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## Healthy Families Subcommittee

Wednesday, January 8, 2014  
3:00 PM - 5:00 PM  
12 HOB

Will Weatherford  
Speaker

Gayle B. Harrell  
Chair

# Committee Meeting Notice

HOUSE OF REPRESENTATIVES

(AMENDED 12/20/2013 12:41:48PM)

Amended(1)

## Healthy Families Subcommittee

**Start Date and Time:** Wednesday, January 08, 2014 03:00 pm  
**End Date and Time:** Wednesday, January 08, 2014 05:00 pm  
**Location:** 12 HOB  
**Duration:** 2.00 hrs

Workshop on the Sexually Violent Predator Program

NOTICE FINALIZED on 12/20/2013 12:41 by Iseminger.Bobbye





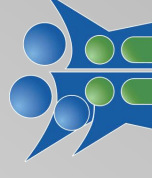
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# **Sexually Violent Predator Program**

**House Healthy Families Subcommittee  
January 8, 2014**

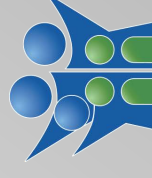
# Definitions

- Recidivism is the commission of a subsequent offense after release
- May measure arrest, conviction or return to custody



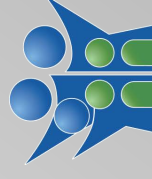
# Limitations in Recidivism Studies

- How recidivism is defined
- Underestimating recidivism
- Length of follow-up
- Definition of offense types
- Acquiring data
- Statistical interpretation of small numbers



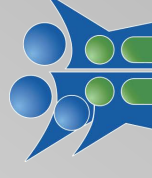
## Adam Walsh Study

- This study provides base-rate data for typical (non SVP) sex offenders (randomly selected):
- Florida: 500 offenders
- 5-year sexual recidivism rate: 5.2%
- 10-year sexual recidivism rate: 13.7%



## Levenson and Shields

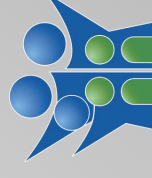
- Florida base rate data for typical (non SVP) sex offenders
- Pool: 499
- 5 year sexual recidivism: 5%
- 10 year sexual recidivism: 13.7%





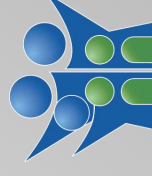
# Florida: Individuals Recommended for SVP Commitment

- Data analyzed by DCF SVP Program
- Pool consisted of 762 offenders who were recommended for commitment and later released
  - 85 released directly from prison
  - 406 released as detainees
  - 170 settlement agreement releases
  - 101 “no longer meets criteria” (includes Phase IV releases and Maximum Therapeutic Benefit releases)



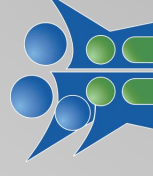
# Florida: Individuals Recommended for SVP Commitment

- Number in total pool released directly from prison (no treatment): 85
- Sexual convictions: 5
- Sexual conviction recidivism: 5.9%
- Sexual arrests: 8
- Sexual arrests recidivism 9.4%



# Florida: Individuals Recommended for SVP Commitment

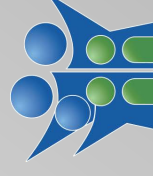
- Number in total pool released from detention (no treatment past Phase I): 406
  - Sexual convictions: 33
  - Sexual conviction recidivism: 8.1%
  - Sexual arrests: 46
  - Sexual arrests recidivism: 11.3%



## EDR

### Office of Economic and Demographic Research of the Florida Legislature

- Offender pool—releases from detention: 478
- Committed to DOC for a new sex conviction: 18
- Recidivism rate: 3.8%
  - 0-12 months out of confinement: 8 offenders
  - 12-24 months out of confinement: 2 offenders
  - 24-36 months out of confinement: 1 offender
  - >36 months out of confinement: 7 offenders



# Florida: Individuals Recommended for SVP Commitment

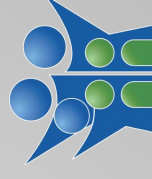
- Number in total pool of Settlement Agreement release: 170
- Sexual convictions: 6
- Sexual conviction recidivism: 3.5%
- Sexual arrests: 13
- Sexual arrests recidivism: 7.6%



# OPPAGA Findings

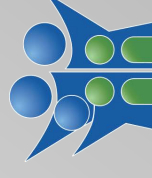
Offenders recommended for SVP commitment but released on settlement agreement

- Pool: 140
- New sex convictions: 5
- Recidivism rate: 3.6%



# Florida: Individuals Recommended for SVP Commitment

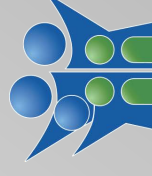
- Number in total pool of “No Longer Meets Criteria”: 101
- Sexual conviction: 4
- Sexual conviction recidivism: 4%
- Sexual arrests: 7
- Sexual arrests recidivism: 6.9%



## EDR

### Office of Economic and Demographic Research of the Florida Legislature

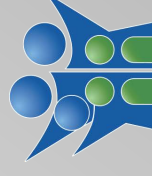
- Number in total pool released from commitment: 121
- Sentenced to DOC for a new sex conviction: 4
- Recidivism rate: 3.3%
  - 0-12 months since release: 3 offenders
  - >48 months since release: 1 offender





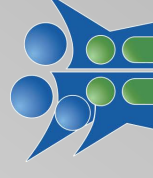
# Florida: Individuals Recommended for SVP Commitment

- 23 committees attained maximum therapeutic benefit and were released from the Florida Civil Commitment Center (included in No Longer Meets Criteria data)
  - 2 sexually motivated arrests
    - Pending battery charge (child contact)
    - Domestic violence rape charge (not proessed)
  - 8.6% arrests recidivism rate for treatment completers
- Note that statistical cautions due to small population size (23 individuals) apply



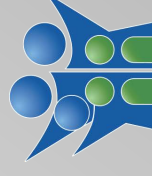
# Florida: Individuals Recommended for SVP Commitment

- New sexual arrests/reconvictions - all types of releases (detention, prison, no longer meets criteria, and settlement agreement)—total pool of 762:
  - 74 sexual arrests and reconvictions
    - 34 felony sex convictions
    - 8 felony sexually motivated convictions
    - 6 misdemeanor convictions
  - 20 felony sex arrests
  - 6 misdemeanor sex arrests



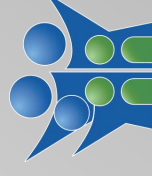
# Florida: Individuals Recommended for SVP Commitment

- New sexual arrests/reconvictions - all types of releases (detention, prison, no longer meets criteria, and settlement agreement)—total pool of 762:
  - 9.7% sexual arrests recidivism
  - 5.5% sexual conviction recidivism



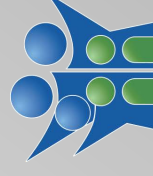
# Florida: Individuals Recommended for SVP Commitment

- Child victims -- all types of releases (detention, prison, no longer meets criteria, and settlement agreement)—total pool of 762:
  - 26 new arrests with child victims
    - 3.4% recidivism rate for arrests
    - 18 convictions
    - 2.4% recidivism rate for conviction



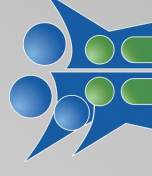
# Florida: Individuals Recommended for SVP Commitment

- Child victims - all types of releases (detention, prison, no longer meets criteria, and settlement agreement)—total pool of 762:
  - Length of time since release to recidivism:
    - 0-3 years = 2 offenders (8% of offenders)
    - 3-5 years = 3 offenders (12% of offenders)
    - 5-10 years = 13 offenders (50% of offenders)
    - 10+ years = 8 offenders (31% of offenders)
  - 20 contact arrests or convictions
  - 6 non-contact arrests or convictions



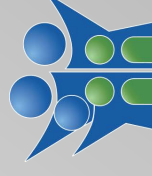
# Florida: Individuals Recommended for SVP Commitment

- Adult victims - all types of releases (detention, prison, no longer meets criteria, and settlement agreement) --total pool of 762
  - 41 new sexual arrests/convictions with adult victims
    - 5.3% recidivism rate for arrests
    - 25 sexual convictions
    - 3.2% recidivism rate for convictions



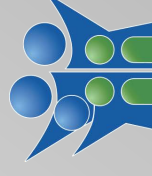
# Florida: Individuals Recommended for SVP Commitment

- Adult victims - all types of releases (detention, prison, no longer meets criteria, and settlement agreement)-- total pool of 762:
  - Length of time since release to recidivism:
    - 0-3 years = 4 offenders (10% of offenders)
    - 3-5 years = 11 offenders (27% of offenders)
    - 5-10 years = 12 offenders (29% of offenders)
    - 10+ years = 14 offenders (34% of offenders)
  - 34 contact arrests/convictions
  - 7 non-contact arrests/convictions



## Other State Data

- Recidivism rates: offenders recommended for commitment by state's SVP program
  - Texas: 0.8%
  - Washington: 25.2%
  - California: 6.5%



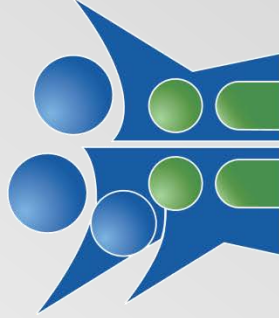


# Kristin Kanner, Esq.

Director

Sexually Violent Predator Program  
(850) 228-1317

[kristin\\_kanner@dcf.state.fl.us](mailto:kristin_kanner@dcf.state.fl.us)



FLORIDA DEPARTMENT  
OF CHILDREN AND FAMILIES  
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## SUMMARY OF DCF-RELATED SEXUALLY VIOLENT PREDATOR PROGRAM PCB DRAFT

### Multidisciplinary Team Process Changes

**Current law:** The multidisciplinary team (MDT) performs assessments and evaluations and recommends to state attorneys whether or not an offender meets criteria for commitment to the SVP Program. Section 394.913(3)(b), F.S., requires the MDT to be composed of at least two clinicians (licensed psychiatrists and/or psychologists).

#### **The PCB draft:**

- Mandates review of certain information before the MDT makes a recommendation.
- Allows the MDT to consult with law enforcement and victims' advocates in the assessment and evaluation process.
- Requires a second clinical evaluations if any MDT member questions the conclusions of the first evaluation.
- Allows an experienced assistant state attorney to review each "no" recommendation, and requires the MDT to re-examine cases the assistant state attorney questions.
- Requires the MDT to send a "yes" recommendation in any case where at least two MDT members determine the offender meets criteria for commitment.
- Allows a state attorney to file for commitment even if the MDT recommends that the offender does not meet criteria.

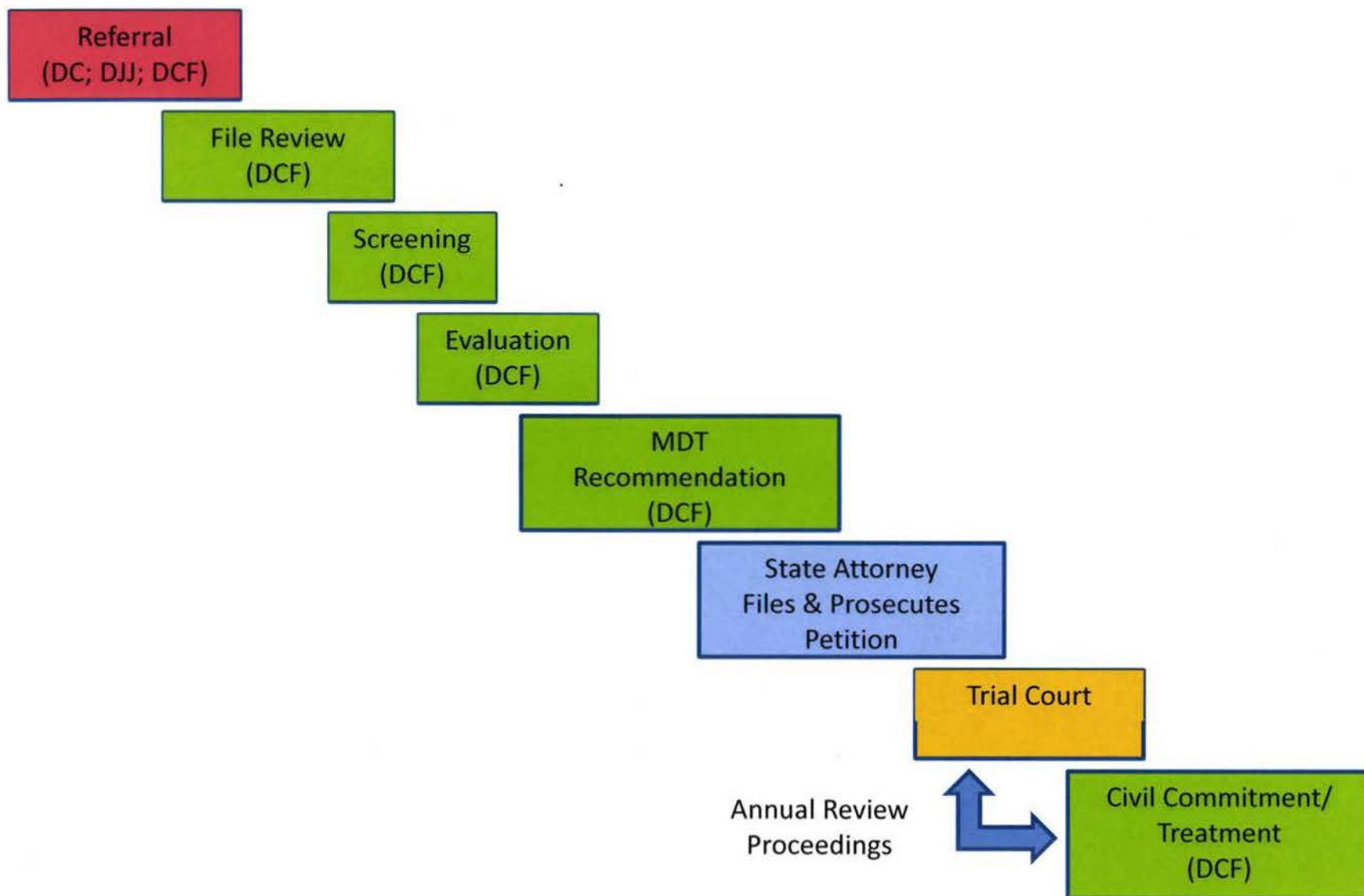
### Administrative Changes

**Current law:** DCF uses both its own employees and contracted licensed psychologists and psychiatrists as part of its MDT. The law does not specify qualifications, training, evaluation, or contract terms for these professionals.

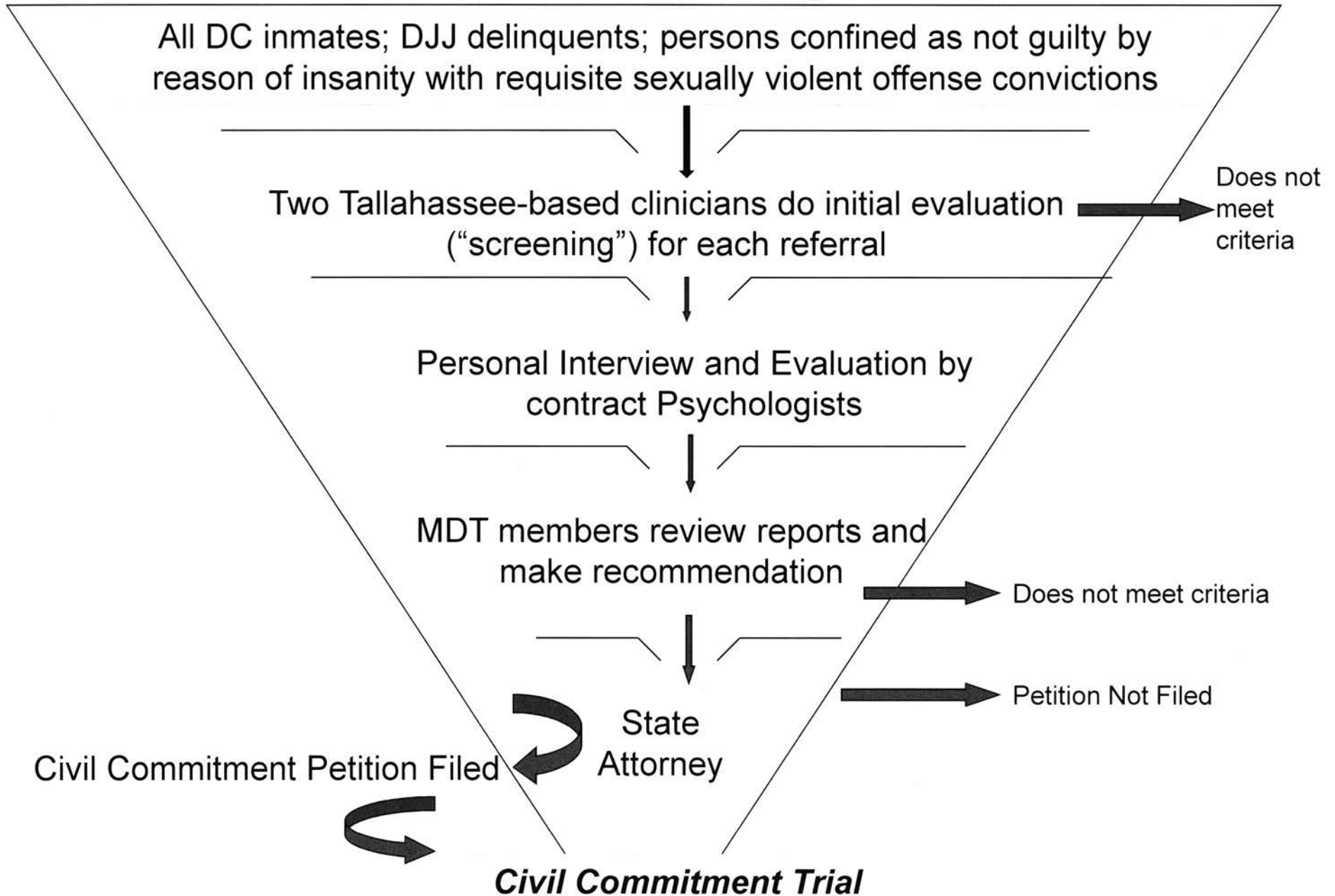
#### **The PCB draft requires DCF to:**

- Train all MDT members on the civil commitment process.
- Require licensed psychologists and psychiatrists to have experience in or relevant to diagnosing or treating mental abnormalities.
- Use one-year contract terms, to ensure continued good performance.
- Provide regular informal feedback to and conduct annual formal evaluations of MDT members, and formalize these procedures in rules.

# Involuntary Civil Commitment and Treatment of Sexually Violent Predator Act - Process Steps



# SVPP - Referral through Petition



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1                                   A bill to be entitled  
 2           An act relating to sexually violent predators;  
 3           amending s. 394.913, F.S.; specifying experience,  
 4           training, and contracting requirements for the  
 5           multidisciplinary team; mandating review of  
 6           information by the multidisciplinary team prior to  
 7           making a recommendation to the state attorney;  
 8           requiring a second clinical evaluation under certain  
 9           circumstances; authorizing the multidisciplinary team  
 10          to consult with law enforcement agencies and victim  
 11          advocate groups as part of the assessment and  
 12          evaluation process; requiring the multidisciplinary  
 13          team to produce and provide to the state attorney a  
 14          written assessment and recommendation as to whether  
 15          the person meets the definition of a sexually violent  
 16          predator; requiring the multidisciplinary team to  
 17          recommend that the state attorney file a civil  
 18          commitment petition in instances when at least two  
 19          members of the multidisciplinary team determine that a  
 20          person is a sexually violent predator; requiring the  
 21          multidisciplinary team to send any recommendations  
 22          that a person does not meet the definition of a  
 23          sexually violent predator to an assistant state  
 24          attorney for further review; requiring the  
 25          multidisciplinary team to reexamine the case if the

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26 assistant state attorney questions the negative  
 27 recommendation of the multidisciplinary team in  
 28 writing; amending s. 394.9135, F.S.; specifying the  
 29 process for determining if a person meets the  
 30 definition of a sexually violent predator when that  
 31 person's release from total confinement becomes  
 32 immediate; amending 394.914, F.S.; authorizing the  
 33 state attorney to file a petition for civil commitment  
 34 regardless of the multidisciplinary team's  
 35 recommendation; amending s. 394.930, F.S.; authorizing  
 36 the department to adopt rules regarding selecting,  
 37 contracting with, providing routine feedback to, and  
 38 evaluating contracted members of the multidisciplinary  
 39 team; providing an effective date.

41 Be It Enacted by the Legislature of the State of Florida:

42  
 43 Section 1. Paragraphs (c), (d), and (e) of subsection (3)  
 44 of section 394.913, Florida Statutes, are redesignated as  
 45 paragraphs (e), (g), and (h), respectively, paragraph (b) is  
 46 amended, and new paragraphs (c), (d), and (f) are added to that  
 47 subsection to read:

48 394.913 Notice to state attorney and multidisciplinary  
 49 team of release of sexually violent predator; establishing  
 50 multidisciplinary teams; information to be provided to

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51 multidisciplinary teams.-

52 (2) The agency having jurisdiction shall provide the  
53 multidisciplinary team with the following information:

54 (a) The person's name; identifying characteristics;  
55 anticipated future residence; the type of supervision the person  
56 will receive in the community, if any; and the person's offense  
57 history;

58 (b) The person's criminal history, including police  
59 reports, victim statements, presentence investigation reports,  
60 postsentence investigation reports, if available, and any other  
61 documents containing facts of the person's criminal incidents or  
62 indicating whether the criminal incidents included sexual acts  
63 or were sexually motivated;

64 (c) Mental health, mental status, and medical records,  
65 including all clinical records and notes concerning the person;

66 (d) Documentation of institutional adjustment and any  
67 treatment received and, in the case of an adjudicated delinquent  
68 committed to the Department of Juvenile Justice, copies of the  
69 most recent performance plan and performance summary; and

70 (e) If the person was returned to custody after a period  
71 of supervision, documentation of adjustment during supervision  
72 and any treatment received.

73 (3) (a) The secretary or his or her designee shall establish  
74 a multidisciplinary team or teams.

75 (b) Each team shall include, but is not limited to, two



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76 licensed psychiatrists or psychologists or one licensed  
 77 psychiatrist and one licensed psychologist who shall each have  
 78 experience in or relevant to evaluating or treating persons with  
 79 mental abnormalities. The department shall provide annual  
 80 training to all members of the multidisciplinary team about the  
 81 civil commitment process.

82 (c) Contracts with any contracted members of the  
 83 multidisciplinary team shall be for a term no longer than one  
 84 year but may be renewed if performance is satisfactory. The  
 85 department shall regularly provide feedback to each  
 86 multidisciplinary team member and formally evaluate their  
 87 performance at least annually. Performance evaluations shall be  
 88 based on, at a minimum, the quality of the team member's  
 89 research, analysis, and reasoning, adherence to professional  
 90 standards, and compliance with technical and procedural  
 91 requirements.

92 (d) The multidisciplinary team shall assess and evaluate  
 93 each person referred to the team. The assessment and evaluation  
 94 shall include a review of the person's institutional history and  
 95 treatment record, if any, the person's criminal background, and  
 96 any other factor that is relevant to the determination of  
 97 whether such person is a sexually violent predator. All members  
 98 of the multidisciplinary team shall review at a minimum the  
 99 information provided in subsection (2) and any clinical  
 100 evaluations by a member of the multidisciplinary team prior to

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101 making a recommendation. A second clinical evaluation shall be  
 102 conducted if any member of the multidisciplinary team questions  
 103 the conclusion of the first clinical evaluation. The  
 104 multidisciplinary team may consult with law enforcement agencies  
 105 and victim advocate groups during the assessment and evaluation  
 106 process.

107 (f) After all clinical evaluations have been completed,  
 108 the multidisciplinary team shall produce a written assessment  
 109 and recommendation as to whether the person meets the definition  
 110 of a sexually violent predator, which shall be provided to the  
 111 state attorney.

112 1. The multidisciplinary team must recommend that the state  
 113 attorney file a petition for civil commitment if at least two  
 114 members of the multidisciplinary team determine that the person  
 115 meets the definition of a sexually violent predator.

116 2. If the multidisciplinary team recommends that a person  
 117 does not meet the definition of a sexually violent predator, the  
 118 written assessment and recommendation shall be sent to an  
 119 assistant state attorney with experience prosecuting sexual  
 120 offenses. If the assistant state attorney questions the negative  
 121 recommendation of the multidisciplinary team in writing, the  
 122 multidisciplinary team must reexamine the case before a final  
 123 written assessment and recommendation is provided to the state  
 124 attorney.

125 Section 2. Subsection (2) of section 394.9135, Florida

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126 Statutes, is amended to read:

127 394.9135 Immediate releases from total confinement;  
 128 transfer of person to department; time limitations on  
 129 assessment, notification, and filing petition to hold in  
 130 custody; filing petition after release.-

131 (2) Within 72 hours after transfer, the multidisciplinary  
 132 team shall assess whether the person meets the definition of a  
 133 sexually violent predator. If the multidisciplinary team  
 134 determines that the person does not meet the definition of a  
 135 sexually violent predator, that person shall be immediately  
 136 released. If at least two members of the multidisciplinary team,  
 137 after all clinical evaluations have been conducted, determine  
 138 ~~determines~~ that the person meets the definition of a sexually  
 139 violent predator, the team shall provide the state attorney, as  
 140 designated by s. 394.913, with its written assessment and  
 141 recommendation within the 72-hour period or, if the 72-hour  
 142 period ends after 5 p.m. on a working day or on a weekend or  
 143 holiday, within the next working day thereafter.

144 Section 3. Section 394.914, Florida Statutes, is amended  
 145 to read:

146 394.914 Petition; contents.-Following receipt of the  
 147 written assessment and positive or negative recommendation from  
 148 the multidisciplinary team, the state attorney, in accordance  
 149 with s. 394.913, may file a petition with the circuit court  
 150 alleging that the person is a sexually violent predator and

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151 stating facts sufficient to support such allegation. No fee  
 152 shall be charged for the filing of a petition under this  
 153 section.

154 Section 4. Subsection (6) of section 394.930, Florida  
 155 Statutes, is amended, and a new subsection (7) is added to that  
 156 section, to read:

157 394.930 Authority to adopt rules.—The Department of  
 158 Children and Family Services shall adopt rules for:

159 (6) The protocol to inform a person that he or she is  
 160 being examined to determine whether he or she is a sexually  
 161 violent predator under this part;—

162 (7) Procedures and requirements for selecting, contracting  
 163 with, providing routine feedback to, and evaluating contracted  
 164 members of the multidisciplinary team.

165 Section 5. This act shall take effect July 1, 2014.

166  
 167  
 168



