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# **Justice Appropriations Subcommittee**

## **Amended Meeting Packet**

**January 15, 2014  
8:00 a.m. – 10:00 a.m.  
Morris Hall**



# The Florida House of Representatives

## APPROPRIATION COMMITTEE

Justice Appropriations Subcommittee

**Will Weatherford**  
Speaker

**Charles McBurney**  
Chair

### MEETING AGENDA

Morris Hall  
January 15, 2014

- I. Meeting Called To Order
- II. Opening Remarks by Chair
- III. Fiscal Year 2014-15 Priority Listing of Request and Possible Reductions
  - A. Department of Corrections
  - B. Public Offenders
- IV. Presentation by OPPAGA on Drug Courts
- V. Closing Remarks
- VI. Meeting Adjourned





# Department of Corrections

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## FY 2014-15 Legislative Budget Request

**House Justice Appropriations  
Subcommittee**

***Michael D. Crews, Secretary***  
***Mark Tallent, Director of Budget and Financial  
Management***



# Fund Authorized Positions

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- **Request: \$16.4M**
  - Funds certified security staff at an 8% lapse
  - Average lapse is currently over 9%
  - Allows 33 I positions to be filled



# Fixed Capital Outlay

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Repairs and Maintenance	\$ 8.0M
Food Service Facility (Tomoka)	\$ 4.0M
Security Enhancements	\$ 4.1M
<u>Environmental Deficiencies</u>	<u>\$ 1.0M</u>
<b>Total Request:</b>	<b>\$17.1M</b>

# Criminal Justice Estimating Conference

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- **Request:        \$29.9M and 328 FTE**
  - Based on July, 2013 conference
  - Funds average daily population of 102,830

# Support Issues

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	<b>Funding</b>	<b>FTE</b>
Santa Rosa Work Camp	\$ 3.1M	53
Everglades Re-Entry Center	\$ 5.6M	57
Columbia Work Camp	\$ 2.9M	49
Hamilton Work Camp	\$ 2.9M	49
Okeechobee Work Camp	\$ 2.6M	53
Baker Re-Entry Center	\$ 2.8M	57
Cross City Work Camp	\$ 1.4M	53
<b>New River Correctional Institution</b>	<b>\$ 1.8M</b>	<b>88</b>
<u>Demilly Correctional Institution</u>	<u>\$ 1.3M</u>	<u>75</u>
<b>Total</b>	<b>\$24.2M</b>	<b>534</b>





# Electronic Time and Attendance

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- **Request:           \$5.0M**
  - The requested amount is a placeholder. Actual cost will be determined through a competitive solicitation

# Replacement of Motor Vehicles

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- **Request:** **\$3.1M**
  - Six transport buses
  - 70 transport vans
  - Current average age of vehicles is 15 years
  - Current average mileage is in excess of 151,000

# Operational Expenses

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- **Security Request: \$11.2M**
  - Fixed costs account for 88% of expense budget
  - Leaves insufficient balance to cover other critical needs such as routine repairs/maintenance, inmate clothing/personal care items and security supplies
- **Community Corrections Request: \$ 3.2M**
  - Fixed costs account for 91% of current Expenses budget
  - Leaves insufficient balance to cover variable needs such as probation officer travel costs



# Additional Issues

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- **PREA Compliance** **\$4.7M and 32 FTE**
  - Compliance with federal prison rape elimination standards
- **Electronic Monitoring** **\$2.9M**
  - \$2.2M to provide sufficient funding for offenders ordered to electronic monitoring by the courts
  - \$700K for electronic monitoring of inmates in private work release centers
- **Identification Initiative** **\$1.4M**
  - Provides inmates being released with appropriate documentation necessary to obtain an identification card
- **SSRC Utilization Increase** **\$0.4M**

# Price Level Increases

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Health Services Operations	\$10.4M
Health Services Pharmaceuticals	\$ 3.2M
Substance Abuse	\$ 0.6M
Work Release/Transition Beds	\$46.7K
Post-Release Transition Beds	\$28.1K
Leases	\$ 0.2M



## Schedule VIII B-2

# Priority Listing for Possible Reduction

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Reduce Trust Fund Authority	(\$ 2.1M)
Remaining Sentence 1 Year or More	(\$ 71.1M)
<ul style="list-style-type: none"><li>◦ Requires statutory change so that state receives persons with 1 year or more left to serve on their sentence, rather than those sentenced to 1 year or more</li></ul>	
Non-State Prison Sanction	(\$ 23.1M)
<ul style="list-style-type: none"><li>◦ Criminal Punishment Code allows non-state prison sanction for offenders scoring less than 44 or less points</li></ul>	
<u>Reduce Private Prison Funding</u>	<u>(\$ 8.2M)</u>
<b>Total</b>	<b>(\$104.5M)</b>

# Department of Corrections

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## Questions







# Public Defender



## 2014/2015 Legislative Presentation

Julianne Holt, President Florida Public  
Defender Association

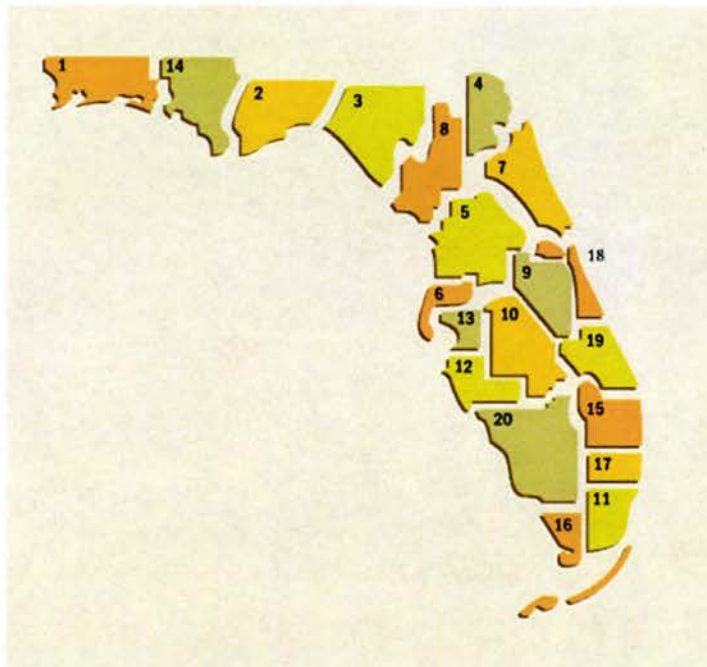
Nancy Daniels, Co-Chair FPDA  
Appropriations Committee

**January 15, 2013**

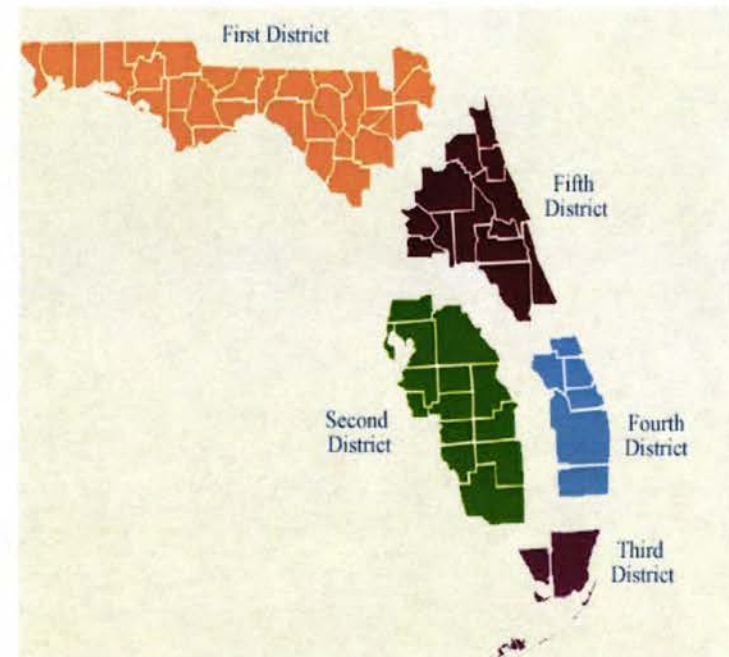


# Florida Public Defender System

- 20 Judicial Circuits
- 5 Appellate Districts



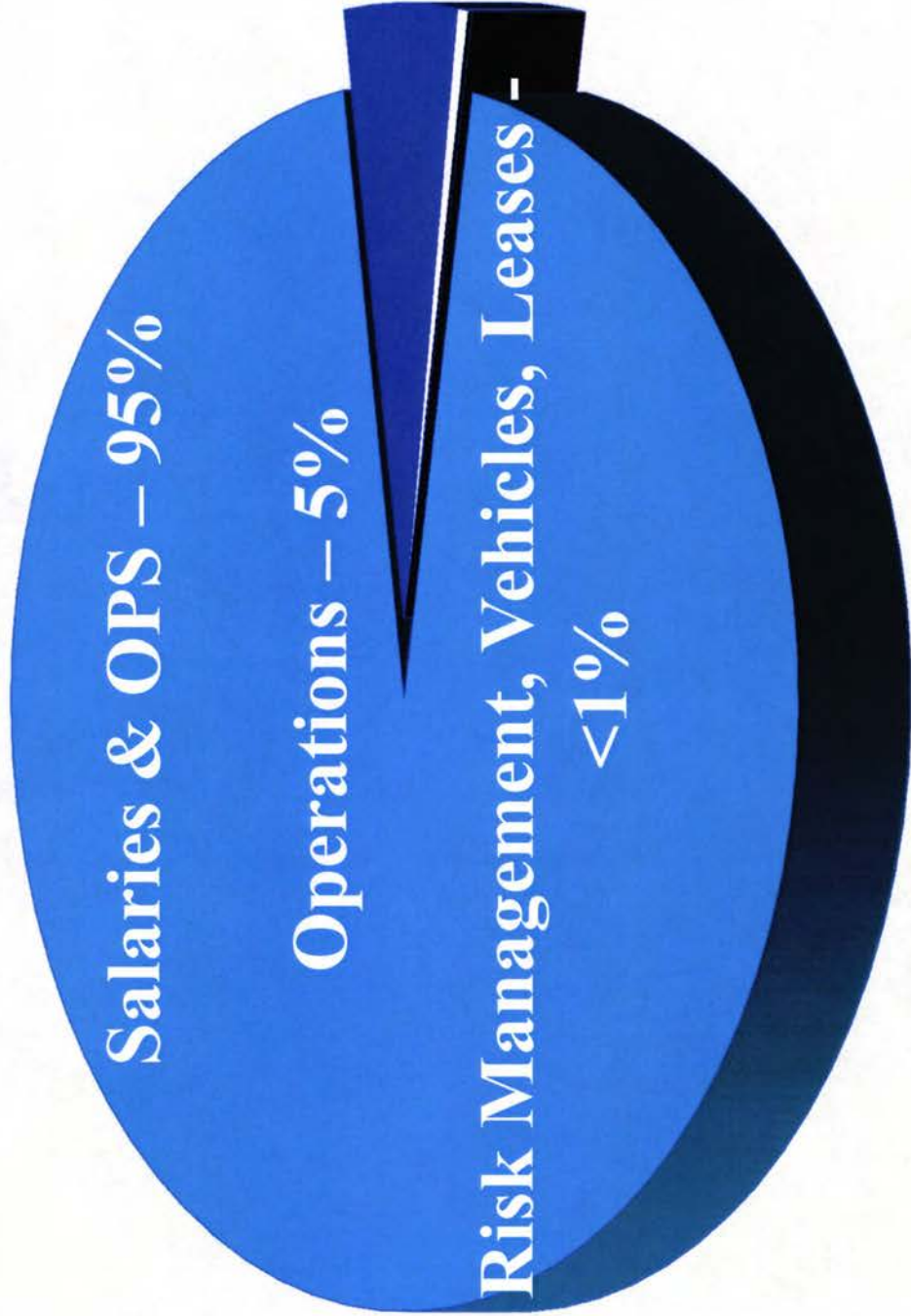
- Correspond to State Attorneys' Offices



- Correspond to Attorney General Criminal Appeals Departments



# Budget Breakdown





# Schedule VIII-B Budget Reduction

GR / OPS	Trust Funds	Due Process	Clemency	Appeals
\$ 8,142,671	\$ 1,701,971	\$ 933,152	\$ 12,500	\$744,810

- Impact of reductions to General Revenue, Operations, Trust Funds
  - Loss of 130-135 FTEs\*
  - Previous reductions forced workforce reductions, furloughs, and pay cuts in several offices
  - Further cuts will adversely impact public safety, worsen excessive caseloads, increase total time to prosecute/defend a case, increase overall case costs
- Reductions to Due Process & Clemency
  - Prior year's reductions and initial funding at less than projected needs resulted in consistent underfunding
  - Start each new year with a deficit
  - Impact ability to present a constitutionally sound defense and appeal (hire mental health and other experts; conduct depositions; obtain evidence, records, transcripts)

\* Based on statewide data in the JAC Class Utilization Report, 11/21/13



# Budget Priorities – Trial

- Trial Workload – additional \$5 million
  - 50% to offices with critical needs
  - 50% distributed according to FPDA formula
- Due Process - additional \$1.8 million
  - Restore reductions from 2010
  - Address historical deficit
- Executive Clemency - additional \$50,000
- *Brady* Training - \$32,000
- Legislative Reporting/Case Management - \$375,000
- Employee Salary and Benefits



# Budget Priorities - Appeals

- Workload – additional \$4 million; commensurate with Attorney General Criminal Appeals request
- Realignment of Appellate Budget Authority - \$110,000 (from PD11 to other Appeals Offices)
- E-filing and Production of Physical Records - \$29,980
  - Additional funding needed to provide clients with their appellate record
  - Recurring until DOC allows electronic records



# Workload 2012/2013

Trial Cases Appointed	Appeals Cases Appointed	Total Cases Appointed	Total Clients
744,095	5,197	749,292	609,315

- Trial Caseloads = 503 trial cases per attorney
- Appeals Caseloads = 49 appeals cases per attorney
- Exceed the national standards for maximum caseloads in every category
- Standards:
  - Felonies: 150 cases per year
  - Non-traffic Misdemeanors: 400 cases per year
  - Juvenile Cases: 200 cases per year
  - Mental Health: 200 cases per year
  - Appeals: 25 cases per year



# Salary Parity: Government Attorneys

Position	Area	Starting Salary
Assistant County Attorney	Pinellas	\$ 57,721
Assistant County Attorney	Leon	\$ 59,741
Trial Court Staff Attorney	Leon	\$ 43,304
Assistant City Attorney	St. Pete	\$ 50,000
Assistant City Attorney	Tallahassee	\$ 55,910
Assistant County Attorney	Hillsborough	\$ 56,600
Assistant County Attorney	Miami-Dade	\$ 87,266
Assistant Attorney General	Miami-Dade	\$ 51,627
Federal Assistant Public Defender	Florida Average	\$ 50,287
Assistant State Attorney (0-5 years)	Florida Average	\$ 48,435
Assistant Public Defender (0-5 years)	Florida Average	\$ 48,011

- *Phased approach*; \$3 million 2014/15 (or as budget can allow)
- Achieve parity on incoming salary and ability to give retention/merit bonus for those affected by starting salary increase





*oppaga*

# **Expansion Drug Courts Can Produce Positive Outcomes Through Prison Diversion and Reduced Recidivism**

*House Justice Appropriations Subcommittee*

**Byron Brown**  
**Chief Legislative Analyst**


January 15, 2014



## 2013 Proviso Language

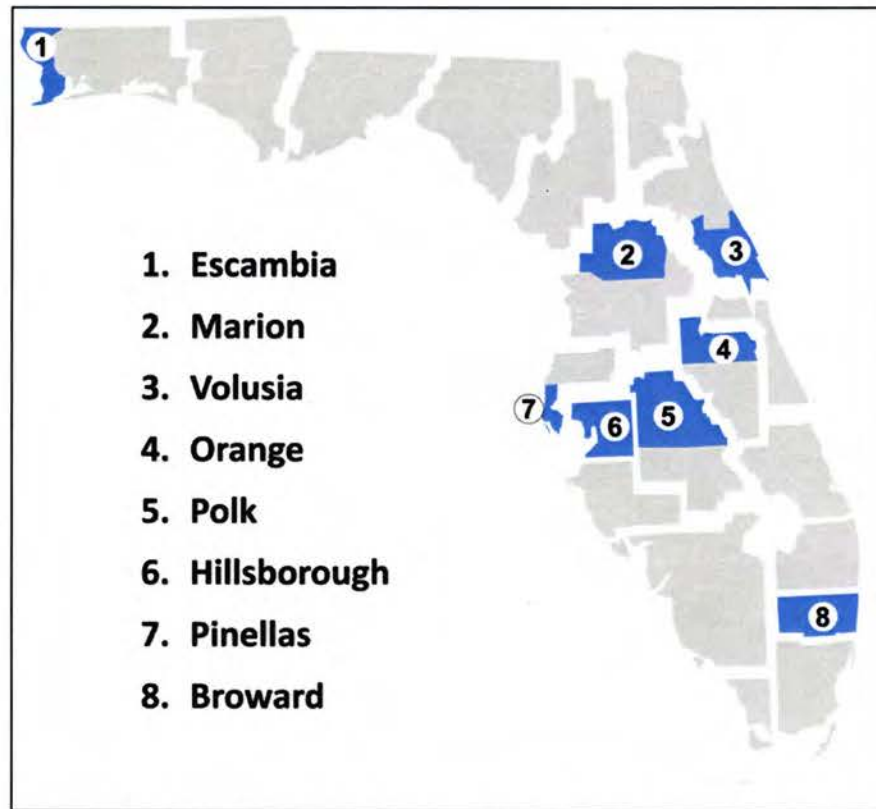
- Required OPPAGA to assess the performance of expansion drug courts
  - Completion rates
  - Recidivism
  - Cost and cost-effectiveness

# What is Drug Court?

- An approach to providing treatment for substance abusers and addicts in the criminal justice system
  - Different types of drug courts:
    - Juvenile
    - Family dependency
    - DUI drug court
    - Misdemeanor drug courts
    - Pre-trial diversion
    - Post adjudication
- ▶ **Expansion Drug Courts** 

# Legislature Used Federal Funds to Create Eight Expansion Drug Courts

- Funding period January 2010-June 2013
- \$19.1 million
- Eight counties

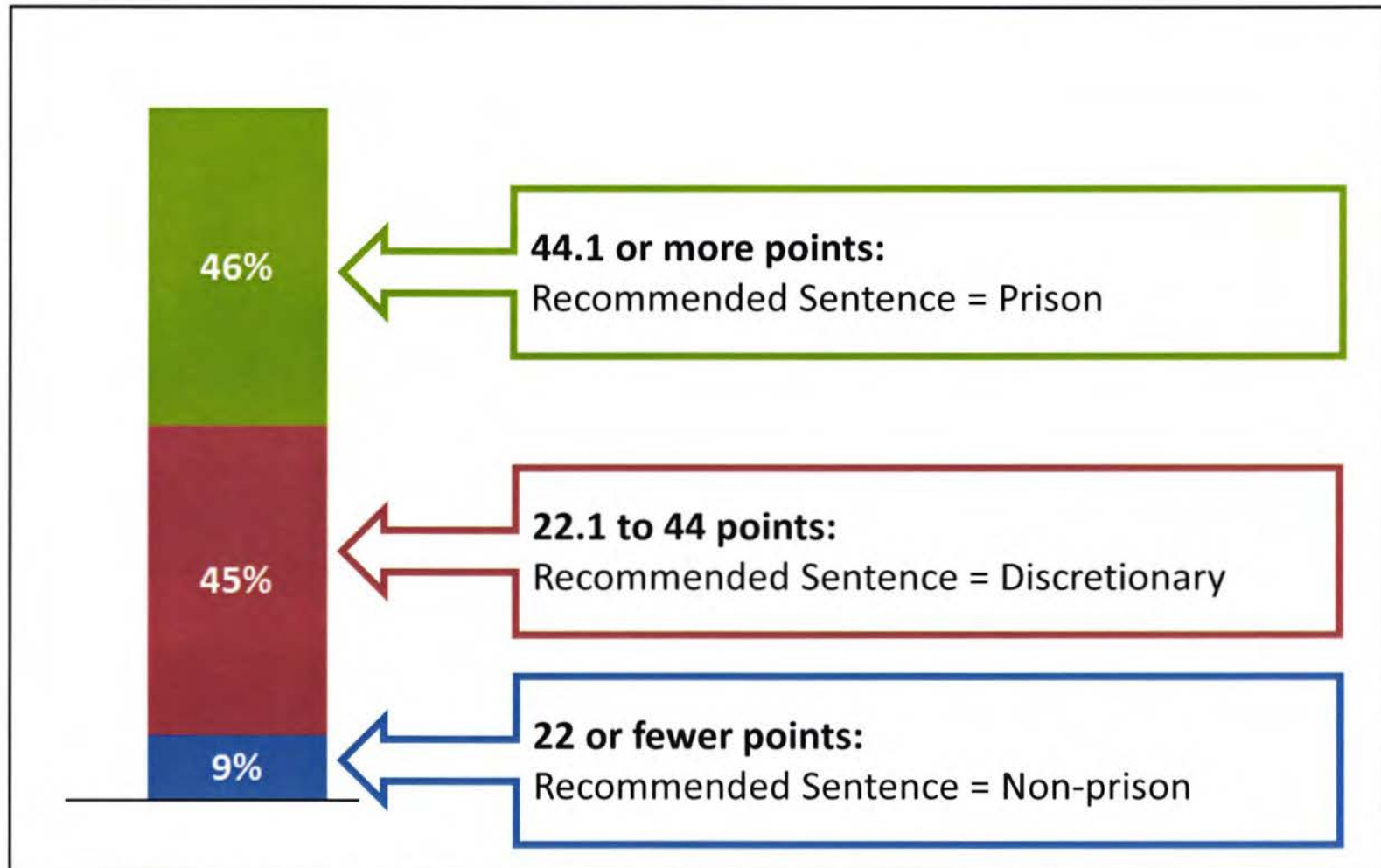


Source: Office of the State Courts Administrator.

## Over 2,200 Offenders Sentenced to Expansion Drug Courts

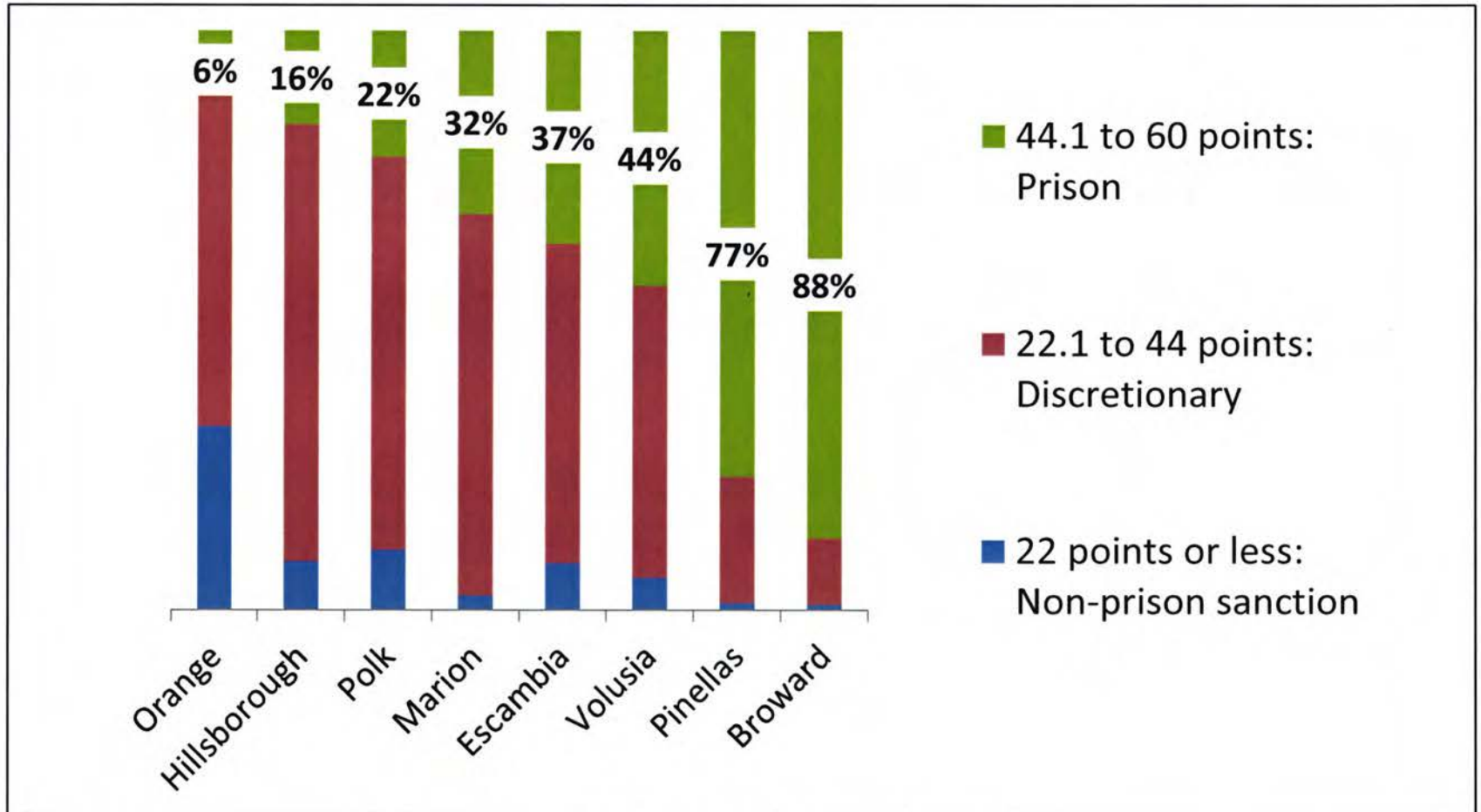
<b>Court</b>	<b>Sentenced</b>	<b>Active Participants (June 2013)</b>
Broward	639	180
Orange	387	111
Polk	317	62
Hillsborough	284	97
Pinellas	247	61
Escambia	185	56
Volusia	125	47
Marion	84	26
<b>Total</b>	<b>2,268</b>	<b>640</b>

# Expansion Drug Courts Target Prison Bound Offenders



Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

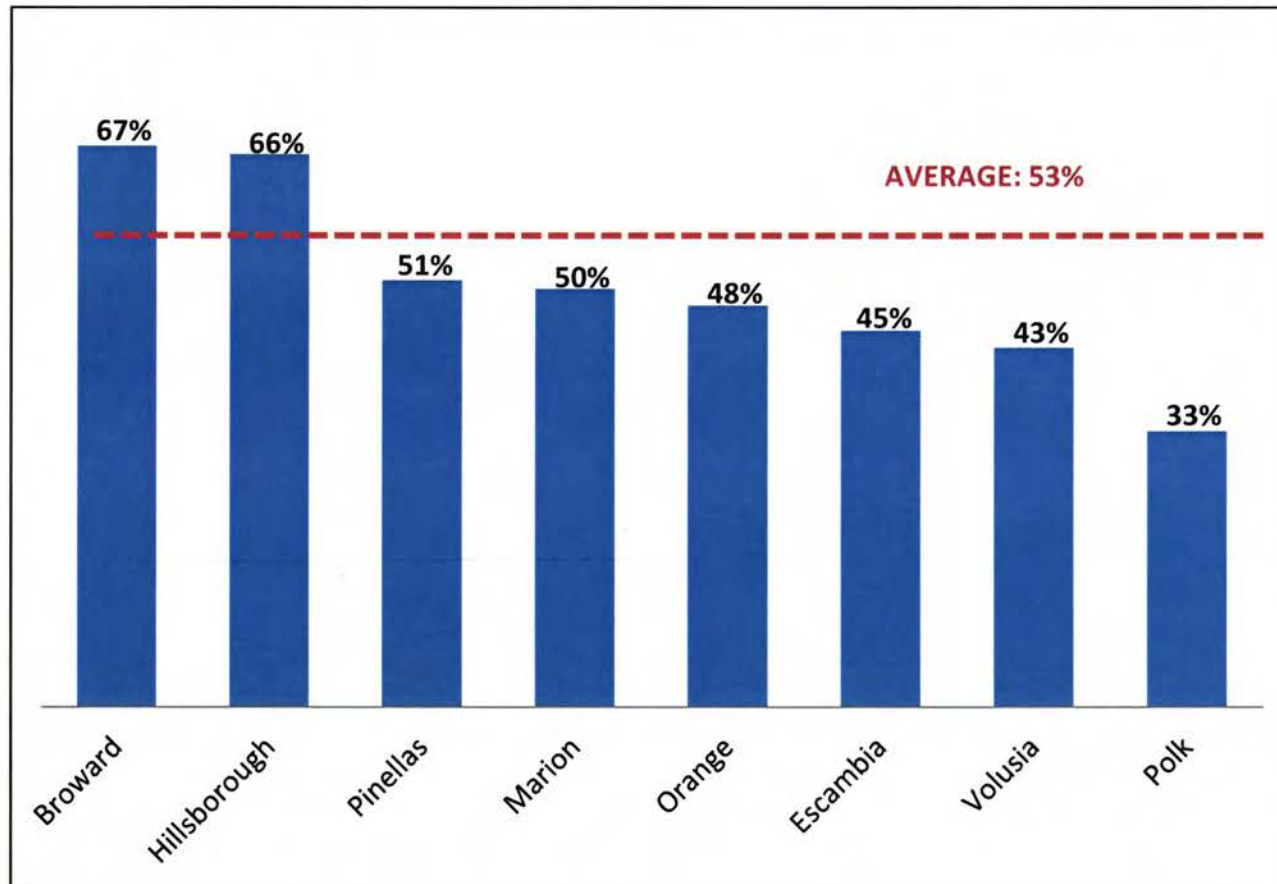
# Sentencing Score Distributions Vary Among the Courts



Source: OPPAGA analysis of data from the Office of the State Courts Administrator.



# Over Half of Participants Successfully Completed Drug Courts



Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

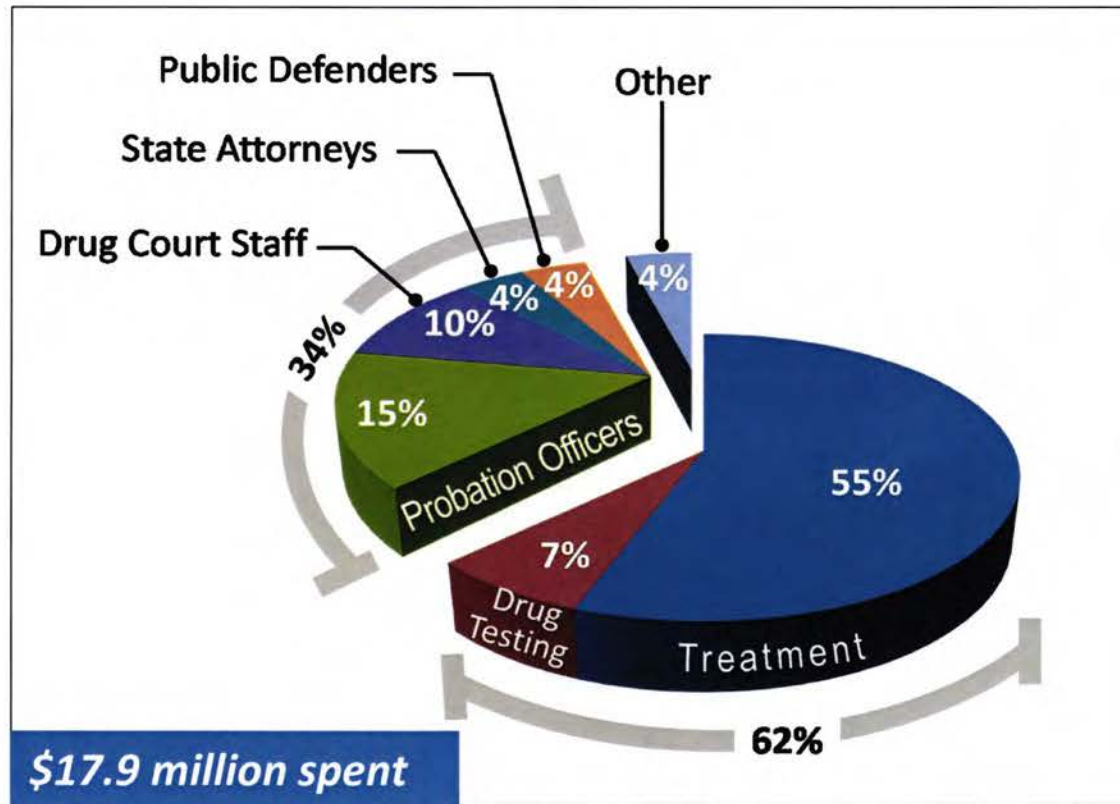
# Factors Affecting Completion Rates

- Availability and use of treatment options
- Nature and frequency of judicial interaction with drug court participants

# Participation in Expansion Drug Court Reduced Recidivism

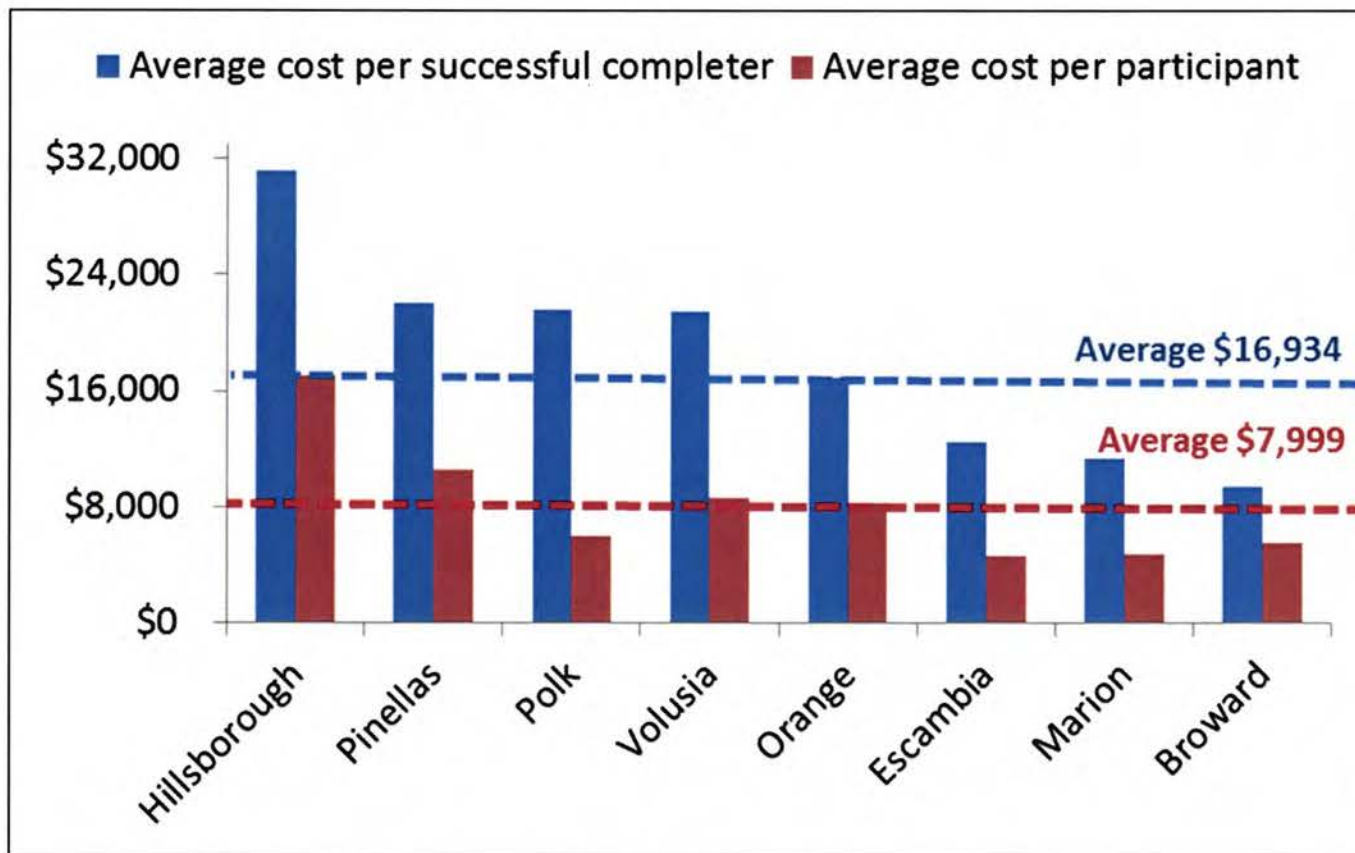
- When compared to similar offenders, successful drug court completers had fewer:
  - Felony convictions
    - ▶ 9% drug court completers vs.
    - ▶ 19% comparison group
  - Prison sentences
    - Short-term data show:
      - ▶ 2% drug court completers vs.
      - ▶ 9% comparison group

# Most Drug Court Funds Were Spent on Drug Treatment and Testing



Source: OPPAGA analysis of data from the Office of the State Courts Administrator and the Florida Department of Law Enforcement.

# Cost Varied Significantly Across Expansion Drug Courts



Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

# Two Factors Affected Cost Variations

- Use of residential treatment
- Differences in what was paid for with federal funds

# Diversions Savings Higher when Prison-Bound Offenders are Served

The fewer participants sentenced to drug court who were prison-bound, the less the savings from prison diversion.

Percent of Participants Who Were Prison-bound	Estimated Savings from 8 Existing Expansion Drug Courts
100%	\$7.6 million
90%	5.8 million
75%	2.9 million
60%	BREAKEVEN
50%	-1.8 million

Source: OPPAGA analysis of data from the Office of the State Courts Administrator; assumes that participants would have spent 18 months in prison if sentenced to prison.

# Expansion Drug Courts May Also Produce Cost Savings Through Reduced Recidivism

- Reduced recidivism
  - Fewer go to prison in the future
    - ▶ Estimate annual savings of about \$500,000
  - Less demand on law enforcement and the courts
  - Less victimization
  - Families kept together
  - Productive citizens



# Questions?



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