

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SR 1440

INTRODUCER: Senator Rouson

SUBJECT: Arthur G. Dozier School for Boys

DATE: April 3, 2017

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|----------------|-----------|--------------------|
| 1. | <u>Brown</u> | <u>Cibula</u> | <u>JU</u> | <u>Pre-meeting</u> |
| 2. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

SR 1440 recognizes the widespread and considerable abuse that took place at the Arthur G. Dozier School for Boys (Dozier) in Marianna and Okeechobee, Florida.¹ The State of Florida operated the school in Marianna from 1900 to 2011.

The resolution declares that:

- The operation of the Dozier School for Boys, including the infliction of physical, emotional, and sexual abuse on children in its care, is a shameful part of the history of the State of Florida;
- The Senate regrets the abuse and apologizes to the boys sent to Dozier and to their families; and
- The Senate commits to ensuring that the children of Florida are protected from the kind of abuse and violation of fundamental human decency that occurred at a State-owned and operated facility.

Legislative resolutions have no force of law and are not subject to the approval and veto powers of the Governor.

II. Present Situation:

Dozier School for Boys

Dozier was a state reform school located in Marianna, Florida, which operated from January 1, 1900 to June 30, 2011. Children were sent to the school for serious crimes, but also for “incorrigibility,” “truancy,” and “dependency.”² Originally, the school housed children as young

¹ Due to overcrowding at the Marianna school, a second school opened in Okeechobee, Florida in 1955.

² Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at*

as 5 years old. As early as 1901, reports surfaced of children being chained to walls in irons, brutal whippings, and peonage (involuntary servitude).³ In the first 13 years of operation, more than six state-led investigations took place. Over the years, allegations of severe abuse, including physical and sexual abuse, and suspicious disappearances and death of children in the care of Dozier continued. Of the 100 deaths recorded in historical documents maintained by the school, and available for review up through the year 1960, just two persons who died were staff, and the remaining were boys ranging in age from 6 to 18.⁴ Investigators noted that deaths were significantly underreported.⁵ Also, investigators were able to ascertain a correlation between attempted escapes and mortality of the children.⁶

In 2005, former students of the school began to publish accounts of the abuse they experienced at Dozier.⁷ In 2008, Governor Charlie Crist directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on the property surrounding the school in response to complaints lodged by former students at Dozier.⁸ The former students of Dozier alleged that students who died as a result of abuse were buried at the school cemetery.⁹ The University of South Florida (USF) subsequently conducted research which included excavations and exhumations.¹⁰

University of South Florida Investigation

The University of South Florida received funding to determine the location of the missing children buried at the Arthur G. Dozier School for Boys in Marianna.¹¹ Funding was provided by the Legislature, USF, a grant from the National Institute of Justice, U.S. Department of Justice, and private donations.¹²

Using a forensic team, the USF employed at the site of the school a Ground Penetrating Radar (GPR) to detect graves, followed by archaeological test excavations in those areas.¹³

the Former Arthur G. Dozier School for Boys in Marianna, Florida, pg. 12 (Jan. 18, 2016) (on file with the Senate Judiciary Committee).

³ *Id.*

⁴ *Id.* at 14.

⁵ *Id.* at 22.

⁶ *Id.* at 14.

⁷ *Id.* at 30. The men who had been sent to Dozier from the late 1950's through the 1960's organized themselves as "The White House Boys Survivors Organization."

⁸ Office of Executive Investigations, Florida Department of Law Enforcement, *FDLE Investigative Report* (May 14, 2009); available at <http://thewhitehouseboys.com/fdlereport.html> (last visited March 31, 2017).

⁹ *Id.* at 1.

¹⁰ *Id.* at 4.

¹¹ Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, pg. 11 (Jan. 18, 2016) (on file with the Senate Judiciary Committee).

¹² *Id.* at 4.

¹³ *Id.* at 11.

As of January 28, 2014, USF's work at Dozier has resulted in the discovery of 55 bodies.¹⁴ Twenty-four of the 55 bodies found are unaccounted for in any official record.¹⁵

In January of 2016, the team submitted its report to the Florida Cabinet and Governor, and the Department of Environmental Protection.¹⁶

United States Department of Justice Investigation

In 1983, Dozier was the subject of a class action regarding the conditions of confinement. Plaintiffs alleged that youth continued to be hogtied, shackled, and held in solitary confinement, amidst media reports that continued to emerge of significant abuse perpetrated by staff on the children.¹⁷ In 2011, plaintiffs filed another class action lawsuit against the facility alleging abusive and unsafe conditions of confinement.¹⁸

On April 7, 2010, the U.S. Department of Justice (DOJ) launched its own investigation of practices at Dozier and at the Jackson Juvenile Offender Center (JJOC), which together comprised the North Florida Youth Development Center (NYFDC). The DOJ found reasonable cause that the NYFDC had committed and was continuing to commit unconstitutional practices and violations of federal law protecting youths from harm.

On May 26, 2011, Florida's Department of Juvenile Justice announced the pending closure of the two facilities at the NYFDC, based on budgetary limitations. The DOJ released its report on conditions at Dozier and JJOC on December 1, 2011.¹⁹

Payment for Funeral Expenses

In 2016, the Legislature approved payment of up to \$7,500 for each child whose body was buried at and exhumed from the Dozier School for Boys, for funeral, reinterment, and grave marker expenses.²⁰ The legislation requires the Department of State (Department) to contract with the University of South Florida to identify and locate eligible next of kin for the children. By February 1, 2018, the Department must submit a report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives regarding payments and reimbursements made for these expenses.

¹⁴ Ben Montgomery, *More Bodies Found Than Expected at the Dozier School for Boys*, MIAMI HERALD, Jan. 4, 2015 <http://www.miamiherald.com/news/state/florida/article5427669.html> (last visited March 31, 2017).

¹⁵ University of South Florida News, *USF Researchers Find Additional Bodies at Dozier School for Boys*, <http://news.usf.edu/article/templates/?a=5997> (last visited March 31, 2017).

¹⁶ Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida* (Jan. 18, 2016) (on file with the Senate Judiciary Committee).

¹⁷ In the case of *Bobby M v. Chiles*, 907 F.Supp. 368, 372-373 (N.D. Fla. 1995), the court dismissed with prejudice the consent decree that had been entered into by the class and the defendant, on the basis that the Dozier school had remedied the abuse.

¹⁸ *J.B. v. Walters, et al.*, 4:11-cv-00083-RH (N.D. Fla. 2011).

¹⁹ U.S. Department of Justice, *Investigation of the Arthur G. Dozier School for Boys and the Jackson Juvenile Offender Center, Marianna, Florida* (Dec. 1, 2011), <https://www.justice.gov/opa/pr/department-justice-releases-investigative-findings-arthur-g-dozier-school-boys-and-jackson> (last visited March 31, 2017).

²⁰ Chapter 2016-163, Laws of Fla. (CS/CS/SB 708).

To fund these provisions, ch. 2016-163, Laws of Fla., includes an appropriation from the General Revenue Fund in the amount of \$500,000 in nonrecurring funds to the Department. The legislation directed any amount remaining as of July 1, 2017, to revert back to General Revenue and be reappropriated for the same purpose in the 2017-2018 fiscal year.

Additionally, the bill created the Dozier Task Force to make a recommendation on the creation and maintenance of a memorial and a site for the reinternment of unidentified or unclaimed remains.²¹

The Task Force submitted the following recommendations to the Department of State, Governor and Cabinet, and the Legislature:

- Provide two memorials, one in Tallahassee and one in Jackson County; and
- Provide for the reburial of unclaimed remains in Tallahassee, at a location to be determined by the Legislature.²²

III. Effect of Proposed Changes:

SR 1440 recognizes the widespread and considerable abuse that took place at the Arthur G. Dozier School for Boys (Dozier) in Marianna and Okeechobee, Florida. The state operated the school from 1900 to 2011.

In support of the resolution, SR 1440 specifically finds that:

- Dozier closed in 2011 after the Department of Law Enforcement and the Civil Rights Division of the United States Department of Justice confirmed rampant and severe abuse;
- State and federal investigations found that many of the boys who had been sent to Dozier gave credible accounts of physical, psychological, and sexual abuse by staff members of the school;
- Many of the boys sent to Dozier were sent for minor offenses such as truancy, incorrigibility, or smoking;
- Many of the boys did not have a trial before being sent;
- Staff administered beatings, including assaults with probing rods;
- A forensic investigation funded by the Legislature and conducted by the University of South Florida, revealed that while the fate of a number of children sent to the school remain unaccounted for, no credible records exist of their cause of death or location of their remains;
- Exhumations done as part of the forensic investigation reveal 55 burial sites at the school, which is 24 more sites than reported in official records; and

²¹ The Legislature provided for the membership of the task force to include: the Secretary of State, or his or her designee, to serve as chair; an appointee by the President of the Florida State Conference of the National Association for the Advancement of Colored People (NAACP); an appointee from the Florida Council of Churches; an appointee by the Attorney General who is a next of kin of a child buried at Dozier; an appointee by the Chief Financial Officer who promotes the welfare of people who were formerly sent to Dozier; an appointee each by the President of the Senate and the Speaker of the House of Representatives; an appointee by the Jackson County Board of County Commissioners; and an appointee by the Commissioner of Agriculture. *Id.*

²² WFSU, *Task Force Recommends Tallahassee, Jackson County as Sites for Dozier Memorials* (Aug. 19, 2016), <http://news.wfsu.org/post/task-force-recommends-tallahassee-jackson-county-sites-dozier-memorials> (last visited March 31, 2017).

- The abuse has been substantiated by more than 500 former students of Dozier from the 1940's through the 1960's.

The resolution further declares that:

- The operation of the Dozier School for Boys, including the infliction of physical, emotional, and abuse on child in its care, is a shameful part of the history of the State of Florida;
- The Senate regrets the abuse and apologizes to the boys sent to Dozier and to their families; and
- The Senate commits to ensuring that the children of Florida are protected from the kind of abuse and violation of fundamental human decency that occurred at a State-owned and operated facility.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
