

STATE of FLORIDA

Department of Corrections

152319

U.S. Department of Justice
National Institute of Justice

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COMMUNITY CORRECTIONS

PARTNERSHIP ACT

152319

NCJRS

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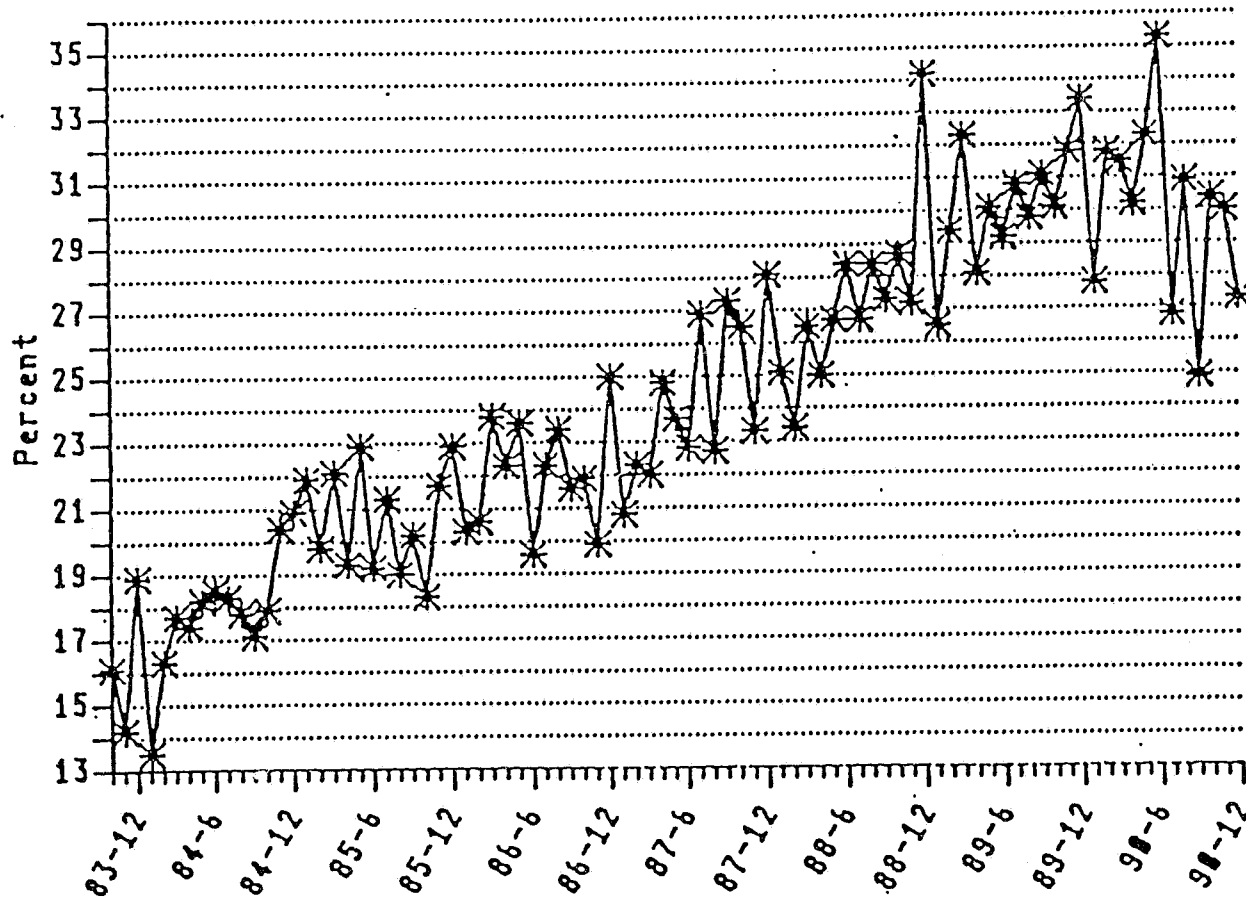
ACQUISITIONS

The following material is shared in an effort to provide information to various criminal justice officials regarding the Community Corrections Partnership Act.

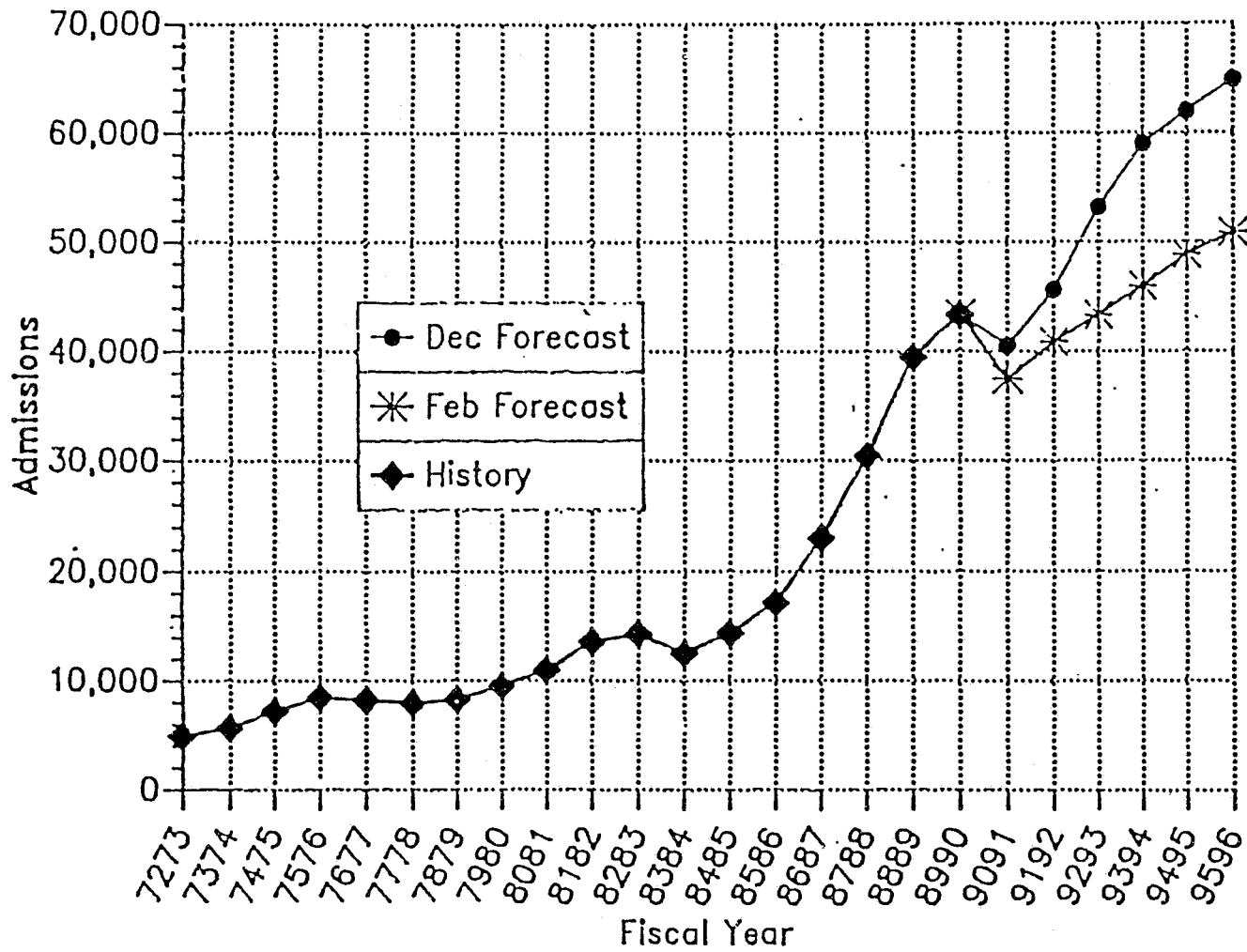
Of some significance is the data contained herein which is generated by the Criminal Justice Estimating Conference. This data provides a description of Florida's criminal justice effort specific to the utilization of state prison beds, a limited resource. While this data changes from one conference to another, the general trend remains, prisons at the state level will continue to receive more admissions than they have capacity to receive. The result of this is the continuation of the early release effort with average time served being in the 30-40% range. It means that the most violent and habitual felons will continue to receive the benefit of a system which is out of balance.

The Partnership Act is an effort to establish credible intermediate sanctions, reducing the number of prison admissions to the state system resulting in a focused utilization of beds for the most serious of the offending population. The Act is a good faith attempt to address both the interests of local communities and those of the State by identifying specific areas of mutual agreement and by funding those efforts.

PERCENT OF FELOWS IMPRISONED Monthly



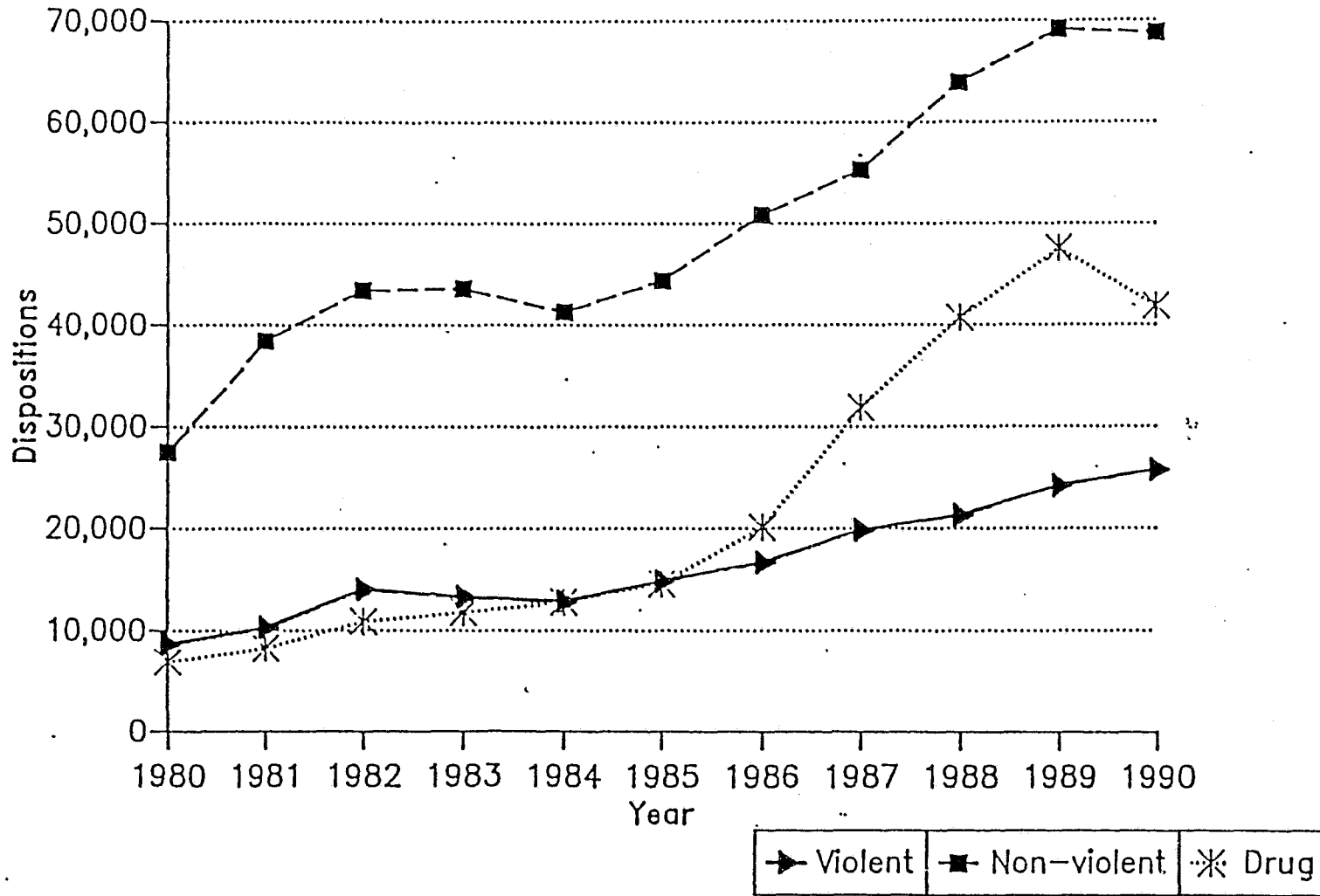
PRISON ADMISSIONS BY FISCAL YEAR



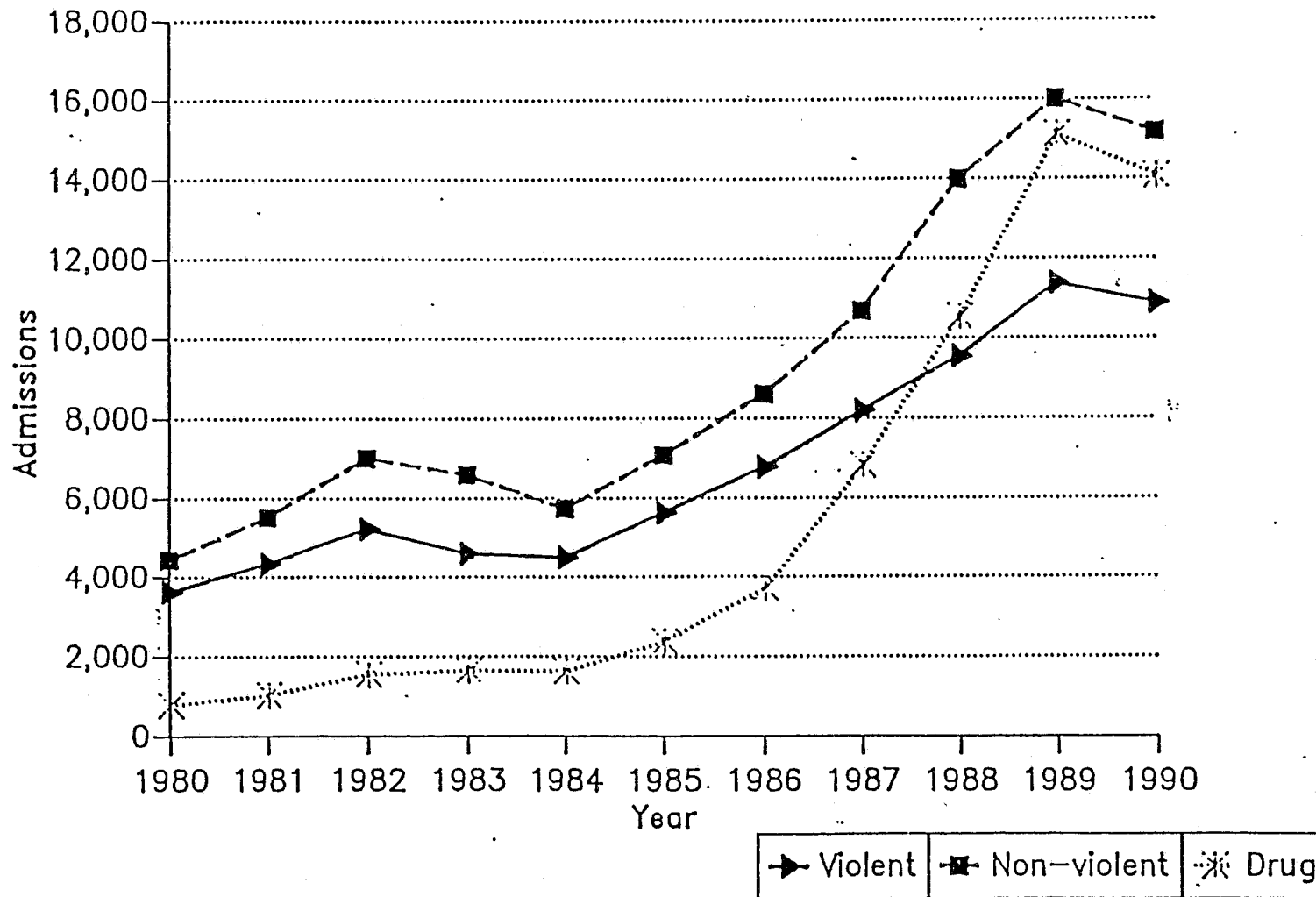
FORECAST OF PRISON ADMISSIONS BY
SENTENCING GUIDELINES CATEGORY

CATEGORY	FY 9091	FY 9192	FY 9293	FY 9394	FY 9495	FY 9596
Murder	1,236	1,348	1,430	1,516	1,611	1,677
Sexual Offenses	1,349	1,471	1,560	1,654	1,758	1,830
Robbery	3,259	3,555	3,769	3,997	4,247	4,422
Violent Personal Crimes	2,660	2,901	3,076	3,262	3,466	3,608
Burglary	6,705	7,314	7,755	8,224	8,739	9,097
Theft, Forgery, Fraud	6,143	6,701	7,105	7,534	8,006	8,335
Drug Offenses	13,373	14,587	15,467	16,401	17,429	18,144
Weapon Offenses	1,536	1,675	1,776	1,884	2,002	2,084
Other	1,199	1,307	1,386	1,470	1,562	1,626
TOTAL	37,459	40,859	43,326	45,942	48,820	50,823

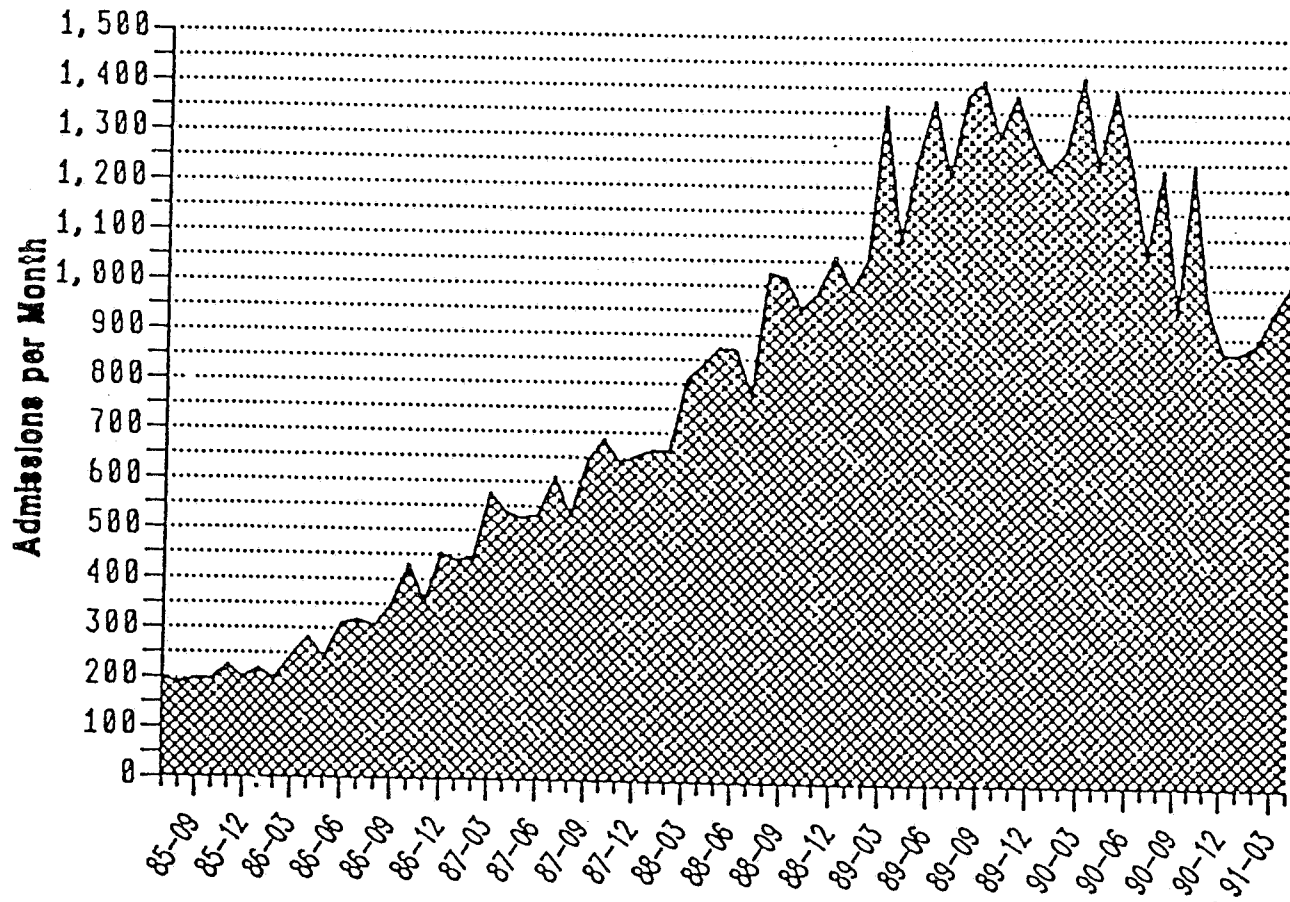
GUILTY DISPOSITIONS BY OFFENSE



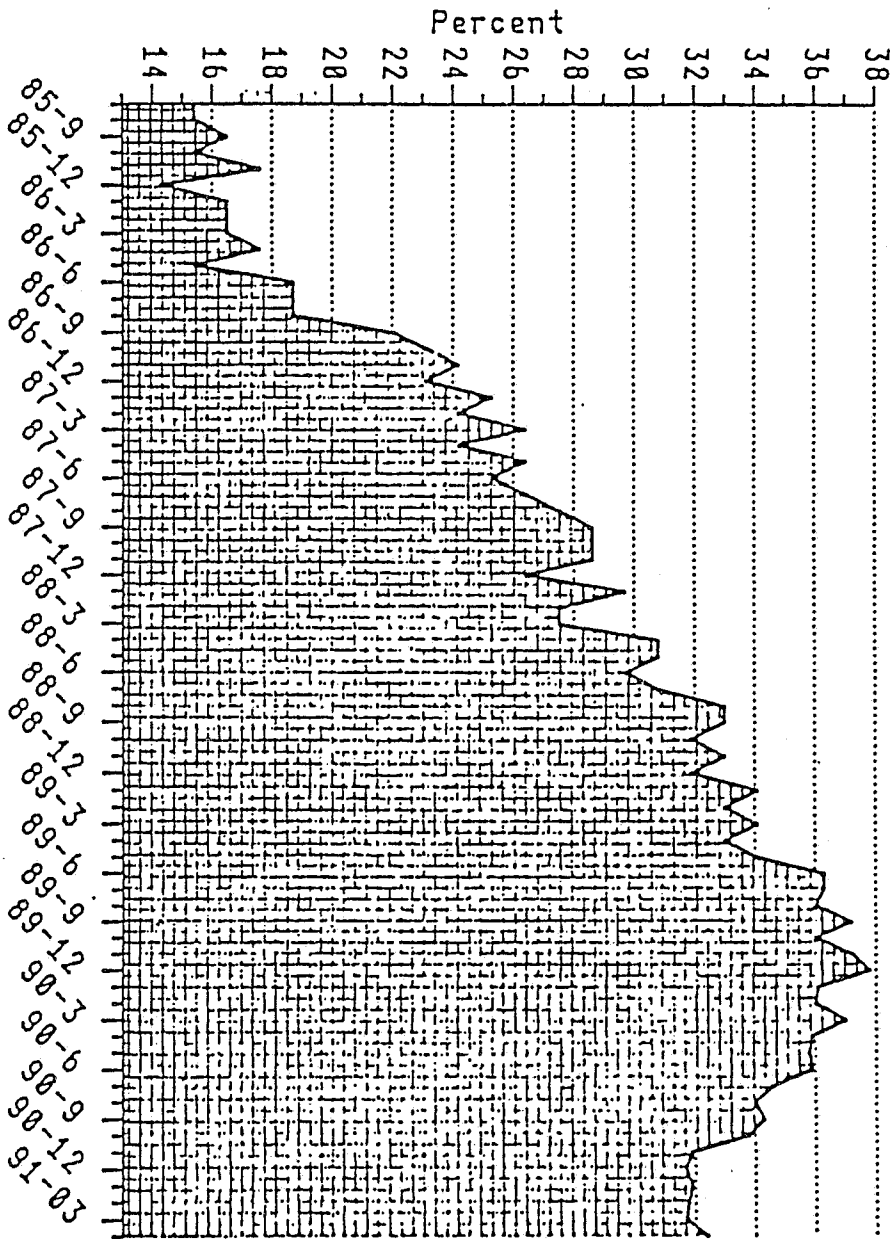
ADMISSIONS BY OFFENSE TYPE



NEW COMMITMENTS FOR DRUG OFFENSES To Florida Prisons, By Month



**DRUG OFFENSES
As Percent of Admissions to Florida Prisons
(Monthly)**



CRIMINAL JUSTICE ESTIMATING CONFERENCE FEBRUARY 27, 1991
FISCAL YEAR FORECAST

*** FINAL BASELINE FORECAST (PRIOR TO ADDITIONAL PROVISIONAL RELEASE CREDIT AWARDS OR CONTROL RELEASE AUTHORITY RELEASES) ***

	FY9091	FY9192	FY9293	FY9394	FY9495	FY9596
	-----	-----	-----	-----	-----	-----
ADMISSIONS	37,459	40,859	43,326	45,942	48,820	50,823
NEW COMMITMENTS	37,459	40,859	43,326	45,942	48,820	50,823
NOT PAROLE ELIGIBLE	37,075	40,553	43,112	45,790	48,708	50,738
PAROLE ELIGIBLE	384	306	214	152	112	85
LOSSES	25,317	19,897	30,978	37,380	41,299	43,927
PAROLES (OR ALTERNATIVE)	203	232	199	161	156	143
JULY 90 THROUGH JAN. 91	128	0	0	0	0	0
FROM STATUS POP	75	212	169	134	132	119
FROM NEW COMMITMENTS	0	20	30	27	24	24
EOS	22,116	11,876	22,964	29,452	33,328	35,967
JULY 90 THROUGH JAN. 91	19,737	0	0	0	0	0
FROM STATUS POP	2,270	3,876	3,019	2,476	2,013	1,348
FROM NEW COMMITMENTS	109	8,000	19,945	26,976	31,315	34,619
SUPERVISED WORK RELEASE	3,791	7,285	7,311	7,263	7,311	7,313
OTHER LOSSES (NET)	-793	504	504	504	504	504
END OF FISCAL YEAR POPULATION	54,875	75,837	88,185	96,747	104,268	111,004

AVERAGE PERCENT OF SENTENCE SERVED
For All Inmates Released, by Month of Release

<u>Month</u>	<u>Average % Served</u>	<u>Average Time Served (in months)</u>
January 87	52.8%	19.6
January 88	40.6%	15.5
March 88	39.5%	15.5
April 88	38.6%	16.5
May 88	37.5%	15.7
June 88	37.2%	15.6
July 88	37.5%	15.9
August 88	37.3%	15.0
September 88	36.5%	14.0
October 88	35.5%	14.4
November 88	35.4%	14.0
December 88	35.3%	13.5
January 89	34.1%	13.6
February 89	35.7%	14.6
March 89	34.8%	13.8
April 89	34.8%	13.8
May 89	34.0%	14.0
June 89	33.7%	13.5
July 89	32.8%	13.4
August 89	33.4%	14.2
September 89	32.7%	13.5
December 89	33.0%	13.0
February 90	32.8%	13.5
March 90	32.6%	14.9
April 90	32.2%	13.1
May 90	33.5%	14.2
June 90	33.1%	13.8
July 90	32.5%	13.1
October 90	35.1%	14.5
November 90	32.3%	13.3
December 90	35.4%	15.7
January 91	35.7%	15.2
February 91	32.3%	12.2
March 91	34.7%	14.6
April 91	33.6%	13.7

CRIMINAL JUSTICE ESTIMATING CONFERENCE FEBRUARY 23, 1990

*** FINAL BASELINE FORECAST (PRIOR TO ADDITIONAL P.R.C.'s OR CONDITIONAL RELEASES) ***

	FY 88-89	FY 89-90	FY 90-91	FY 91-92	FY 92-93	FY 93-94	FY 94-95
GUILTY DISPOSITIONS	135,153	142,052	156,266	179,342	200,862	243,429	268,569
PRISON ADMISSIONS	39,516	44,036	50,005	59,183	71,013	85,200	96,685
PROBATION	59,456	64,489	69,580	79,626	90,644	103,212	111,185
COMMUNITY CONTROL	11,837	12,499	13,484	15,780	18,378	21,420	23,632
COUNTY JAIL/OTHER	23,547	21,028	23,197	24,753	28,827	33,597	37,067

*** INCARCERATED POPULATION ***

TOTAL PRISON ADMISSIONS	39,516	44,036	50,005	59,183	71,013	85,200	96,685
NEW COMMITMENTS	39,006	43,648	49,638	58,797	70,605	84,783	96,290
PAROLE VIOLATORS	510	388	367	386	408	417	395
TOTAL LOSSES	35,138	29,215	25,006	41,053	52,500	63,663	76,251
PAROLES	391	343	321	309	294	307	319
END OF SENTENCE	28,344	23,833	16,916	32,955	44,391	55,589	68,117
SUPERVISED WORK RELEAS	6,777	5,572	7,265	7,285	7,311	7,263	7,311
OTHER LOSSES (NET)	(374)	(533)	504	504	504	504	504
INCARCERATED POP. JUNE 30	38,059	52,880	77,879	96,009	114,522	136,059	156,493

*** SUPERVISED POPULATION ***

PROBATION							
GAINS	59,456	64,489	69,580	79,626	90,644	103,212	111,185
LOSSES	58,845	56,675	68,351	74,599	85,822	97,711	107,694
POPULATION	70,220	78,034	79,263	84,290	89,112	94,613	98,104
COMMUNITY CONTROL							
GAINS	11,837	12,499	13,484	15,780	18,378	21,420	23,632
LOSSES	10,818	11,598	12,730	14,189	16,236	18,980	21,571
POPULATION	8,887	9,788	10,542	12,133	14,275	16,715	18,776
PAROLE							
GAINS	1,073	941	881	848	807	842	875
LOSSES	1,355	1,101	998	897	881	816	816
POPULATION	2,395	2,235	2,118	2,069	1,995	2,021	2,080
CONDITIONAL RELEASE							
GAINS	0	36	634	968	1,347	1,759	2,056
LOSSES	0	14	312	443	768	932	1,253
POPULATION	0	22	344	869	1,448	2,275	3,078
PROVISIONAL RELEASE							
GAINS	2,974	14,386	11,843	62	0	0	0
LOSSES	1,374	12,646	15,066	179	0	0	0
POPULATION	1,600	3,340	117	0	0	0	0
CONTROL RELEASE							
GAINS	0	0	11,608	22,375	27,907	33,458	37,827
LOSSES	0	0	4,000	19,007	25,194	30,735	35,684
POPULATION	0	0	7,608	10,976	13,689	16,412	18,555
TOTAL SUPERVISED POP	83,102	93,419	99,992	110,337	120,519	132,036	140,593

PRETRIAL INTERVENTION

Statutory Reference: 944.025(2)

944.025 Pretrial intervention program.--

(2) Any ~~first offender, or any person previously convicted of no more than one nonviolent misdemeanor,~~ who is charged with any nonviolent misdemeanor or felony of the third degree is eligible for release to the pretrial intervention program on the approval of the administrator of the program and the consent of the victim, the state attorney, and the judge who presided at the initial appearance hearing of the offender. As used in this subsection, "nonviolent felony" excludes arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated assault; murder; manslaughter; unlawful throwing, placing or discharging of a destructive device or bomb; aggravated battery; and armed burglary. In no case, however, shall any individual be so released to the pretrial intervention program unless, after consultation with his attorney or one made available to him if he is indigent, he has voluntarily agreed to such program and has knowingly and intelligently waived his right to a speedy trial for the period of his diversion. In no case shall the defendant or his immediate family personally contact the victim or his immediate family to acquire the victim's consent under the provisions of this act.

Description and Background:

The above subsection was amended by eliminating the language which excluded persons with prior criminal histories from participation in the Pretrial Intervention Program. The previous legislative policy limited participation to those offenders who had no prior felony or more than one non-violent misdemeanor conviction. The effect of the change is to allow participation by persons who have prior criminal histories except those persons charged with arson, sexual battery, robbery, kidnapping, aggravated child abuse, aggravated assault, murder, manslaughter, unlawful throwing, placing or discharging of a destructive device or bomb, aggravated battery or armed burglary.

The general purpose of amending the subsection was to broaden the possible participation of non-violent felony offenders in the Pretrial Intervention Program. While not stated specifically, there are two (2) target populations envisioned. The first population would be those offenders who could be categorized as special needs offenders. A special needs offender can be defined as an offender who is more appropriately served by addressing the life circumstances which led to the person being involved in the criminal justice system. Examples include individuals who are in need of specific medical and/or psychological intervention. Another example would be offenders whose life circumstances are driven by a lack of basic support systems such as family disintegration, economic dependence as opposed to independence, or other circumstances which can be successfully addressed through the intervention of various social service agencies.

The second target population is the substance abusing population. While the Legislature did not provide for the utilization of other features of the Community Corrections Partnership Act in conjunction with the PTI Program, it was contemplated that some circuits would prefer to approach the large numbers of substance abusing offenders in a fashion so as to permit a more efficient judicial process. This is, in large part, the rationale for eliminating the language in the subsection concerning prior criminal history as many substance abusing offenders have some, if not a significant, history of drug possession, for example.

In addition to the above two (2) target populations, a third population could also be envisioned. This population would be those offenders for which extraordinary circumstances exist and for which justice is served by agreement among relevant parties that further prosecution in the traditional sense is not warranted. In effect, this third target population, although small, would be a population for which prosecutors and the defense bar can reach an acceptable conclusion to the status of a pending criminal charge while maintaining certain community based controls.

Appropriation:

The legislative appropriation for pretrial intervention remains at the same level as in the previous fiscal year. No specific provisions were made for the anticipated increase in pretrial intervention utilization.

Agency Action:

Circuit Administrators are to immediately cause modification of the preliminary investigation criteria being utilized by Probation and Parole Staff. This action should take place, however, after consultation with the appropriate State Attorney and Circuit Judges. The modified criteria, if approved by appropriate parties, should conform to the amendment as described above.

ADMINISTRATIVE PROBATION

Statutory Reference: 921.187(1),(b),12; 948.001(1); 948.01(4)

921.187 Disposition and sentencing; alternatives; restitution.--

12. Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.01 for the remainder of the term of supervision.

948.001 Definitions.--As used in this chapter, the term:

(1) "Administrative probation" means a form of noncontact supervision in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be placed by the Department of Corrections on nonreporting status until expiration of the term of supervision. The department is authorized to collect an initial processing fee of up to \$50 for each probationer reduced to administrative probation. Such offender is exempt from further payment for cost of supervision as required in s. 945.30

948.01 When court may place defendant on probation or into community control.--

(14) The court may also impose split probation whereby, upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation as defined in s. 948.001 for the remainder of the term of supervision.

Description and Background:

The above statutory changes represent a recognition that a certain percentage of the probation population can be appropriately sanctioned and supervised in a fashion not requiring the usual conditions of probation or the traditional involvement of a Correctional Probation Officer. As defined, Administrative Probation allows the court to continue jurisdiction with the potential for revocation without the offender being subject to the usual conditions of probation.

The amendment to 948.001 is not specific with respect to the conditions the court may require of a person who is placed in administrative probation status. It should be noted, however, that the language suggests clearly that the status of the offender is one of non-reporting and it is generally believed that the only condition applicable to the administrative probation population would be that condition relating to compliance with all laws. If additional conditions are a feature of the administrative probation status, the effect of such conditions must be reconciled with the court's expectation for monitoring for compliance to the conditions by the Department.

While not stated in the legislation, it appears that retroactive application of administrative probation is permissible. Suggested retroactive application procedures appear below.

The processing fee of \$50 is designed to provide some reimbursement of costs associated with the continued monitoring of the case by the Department while in administrative probation status as described below. The processing fee is also designed to off-set costs associated with usual administrative requirements in changing the status of offenders.

Appropriation:

There was no legislative appropriation associated with the implementation of administrative probation. It should be noted, however, that the Department of Corrections received no additional appropriation for the Criminal Justice Estimating Conference forecasted workload increase in regular probation and investigatory workload. In theory, it was assumed that the utilization of administrative probation would have the effect of causing a leveling of workload in regular probation and associated investigative activity. Estimates on the impact of administrative probation ranged from 10 to 15 percent of the probation population would be placed in administrative probation status, eliminating any need for additional staff for workload increases. The validity of these assumptions is dependent upon the willingness of the State's circuit judges to utilize this sanction.

Agency Action:

Each Circuit Administrator shall immediately make contact with all criminal division circuit judges explaining the content of the legislation. Implementation on a case by case basis can be accomplished as follows:

1. For those cases where the court desires to use administrative probation retroactively, an Order Modifying can be entered. It is recommended that the Order Modifying contain language which eliminates all conditions of probation except the condition relating to abiding by the law. The Order should also contain language requiring the offender to pay the \$50 processing fee.
2. For prospective implementation, it is recommended that the original Order of Probation contain the following:

Special provision: After service of one-half of the period of probation, the defendant shall be placed by the Department of Corrections in administrative probation status. All conditions of probation, except for condition _____, are to be no longer applicable. The defendant shall pay to the Department of Corrections a one-time, nonrecurring \$50 processing fee, such to be remitted to the Department within thirty (30) days of placement into administrative probation status. Failure to comply with condition _____ or with remittance of the \$50 processing fee may subject the defendant to revocation of probation.

The MIS code for administrative probation cases is 13. Upon a case being placed in administrative status, execute a Gain 02 to supervision type 13.

Persons in COS waiver status at the time of placement in administrative probation shall not be required to remit the processing fee. The MIS needs to be changed to accommodate the fee and separate instructions will follow shortly.

Contact standards are not applicable for those cases where the court orders all conditions to be "dropped" except for abiding by the law. In this event, the only standard will be a monthly FCIC-NCIC records check with violation report and affidavit required upon discover of new arrests.

The caseload ratio for administrative probation is to be established at 300:1. It is required that certified CPOI's be used to carry these caseloads, however, CPOI's in training status can certainly be used to assist.

In those instances where the court places cases in administrative probation status and elects to retain some or all of the conditions, caseload size will have to be determined by the nature of the level of monitoring the court desires. In general, the caseload ratio should be at least 150:1.

Cases in administrative probation status shall be reviewed annually.

DRUG OFFENDER PROBATION

Statutory Reference: 948.001(3); 948.01(15)

948.001 Definitions.--As used in this chapter, the term:

(3) "Drug offender probation" means a form of intensive supervision which emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by officers with restricted caseloads. Caseloads are restricted to a maximum of 50 cases per officer in order to ensure an adequate level of staffing.

948.01 When court may place defendant on probation or into community control.--

(15) If it appears to the court upon a hearing that the defendant is a chronic substance abuser whose criminal conduct is a violation of chapter 893, the court may either adjudge the defendant guilty or stay and withhold the adjudication of guilt; and, in either case, it may stay and withhold the imposition of sentence and place the defendant on drug offender probation.

(a) The Department of Corrections shall develop and administer a drug offender probation program which emphasizes a combination of treatment and intensive community supervision approaches and which includes provision for supervision of offenders in accordance with a specific treatment plan. The program may include the use of graduated sanctions consistent with the conditions imposed by the court. Drug offender probation status shall include surveillance and random drug testing, and may include those measures normally associated with community control, except that specific treatment conditions and other treatment approaches necessary to monitor this population may be ordered.

(b) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

Description and Background:

The Legislature has created an additional supervision sanction which is intended to blend certain features of the Community Control Program with regular probation, emphasizing individual offender treatment. As reflected in the amendment to 948.001, caseloads are to be restricted to a maximum of 50 cases per officer and the approach to be taken emphasizes the development of individual treatment plans. With significant numbers of the supervised population being substance abuse involved, this legislative effort is designed to direct available resources in a more concentrated fashion. The specialization effort is also to be enhanced by other components of the act as will be discussed.

As reflected in subsection 15, the target population for drug offender probation is those offenders whose substance abuse is chronic in nature and whose criminal conduct is in violation of the provisions of Chapter 893. In the discussions concerning the development of drug offender probation, it was initially believed that a more specific target population should be stated in the law. The original thinking was that persons in regular probation who were in violation status because of substance abuse difficulties, including new criminal charges relating to felony possession, could be more appropriately supervised in the drug offender probation context than in regular community control. It is still believed that this represents the most viable target population as drug offender probation is designed in concept to address the substance abuse issue with some level of surveillance but not as intense as that associated with community control.

Drug offender probation is, therefore, felt to be an appropriate increased level of sanction lying between regular probation and community control. This is specifically demonstrated when special conditions of drug offender probation involve

placement in the nonsecure or secure residential treatment facilities that will be established during this fiscal year and which, it is hoped, will be broadly expanded as a result of the 1992 Legislative Session. Officers assigned to drug offender caseloads will be the same officers responsible for providing the requisite liaison and other activities with the drug treatment facilities.

Several circuits have undertaken initiatives to establish "drug courts". Clearly the drug offender probation sanction is well suited to those efforts particularly when the Department's resources can be concentrated as reflected in the development of the 91-92 Appropriation Act. This is significant if circuit judges agree that placing probation violators in drug offender probation is a better alternative than community control.

Appropriation:

The Legislature appropriated 42 Correctional Probation Officer II's positions for drug offender probation. It should be noted, however, that these 42 positions are in effect transfers from the community control appropriation. The community control appropriation saw a net reduction of 56 Correctional Probation Officer II's. It is for this reason, that circuit judges are to be encouraged to use drug offender probation instead of community control for the target population mentioned previously.

Agency Action:

Circuit Administrators should promptly inform all sitting criminal division judges of the existence of drug offender probation. In informing the courts of the existence of this new sanction, it should be suggested that the violation of probation population where the violations are substance abuse involved, are the appropriate offenders for the program. This is not to suggest that initial dispositions could call for the placement of chronically abusing offenders into drug offender probation, but given the resource issue, we would urge the violation of probation group. It should be further suggested that where facilities exist, that special conditions be imposed for placement particularly in the nonsecure facilities or such other drug treatment programs as may exist within the judicial circuit noting that those facilities, secure and nonsecure, have statutorily determined populations.

With respect to conditions of drug offender probation, it is recommended that the usual conditions of probation be imposed along with the following:

1. The existing or similar language relating to urinalysis testing.
2. The existing or somewhat modified language currently used in community control relating to confinement in the approved residence.

The law requires the Department to develop the Program. A task force will be assembled in the near future to prepare a manual. In the interim the following contact standards have initially been decided upon and are applicable to the drug offender probation population:

Minimum monthly contact standards:

- No less than two (2) field personal contacts are required, one of which shall be at the residence of the offender.
- No less than one (1) field collateral contact shall be made monthly.
- No less than one (1) office personal contact shall be made monthly.
- Telephone contacts are not required, however, random telephone contacts may be indicated in individual cases where conformance to the home confinement provision, if ordered by the court, is of concern.
- Drug offender probation officers are not required to conduct surveillance contacts as a matter of routine practice. If in the discretion of the officer, after consultation with the immediate supervisor, surveillance contact should be initiated in a given case, such can be authorized and should be reflected on the case field sheet. Such contacts shall be initiated only when cause exists to believe the offender poses a serious threat to public safety and where revocation would be the likely outcome.
- Random urinalysis shall be performed at least once a month.
- For those offenders who are involved in residential treatment programs, the officer shall provide no less than two (2) field visits with the offender and treatment staff each month.
- Supervisors of drug offender probation officers shall conduct regular reviews of drug offender probation cases on a quarterly basis to ensure that minimum standards are being met.

The MIS code for drug offender probation is 18. MIS activities are the same as for regular probation.

COMMUNITY CONTROL

Statutory Reference: 948.10(2)

948.10 Community control programs.--

(2) The department shall commit not less than 10 percent of the parole and probation field staff and supporting resources to the operation of the community control program. Caseloads should be restricted to a maximum of 25 ~~20~~ cases per ~~officer supervisor~~ in order to ensure an adequate level of staffing. Community control ~~is shall be~~ an individualized program in which the offender is restricted to noninstitutional quarters or restricted to his own residence subject to an authorized level of limited freedom.

Description and Background:

The Legislature has amended the community control caseload ratio from the previous 20 cases per officer to 25 cases per officer. Notice that the language remains discretionary.

The fundamental reason for the change in the caseload ratio is linked to two (2) basic issues. The first issue was the fact that the state revenue picture did not permit a continuation of the 20:1 appropriated level. The second issue was the establishment of drug offender probation which was felt to be a potential source of offenders who would have otherwise been placed in community control. This was discussed in the drug offender probation section.

Appropriation:

As a result in the change in the caseload ratio, the Department lost 56 Correctional Probation Officer II positions previously appropriated for community control.

Agency Action:

Community control remains the only supervision program utilizing electronic monitoring, and the basic operational features of the program are to remain the same.

SPLIT SENTENCE - BACKEND

Statutory Reference: 921.187(1),(b)11; 948.01(13)

921.187 Disposition and sentencing; alternatives; restitution.--

11. Impose a split sentence whereby the offender is to be placed in a county jail or county work camp upon the completion of any specified term of community supervision.

948.01 When court may place defendant on probation or into community control.

(13) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court shall impose a term of incarceration equal to the remaining portion of the order of probation or community control. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Description and Background:

The Legislature has created a provision which allows for a period of incarceration to follow a period of supervision. This is referred to by some as a "back-end split", and has been utilized in the Jacksonville Circuit as a part of a drug offender effort. The concept is to provide an incentive for offenders to complete special conditions of probation which involve participation in drug treatment services. The court simply provides that if the offender does not complete or comply with the conditions imposed that a specified period of incarceration will follow the period of supervision.

Appropriation:

No specific appropriation was provided for this particular provision except that the funding on one (1) county work camp is an appropriate sanction for the incarcerative portion of the split.

Agency Action:

Each Circuit Administrator should inform criminal division circuit judges of the existence of this new language. In general, it is believed that the utilization of the back-end split concept is appropriate to the drug offender population and should be used in conjunction with a set of incentives designed to encourage successful participation in drug treatment services. The back-end split provision could be used in conjunction with drug offender probation or community control although the Department would recommend that it be used in conjunction with the drug offender probation population.

It is recommended that language be placed in the court order calling for the back-end split as follows:

You will serve __ months in the county jail (work camp) if you fail to comply with the regular and special conditions of this order.

PROBATION RESTITUTION CENTERS

Statutory Reference: 944.026(1)(c)

944.06 Community-based facilities and programs.--

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide, or contract for a statewide system of community-based facilities, services, and programs dealing with the rehabilitation of offenders, which shall include, but shall not necessarily be limited to:

(c) A system of probation and restitution centers throughout the state whereby probationers and community controllees who have violated their terms or conditions may be required to reside while working, receiving treatment, or attending school, or for persons on probation or community control who are required to attend outpatient substance abuse counseling. The purpose of these facilities and services is to provide the court with an alternative to committing offenders to more secure state correctional institutions and to assist in the supervision of probationers and community controllees.

Description and Background:

Additional language has been placed in the law by the Legislature concerning probation and restitution centers. A specific target population of probation and community control violators has been linked to the utilization of the probation and restitution centers. In addition, the scope or mission of the centers has been elaborated upon as reflected in the above amendment.

Appropriation:

No new probation and restitution centers were appropriated.

Agency Action:

Each Regional Administrator and Circuit Administrator should inform relevant parties of the change in the legislation with respect to the utilization of probation and restitution centers.

NONSECURE FACILITIES

Statutory Reference: 944.026(1),(b)

948.026 Community-based facilities and programs.--

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide or contract for a statewide system of community-based facilities, services, and programs dealing with the rehabilitation of offenders, which shall include, but shall not necessarily be limited to:

(b) Community-based residential drug treatment facilities which include:

1. Nonsecure facilities, whereby probationers who have violated their terms or conditions, or persons placed on community control, may be required to reside while working, receiving treatment, or attending school; and

Description and Background:

In the overall effort to influence a reduction in prison admissions for non-violent offenders, the Legislature clearly recognized drug offenses as being the principle cause of the increased admissions in recent years.

The most recent Criminal Justice Estimating Conference Report of February 27, 1991, indicates that some 14,000 prison admissions were for drug offenses during the 1990 year. Drug dispositions on a statewide basis account for some 30% of guilty dispositions and incarceration rates indicate that drug offenses constitute some 34% when compared to violent and non-violent offenses.

The nonsecure facility is defined in the law as an effort to target probation violators or persons placed on community control where the issue driving the dispositional result is substance abuse. The nonsecure facilities provide for drug treatment, work or other programming.

During the first year start-up of the nonsecure facilities, the Department has elected to establish a program model along the lines of the existing Tier II and Tier IV Programs currently in place for those committed inmates. Tier II will consist of an initial intensive drug treatment effort for the first four (4) to eight (8) weeks. Tier IV will consist of work release type placement in the community while still a resident of the nonsecure facility. Duration of the total program is anticipated to be six (6) months.

Details of the Program will be contained in the individual contracts that are let for the nonsecure facility providers. The relationship between Probation and Parole Staff in the nonsecure facilities will be extremely close as probation staff will be responsible for contract monitoring as well as providing liaison activities between the offenders and the circuit courts.

Appropriation:

Legislature shifted \$4.2 million from the Department's community facilities budget to the nonsecure facility effort. The Legislature further described that the average per diem should be \$32 per day. This, in effect, means the Department has available some 360 nonsecure beds with a possibility for more in the first year depending on the effect of the phase-in schedules.

Agency Action:

The Department has prepared data indicating the most appropriate jurisdictions for the establishment of the nonsecure facilities. This data examined prison admissions from various locations, breaking out prison admissions along the lines of drug offenses and nonviolent property offenses. Some nonsecure facilities will be determined through direct contract negotiation where others will be determined through the request for proposal process.

Placement in the nonsecure facilities should be accomplished through the court providing a special condition of probation or community control requiring participation. It is recommended that in the instance of violation of probation, the court elect to place the offender on drug offender probation as opposed to community control. In placing the offender on drug offender probation, it is recommended that the special condition requiring participation in the nonsecure facility be a feature of the order. In the event the court elects to place the offender on community control, it is recommended that a special condition provided.

Upon a final determination on the number of available nonsecure facility beds in each jurisdiction, more specific instruction will be provided to relevant staff concerning utilization of those facilities and the information link with the circuit judges.

Appropriate tracking will be required with details to be provided in the near future.

SECURE FACILITIES

Statutory Reference: 944.026(1),(b)2

944.026 Community-based facilities and programs.--

2. Secure facilities which provide for limited access for the duration of the program for persons who have violated their conditions of community control.

Description and Background:

As in the case of the nonsecure facilities, the Legislature has provided for the establishment of secure facilities with a specific definition that those facilities are for persons who have violated their conditions of community control. The secure facility program will be modeled after the traditional therapeutic community.

Appropriation:

The Legislature appropriated start-up funds for the construction and operation of one 90 bed secure facility. The secure facility will, in all likelihood, be a part of the overall contract with the county who is awarded the Community Corrections Partnership Act grant dollars as well as work camp dollars.

Agency Action:

The agency will be responsible for the development of the RFP for the secure facility. The location of the secure facility, as mentioned above, will be determined through the Community Corrections Partnership Act contract award process. As in the case of the nonsecure facilities, certain requirements relating to Probation and Parole Staff will be imposed with the details to be developed in the near future.

WORK CAMP

Statutory Reference: 951.23 - See attached bill.

Description and Background:

As a part of the continuing effort to develop a series of intermediate sanctions, the Legislature has provided for the establishment of work camps. The legislation associated with the work camps is somewhat extensive but in general is designed to provide direct funding for the construction and operation of work camps for those counties interested in receiving such dollar support. The work camp concept is designed to be a minimum security facility where inmates are in effect involved in programming as well as publicly visible work activities in the community. Inmates committed to the work camp are treated in a legal fashion similar to those inmates placed in a county jail after having been sentenced for crimes. One-half of the 250 bed facility will be devoted to those county inmates traditionally housed in county jails with the remaining one-half being devoted to true prison diversions. While the legislation is not specific as to the average length of sentence it is recommended that the average length of sentence be no more than nine (9) months with preference toward the six (6) month area so as to cause appropriate and efficient utilization of the beds.

The specific target population as stated in the legislation is for those persons whose presumptive sentence exceeds twenty-two (22) months of incarceration. This would be applicable to that one-half of the total number of beds.

County governments will be submitting proposals, according to the legislation, for the Department to consider in determining the award of the work camp funding. There should be linkage between the county's initiation of such a request and the provisions of the Community Corrections Partnership Act.

Appropriation:

The Legislature appropriated \$2 million for the construction of one county work camp.

Agency Action:

In addition to the development of an appropriate administrative rule, the Department will also be developing the appropriate contract which will be executed with the county selected to receive the work camp funding.

COMMUNITY CORRECTIONS PARTNERSHIP

Statutory Reference: 948.50 and 51 - See attached bill.

Description and Background:

The Community Corrections Partnership Act was the centerpiece of Governor Chiles' legislative package this last Legislative Session. It is a bold attempt to influence the issue of appropriate utilization of state prison beds recognizing that average time served and other factors have contributed to the lack of confidence by the public in the criminal justice system. Partnerships between the State and counties are designed to provide counties with direct financial assistance in their criminal justice efforts as well as create credible intermediate sanctions which will have the ultimate effect of allowing violent and more serious or chronic offenders to remain confined in the state prison system for considerably longer than is their current experience.

It is clearly recognized that the current utilization of state prison beds is not efficient, costing millions of dollars on inmates who are involved in a revolving door system. The Partnership Act was designed to address the need to create more effective intermediate sanctions for that portion of the offender population that could be best served and sanctioned in the community.

Appropriation:

The Legislature appropriated \$150,000 for the initial first year grant award. This appropriation is in addition to the other features of the legislation which have been mentioned in other sections.

Agency Action:

The agency will develop the appropriate administrative rule which will determine the process by which the grant awards are determined. The process will involve the County Correctional Planning Committee of which the Department's Probation and Parole Circuit Administrator is now a statutory member. Each Circuit Administrator should inform all relevant county persons of the nature of the change in the law as well as the value of the County Correctional Planning Committees becoming involved in examining the criminal justice environment in that given jurisdiction.

SUMMARY OF SANCTIONS

<u>Sanction</u>	<u>Target Population</u>
Pretrial Intervention 944.025	Any nonviolent offender. Read exclusions in 944.025(2).
Administrative Probation 921.187; 948.001 the	Any "low risk" offender who is placed on regular probation and completes one-half of probation successfully.
Drug Offender Probation 948.001	Chronic substance abusers whose criminal conduct is in violation of Ch. 893.
Probation Restitution Center	Probation or community control violators
Nonsecure Drug Facilities	Probation violators or persons on community control
Secure Drug Facilities	Offenders who have violated community control
Community Control 948.10	Probation violators, drug offender probation violators or presumptive sentences higher than 22 months
Split sentence-Backend 921.87, 948.01	Probation, drug offender probation, community control
Work Camp 951.23 violators	Presumptive sentence over 22 months

RULES OF THE
DEPARTMENT OF CORRECTIONS
CHAPTER 33-35, FLORIDA ADMINISTRATIVE CODE
CREATING NEW CHAPTER 33-35
COMMUNITY CORRECTIONS PARTNERSHIP

33-35.001 Definitions.

33-35.002 Plan Approval Process.

33-35.003 Compliance and Funding

33-35.004 County Work Camps

33-35.001 Definitions.

(1) Plan - means the written proposal submitted by the county correctional planning committee to the Department of Corrections as provided in s. 951.26(3)(b), Florida Statutes.

(2) County work camp plan - means the written proposal submitted by the county commission pursuant to the provisions of s. 951.23(4), Florida Statutes.

(3) Evaluation committee - means the group of executive staff established for the purpose of reviewing plans submitted by the county correctional planning committees.

(4) County correctional planning committee - means the committee formed in each county pursuant to s. 951.26, FS, for the purpose of formulating recommendations to ensure that the authorized capacities of county detention facilities are not exceeded.

(5) Non-secure drug treatment facility - means a facility operated by a private provider and which is licensed by the State of Florida to provide drug treatment services. The facility shall provide a combination of drug treatment, job placement and other related services which shall be fully described in the contract executed between the department and the provider. The facility shall not require such security measures as normally associated with detention facilities, or similar facilities which are secured by perimeter barriers.

(6) Secure drug treatment facility - means a facility operated by a private provider and which is licensed by the State of Florida to provide drug treatment services as described by contract provisions between the department and the provider. A secure drug treatment facility shall require perimeter security. Specific Authority 948.50, 948.51 FS. Law Implemented 948.50, 948.51 FS. History--New

33-35.002 Plan Approval Process.

(1) There is established within the Department of Corrections an evaluation committee for the purpose of reviewing plans submitted by county correctional planning committees to determine compliance with the provisions of s. 948.51(2) Florida Statutes. The committee shall consist of the Assistant Secretary for Programs, the Assistant Secretary for the Office of Management and Budget, the Director of Probation and Parole Services, and the Director of Research and Planning, or their

designees. The Deputy Secretary for the Department of Corrections shall serve as chairman of the committee.

(2) The evaluation committee shall be responsible for providing recommendations to the Secretary of the Department of Corrections for the award of community corrections contracts and funds as provided in the general appropriations act and as authorized by s. 948.51(4), Florida Statutes.

(3) The evaluation committee shall include in its review, but is not limited to, consideration of the following:

(a) The comprehensive nature of the plan submitted. Priority shall be given to the plan which utilizes the major components contained in s. 948.51, FS.

(b) The specific manner by which the plan utilizes the existing statutory criminal sanctions or programs, including probation and restitution centers, non-secure drug treatment facilities, secure drug treatment facilities, and county work camps if the county work camp is a part of the submitted plan and is being pursued by the county commission of the county. The county correctional planning committee submission and the county commission submission regarding the work camp is not required to be a joint effort; the county correctional planning committee may elect to pursue community corrections contracts without the county commission agreeing to pursue the establishment of work camp.

(c) The reported level of agreement in the plan between relevant criminal justice entities. The level of agreement

should include, at a minimum, written commitments by the state attorney, the public defender, the chief correctional officer of the county, the circuit judges, the county judges, and such other persons as the planning committee may consider relevant, that all parties are committed to the specifics of the plan and that the appropriate populations identified by law and in the plan will be placed accordingly. Documentation of the reported level of agreement may be submitted in the form of letters, affidavits, or such other means as the planning committee deems appropriate.

(d) The quality of design to be used for the required assessments of population status and performance measures as required by the provision of s. 948.51(2), Florida Statutes.

(e) The fiscal year for which the county correctional planning committee is applying for funding.

(f) The specific budget information relating to the expenditure of community correctional funds.

(4) Upon completion of the review of each plan which has been submitted, the evaluation committee shall prepare a written evaluation and recommendation which shall be forwarded to the secretary for review. The secretary's final approval shall be contingent upon available funding. Written notice of the secretary's decision shall be provided to all planning committees who submitted a plan.

(5) The secretary shall annually provide written notice by U. S. Mail of the availability of funding for plans. The notice shall be mailed to each board of county commissioners, each

sheriff, each state attorney, each chief judge, and each county correctional planning committee. The notice shall establish a deadline for the submission of plans. County correctional planning committee plans should be mailed to the Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Correspondence should be directed to the attention of the community corrections evaluation committee. Plans may be submitted on standard 8-1/2 X 11 paper. Submissions should bear the certification by the chairman of the county correctional planning committee as being the official proposal of that committee. The plan may contain any number of attachments, renderings or other material as the planning committee may deem necessary for evaluation.

Specific Authority 948.51 FS. Law Implemented 948.51 FS.

History--New.

33-35.003 Contract Compliance and Funding.

(1) The evaluation committee shall be responsible for reviewing existing contracts to ensure substantial compliance with the plan or the standards established in s. 948.51 (2), Florida Statutes. The evaluation committee shall report any non-compliance to the secretary, who shall determine whether to invoke the procedures of s. 948.51(7), Florida Statutes, to correct any deficiencies.

(2) Pursuant to s. 948.51(7), FS., if the secretary believes that a contracting county is not substantially complying

with its plan or the standards in s. 948.51 (2), the secretary shall provide written notice to the county correctional planning committee that compliance has not been met. The county shall, within 30 days of receipt of the written notice, submit to the secretary a written proposal as to how deficiencies will be corrected. If agreement is not reached or if deficiencies are not corrected within 45 days after the proposal has been agreed to by the secretary, the secretary shall suspend the funding until compliance is achieved. To the extent that program effectiveness is measurable by the elements of the format, compliance is 80 percent of the established goal or objective. For those programs whose target populations are statutorily defined, the level of effectiveness shall be 90 per cent. Specific Authority 948.51(7) FS. Law Implemented 948.51(7) FS. History--New.

33-35.004 County Work Camps.

(1) The evaluation committee shall review county proposals to establish county work camps in accordance with the provisions of s. 950.002, Florida Statutes. In its review, the evaluation committee shall examine the following:

(a) The relationship between the request for funding of a county work camp and the county correctional planning committee plan, if any:

(b) Evidence that the appropriate population described in s. 950.002(5), Florida Statutes, shall be placed in the work

camp;

(c) The status of the county determination for the site of the proposed facility including the status of any zoning or other potential barriers to the prompt construction of the facility;

(d) Review of the county work camp plan as it relates to the provisions of s. 950.002(3), Florida Statutes, regarding work camp programs.

(e) The proposed operating costs, including detailed information relating to staffing, administrative costs, or other such items as appropriate to the development of the annual operating budget.

(2) Written notice of the availability of funding for county work camps and a submission deadline shall be provided as set forth in rule 33-35.002 (5). Submissions for receipt of county work camp funding shall be prepared by the governing board of the county. The submission must comply with the provisions of s. 951.23(4), Florida Statutes.

(3) The evaluation committee shall provide a written recommendation to the secretary concerning the award of a contract for construction funding. The decision of the secretary shall be based on the criteria in (1) above and on available funding.

Specific Authority 950.002, 951.23 FS. Law Implemented 950.002, 951.23 FS. History--New

Name of Person Originating Proposed Rule: Harry Dodd

Name of Supervisor or Person Who Approved Proposed Rule:

Date Proposed Rule Approved:

Community Corrections Partnership
Status Report

<u>Component</u>	<u>Status</u>
Pretrial Intervention	Field Staff informed of statutory eligibility changes. Directed to implement consistent with views of State Attorney.
Administrative Probation	Field staff informed of legislation and given specific written directions regarding implementation. Response from Circuit Courts is mixed.
Drug Offender Probation	Field staff informed and given specific written directions regarding implementation. Standards and other administrative issues developed and in place. Positions (42 PO II's) have been allocated to circuits.
Nonsecure Drug Treatment Facilities	Contracts signed on four sites (140 beds) first offenders to be placed in facilities the first week of September. Remaining beds currently in RFP process with execution of remaining contracts to be completed no later than November 1, 1991.
Secure Drug Treatment Facility	RFP developed. Anticipate process for selection of the one facility to coincide with community corrections funding decision.
County Work Camp	Administrative rule in process of adoption. Written notice of the beginning of the selection process completed. Selection anticipated to be on or about November 15, 1991.
Community Corrections Funding	Same as Work Camp.

WORK CAMP STAFFING

	<u>Positions</u>
<u>Security (see post chart)</u>	<u>61</u>
<u>Food Services</u>	
Correctional Officer II	1
Correctional Officer I	<u>4</u>
	<u>5</u>
<u>Administration</u>	
Secretary Specialist	<u>1</u>
<u>Classification</u>	
Correctional Probation Officer II	1
Clerk Typist Specialist	<u>1</u>
	<u>2</u>
<u>Maintenance</u>	
Correctional Officer II	<u>1</u>
<u>Warehouse/Canteen</u>	
Correctional Officer II	<u>1</u>
<u>Regional Office</u>	
Fiscal Assistant II	1
Personnel Aide	<u>1</u>
	<u>2</u>
TOTAL	<u>73</u>

Prepared by
Office of Management & Budget
September 4, 1991

Department of Corrections

Franklin Work Camp

Security Post Chart

	<u>5-day</u> <u>Post</u>	<u>7 - Day Post</u>		
		1	2	3
<u>Correctional Officer Chief I</u> Major	$\frac{1}{1}$			
<u>Correctional Officer Supvr. I</u> Shift Supervisor		1	1	1
		<u>3</u>		
<u>Correctional Officer II</u> Control Room Supervisor		1	1	1
Housing Supervisor		2	2	2
Administrative Sergeant	1			
Work Squad Supervisor	$\frac{1}{2}$			
	<u>2</u>	<u>9</u>		
<u>Correctional Officer I</u> Housing Officer, Dorm A		2	1	2
Housing Officer, Dorm B		2	1	2
Security Officer, Internal		1		1
Security Officer, Perimeter		1	1	1
Utility/Medical Escort Officer			1	1
Mail/Property/Clothing Officer	1			
Work Squad Officer	$\frac{11}{12}$			
	<u>12</u>	<u>17</u>		

RECAP

	<u>5-day</u>	<u>7-day</u>	<u>Relief</u>	<u>Existing</u>	<u>Required</u>
Correctional Officer Chief I	1	0	0	1	1
Correctional Officer Supvr. I	0	3	2	5	5
Correctional Officer II	2	9	5	16	16
Correctional Officer I	<u>12</u>	<u>17</u>	<u>10</u>	<u>39</u>	<u>39</u>
	15	29	17	61	61

APPROVED POST CHART

Stan W. Gemiat
Security Administrator

12-22-89
DATE