in the transportation process; and, improving client mental stability by providing a consistent environment rather than transporting them from place to place for treatment.

III. Judicial Initiatives

The third panel addressed judicial initiatives and sentencing guidelines. Presentations included discussion of Mental Health Issues in Courts; the Drug Court Expansion Program; and Sentencing Thresholds.

Mental Health Issues in Courts (11th Judicial Circuit)

This presentation addresses the challenge of providing appropriate treatment and services for people with mental illness in the State's prisons and jails.

The cost to house people with mental illnesses in Florida's prisons and forensic treatment facilities is approximately \$625 million dollars annually, or \$1.7 million per day. Another \$365 million dollars annually, \$1 million per day, is spent housing people with mental illnesses in local jails. Combined, state and local governments spend more than a billion dollars per year on prison, jail, and forensic hospital beds serving Floridians with mental illnesses. Based on recent growth rates, state expenditures will increase by as much as a billion dollars annually over the next decade.

While the state spends exorbitant amounts of money in the institutional settings, it is based on an outdated forensic treatment system that does nothing to reduce recidivism to jails, prisons, and state hospitals, or to prevent individuals from becoming involved in the justice system and crisis services in the first place. In many ways, the current system actually increases the likelihood of people with mental illnesses becoming involved in the justice system, often repeatedly and at substantial costs to public health and safety:

- More than 170,000 people experiencing serious mental illnesses (e.g., schizophrenia, bipolar disorder, major depression) are arrested and booked into Florida jails annually.
- Although roughly half of the people with mental illnesses arrested in Florida each year are charged with low-level, non-violent offenses, they languish in jails, prisons, and forensic treatment facilities because more cost effective placement alternatives do not exist.
- On any given day in Florida, there are roughly 18,500 prison inmates, 10,000 local jail detainees, and 40,000 individuals on probation in the community who experience serious mental illnesses.
- People with mental illnesses represent the fastest growing sub-population within Florida's prison system. Between 1996 and 2011, the overall inmate population in Florida prisons increased by 59 percent. By contrast, the total number of inmates receiving ongoing mental health treatment in state prisons increased by 173 percent, and those with moderate to severe mental illnesses increased by 197 percent.
- The number of beds serving inmates with mental illnesses in Florida prisons is projected to more than double in the next decade from 18,500 to 39,000 beds, an increase of nearly 2,000 beds -or one and a half prisons - per year. Capital and operating costs for new mental health beds alone is projected to reach \$3.3 billion in the next decade, with annual operating expenditures of nearly \$900 million.
- This year, roughly 7,000 inmates with serious mental illnesses will be released from Florida prisons. Individuals with mental illnesses are twice as likely to fail on traditional community supervision as

compared to individuals without mental illnesses, and are substantially more likely to return to prison. Under the current system, one quarter of inmates with mental illnesses released from Florida prisons this year will return to prison.

- Florida currently spends nearly \$200 million annually - one third of all adult mental health dollars and two thirds of all state mental health hospital dollars - on 1,600 beds serving roughly 3,000 individuals under forensic commitment.
- On average, an admission for competency restoration services in a state forensic facility takes about six months to complete, at a cost to taxpayers of more than \$60,000. On average, 8 percent of the people discharged from forensic treatment facilities back to jail are readmitted for additional treatment because their psychiatric conditions deteriorate after returning to jail.
- Roughly 80-90 percent of people restored to competency in forensic treatment facilities this year will take a plea and be released to the community, in many cases with no provision for follow up services or access to basic necessities such as food, clothing, housing, or medication.

As a result of the situation depicted above, the State of Florida is faced with a difficult dilemma.

Continue to invest in a broken system that steers people into criminal justice and institutional involvement, or take steps to fundamentally redesign and rebuild public service systems to provide more effective and less costly treatment and prevention in the community.

A key element necessary to redesigning these services systems is to begin to decrease demand for some of the most costly level of services provided in state forensic hospital settings. To do so will involve the establishment of pilot programs around the state that will divert individuals charged with less serious offenses who do not pose public safety risks from placement in state forensic facilities to placement in locked community-based competency restoration and community reintegration services.

So, what is the best way to deal with these challenges? Decrease demand for costly treatment services provided in state funded forensic treatment facilities by creating pilot programs which offer safe, effective, and cost-efficient alternative placement options for individuals adjudicated incompetent to proceed or not guilty by reason of insanity.

Individuals eligible to participate in these alternative placements shall:

- Be charged with less serious offenses.
- Not have significant histories violence or violent offenses.
- Not be likely to face additional incarceration if convicted of their alleged offenses.

Potential participants shall be screened for admission by mental health staff from DCF as well as treatment providers. Screening shall include review of criminal history for indications of risk of violence or public safety concerns, as well as appropriateness for treatment in an alternative community-based setting. Participants will initially be placed in a locked inpatient setting where they receive crisis stabilization and short-term residential treatment services. When ready to step-down to a less restrictive community placement and outpatient services, participants will be provided assistance with re-entry and ongoing service engagement.

The treatment provider shall be responsible for providing a full continuum of care and competency restoration services ranging from locked crisis stabilization and residential treatment to outpatient care. The provider also is responsible for assisting participants in accessing entitlement benefits and other means to build economic self-sufficiency, developing effective community supports, and improving living skills.

MIAMI-DADE PILOT PROGRAM: In August 2009, a 10-bed pilot program, known as the Miami-Dade Forensic Alternative Center (MD-FAC) based on this treatment model and eligibility criteria, was created:

- To date, 66 individuals have been diverted from placement in state forensic treatment facilities.
- MD-FAC participants are identified as ready for discharge an average of 52 days (35%) sooner and spend an average of 25 fewer days (15%) under forensic commitment as compared to forensic facility admissions.
- Individuals who remain linked to MD-FAC services demonstrate 75% fewer jail bookings and 92% fewer jail days following as compared to those who are no longer linked to services.

The cost to provide services in the pilot program, which currently operates 10 beds, is 19 percent lower than the cost of providing services in state forensic facilities. By expanding the program from 10 beds to 20 beds, costs could be reduced by at least 32 percent over state hospital placement.

Unlike most individuals admitted to state forensic treatment facilities, individuals admitted to the MD-FAC program are not rebooked into the jail following restoration of competency. This not only reduces burdens on the county jail, but eliminates the possibility that individuals will decompensate while incarcerated and require subsequent readmission to state treatment facilities. It also ensures that individuals remain linked to the service provider through the community re-entry and re-integration process.

Drug Court Expansion Program

One of the most effective and cost-efficient initiatives for addressing offenders with substance abuse problems has been through use of drug courts. Expansion of the program is described below.

Program Facts:

- The daily program costs of expansion drug courts are already saving Florida money.
 - Expansion drug court costs average approximately \$20 per person per day.
 - Housing non-violent offenders in prison costs \$53.34 per person per day.
 - Expansion drug courts have avoided more than \$18 million in prison costs.
- The goal of the expansion drug courts is to successfully treat and graduate 2,000 prison-bound participants with substance abuse problems. Since 2,000 people would easily fill one prison, treating this population of non-violent offenders outside of the traditional prison system will save Florida from having to build a new prison--which currently costs \$95 million for construction and more than \$28 million per year to operate. Additionally, drug court graduates are proven to have lower rates of recidivism than prisoners which means greater long-term cost savings to the state.

- Eight counties in operation - Broward, Escambia, Hillsborough, Marion, Orange, Pinellas, Polk, Volusia (Duval County began the program but closed in June 2010).
- Average age of participants is 34 with the youngest participant starting at 18 years old and the oldest participant is 68. Participants are 30% female and 70% male.
- Admissions continue to climb with 1,906 reported as of September 12, 2012, and:
 - 471 successful completions to date,
 - 472 unsuccessful terminations (includes voluntary withdrawals), and
 - 75 administrative discharges (includes the 11 from Duval County).

Program Performance:

- Drug court treatment generally takes more than one year to complete, so the number of graduates is climbing. As of September 12, 2012 there were 280 active participants who were more than one year into their treatment.
- With the Legislature's 2011 amendments to the program's eligibility criteria, the pool of eligible participants has grown and admissions remain consistent.
- More than 72% of participants are being retained in the program, significantly more than the anticipated completion rate of 50%. This strong rate of retention creates the potential to have more successful graduates even with fewer admissions than originally projected.
- This program is currently funded by a federal grant. When the grant period expires, the State will have to decide if it will support this effective and cost-saving program.

Statewide Drug Court Information System:

- The Office of State Courts Administrator (OSCA) contracted with Advanced Computer Technologies to create the Florida Drug Court Case Management System (FDCCMS) that will initially be used for the expansion program. FDCCMS will also be capable of managing cases in other drug courts throughout the state.
- FDCCMS began live testing in Escambia county on December 5, 2011.
- Drug court managers and case managers from the expansion drug court counties were trained on FDCCMS on December 13-14, 2011 and have been using FDCCMS exclusively since the training.
- The OSCA is currently working to implement FDCCMS in other drug courts.

Sentencing Thresholds

Florida's prison population is comprised of a disproportionate percent of offenders who were convicted for simple drug possession and/or property theft. In fact, in their 2010-2011 Annual Report the Department of Corrections noted that over 50% of offenders are serving time for drug-related offenses and/or property theft.

When one looks at the thresholds for felony possession and felony theft in Florida, the reason for this situation becomes quite apparent. State law in Florida authorizes incarceration in state prisons for possession of very low quantities of drugs.

Possession of more than 20 grams of marijuana – about 7/10ths of an ounce (w/o intent to distribute) is a felony offense in Florida. By contrast, in Texas, the threshold for felony possession is 4 ounces (more than 5 times the Florida threshold), while in both Kentucky and New York an accused must possess 8 ounces or more to reach the felony level (11 times the Florida threshold).

For cocaine possession, the Florida threshold is even more stringent, since possession of ANY amount of cocaine is a felony. Thresholds such as these are a major driver of prison growth. Consequently, throughout the nation, many states are changing their drug laws to reduce the penalties for low-level possession from felonies to misdemeanors, with concomitant reductions in corrections spending.

The most recent Florida TaxWatch Government Cost Savings Task Force Report projected savings of over \$20M if low-level marijuana & cocaine use was reclassified as misdemeanors. Several states have already taken this course, passing legislation re-classifying low-level possession as misdemeanors (Most recently: California in 2010 and Kentucky in 2011)

In a somewhat related vein, the National Conference of State Legislatures (NCSL) Report on Principles of Effective State Sentencing and Corrections Policy noted the importance of Intermediate Sanctions and the use of Community-Based Options that are far less costly than incarceration. The report went on to note that substance abuse offenders account for approximately 80% of state costs for prisons, parole, probation and related expenses nation-wide.

The report further notes that: “a growing body of research questions the use of incarceration as an appropriate and cost-effective means of dealing with low-level drug offenders.” As a result, many states (Kansas-2003, Texas-2007, Mississippi-2009, South Carolina-2010, Kentucky-2011, and Ohio-2011) have passed legislation establishing non-prison alternatives for low-level possession, alternatives such as drug treatment programs and community service, among others.

2013 Affords Florida an excellent opportunity to reduce corrections costs and to reduce recidivism with no appreciable risk to public safety through adoption of sentencing guidelines that revise the thresholds for simple possession, and by reclassifying simple felony possession as a misdemeanor.

The second area we want to recommend for sentencing guideline reform concerns the threshold for low-level property theft. While not as potentially cost effective as changes in the thresholds for low-level drug usage thresholds for property theft deserve consideration for revision. To the point: in Florida, the threshold for felony property theft is \$300. Therefore, if someone steals three or four DVDs at Best Buy, several years in state prison is not an unlikely consequence.

Several states are taking action to reform sentencing thresholds for property theft. As one example, South Carolina recently increased its threshold to \$10,000. Since 2000, no less than 22 states have increased their monetary thresholds for felonious property theft, but Florida was not among them.

In fact, 40 of 50 states have higher thresholds for felonious property theft than Florida. Only 6 states have lower thresholds than Florida, while 4 states have the same threshold as Florida. Bottom line, however, is that revising the threshold for felony property theft in Florida can do much to help diminish the flow of offenders into the DOC pipeline, and to diminish the costs of corrections with no appreciable rise in the threat to public safety

IV. Subsequent Meetings and Initiatives:

The next Pre-Summit Planning Meeting is scheduled to take place on 24 October in St. Petersburg, Florida and will address issues and initiatives that inform Florida's adult criminal justice system. Representatives from the Florida Department of Corrections (FDOC) will be present, along with a group of invited subject matter experts (SMEs), to address programs that take place during the time that an offender is incarcerated. FDOC will specifically address Risk Needs Assessment and Classification, while SMEs will be asked to address Institutional Programs (educational, faith-based, substance abuse, etc.) and Transitional / Re-Entry Programs.

The third and final Pre-Summit Planning Meeting will take place on 14 November in Tampa, Florida and will address issues and initiatives that inform Florida's juvenile justice system. It is anticipated that representatives from the Florida Department of Juvenile Justice (FDJJ), along with experts in juvenile justice programs will be present to lead discussion.

Appendix C

Nov. 14 Meeting Report

Update on Meetings Prior to December 2012 Justice Summit

Meeting 3 - November 14, 2012

Executive Summary

In December of 2012 stakeholders committed to justice reform in Florida will meet at a Justice Summit to be held in Orlando. The objective of the summit will be to develop an operational agenda to guide smart justice initiative planning in anticipation of Florida's 2013 legislative session.

To help lay the groundwork for the Summit and to identify consensual issues for further development by justice reform stakeholders, a series of Pre-Summit Planning Meetings during each of the months prior to the summit are planned for September, October, and November.

The purpose of the present endeavor is to report on discussion that took place at the Pre-Summit Planning Meeting held in Tampa, Florida on November 14, 2012. Reports of the Pre-Summit Meetings held on September 20 in Orlando and on October 24 in St. Petersburg were previously submitted under separate cover. The meeting held on November 14 focused exclusively on issues attendant to juvenile justice.

Presentations by the Department of Juvenile Justice addressed the following topics:

- Roadmap to System Excellence Executive Summary p. 3
- DJJ Prevention Services p. 7
- DJJ Detention Reform Efforts p. 8
- DJJ Juvenile Detention Alternatives p. 10
- DJJ Juvenile Civil Citations p. 11
- DJJ Transition / Reentry p. 12

Subsequent presentations by service providers & stakeholders in juvenile justice addressed the following topics:

- Reducing Direct Files p. 13
- Initiatives in Delinquency p. 15
- Reforming Education for DJJ Youth p. 17
- A Smart Approach to Juvenile Justice Substance Abuse Treatment p. 20

Participants included a wide range of stakeholders and subject matter experts. Among them were representatives from the Florida Department of Juvenile Justice, the Florida Department of Corrections, the Florida Juvenile Justice Association, the Florida Sheriff's Association, the Florida Public Defender's Association, the Florida Association of Drug & Alcohol Abuse, the Florida Network of Youth and Family Services, the Florida Association of Counties, the Bay Area Youth Services, G4S Youth Services, PACE Broward, Success 4 Kids and Families, Operation PAR, Inc., the Hillsborough County Sheriff's Office, the Eckerd Family Foundation, the Unified Family Court of the 13th Judicial District, the Henry and Rilla White Foundation, the Florida Smart Justice Alliance, and the Florida TaxWatch Center for Smart Justice. Overall, more than 70 people were in attendance.

Without question the topic of greatest interest throughout the day was presentation of, and then discussion about, the DJJ Roadmap to System Excellence, the subtitle of which is "Transforming Florida into a National Model for Juvenile Justice." Overall, response to proposals outlined in the Roadmap was quite positive and participants expressed strong support for implementation of the Roadmap.

I. Presentations by the Department of Juvenile Justice

Presentations began with the Deputy Secretary of the Department of Juvenile Justice (DJJ) providing an overview of the Roadmap to System Excellence. The following Executive Summary was provided by DJJ and highlights the main provisions of the Roadmap.

Roadmap to System Excellence

Executive Summary

Provide the Right Services, in the Right Place, at the Right Time

The Florida Department of Juvenile Justice (DJJ) is systematically evaluating and reforming its approach to juvenile justice. As crime has decreased, research is updated, outcomes are measured and data is analyzed, DJJ will improve and adjust its services to ensure the safety of Florida's citizens and the best care for at-risk youth.

To create its strategy the DJJ Executive Leadership Team examined agency practices, services and results; conducted exhaustive analyses and studies by internal and external stakeholders and consultants; reviewed recommendations from Governor Scott's Juvenile Justice Transition Team and the report of the Blueprint Commission; and built upon DJJ's Strategic Plan. The result is the Roadmap to System Excellence which outlines DJJ's efforts to:

- Reduce juvenile delinquency;
- Divert youth from the juvenile justice system;
- Provide appropriate, less restrictive sanctions;
- Reserve serious sanctions for those youth deemed the highest risk to public safety; and
- Focus on rehabilitation.

Over the next two years, the agency will build upon its recent achievements to fortify a model for juvenile justice. The agency will continue to make strategic decisions supported by data, research-based practices and measurable outcomes. Enhancements will follow a cycle of continuous improvement as DJJ manages its population and resources to provide the right services in the right place at the right time to best meet the needs of youth, families and communities.

DJJ is focusing its practices and services on preventing and diverting youth from entering the juvenile justice system; finding appropriate alternatives to holding them in costly secure detention facilities that can contribute to negative outcomes; reducing and redesigning residential bed capacity; and investing resources where they are most needed. Each of these elements is critical to ensuring DJJ offers the right combination of services and sanctions.

I. Manage the At-Risk Youth Population:

Adolescents and children routinely "act out" due to issues at home, poor school performance, peer pressure, and mental and/or emotional problems. It is the Department's responsibility to make sure that these youth are given preventative assessments and services so that they have the opportunity to stay delinquency-free.

Proactive prevention will not only save millions of taxpayer dollars, it can save the futures of these youth.

A. Prevent More Youth from Entering the Juvenile Justice System

1. Administer the Prevention Positive Achievement Change Tool (P-PACT) to all youth identified as needing prevention services.
2. Serve a minimum of 21,300 youth (2% increase from the previous year) through delinquency prevention programs during Fiscal Year (FY) 2012-13.
3. Reduce the percentage of minority youth referrals and dispositions at each stage of Florida's juvenile justice system by 5% during FY 2012-13.

More than half of the youth arrested for a delinquent act in a given year will not reoffend and should be diverted from DJJ through innovative practices such as Civil Citation. Community-based supervision is more effective in discouraging further delinquency without the negative consequences of entering our system.

B. Divert More Youth from Involvement with the Juvenile Justice System

1. Increase the number of youth issued a Civil Citation during FY 2012-13 by 10% (from 6,964 in FY 2011-12 to 7,760).
2. Reduce the number of school referrals by 10% during FY 2012-13 (from 13,870 in fiscal year 2011-2012 to 12,483).
3. Divert 10% more youth from court during FY 2012-13 than FY 2011-12 (from 24,284 to 26,712).

If youth do not pose a risk to public safety and are likely to show up for court, they should receive appropriate alternatives to secure detention and remain with their families and in their communities. Instead of serving as a deterrent to future offenses, research finds that secure detention may increase the likelihood of a youth to re-offend, particularly those who initially are identified as a low risk to re-offend.

C. Utilize Secure Detention Only When Necessary

1. Decrease the number of youth who are a low-risk to re-offend and placed in secure detention by 5% during FY 2012-13. (More than 30% of youth stay in detention less than 48 hours — at a cost of \$600 each which could have been better spent elsewhere.)
2. Increase the statewide daily use of electronic monitoring units by 20% during FY 2012-13 (from 170 in 2011-12 to 213).
3. Decrease the number of youth admitted to secure detention for Failure to Appear by 15% during FY 2012-13 (from 5,058 in 2011-12 to 4,299).
4. Decrease the number of youth admitted to secure detention for Violations of Probation by 15% during FY 2012-13 (from 2,049 in 2011-12 to 1,742).
5. Fully implement the Model Juvenile Community Resource Center in Alachua County by July 1, 2013.

6. Expand the services and number of Juvenile Assessment Centers as identified by needs.
7. Expand the services and number of Youth Reporting Centers as identified by needs.

Youth who are serious offenders - committing violent acts and considered an on-going threat to public safety - represent a small portion of DJJ youth. They require the most intensive and expensive services. Only serious offenders need to be placed in secure detention and residential treatment—the deeper end of DJJ services. Through outcome-based treatment and services, DJJ will strengthen their chance of success and protect public safety. Also, DJJ must ensure it has the capacity at every level to identify appropriate needs and services when youth exhibit such poor behavior that they are referred to the juvenile justice system. Each youth is different and the approach to serving them has to be individualized. Different needs call for different methods.

D. Ensure Appropriate Utilization of Residential Beds and Redesign Existing Resources

1. Reduce residential bed capacity in phases between July 1, 2012 and October 1, 2013.
2. Redesign and expand community alternatives for youth that can be more effectively served in a community-based setting.
3. Improve strategic decision making in the placement of committed youth through the use of a dispositional matrix.
4. Reduce recidivism of youth who complete residential placement by 5% over the next three years through transition and re-entry services.

II. Manage the Resources:

The strength of DJJ's staff is reflected in the quality of care provided to its youth. DJJ will ensure it employs the best direct-care staff and reduces staff turnover.

A. Improve Staff Skills

1. By February 2013, test and train all detention direct-care employees to ensure their suitability for working with delinquent youth.
2. Develop a database of employee exit interviews to track concerns and implement solutions to reduce turnover and improve employee job satisfaction by June 30, 2013.
3. Refine and strengthen the role of a Juvenile Probation Officer by January 1, 2013.
4. Enhance the effective strategies used to assist youth through the “stages of change.”
5. Train 50 DJJ residential and detention program staff on a specialized mental health curriculum by February 2013.

DJJ must make the best decisions and provide the most appropriate services to effectively and efficiently serve youth, their families and the community. The agency also must manage its resources well and be fiscally responsible to the public. Through improvements in procurement, management and monitoring of contracts,

DJJ will ensure that the best services possible are provided. DJJ will improve methods for contract oversight and the review of service delivery, emphasize the implementation of evidence-based and promising practices programming and award contracts to providers who demonstrate the highest impact on youth within a broad continuum of in-home and out-of-home services.

B. Strengthen Procurement, Contract Monitoring and Quality Improvement Practices and Processes

1. Improve the procurement process by implementing the use of the Invitation to Negotiate process for service procurement by August 2012.
2. Assess and improve the quality of evidence-based service delivery and promising delinquency intervention by July 1, 2014.

Funds will be redirected from reductions of unused residential beds and the decreasing population in residential placement and secure detention which result from better decision making. Resources will be shifted away from out-of-home residential placements and into front-end community-based services.

C. Conduct Effective Resource Realignment

1. Between July 2012 and October 2013, shift resources resulting from reduced residential beds to ensure adequate funding for the remaining residential programs and to enhance front-end, community-based services.
2. Shift investments from reduced secure detention populations to alternatives to detention during FY 2012-2013.
3. Realign FY 2013-14 budget structure.
4. Ensure that prevention and diversion efforts provide services that keep youth out of the juvenile justice system are more cost effective and increase public safety.
5. Increase transition services by eliminating aftercare contracts, absorbing the supervisory component of aftercare within DJJ, and reinvesting the entire funding in additional contracted, community-based transition services
6. Recommend changes to Chapter 985, Florida Statutes concerning DJJ operations for the 2014 legislative sessions.

For more information contact the Legislative Affairs Office at (850) 410-1097 Knight Building, 2737 Centerview Drive, Tallahassee, Florida 32399-3100 Email us @ Roadmap@djj.state.fl.us and on the web @ www.djj.state.fl.us/roadmap-to-system-excellence

Without question, the topic of greatest interest throughout the day was presentation of, and then discussion about, the DJJ Roadmap to System Excellence, the subtitle of which is “Transforming Florida into a National

Model for Juvenile Justice.” Overall, response to proposals outlined in the Roadmap was quite positive and participants expressed strong support for implementation of the Roadmap. The one area where there was concern voiced had to do with what some participants viewed as too much emphasis on minimizing use of secure detention in favor of community-based alternatives to detention in secure, residential facilities. Those expressing this view wanted to ensure that appropriate consideration was being given to the fact that secure detention remains a very necessary option for dealing with the most serious juvenile offenders. Senior executives from DJJ readily acknowledged this concern and assured attendees that the issue would be given careful concern as plans continue for implementation of the Roadmap.

Following discussion of the Roadmap to System Excellence, participants received several presentations from DJJ senior executives informing key juvenile justice operational areas, including: Prevention Services, Detention Reform Efforts, the Detention Alternative Initiative, the Juvenile Civil Citation, and Transition / Reentry. Each is addressed below:

DJJ Prevention Services:

The DJJ Office of Prevention and Victim Services offers voluntary youth crime prevention programs throughout Florida. The goal is to increase public safety by reducing delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

Prevention programs

- Florida Network of Youth and Family Services, Inc.
- Children and Families in Need of Services (CINS & FINS)
- Practical Academic Cultural Education (PACE) Center for Girls, Inc.
- North Carolina Outward Bound School
- Florida Alliance of Boys and Girls Clubs, Inc.
- Federal Funded Grant Programs
- Faith Community Network & Chaplaincy Services

Priorities

- Reduce juvenile arrest and recidivism
 - More accurately assess needs and risk factors
 - Administer the Positive Achievement Change Tool (PACT) to all youth in Prevention programs
 - Implementation of a prevention initiative
 - Community, family, concerned party referrals

- Referral to appropriate services
- Follow-up
- Fund programs that are needed and have measureable results
 - Assess community needs
 - Increase inter-agency communication
 - Introduce and expand evidence based models
- Reduce disproportionate minority contact (DMC)
 - Identify root causes and solutions
 - Identify and promote alternatives to arrest
 - Conduct statewide discussions between law enforcement and youth
 - Develop and implement training curricula
 - Recognize community liaisons
 - Provide front end vocational and workforce training
 - Strengthen partnerships with juvenile justice and community stakeholders

Judicial Circuit Boards and County Councils

- Serve in an advisory role to the Department of Juvenile Justice
- Chapter 985.664 Florida Statute re-write
 - Currently 20 judicial circuit boards, 67 county councils
 - Proposed re-structure through consolidation

DJJ Detention Reform Efforts:

Detention provides short-term care and custody of youth as ordered by the courts pending adjudication, disposition and placement in a residential commitment facility or for contempt of court. Currently, there are twenty-one state operated secure detention facilities with 1,342 beds and three county operated secure detention facilities.

1. Standard Detention Services

Detention Services within DJJ is committed to ensuring a safe and secure environment for youth and staff. Meeting the needs of the youth is accomplished by the establishment of a consistent, competent workforce, developing and maintaining professional relationships with stakeholders, accurately assessing the needs of

individual youth, and providing meaningful programming which ultimately provides youth the opportunity to begin to realize successes.

Medical/Mental Health/Substance Abuse Services:

All youth are screened for any issues related to medical, mental health, suicide and/or substance abuse during the intake process. This screening is completed by information provided by the youth, the parent/guardian, and by observations made by the intake officer. If a need is identified, the youth is referred to the appropriate professional – medical and/or mental health – for further evaluation and/or follow-up. Medical, mental health and substance abuse services are provided through contractual services.

Educational Services:

Youth in secure detention receive 300 minutes of educational services daily. Educational services are provided in cooperation with the local school system.

Food Services:

Youth are provided three nutritionally balanced meals and two snacks per day, which meet the requirements of the National School Lunch Program and are consistent with the Dietary guidelines for Americans.

Transportation:

Local detention centers transport youth to court, medical, mental health, dental, and other necessary appointments while they are detained. Detention Services coordinates and operates the Intra-State Transportation Network. This network connects each juvenile detention center by six transportation hubs located at the Brevard, Broward, Duval, Escambia, Manatee, and Orange Detention Centers.

2. Detention Services Attendant to the Roadmap to System Excellence**Trauma-Informed Detention Services:**

The Trauma-Informed Care (TIC) initiative has changed the way DJJ provide services to the youth in its care. TIC services are based on an understanding of the vulnerabilities and triggers of trauma survivors and have made significant environmental changes within detention facilities with the creation of “soft-rooms”. Marion Regional Juvenile Detention Center has been recognized nationally for their practices and is serving as the TIC training site for all detention centers.

Effective and Efficient Workforce Initiative:

Detention Services began screening applicants for direct care positions on July 1, 2012. Ergometrics’ IMPACT product, The Human Relations Video Test, is designed to screen potential candidates for employment in direct care positions in the juvenile justice system. It is validated to measure overall suitability for working with juvenile offenders.

The Model Detention Center Initiative:

The Alachua Regional Juvenile Detention Center has been identified as the pilot site for the model detention center. The approach to this project is primarily based around the ability to wrap services around youth and families and to engage community partners. Some of the components within the initiative include a detailed assessment of youth entering the Juvenile Assessment Center, working with youth on intake status in the community, and developing a respite unit within the detention facility.

Reduce Unnecessary and Inappropriate Detention Admission Initiative:

Detention centers have installed auto-dialers in 19 facilities. When youth are released to the community pending court appearances, they often forget a court date, or in some instances choose not to attend court. This often results in the youth being placed in secure detention for failing to appear in court. These youth typically do not present a threat to the community; they merely failed to comply with a notice to appear in court. The auto-dialers system is designed to remind youth of pending court dates.

Respite Care:

The Department of Juvenile Justice, Detention Services, recently posted an Invitation to Negotiate seeking a managing entity to provide a Statewide Respite Care Services Program for youth from 10 years of age and up to 18 years of age who have been charged with an offense of domestic violence. The anticipated contract execution date/start of contracts is March 1, 2013.

DJJ Juvenile Detention Alternatives:

At its essence, the purpose of the Juvenile Detention Alternatives Initiative (JDAI) is to demonstrate that jurisdictions can safely reduce reliance on secure detention. DJJ is also testing the hypothesis that detention reforms will equip the juvenile justice system with values, skills, and policies that will improve results in other components of the system. JDAI pursues the eight interrelated core strategies described below:

- **Collaboration** between the major juvenile justice agencies, other governmental entities, and community organizations. Without collaboration, even well designed reforms are likely to flounder or be subverted. A formal structure within which to undertake joint planning and policymaking is essential.
- **Use of accurate data**, both to diagnose the system's problems and proclivities and to assess the impact of various reforms, is critical. Without hard facts, myths and anecdotes will rule the system and preclude agreement on key aspects of policy and practice.
- **Objective admissions criteria and instruments** must be developed to replace subjective decision making at all points where choices to place children in secure custody are made.
- **New or enhanced non-secure alternatives to detention** must be implemented in order to increase the options available for arrested youth. These programs must be careful to target only youth who would otherwise be locked up. Whenever possible, they should be based in those neighborhoods where detention cases are concentrated and operated by local organizations.

- **Case processing reforms** must be introduced to expedite the flow of cases through the system. These changes reduce lengths of stay in custody, expand the availability of non-secure program slots, and ensure that interventions with youth are timely and appropriate.
- **Special detention cases** — Youth in custody as a result of probation violations, writs and warrants, as well as those awaiting placement, must be re-examined and new practices implemented to minimize their presence in the secure facility
- **Reducing racial disparities** requires specific strategies (in addition to those listed above) aimed at eliminating bias and ensuring a level playing field for youth of color. Change in this arena also requires persistent, determined leadership because the sensitive nature of these discussions and changes frequently provoke defensiveness and avoidance.
- **Improving conditions of confinement** is most likely to occur when facilities are routinely inspected by knowledgeable individuals applying rigorous protocols and ambitious standards. Absent this kind of consistent scrutiny, conditions in secure facilities are unlikely to improve and often will deteriorate.

DJJ Juvenile Civil Citation:

Civil Citation for First-Time Juvenile Misdemeanants

“This model is a win-win for everyone”

American Bar Association, 2011

Kids make mistakes. A large portion of the kids referred to DJJ are generally pro-social and are at low risk for continued offending. In fact, two-thirds of Florida youth arrested for a first-time misdemeanor are not rearrested thanks to the DJJ Civil Citation Initiative, which addresses a youth’s behavior at his or her first encounter with the juvenile justice system and provides an alternative to arrest. Formal processing of kids arrested for first-time misdemeanors has a number of drawbacks:

- Formal processing costs taxpayers \$5,000, compared to civil citation, which costs \$386.
- Youth receive a delinquent record that follows them for years, limiting their pro-social options including military, educational, and work opportunities.
- Formal processing can be a time-consuming, thus accountability is not immediate.

The Civil Citation Alternative

Civil citation is a process to channel youth who commit first-time misdemeanors into intervention and treatment services at the early stage of delinquency and help them avoid further involvement with the criminal justice system. Advantages include:

- The rate of subsequent offending is much lower for youth issued a civil citation than for those receiving formal processing.
- Civil citation requires less than one-tenth the cost of formal processing.

- Kids are held immediately accountable.
- Kids receive one chance to avoid a delinquency record.
- Kids perform community services and/or victim restitution.
- In many cases, kids receive assessments and treatment for identified problems that may contribute to offending

Data summary for Fiscal Year 2011-12:

- 6,747 youth admitted
- Approximately 26% of eligible youth statewide received a civil citation.
- Most common charges were petty larceny (40%), misdemeanor assault (18%), and misdemeanor drugs (18%).
- 4,525 FY 2011-12 admitted youth completed successfully (67%), 1,101 still in (16%)
- Most recent available recidivism rate is 7% (for FY 2009-10 releases).

DJJ Transition / Reentry:

As part of DJJ's reform effort, the agency is moving toward a research-based, data-driven model for providing delinquency interventions. Toward that end, The Office of Probation and Community Intervention is re-engineering contracts that currently provide supervision services to youth transitioning from residential commitment to the community.

This will enable DJJ to provide \$11.7 million in additional services, including: transitional housing, vocational training, employment skills and educational assistance. Youth returning from residential commitment are the most at-risk to re-offend and are in greatest need of stronger interventions. Of the 41% of youth who recidivate, 58% do so within the first four months. This is unacceptable and through the reinvestment process, DJJ can better equip communities to design programs specific to their needs.

Over the past five years DJJ has contracted for community supervision with an array of providers. These contracts were put in place to assist with higher caseloads and the larger number of youth coming out of residential commitment. Currently, Florida is experiencing a dramatic decline in juvenile delinquency with lower caseloads and less youth being released from residential commitment. Due to this recent shift, DJJ has the unique opportunity to assess and realign existing resources to effectively address the ever-changing needs of youth and families.

Essential elements of the plan include:

- Shift the caseloads of contracted supervision providers to existing Juvenile Probation Officers (JPOs) who will provide supervision as well as evidence-based interventions.
- Invest the 11.7 million dollars noted above into providing youth on re-entry status with an assessment-driven, individualized, wrap-around package of services and supports.

Rationale:

- Youth coming out of residential commitment are at the highest risk to reoffend and therefore provide the greatest opportunity to reduce juvenile delinquency and increase public safety.
- Because juvenile delinquency has dropped dramatically for several years, JPOs now have the capacity to resume supervision of post-commitment youth and to provide delinquency interventions.
- Youth served by contracted and state providers have similar profiles and similar recidivism outcomes.

Impact:

- Existing JPOs will see their caseloads increase, on average, by only 1.5 youth per JPO.
- A vast array of additional services would be available to these youth and families.
- All currently contracted service dollars will be competitively procured, and current providers will be encouraged to bid.

Following the above-noted presentations by senior DJJ executives, attendees participated in panel-based discussion on several critical issues attendant to juvenile justice, including: reducing direct files, initiatives in delinquency success in Hillsborough County, reforming education for DJJ youth, and an approach to substance abuse treatment for juveniles.

II. Reducing Direct Files

Direct file is a term referring to juvenile cases that are transferred from juvenile court to adult criminal justice court. Juveniles subject to such transfers are treated as adults. Direct file transfers can be voluntary or involuntary, depending on specific factors associated with the case. For many years Florida has been among the national leaders in direct file transfers, with a disproportionate number of direct file transfers impacting African-American juveniles. The following reflects a proposal for modifying state policy attendant to direct file transfers.

Recommended Policy Change / Legislative Proposal:

Limit direct file and waivers / transfers to adult court to ages 16 and older only.

Rationale for Change

- Florida Juvenile Justice Association basic principle: “Keep kids out of the adult system.” Florida’s juvenile justice system is better equipped to handle most juveniles.
- Younger juveniles’ brains are not fully developed; lack of maturity; often don’t understand consequences.
- Younger kids are more likely to be amenable to change.
- Current practices result in African American youth being sent to the adult system at a rate 2.5 to 5.5

times greater, depending on the judicial circuit.

- Youth in the adult system experience higher suicide rates (30 times) and higher sexual victimization rates.
- Youth who experience the adult system have higher recidivism rates.
- The time is right to re-think policy; other states also looking at this issue or have made recent changes (Colorado).
- A recent national survey of adults showed that 69% of respondents rejected placement of youth in adult jails and prisons and that 76% favored determinations by juvenile court judges over prosecution in adult criminal court.

Related Data and Information

- In 2011-12 the number of referrals transferred to adult court was 2,773.
- Nearly 2/3 of those transferred are from just 8 counties (in order): Hillsborough, Dade, Palm Beach, Pinellas, Orange, Broward, Duval and Polk.
- Half (50%) were charged with burglaries and robberies.
- 1,005 were under age 17 (238 were under 16).
- As of November 9, 2012, there were 200 youth under age 17 in Florida's adult prisons.
- 76 youth under age 17 (out of 109 nationally) were in Florida adult prisons with life and no parole (recent Supreme Court decisions forcing changes).

Summary of Current Law

- Three types of Waivers:
 1. Voluntary (any age);
 2. Involuntary Discretionary (14 or older); Except as provided for under Involuntary Mandatory waivers (below), the state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was 14 years of age or older at the time the alleged delinquent act was committed.
 3. Involuntary Mandatory (14 or older). Applies to children 14 years of age or older who have been previously adjudicated delinquent for an act classified as a felony (to include: commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person); or if the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged

felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person.

- Two types of Direct File:
 1. Discretionary (ages 14 or 15 -- list of 19 crimes; ages 16 or 17 -- any crime except misdemeanors, unless there are priors);
 2. Mandatory (ages 16 or 17 with a prior felony; any age if stolen vehicle results in death or serious bodily injury).
- Indictment: For crimes punishable by death or life sentence.
- Direct File Policies and Guidelines: Required to be submitted by each State Attorney on January 1 each year to the Governor, Senate President, and House Speaker.

III. Initiatives in Delinquency by Success for Kids & Families

Truancy is perhaps the most well-documented factors that serves as a predictor of juvenile delinquency. The Success for Kids & Families Program in Hillsborough County recognized this fact and took steps to address truancy among at-risk youth. Their program is outlined below.

During 2011-2012 school year

- 1.24% (2,678) students were habitually truant in Hillsborough County
 - 34.8% (933) in elementary school
 - 43.2% (1,156) in middle school
 - 22% (588) in high school
- 50% of truants were retained at least once
- 87.2% of truants received free or reduced lunch

Lock-Out Youth

- Starting last fiscal year, Hillsborough County experienced an increase in youth locked out of their homes from the following locations:
 - Detention
 - Statewide Inpatient Psychiatric Program (SIPP)
 - Baker-Act/Crisis Center Admissions

Detained Youth with Untreated Mental Health Needs

- Public Defender and State Attorney recognized that many youth presenting in detention had significant untreated mental health needs.
- At detention hearings, families were offered case management and mental health services.

Most Common Diagnoses

- Bipolar
- Attention Deficit Hyperactivity Disorder and Attention Deficit Disorder
- Reactive Attachment Disorder
- Depression
- Oppositional Defiant Disorder
- Cannabis Addicted

Types of Interventions

- Link to psychiatric services/medication management
- Coordinate any/all therapy services
- Locate specialized services such as a behaviorist
- Educate parents/empower their abilities
- Residential placements, if appropriate
- Substance abuse evaluations, follow up with treatment recommendations

How Success for Kids & Families Help Youth in Court

- Initially designed to be a mitigating tool for Public Defenders.
- Assist judges in detention hearings to: reduce parents' fears about taking youth back into the home, refer to CINS/FINS shelter, discuss options for services, and reinforce their skill sets.
- Assess a youth's need for service and report to judge.
- Advocate for youth in court by reporting successes and accomplishments.

Proactive Detention Therapeutic Pilot Project

- Emphasis is on "solutions" rather than "problems"
- Ideal for families in specific "stages of change"
- Family friendly (e.g.: free/voluntary, flexible scheduling, focused on reinforcing methods that have

worked previously).

- Recognizes family strengths and resilience as building blocks to successful therapeutic interventions.
- Guides families in establishing treatment outcomes that are acceptable and realistic for them.

Just as truancy is a well-documented predictor of delinquency among juveniles, so too are educational programs a well-documented predictor for reducing recidivism among juveniles and breaking the destructive cycle that leads many at-risk youth from the school yard to the prison yard. Recommended reforms for educating DJJ youth are addressed below.

Guiding Principles:

1. Juvenile justice education shall be based on each student's assessed needs and future plans.
2. The right educational plan, for the right kid, at the right time.
3. Equity for juvenile justice schools compared with traditional schools.

Career & Technical Education (CTE) / FL Statute -- 985.622, 985.618 & 1003.52:

- All schools in residential programs should offer at least one period per day of career and technical education.
- Non-residential programs should offer career-readiness and exploration as well as truancy and drop-out intervention services.
- Career and technical education course offerings should include pre-apprentice certifications, industry recognized certifications, occupational completion points (OCPs) or work related certifications.
- Local Workforce Youth Councils should have representation from DJJ probation or provider organizations. In counties that have residential programs, representation from DJJ residential or provider organizations should be provided.

Reentry / FL Statute -- 985.46 & 1003.52:

- 985.46 -- Conditional release, aftercare, re-entry and transition services should advocate for youth to return to school and assist youth who have graduated to secure employment and/or enroll in post-secondary education.
- 1003.52 -- School districts must consider the individual needs of the youth when placing them in school upon reentry. School districts will not have a blanket policy for all youth to return to a particular school upon their return to the district.
- 985.46 & 1003.52 -- For the purpose of assisting in each student's local school placement upon re-entry, school district representatives will participate as members of their local juvenile justice youth

re-entry board. The school district should take under advisement the recommendations of the local re-entry board.

- Local Workforce representatives should serve on the local juvenile justice re-entry board for the purpose of determining available and appropriate local Workforce services for each student upon re-entry into their community.
- Develop a statewide, online education transition plan and process.

Accountability / FL Statute -- 1003.52:

- Develop a State Board of Education Rule that provides for an accountability system for juvenile justice education.
- Convene a workgroup consisting of school districts and educational providers to develop accountability measures.
- Performance measures should account for youth's age, length of stay, assessed ability at entrance, prior school performance and disability status.
- Develop a specific juvenile justice education reporting format within the Statewide Student Automated Data System. The juvenile justice education reporting format should include aftercare and re-entry services.
- School districts and providers will be able to review Program Performance Results and provide feedback to DOE prior to its publication.
- Develop a process for juvenile justice school improvement that is based on a multi-tiered system of support that ensures that the educational needs of at-risk and delinquent youth are met.
- Develop a process for improving and or eliminating low-performing juvenile justice schools based on the approved performance measures and school improvement system.
- Identify and recognize high-performing programs.

Funding / FL Statute -- 985.6 & 1003.52:

- 1003.52 -- 95% of all state education funds should be allocated directly to contracted education providers.
- 1003.52 -- 95% of all Federal dollars generated by neglected and delinquent students in juvenile justice education programs must be spent within those same programs.

Improving Educational Services for Juvenile Justice Involved Youth -- FL Statute -- 985.6 & 1003.52:

- 1003.52 -- Residential, day treatment, detention and prevention programs that are contracted and or funded by DJJ and operate an onsite school shall receive year-round FEFP funding.
- 985.6 -- Approximately 5% of youth enter juvenile justice education programs with a GED or a high

school diploma and are in need of a career/technical and/or post-secondary funding stream to address the educational needs of these youth. FJJA supports asking DJJ to request this funding in their LBR.

- 985.6 & 1003.52 -- Contract with one or more colleges to provide online post-secondary and CTE classes to juvenile programs throughout the state.
- 985.6 & 1003.52 -- Incentive or performance-based funding to support third-party CTE curriculum and testing.

Access to GED Testing / FL Statutes -- FL Statute -- 1003.52:

- To encourage testing when students are best prepared to take the GED exams and to ensure better data collection regarding the number of youth earning GEDs in residential programs.
 - Residential students testing for their GED should remain enrolled in the residential educational program for the duration of the FTE period in which they are tested.
 - Funding and/or vouchers for GED testing fees.

Uniform Contract Requirements / FL Statute -- 1003.52:

- Develop State Board of Education Rules to address uniform contracts. All school district contracts with juvenile justice schools should have a uniform structure.

Instructor Qualifications / FL Statute -- 1003.52:

- CTE instructors should be required to have state certification, school district certification or approval OR industry certification.
- School districts should recognize 3rd party career and technical education providers that are under contract with the Department of Juvenile Justice.

Virtual Education / FL Statute --1003.52:

- Increased access to virtual education would enable smaller juvenile justice schools the opportunity to provide specific courses needed for graduation and credit recovery on an as needed basis. Virtual education should not be used to replace classroom teachers.

Potential Identified Strategies:

- FJJA Education Workgroup meets with DJJ representatives to present FJJA Briefing
- FJJA Education Workgroup meets with DOE representatives to present FJJA Briefing
- FJJA Education Workgroup meets with Workforce Florida representatives to present FJJA Briefing
- FJJA to provide Education recommendations to DJJ during 985 rewrite process
- FJJA to identify potential legislative representatives for sponsorship

- FJJA to provide potential legislative representatives with language for bill drafting
- FJJA to provide briefing to statewide organizations (TaxWatch, AIF, others.)

V. A Smart Approach to Juvenile Justice Substance Abuse Treatment

Emerging Drug Trends:

Youth experience pressure to use alcohol, tobacco, and illegal drugs at increasingly early ages as young as nine years old in Florida. In fact, the National Survey of American Attitudes on Substance Abuse states that, adolescents ages 12 to 17 named drugs--along with social and academic pressures--the most important problems they face. Some parents still underestimate how often their kids are exposed to drugs.

- According to the Partnership for a Drug-Free America, 18% of parents think their child has tried marijuana versus 40% of teens who say they have tried marijuana.
- Each day roughly 3,000 teens smoke their first cigarette.
- Risk of abuse or dependence greater for those who initiated use before age 16.
- Misuse of prescription drugs second now only to marijuana as the most prevalent drug problem in U.S.

Emerging Florida Drug Trends:

Risks for juveniles continue to increase, with oxycodone and synthetics and alcohol still contributing to drug related deaths in Florida. 2011 Florida Youth Substance Abuse Survey results reveal:

- Alcohol continues to be the most commonly used drug among Florida students. Across all seven surveyed grades, 48.5% reported life-time use and 25.3% reported past-30-day use; nearly one-in-eight (11.9%) Florida high school students reported one or more occasions of binge drinking (defined as the consumption of five or more drinks in a row) in the last two weeks. Also, 7.8% of high school students reported consuming five or more drinks per day on the days they drank in the past 30 days. After alcohol, students reported marijuana (22.6% lifetime and 12.1% past-30-day) and cigarettes (22.8% lifetime and 7.2% past-30-day) as the most commonly used drugs; as they did in 2010, middle school students reported a higher rate for past-30-day marijuana use (4.1%) than for past-30-day cigarette use (3.5%); among high school students, past-30-day marijuana use (18.1%) was notably higher than cigarette use (10.0%); past-30-day prevalence rates for the inappropriate use of over-the-counter drugs (2.9%), prescription pain relievers (2.7%) and depressants (2.0%) are higher than for all other illicit drugs, except marijuana and inhalants;
- Compared to other ethnic groups, white, non-Hispanic students reported higher rates of past-30-day alcohol (28.2%), cigarette (10.2%) and marijuana (13.5%) use.
- Among Florida high school students 16.5% reported being drunk or high at school on at least one occasion within the past 12 months.
- Students in the middle school grade levels were the most likely to report having been physically bullied

within the past 30 days (17.4%) and socially bullied within the past 30 days (34.1%). Cyber bullying within the past 30 days was reported by 7.9% of middle school students and by 81% of high school students.

Strategic Investments in Appropriate, Evidence-Based Interventions:

Effective treatment providers use process improvement teams to select clinically appropriate interventions from a compendium of evidence-based therapies, practices and programs. These include Motivational Interviewing, the use of standardized screening and assessment instruments. As a part of the adherence to fidelity process, effective treatment providers must use Clinical Supervision and invest in ongoing employee trainings and booster sessions, review and rating of taped sessions clinical supervision and clinical peer-review to ensure quality substance abuse treatment and fidelity to the model. Family involvement is a cornerstone for effective treatment. It is essential for sustained recovery and pathways to building brighter futures.

Brain Chemistry Concerns: Effects of Drugs on the Adolescent Developing Brain:

According to the Sama Foundation, there are many ways that psychoactive substances can alter or damage the development of the adolescent brain. Firstly, psychoactive substances often target and alter function of neurotransmitters, the chemical messengers that allow nerves to communicate at their junctions. Interference with neurotransmitters can directly damage fragile developing neural connections. Secondly, use of these substances alters perception and may interfere with the developing perceptual skills. And finally, the habits and choices associated with the use of drugs and alcohol slowly become ingrained in the wiring of the brain. Repeated action becomes habit and the habits of thought, perception, and reasoning developed in childhood and adolescence can stay with a person throughout his or her lifetime.

Adolescent Brain Development and Vulnerability to Drug Use:

The Mentor Foundation reports significant new research concerning adolescent brain development and the effects of alcohol and other drug use on the developing brain. This emerging science is providing new insights about how teenagers make critical and life influencing decisions, including their decisions about drug use. Brain imaging studies suggest that the brain continues to develop through adolescence and into young adulthood (age 25 years). During adolescence, the parts of the brain that are responsible for expressing emotions and for seeking gratification tend to mature sooner than the regions of the brain that control impulses and that oversees careful decision making. As one expert puts it, the “teenage brain has a well-developed accelerator but only a partly developed brake.”

Adolescents are more vulnerable to drug abuse than adults. Consider these facts:

- Immature brain of adolescents associated with poor judgment, impulsivity, inability to contemplate consequences
- Greater feelings of social dis-inhibition with alcohol (less shyness in social settings reinforces use)
- Lower sensitivity to intoxicating effects of alcohol resulting in use of larger amounts

- Combination of these effects may contribute to initial decision to use and make experience rewarding enough to repeat
- May lead to substance use disorders-abuse and dependence

VI. Where to Next: The 2012 Justice Summit

The meeting reported herein was the final Pre-Summit Meeting to precede the Justice Summit that will occur in Orlando from 12 to 14 December. The Summit is anticipated to involve between 150 and 300 stakeholders from around Florida and the country.

Included will be agency heads, legislators, other elected officials, judges and judicial officials, law enforcement personnel, service providers, lobbyists, and advocates for those impacted by the criminal and juvenile justice systems in Florida.

Topics addressed during the three Pre-Summit Meetings will form the basis for development of the agenda for the Summit, the goal of which is to formulate consensus on justice reform recommendations that appear likely to be favorably received by the legislature during the 2013 session that commences in March of 2013.

ABOUT FLORIDA TAXWATCH

As an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog, it is the mission of Florida TaxWatch to provide the citizens of Florida and public officials with high quality, independent research and analysis of issues related to state and local government taxation, expenditures, policies, and programs. Florida TaxWatch works to improve the productivity and accountability of Florida government. Its research recommends productivity enhancements and explains the statewide impact of fiscal and economic policies and practices on citizens and businesses.

Florida TaxWatch is supported by voluntary, tax-deductible memberships and private grants, and does not accept government funding. Memberships provide a solid, lasting foundation that has enabled Florida TaxWatch to bring about a more effective, responsive government that is accountable to the citizens it serves for the last 33 years.

THE FLORIDA TAXWATCH CENTER FOR SMART JUSTICE

The Center for Smart Justice is centered on the belief that public safety is paramount, and because of the magnitude of this responsibility, there truly is no room for inefficiency. The Center's research focuses on evidence-based reforms to Florida's criminal and juvenile justice systems that ensure less crime, fewer victims, and no wasted tax dollars.

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