

Tab 1	SB 68 by Evers ; (Identical to H 4001) Licenses to Carry Concealed Weapons or Firearms
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Tab 2	SB 130 by Richter ; (Similar to H 0041) Discharging a Firearm
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Gibson, Vice Chair

MEETING DATE: Wednesday, September 16, 2015
TIME: 9:00—10:30 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Evers, Chair; Senator Gibson, Vice Chair; Senators Bradley, Brandes, and Clemens

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 68 Evers (Identical H 4001)	Licenses to Carry Concealed Weapons or Firearms; Deleting a provision prohibiting concealed carry licensees from openly carrying a handgun or carrying a concealed weapon or firearm into a college or university facility, etc. CJ 09/16/2015 Favorable HE JU RC	Favorable Yeas 3 Nays 2
2	SB 130 Richter (Similar H 41)	Discharging a Firearm; Prohibiting the recreational discharge of a firearm in certain residential areas; providing criminal penalties; providing exceptions, etc. CJ 09/16/2015 Fav/CS CA FP	Fav/CS Yeas 5 Nays 0
3	Presentation by Secretary Julie Jones on the implementation of Executive Orders 15-102 and 15-134 and recent developments within the Department of Corrections.		Discussed

Other Related Meeting Documents

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 Criminal Justice

BILL: SB 68

INTRODUCER: Senator Evers

SUBJECT: Licenses to Carry Concealed Weapons or Firearms

DATE: September 15, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.			HE	
3.			JU	
4.			RC	

I. Summary:

SB 68 eliminates the statutory prohibition against carrying a concealed weapon or firearm by concealed carry license-holders into any college or university facility.

Current law specifically includes these facilities among the places where a concealed weapon or firearm license does not authorize the licensee to “openly carry a handgun or carry a concealed weapon or firearm.”¹

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Florida Carry, Inc. v. University of North Florida

In December 2013, the Florida First District Court of Appeal decided the case of *Florida Carry, Inc. v. University of North Florida*.² The issue of statutory construction before the court was whether the University of North Florida (UNF or university) violated the Legislature’s preemption of the “whole field of regulation of firearms”³ by adopting policies and regulations prohibiting storing a weapon in a vehicle located on UNF’s property.

The university’s position was that the regulation was authorized under s. 790.115(2), F.S., which provides that firearms may not be possessed on school property except when securely encased

¹ Section 790.06(12)(a)13., F.S.

² 133 So.3d 966 (Fla. 1st DCA 2013). A comprehensive analysis of the court’s 12-3 decision in which the judges issued seven separate opinions is available at <http://www.floridaappellatereview.com/constitutional-litigation/fl-university-cant-prohibit-students-from-keeping-guns-in-their-cars-1st-dca/>, posted December 20, 2013 (last visited March 9, 2015).

³ Section 790.33, F.S.

within a vehicle, but that “school districts” may adopt policies to waive the “within a vehicle” exception. The judges all agreed that UNF did not meet the definition of “school district” and therefore the university could not waive the “within a vehicle” exception. This finding by the court settled the matter under dispute which opened the door for firearms and weapons being stored in vehicles on postsecondary school property.

The court went beyond the resolution of the matter of statutory construction, however, taking up the question of whether state universities have the power, under Article IX, Section 7⁴ of the Florida Constitution, to implement a regulation that conflicts with a statutory provision.

The court found that the Legislature had preempted UNF’s independent regulation of firearms in s. 790.33, F.S., but the court also acknowledged that:

If the issue in this case involved the right of a student to carry a firearm in the classroom or at a sporting event, our analysis would be different. There are certain places where firearms can be legally prohibited, but the legislature has recognized that a citizen who is going to be in one of these places should be able to keep a firearm securely encased within his or her vehicle.⁵

Since the *UNF* opinion was issued, Florida Carry, Inc. has prevailed in getting similar policies changed at other Florida colleges, in keeping with the current law as interpreted by the 1st DCA.⁶ Florida Carry, Inc. has appealed the dismissal of its lawsuit against the University of Florida (UF) which raised the issue of UF’s compliance with the *UNF* ruling.⁷

Florida Carry, Inc. v. University of Florida

The UF case raised the question of the interplay between the statutory ban of firearms on university property found in s. 790.115(2)(a), F.S.,⁸ and s. 790.25(n), F.S., which authorizes possession of firearms at home regardless of open carry and concealed carry laws. The circuit court did not find an exception for dorms or residence halls in s. 790.115, F.S., and that matter is being appealed by Florida Carry, Inc.

⁴ This section of the Constitution establishes a system of governance for the state university system.

⁵ *Florida Carry, Inc. v. University of North Florida*, 133 So.3d 966 (Fla. 1st DCA 2013).

⁶ <http://www.floridacarry.org/litigation> (last visited March 9, 2015).

⁷ *Florida Carry, Inc. v. University of Florida*, Florida 1st DCA Case No. 1D14-4614; Fla. 8th Cir. Case No. 01-2014-CA-000142.

⁸ A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

Oral arguments were heard in the 1st DCA on July 14, 2015. At the time of the writing of this bill analysis, no opinion has been handed down by the court.

Other States - Firearms and Postsecondary School Campuses

As of June 2015, 19 states banned carrying a concealed weapon on a college campus.⁹

In 23 states the decision to ban or allow concealed weapons on campus is the prerogative of the state university system.¹⁰

Due to court rulings and legislation, 8 states allow carrying concealed weapons on public postsecondary campuses.¹¹

The Colorado Supreme Court and the Oregon Court of Appeals overturned firearm bans in 2012 and 2011, respectively.¹² In both cases the rulings were based upon the court finding that it is within the exclusive power of the Legislature, not the higher education system, to regulate firearms in those states.

Other state's statutes have dealt with the matter of firearms on college campuses in several ways:

- Wisconsin colleges and universities must allow concealed carry on *campus grounds* but if signs are posted at every entrance to a *building* stating that weapons are prohibited, firearms are not allowed within the building.¹³
- In Idaho persons who possess an “*enhanced carry permit*” may carry weapons and firearms on campus *but not* in dorms and buildings and buildings and functions housing more 1,000 people.¹⁴
- Kansas law contains a provision that colleges and universities cannot ban concealed carry on campus but may prohibit weapons inside buildings that have “*adequate security measures*” (defined by statute) and post signs to the effect.¹⁵
- The 2015 Texas law (Senate Bill 11) allows private and independent colleges the ability to opt out of campus carry entirely while public university presidents may enact “reasonable” rules designating some areas on campus as gun-free zones.¹⁶

⁹ National Conference of State Legislatures (NCSL), Guns on Campus: Overview available at <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx> (last visited September 6, 2015).

¹⁰ *Id.* Utah statutes specifically name public colleges and universities as public entities that do not have the authority to ban concealed carry.

¹¹ *Id.* See also, 2014 State Firearms Legislation Overview available at <http://smartgunlaws.org/2014-state-firearms-legislation-overview> (last visited March 9, 2015). These states are: Colorado, Idaho, Kansas, Mississippi, Oregon, Utah, Wisconsin and, most recently, Texas.

¹² *Id.* It should be noted that in Oregon the Board of Higher Education retained the authority to create internal policies for some areas of campus. The Board has banned firearms in campus buildings. As a condition of purchasing a ticket to an athletic event, a concert, or a performance at the University of Colorado at Boulder even concealed carry licensees agree not to bring a weapon into the venue. See <http://police.colorado.edu/services/weapons-campus> (last visited March 9, 2015).

¹³ NCSL, available at <http://www.ncsl.org/research/education/guns-on-campus-overview> (last visited March 9, 2015).

¹⁴ Idaho Senate Bill 1254 (2014) available at <http://www.legislature.idaho.gov/legislation/2014/S1254.pdf>.

¹⁵ NCSL, available at <http://www.ncsl.org/research/education/guns-on-campus-overview> (last visited March 9, 2015).

¹⁶ http://www.nytimes.com/2015/06/03/us/texas-lawmakers-approve-bill-allowing-guns-on-campus.html?_r=1 (visited September 6, 2015).

Reported Crime on Campus

Postsecondary education institutions that participate in the Title IV federal student financial aid program are required to report crimes occurring on campus. Data has been reported since 1999. Among the types of crimes reported in 2012, burglaries made up 61 percent of all incidents, while reported forcible sex offenses constituted 13 percent, and grand theft of motor vehicles was 10 percent of reported incidents.¹⁷

Florida Law

Authority of Universities and Colleges

The Board of Governors (BOG) has the authority to regulate the State University System pursuant to s. 7(d), Article IX of the State Constitution and the Florida Statutes.¹⁸ The BOG may develop procedures for adopting regulations to implement its constitutional duties.¹⁹

The BOG establishes the powers and duties of the boards of trustees and may delegate its constitutional or statutory powers and duties to the boards of trustees as its designee.²⁰ The Legislature created the Florida College System consisting of institutions²¹ governed by boards of trustees.²² The State Board of Education establishes the standards and guidelines for Florida College System (FCS) institutions.²³

School Property

Section 790.115(2)(a), *F.S.*, prohibits the possession of weapons or firearms on school property, whether public or nonpublic. The prohibition includes postsecondary school property.

A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or *on the property of any school*, school bus, or school bus stop; *however, a person may carry a firearm:*

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. *In a vehicle pursuant to s. 790.25(5);* except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

¹⁷ Indicators of School Crime and Safety: 2014, National Center for Education Statistics, <http://nces.ed.gov> (last visited July 10, 2015). The data reports the number of arrests for illegal weapons possession (1,000 in 2012) but does not indicate when a weapon or firearm was used in the commission of the crimes reported to have occurred on campus.

¹⁸ Sections 20.155 and 1001.70-706, F.S. See s. 1001.705(a) and (d), F.S., defining the terms “Board of Governors” and “state universities” as used in the Florida K-20 Education Code.

¹⁹ Section 1001.706(2), F.S.

²⁰ Art. IX, s. 7(c); s. 1001.706(2)(b), F.S.

²¹ See s. 1000.21(3), F.S., for a definition and list of each “Florida College System institution.” Such institutions constitute political subdivisions of the state operated by boards of trustees. See ss. 1004.67 and 1001.61-.64, F.S.

²² Sections 1001.60, 1001.61(1) and (2), and 1001.64(2), F.S. See s. 2, ch. 2008-52, L.O.F. See also, s. 20.15(7), F.S.

²³ Art. IX, s. 2, Fla. Const.; ss. 20.15(1), (2), and (5); and 1001.02((1), (6), and (8), F.S.

For the purposes of this section, “*school*” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or *postsecondary school, whether public or nonpublic.* (emphasis added)

Prohibitions Against the Concealed Carrying of a Firearm or Weapon

Section 790.01, F.S., prohibits the carrying of a concealed firearm and punishes a violation of the law as a third degree felony unless the person carrying the concealed firearm is licensed under s. 790.06, F.S.²⁴ The carrying of a weapon in a concealed manner by a person who is not licensed to do so under s. 790.06, F.S., is a first degree misdemeanor.²⁵

Limitations on the Concealed Carrying of a Firearm or Weapon for Licensees

Persons who hold a valid license to carry a concealed weapon or firearm are statutorily authorized to carry a handgun,²⁶ electronic weapon or device,²⁷ tear gas gun,²⁸ knife,²⁹ or billie in a concealed manner.³⁰

However, s. 790.06(12), F.S., sets forth the following limitations on the concealed carry statutory authorization. It should be noted that concealed carry by a licensee is not specifically limited unless the firearm or weapon is carried *into* the listed places.

A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm *into*:

1. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;

²⁴ Section 790.01(2), (3), F.S. Concealed firearm is defined in s. 790.001(2), F.S.

²⁵ Section 790.01(1), (3), F.S. Concealed weapon is defined in s. 790.001(3), F.S.

²⁶ “Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. s. 790.0655, F.S.

²⁷ “Electric weapon or device” means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. s. 790.001(14), F.S.

²⁸ “Tear gas gun” or “chemical weapon or device” means any weapon of such nature, except a device known as a “self-defense chemical spray.” “Self-defense chemical spray” means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical. s. 790.001(3)(b), F.S.

²⁹ “Knife” is defined as what it is *not* in s. 790.001(13), F.S.: “Weapon” means...or other deadly weapon *except* ... a common pocketknife, plastic knife, or blunt-bladed table knife.

³⁰ Section 790.06(1), F.S.

10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
13. *Any college or university facility* unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
15. Any place where the carrying of firearms is prohibited by federal law.³¹
(emphasis added)

Concealed Carry Licensure

The Department of Agriculture and Consumer Services (DACCS) *issues a license* to carry concealed weapons or firearms if the applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States or is a consular security official of a foreign government and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;³²
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competence with a firearm;

³¹ Section 790.06(12)(a), F.S.

³² The minimum age requirement is waived if the applicant otherwise qualifies and is either a service member as defined in s. 250.01, F.S., or a veteran of the U.S. Armed Forces who was discharged under honorable conditions. s. 790.062, F.S.

- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.³³

DACS shall *deny a concealed carry license* if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.³⁴

DACS shall *revoke* a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.³⁵

Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, DACS shall *suspend* a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.³⁶ DACS is also required to *suspend* a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.³⁷

A license already issued must be *suspended or revoked* by DACS if the licensee:

- Is found to be ineligible under the criteria set forth in s. 790.06(2), F.S.;
- Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23, F.S.;

³³ Section 790.06(2)(a)-(m), F.S.

³⁴ Section 790.06(3), F.S.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

- Is found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state, relating to controlled substances;
- Is committed as a substance abuser under ch. 397, F.S., or is deemed a habitual offender under s. 856.011(3), F.S., or similar laws of any other state;
- Is convicted of a second violation of s. 316.193, F.S., or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;
- Is adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state; or
- Is committed to a mental institution under ch. 394, F.S., or similar laws of any other state.³⁸

The concealed carry license issued by DACS, along with valid identification, must be carried at all times the licensee is in actual possession of a concealed weapon or firearm and must be displayed upon demand of a law enforcement officer.³⁹

Section 790.015, F.S. – Reciprocity for Nonresident Concealed Carry Licensees

Nonresidents of Florida who are concealed carry licenseholders from states that honor Florida concealed carry licenses may carry a weapon or firearm in a concealed manner in Florida. The nonresident must have a valid license in his or her immediate possession and must abide by Florida concealed carry laws.⁴⁰

Open Carrying of a Firearm Generally Prohibited

Section 790.053, F.S., prohibits the open carrying of a firearm or electric weapon or device. The offense is punished as a second degree misdemeanor.⁴¹

It is not a violation of the open carry prohibition for a person to openly carry a self-defense chemical spray or a nonlethal stun gun, dart-firing stun gun, or other nonlethal electric weapon, if the weapon is carried for purposes of lawful self-defense.⁴²

Non-Criminal Open and Concealed Carry in Florida

Section 790.25, F.S., contains an exception to the requirement that a person possess a valid concealed carry license in order to lawfully carry in a concealed manner *if* the person is engaged in certain listed activities. Likewise, a person engaged in those activities may lawfully carry a firearm or weapon openly.

³⁸ Section 790.06(10), F.S.

³⁹ Section 790.06(1), F.S.

⁴⁰ Section 790.015, F.S. See <http://www.freshfromflorida.com/Divisions-Offices/Licensing/Consumer-Services/Concealed-Weapon-License/States-Recognizing-Florida-License>, which indicates that non-Florida residents from 34 states currently fit this reciprocity criteria (last visited September 6, 2015).

⁴¹ It is not a violation of s. 790.053, F.S., for a person who is licensed to carry a concealed firearm under s. 790.06(1), F.S., and who is carrying the firearm in a lawful manner to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in self-defense.

⁴² Section 790.053(2), F.S.

Section 790.25, F.S. states in part:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(2) USES NOT AUTHORIZED.—

(a) This section *does not authorize* carrying a concealed weapon without a permit, as prohibited by ss. 790.01 and 790.02. ...

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 *do not apply* in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:⁴³

(h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition; ...

(l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession; ...

(n) A person possessing arms at his or her home or place of business; ...

(5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased⁴⁴ or is otherwise not readily accessible for immediate use.⁴⁵ Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012. (emphasis added)

Florida courts and the Attorney General have interpreted and applied some of the various exceptions found in s. 790.25, F.S., as follows:

- [T]he possession of a concealed weapons license does not authorize a person to openly carry a weapon. However, to the extent that a weapon is carried openly for the specified lawful uses set forth in s. 790.25(3), F.S. (1990 Supp.), or as otherwise authorized by statute, such conduct is lawful.⁴⁶

⁴³ The categories listed here represent a partial list of those found in s. 790.25(3)(a)-(p), F.S.

⁴⁴ "Securely encased" means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access. s. 790.001(17), F.S.

⁴⁵ "Readily accessible for immediate use" means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person. s. 790.001(16), F.S.

⁴⁶ 1991 Fla. Op. Atty. Gen. 114, Fla. AGO 91-36, May 17, 1991.

- A person, in defense of his home or place of business, is permitted to conceal his possession of a firearm.⁴⁷
- The trial court erred when it instructed the jury that carrying a concealed weapon in one's home in the presence of other people is illegal.⁴⁸
- The defendant was not "at his home" for purposes of the exception found in s. 790.25(3)(n), F.S. He was not on his own property nor was he on property to which he had the exclusive right of possession because he was standing with a group of people in the parking lot of his apartment complex, 25-30 feet from the building in which he resided.⁴⁹
- The "place of business" exception not only applies to a business owned by the defendant himself, but extends to employees of a business.⁵⁰

III. Effect of Proposed Changes:

The bill amends s. 790.06(12)(a), F.S., to remove the prohibition against concealed weapon and firearm licensees carrying weapons and firearms into any college or university facility.

Current law reads as follows:

790.06 License to carry concealed weapon or firearm. –
 (12)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:
 13. Any college or university facility⁵¹ unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

Section 790.06(12), F.S., as part of the concealed weapon or firearm licensure statute, appears to be clarifying in nature by stating what the license *does not* authorize. The effect of the bill, therefore, is to create the possibility of concealed carry licensees being able to carry concealed weapons or firearms *into any college or university facility* so long as that possibility is not prohibited by other laws.

College or university facilities would likely include classroom buildings, residence halls, dining halls, libraries, laboratories, auditoriums, and sports or entertainment arenas. Section 790.06(12)(a)9., F.S., which is *not* amended by the bill, contains a specific concealed carry

⁴⁷ *Peoples v. State*, 287 So.2d 63 (Fla. 1973)

⁴⁸ *Santiago v. State*, 77 So.3d 874 (Fla. 4th DCA 2012).

⁴⁹ *Sherrod v. State*, 484 So.2d 1279 (Fla. 4th DCA 1986); see also *McNair v. State*, 354 So.2d 473 (Fla. 3d DCA 1978) where defendant was not "at his home," but rather 30-35 feet from his apartment; *Brant v. State*, 349 So.2d 674 (Fla. 3d DCA 1977) where the defendant was in the hallway of a hotel; but see also *Collins v. State*, 475 So.2d 968 (Fla. 4th DCA 1985) where the "at his home" concealed carry exception applied in the defendant's driveway and yard.

⁵⁰ *State v. Little*, 104 So.3d 1263 (Fla. 4th DCA 2013); *Curry-Pennamon v. State*, 40 Fla. L. Weekly D110 (Fla. 1st DCA 2015); and see *State v. Anton*, 700 So.2d 743 (Fla. 2d DCA 1997) which interpreted the "place of business" exception to encompass property surrounding the business, including parking lots.

⁵¹ "Educational facilities" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. s. 1013.01(6), F.S.

prohibition into any school, college, or professional athletic event not related to firearms. Even though a person who possesses a valid concealed carry license would be statutorily authorized by the bill to carry a concealed weapon or firearm into any college or university facility, it appears that a school, college, or professional athletic event should not be taking place at the facility at that time.

The bill does not address the prohibition of the possession of weapons and firearms on “school property” set forth in s. 790.115, F.S.⁵²

Because s. 790.115, F.S., does not contain an exception for college or university facilities, it appears that the practical effect of the bill may rest upon a change to the statutory blanket “school property” prohibition⁵³ or further expansion or interpretation by the courts.

Like persons who do not have a concealed weapons or firearms license, concealed carry licensees are prohibited from *openly* carrying a handgun, weapon, or firearm *except* as provided in s. 790.25, F.S.⁵⁴

The bill would become effective on July 1, 2016.

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.

⁵² The definition of “school” includes any postsecondary school whether public or nonpublic. s. 790.115(2)(a), F.S.

⁵³ Except for parking lots, as decided by *Florida Carry, Inc. v. University of North Florida*.

⁵⁴ See s. 790.053, F.S.

C. Government Sector Impact:

The Florida Department of Education bill analysis (2014 Legislative Session) suggests that the bill may have an indeterminate fiscal impact on insurance premiums paid by colleges and universities.

The Board of Governors suggests there may be a fiscal impact due to the hiring of additional law enforcement officers to patrol the grounds of each institution (2014 Legislative Session).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.06 of the Florida Statutes.

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.

By Senator Evers

2-00012-16

201668__

1 A bill to be entitled
2 An act relating to licenses to carry concealed weapons
3 or firearms; amending s. 790.06, F.S.; deleting a
4 provision prohibiting concealed carry licensees from
5 openly carrying a handgun or carrying a concealed
6 weapon or firearm into a college or university
7 facility; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (a) of subsection (12) of section
12 790.06, Florida Statutes, is amended to read:

13 790.06 License to carry concealed weapon or firearm.—

14 (12) (a) A license issued under this section does not
15 authorize any person to openly carry a handgun or carry a
16 concealed weapon or firearm into:

17 1. Any place of nuisance as defined in s. 823.05;

18 2. Any police, sheriff, or highway patrol station;

19 3. Any detention facility, prison, or jail;

20 4. Any courthouse;

21 5. Any courtroom, except that nothing in this section would
22 preclude a judge from carrying a concealed weapon or determining
23 who will carry a concealed weapon in his or her courtroom;

24 6. Any polling place;

25 7. Any meeting of the governing body of a county, public
26 school district, municipality, or special district;

27 8. Any meeting of the Legislature or a committee thereof;

28 9. Any school, college, or professional athletic event not
29 related to firearms;

2-00012-16

201668__

30 10. Any elementary or secondary school facility or
31 administration building;

32 11. Any career center;

33 12. Any portion of an establishment licensed to dispense
34 alcoholic beverages for consumption on the premises, which
35 portion of the establishment is primarily devoted to such
36 purpose;

37 ~~13. Any college or university facility unless the licensee~~
38 ~~is a registered student, employee, or faculty member of such~~
39 ~~college or university and the weapon is a stun gun or nonlethal~~
40 ~~electric weapon or device designed solely for defensive purposes~~
41 ~~and the weapon does not fire a dart or projectile;~~

42 13.14. The inside of the passenger terminal and sterile
43 area of any airport, provided that no person shall be prohibited
44 from carrying any legal firearm into the terminal, which firearm
45 is encased for shipment for purposes of checking such firearm as
46 baggage to be lawfully transported on any aircraft; or

47 14.15. Any place where the carrying of firearms is
48 prohibited by federal law.

49 Section 2. This act shall take effect July 1, 2016.

Major Points About Gun Carrying

Gary Kleck

1. Defensive carrying of firearms in the general noncriminal U.S. population is extremely common. One national survey estimated that over 16.8 million American adults carried a gun outside their home for self-protection at some time during 1992, that the average carrier carries a gun about every other day, and that there were over a billion instances of gun carrying that year (where one person carrying on one day counts as one “instance”) (Kleck and Gertz 1998).

2. Less than 1 in a 1,000 instances of gun carrying, whether by carry permit holders or by others, are done for the purpose of committing a violent crime with the gun. That is, over 99.9% of gun carrying is done for purposes of self-defense (Kleck and Gertz 1998, p. 210).

3. Criminal gun violence among persons with licenses authorizing them to carry guns in public places is virtually nonexistent. Data from Florida covering 24 years when the state’s “shall-issue” carry law was in operation indicate that the state issued 2,047,928 concealed weapon licenses between October 1, 1987 (when the new “shall issue” carry law went into effect) and August 31, 2011, and that there were 853,272 active licenses as August 31, 2011. Yet, over this entire period, the state revoked a grand total of just 168 carry licenses due to licensees committing a crime in which a firearm was utilized – an average of just *seven gun crime convictions per year* (Florida Department of Agriculture and Consumer Services, 2011), in a state in which there 113,641 violent crimes known to the police in 2009 (U.S. FBI 2010). Even if there were five gun crimes actually committed by permit holders for every one that resulted in a criminal conviction and

permit revocation, it would still be safe to say that less than 1/100th of 1% of Florida carry permit holders committed a violent gun crime. Further, I am not aware that any of these instances of permit holder gun violence occurred on a college campus.

These figures imply that carry permit holders probably committed no more than 1/100th of one percent of the violent crimes in Florida. Indeed, the rate of criminal violence is far lower among carry permit holders than in the rest of the population. In sum, there is no empirical support for the concern that allowing Florida carry permit holders to carry guns on college campuses would cause a significant increase in gun violence on campus, since violent gun crime is virtually nonexistent among permit holders.

4. Defensive gun uses (DGUs) linked with gun carrying are extremely *common*. For example, in 1992, there were an estimated 2.5 million total DGUs, 63% of which occurred in locations other than the victim's home, implying that there were c. 1.6 million DGUs that required carrying a gun outside the crime victim's home in order for the defensive use to occur. Since crime rates today are only about half what they were in 1992, a reasonable estimate of annual DGUs involving gun carrying for 2015 would be about half of the 1992 figure, or about 800,000.

5. Defensive gun use by crime victims is *effective* in preventing victim injury or property loss, and is more effective in preventing serious injury than any other method of self-protection, including nonresistance (Kleck 1988; Kleck and DeLone 1993; Tark and Kleck 2004). Likewise, rape attempts are less likely to be completed when victims use weapons for self-protection (Kleck and Sayles 1990). Thus, denying gun possession to persons victimized in public places would increase the rate of injury and property loss

among the victims affected. I am not aware of any evidence or logical reason to believe that defensive use of guns is any less effective if they happen to occur on a college campus than at other locations.

6. In sum, there is sound reason to expect that defensive benefits to crime victims would result from licensed gun carriers being allowed to carry guns on college campuses, and no empirical foundation for expecting that this would result in any nonnegligible number of permit holders committing violent crimes with their guns.

References

- Florida Department of Agriculture and Consumer Services. 2011. "Concealed Weapon or Firearm License Summary Report, October 1, 1987 – August 31, 2011." Tallahassee, Florida: Florida Department of State, Division of Licensing.
- Kleck, Gary. 1988. "Crime control through the private use of armed force." Social Problems 35(1):1-21.
- Kleck, Gary, and Susan Sayles. 1990. "Rape and resistance." Social Problems 37(2):149-162.
- Kleck, Gary, and Miriam DeLone. 1993. "Victim resistance and offender weapon effects in robbery." Journal of Quantitative Criminology 9(1):55-82.
- Kleck, Gary, and Marc Gertz. 1995. "Armed resistance to crime: the prevalence and nature of self-defense with a gun." Journal of Criminal Law & Criminology 86(1):150-187.
- Kleck, Gary, and Marc Gertz. 1998. "Carrying guns for protection: results from the National Self-Defense Survey." Journal of Research in Crime and Delinquency 35(2):193-224.
- Tark, Jongyeon, and Gary Kleck 2004. "Resisting crime: the effects of victim action on the outcomes of crimes." Criminology 42(4):861-909.
- U.S. Federal Bureau of Investigation. 2010. Crime in the United States – Uniform Crime Reports 2009. Washington, D.C.: U.S. Government Printing Office.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

20150916

Meeting Date

0068

Bill Number (if applicable)

Topic CAMPUS CONCEALED CARRY

Amendment Barcode (if applicable)

Name BERNARD BRANDT

Job Title FIREARMS INSTRUCTOR

Address 2577 FRED SMITH RD
Street

Phone 863-651-9291

TALLAHASSEE FL 32303
City State Zip

Email bcbbrandt29@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA STUDENTS FOR CONCEALED CARRY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

9/16/2015

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

400T 68

Meeting Date

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Kristofer Ettman

Job Title Student

Address 415 Chapel Dr. Apt 115

Phone 3219608146

Street Tallahassee

FL

32304

Email Sgt.Ettman@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15
Meeting Date

SB 60
Bill Number (if applicable)

Topic GUNS on CAMPUS

Amendment Barcode (if applicable)

Name CARLOS GUILLERMO SMITH

Job Title VCF ALUMNUS

Address 2237 STONINGTON AVE
Street

Phone 404.934.4944

ORLANDO, FL 32817
City State Zip

Email Smith, Carlos@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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HSB 68
Bill Number (if applicable)

Meeting Date _____

Topic _____

Name Daniela FERNANDEZ

Amendment Barcode (if applicable) _____

Job Title SELF

Address 1560 High Rp.
Street

Phone _____

Yallahassee FL 32304
City State Zip

Email Daniela.Fernandez@ymail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FSU College Democrats

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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09/16/15

Meeting Date

SB48

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jarmyne Henderson

Job Title Associate

Address 1528 EAST Park Avenue

Phone 850/210-1002

Street

Tallahassee

Florida

32301

City

State

Zip

Email jarmyne@pittman-law.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida State University Student Government Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

9-16-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

68

Bill Number (if applicable)

Topic Guns on Campus

Name Victoria Hernandez

Job Title Director Gov't Affairs

Address 300 NE 2 Ave

Street

Miami FL

City

State

Zip

Phone 305-237-7563

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI Dade

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

68

Bill Number (if applicable)

Topic Right to carry on college campus

Amendment Barcode (if applicable)

Name Steven Barnes

Job Title FSU Full time student

Address 2700 W Pensacola St 912A

Phone 954-491-8203

Street

Tallahassee

City

FL

State

32304

Zip

Email stevejarnes66@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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9/16/15
Meeting Date

SB 68
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Guns on Campus

Name Courtney Ross

Job Title Student

Address 244 Soho Court

Street

Tallahassee, FL 32304

City

State

Zip

Phone 630-689-7551

Email ctr13d@my.fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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9/16/2015
Meeting Date

SB 68
Bill Number (if applicable)

Topic Firearms

Amendment Barcode (if applicable)

Name Kathryn Grant

Job Title South Eastern Oil

Address Campaign to Keep guns off
Street campus,

Phone 404.755.9759

Orlando FL 32817
City State Zip

Email Kathryn@keepgunsoffcampus.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Campaign to Keep guns off campus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

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9-16-15

Meeting Date

68

Bill Number (if applicable)

Topic guns on campus (C)

Amendment Barcode (if applicable)

Name Patricia Brigham

Job Title Chairwoman, Gun Safety Committee

Address 614 W. King St.

Phone 407-799-2562

Street

ORLANDO FL 32804

City

State

Zip

Email ~~pbbrigham@wvcc.edu~~
pbbrigham@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing League of Women Voters of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

68

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/2015
Meeting Date

Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Elizabeth Wilson

Job Title student at Florida State

Address 75 N. Woodward Ave
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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9/16/2005
Meeting Date

SB68
Bill Number (if applicable)

Topic SIREARMS

Amendment Barcode (if applicable)

Name ADAM WHITMER

Job Title Student - UCF

Address 2550 W Alafaya Trail Apt 7301
Street

Phone 407 453 4531

Orlando FL 32826
City State Zip

Email adam.c.whitmer@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

SB 68
Bill Number (if applicable)

Topic Campus carry

Amendment Barcode (if applicable) _____

Name Gary Kleck

Job Title Professor of Criminology and Criminal Justice

Address 301B Eppes Hall, Florida State University

Phone 644-7651

Street

Tallahassee

FL

32312

City

State

Zip

Email gkleck@fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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9/16/15
Meeting Date

068
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Jim Murdaugh

Job Title President, Tallahassee Comm. College

Address 444 APPLETARD DR
Street

Phone 850-291-8660

TALLAHASSEE FL 32304
City State Zip

Email murdaugh@tcc.fl.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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9/16/15
Meeting Date

SB 68
Bill Number (if applicable)

Topic CAMPUS CARRY

Amendment Barcode (if applicable)

Name STEVEN LANGRAF

Job Title RESEARCH ASSISTANT / STUDENT

Address 2104 MULBERRY BLVD
Street

Phone 608-438-7908

TALLAHASSEE FL 32303
City State Zip

Email STEVENLANGRAF@GMAIL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing STUDENTS FOR CONCEALED CARRY AT FSU
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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9/16/2015

Meeting Date

68

Bill Number (if applicable)

Topic SB 68

Amendment Barcode (if applicable)

Name Erek Culbreath

Job Title _____

Address 7514 42nd Ct E

Phone 9412244744

Street

Sarasota

FL

34243

Email erek.culbreath@concealedcampus.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

68

Bill Number (if applicable)

Topic Guns on Campus Legislation

Amendment Barcode (if applicable)

Name Marshall Ogletree

Job Title Interim Executive Director

Address 115 N. Calhoun St., Suite 6

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Tallahassee

FL

32301

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City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing United Faculty of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses To Carry Concealed on Campus

Amendment Barcode (if applicable)

Name Brandon Woolf

Job Title Student

Address 2930 SW 23rd Terrace

Phone 352-817-3369

Street

Gainesville FL 32608

Email B.Woolf0208@aim.com

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Students for Concealed Carry at UF

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09-16-15

Meeting Date

SB68

Bill Number (if applicable)

Topic License to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Eric J. Friday

Job Title General Counsel, Florida Carry

Address 541 E. Monroe St.

Phone 904-353-7733

Street

Jacksonville

FL

32202

Email efriday@fletcherandphillips.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Carry, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

9/16/15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

068

Bill Number (if applicable)

Topic Crimes on Campuses

Amendment Barcode (if applicable)

Name Henry Shrank

Job Title Chair of Parent

Address PO Box 50101

Phone 800-457-7500

City Perman State GA Zip 30131

Email hshrank@perman.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-16-2015

Meeting Date

68

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-16-15

Meeting Date

Topic CAMPUS CARRY

Bill Number SB-68
(if applicable)

Name MARION P. HAMMER

Amendment Barcode _____
(if applicable)

Job Title _____

Address P.O. BOX 1387

Phone 850-222-9518

Street

TALLAHASSEE

FL

32302

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing NRA (NATIONAL RIFLE ASSOCIATION) UNITED SPORTSMEN OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Joshua Roe

Job Title PhD Student

Address 618 NW 2nd St

Phone 352.294.1682

Street

Gainesville

FL

32601

Email roeja@ufl.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Students for Concealed Carry at the University of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09/16/2015

Meeting Date

⁶⁵
SB 8

Bill Number (if applicable)

Topic Concealed Carry on College Campuses

Amendment Barcode (if applicable)

Name Chris Wagoner

Job Title Law Enforcement Training Coordinator

Address 8235 SW 102 Ave

Phone 352-278-1054

Street

Gainesville

FL

32608

Email chris.wagoner@sfcollge.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself, 35 year Florida Police Officer, College Police Commander (Former)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-16-15

Meeting Date

SB 68

Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Kaitlyn Hamby

Job Title Student

Address 244 Soho Court

Phone 904-993-4655

Tallahassee

Florida

32304

Email kdh13b@myfsu.edu

Speaking: For [] Against [x] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes [] No []

Lobbyist registered with Legislature: Yes [] No [x]

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9.14.15

Meeting Date

68

Bill Number (if applicable)

Topic SB 68 - Civil Control

Amendment Barcode (if applicable)

Name WAYNE MAZANEY

Job Title ADVOCATE

Address P.O. Box 12514

Phone

Street

TALLAH

Email

City

State

Zip

Speaking: For [] Against [x] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing FLORIDA FACILITY MANAGERS ASSOCIATION

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [x] No []

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15
Meeting Date

68
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Matthew Lata

Job Title Professor at Music/President UFR-FSU

Address 3556 Gardenview Way
Street

Phone (850)906 0374

Tallahassee FL 32309
City State Zip

Email matthew.lata@fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self/United Faculty of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15
Meeting Date

65
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Jacob Elpern

Job Title Campus outreach coordinator

Address 75 N. Woodward Ave
Street

Phone 8615371710

Tallahassee FL 32304
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Campaign To keep Guns off Campus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-16-15
Meeting Date

SB 68
Bill Number (if applicable)

Topic Guns on campus

Amendment Barcode (if applicable)

Name MICHAEL BUCHLER

Job Title ASSOCIATE PROFESSOR

Address 2069 WILDRIDGE DR.
Street

Phone 562-2733

TALLAHASSEE FL 32303
City State Zip

Email michael.buchler@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

SB 68

Bill Number (if applicable)

Topic CONCEALED CARRY ON CAMPUS

Amendment Barcode (if applicable)

Name NANCY ROGERS

Job Title ASSOCIATE PROFESSOR

Address 2069 WILDRIDGE DRIVE

Phone 850-562-2733

Street

TALLAHASSEE, FL 32303

Email nancy-m-rogers@yahoo.com

City

State

Zip

Speaking: [] For [X] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Joshua Hargrove

Job Title Self-Defense Instructor

Address 2427 Nugget Lane

Street

Phone 850-519-2494

Tallahassee

Fl

32303

Email jhargrov@stetson.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Rebekah Hargrove

Job Title State Director of FSCC

Address 2427 Nugget Lane

Street

Tallahassee

City

FL

State

32303

Zip

Phone 941-228-5128

Email rmv10c@my.fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Rebekah Hargrove

Job Title State Director of FSCG

Address 2427 Nugget Lane

Phone 941-228-5128

Street

Tallahassee

FL

32303

Email rmv10c@my.fsu.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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5-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

0068

Bill Number (if applicable)

Topic Campus Carry

Amendment Barcode (if applicable)

Name Sharyna Lopez-Rivas

Job Title Researcher Institute for Family Violence Studies

Address 2004 Scenic Rd

Phone 941 763 0977

Street

Tallahassee

City

FL

State

32303

Zip

Email spl12@my.fsu.edu

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

0068

Bill Number (if applicable)

Topic Campus Carry

Amendment Barcode (if applicable)

Name Shayna Lopez-Kwas

Job Title Researcher IFVS

Address 2004 Scenic Rd

Phone 941-763-0972

Street

Tallahassee FL 32303

Email spl12@my.fsu.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.)

09/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Joshua Hargrove

Job Title Self-Defense Instructor

Address 2427 Nugget Lane

Phone 850-519-2494

Street

Tallahassee

FL

32303

Email jhargrov@stetson.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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SENATE CLERK

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Joshua Hargrove

Job Title Self-Defense Instructor

Address 2427 Nugget Lane

Phone 850-519-2494

Street

Tallahassee

Fl

32303

Email jhargrov@stetson.edu

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/10/15

Meeting Date

SB 68

Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Rachel Keenan

Job Title Student

Address 326 Hayden Rd
Street

Phone 770-990-8229

Tallahassee, FL, 32304
City State Zip

Email rok11@my.fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15
Meeting Date

068
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Michael Brewer

Job Title CEO Assoc of FL Colleges

Address 113 E College Ave
Street

Phone 858 5281082

TLH FL 32301
City State Zip

Email M Brewer ^{my at home}

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15
Meeting Date

SB68
Bill Number (if applicable)

Topic COUNS ON CAMPUS

Amendment Barcode (if applicable)

Name EVERTON TOSTER

Job Title STUDENT

Address 400 PUTNAM DRIVE
Street

Phone 727-225-2494

TALLAHASSEE FL 33759
City State Zip

Email fevton@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing STUDENT BODY (DREAM DEFENDERS)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 68
Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date _____

Topic Concealed Guns on Campus

Name Tabitha Frazier

Job Title SELF

Address 415 Vinnego Rid

Street

Phone _____

Tallahassee FL 32307

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

68

Bill Number (if applicable)

Topic Campus Carry

Amendment Barcode (if applicable)

Name Shayna Lopez-Rivas

Job Title Researcher IFUS

Address 2004 Scenic Rd

Phone 941-763-0977

Street

Tallahassee FL 32303

Email spl12@my.fsu.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

09/16/2015

Meeting Date

SB 68

Bill Number (if applicable)

Topic Licenses to Carry Concealed Weapons or Firearms

Amendment Barcode (if applicable)

Name Rebekah Hargrove

Job Title State Director of FSCC

Address 2427 Nugget Lane

Phone 941-228-5128

Street

Tallahassee

FL

32303

Email rmv10c@my.fsu.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Criminal Justice

BILL: CS/SB 130

INTRODUCER: Criminal Justice Committee and Senator Richter

SUBJECT: Discharging a Firearm

DATE: September 16, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.			CA	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 130 amends s. 790.15, F.S., to add a subsection prohibiting the recreational discharge of a firearm in areas that are primarily residential. A person who violates the provisions of this bill could be convicted of a first degree misdemeanor which is punishable by up to a year in jail and a \$1,000 fine.

Recreational discharge includes target shooting or celebratory shooting. These types of firearm discharges are prohibited in an area that the person knows or reasonably should know is primarily residential in nature and has a residential density of one or more dwelling units per acre.

The first degree misdemeanor penalties created by the bill do not apply to a person lawfully defending life or property or performing official duties that require firearm discharge in the residential area. Additionally, the penalties do not apply if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property.

The bill takes effect upon becoming a law.

II. Present Situation:

Legislative Preemption of the Field of Firearm and Ammunition Regulation

The Joe Carlucci Uniform Firearms Act

The Joe Carlucci Uniform Firearms Act, as s. 790.33, F.S., is known, became law in 1987.¹ The policy and intent of the Act was stated as follows:

It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.²

The Act accomplished its stated purpose by “occupying the whole field of regulation of firearms and ammunition,” as stated in subsection (1) of the Act:

PREEMPTION.—Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void.³

Despite the provisions of the 1987 law and a Florida appellate court opinion upholding it,⁴ local governments enacted, considered enacting, or attempted to enforce existing ordinances that required trigger locks, prohibited concealed carry permit holders from lawfully carrying their firearms on municipal or county property, required special use permits for certain sporting goods stores, and banned recreational shooting.⁵

¹ Ch. 87-23, L.O.F.

² Section 790.33(3)(a), F.S. (1987).

³ Section 790.33(1), F.S. (1987).

⁴ *National Rifle Association v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁵ For example see FL AGO 2000-42 (“May a municipality enact an ordinance requiring the use of locking devices on firearms stored within the city?”); FL AGO 2005-40 (“May a county pass an ordinance prohibiting the discharge of a firearm in proximity to persons or property when such discharge endangers the health, welfare, and safety of the citizens of such county?”). Similarly, note that s. 790.333, F.S., sets forth Legislative preemption of “the whole field of regulation of firearms and ammunition use at sport shooting and training ranges, including the environmental effects of projectile deposition at sport shooting and training ranges.” In FL AGO 2008-34, the following query was discussed: “May a county enforce its land development code to prohibit a shooting range in a residential land use district in light of section 790.333(8), Florida Statutes?” The Attorney General opined as follows: To read the preemption provision in section 790.333, Florida Statutes, as a total ban on the application of any zoning or land use regulation upon an existing or proposed sports shooting range would render section 823.16 (7), Florida Statutes...of no use or consequence. ...it is my opinion that a county clearly may impose existing zoning and land use regulations upon the siting of a proposed sports shooting range; however, no newly created or amended zoning or land use regulations may be enforced against existing ranges.

Recent Legislative Change

The Legislature amended s. 790.33, F.S., in 2011. The amendment created civil penalties of up to \$5,000 for the knowing and willful violation of the preemption law by any elected or appointed public official or agency head. The amendment also created injunctive relief against the enforcement of any ordinance, regulation, or rule by local governmental entities.⁶

Subsequent to the 2011 amendment to s. 790.33, F.S., local governments began to examine, reevaluate, and repeal local ordinances related to firearms or ammunition.⁷

Discharging a Firearm

Prior to 2012, s. 790.15(1), F.S., did not address discharging a firearm on private property except that it was a first degree misdemeanor to knowingly discharge a firearm over any occupied premises.⁸

790.15. Discharging firearm in public

(1) Any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street or whosoever knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Game and Fresh Water Fish Commission or Division of Forestry.

In 2012, the Legislature amended s. 790.15(1), F.S., to prohibit recklessly or negligently discharging a firearm outdoors on any property used primarily as the site of a dwelling as defined in s. 776.013, F.S., or zoned exclusively for residential use.⁹

⁶ Ch. 2011-109, L.O.F., effective October 1, 2011.

⁷ FL AGO 2011-17 (“May [a] county regulate the recreational discharge of firearms in residentially zoned areas in light of section 790.33, Florida Statutes?”); “County repeals hunting, gun laws,” Tallahassee Democrat, pg. 1, June 15, 2011.

⁸ Section 790.15(1), F.S. also punishes as a first degree misdemeanor the knowing discharge of a firearm in any public place or on the right-of-way of any paved public road, highway, or street or over the right-of-way of any paved public road, highway, or street.

⁹ Ch. 2012-108, L.O.F. Note that the term “dwelling” is defined in accordance with s. 776.013, F.S., as a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.

Backyard Gun Ranges

In recent months, there have been reports of persons constructing “gun ranges” in their backyards.¹⁰ Many of the persons using backyard gun ranges live in residential neighborhoods, which cause their neighbors concern for their safety. There was one report of a man being struck and killed by a stray bullet fired from a neighbor’s yard in Volusia County in December 2013.¹¹ According to the news reports, some local law enforcement and their legal counsel found the language “recklessly or negligently discharges a firearm,” as it appears in s. 790.15(1), F.S., to be subjective and vague.¹² This interpretation of the language seems to have inhibited law enforcement from taking a proactive approach in the reported circumstances.¹³

III. Effect of Proposed Changes:

The bill amends s. 790.15, F.S., to clarify the circumstances under which a person who recreationally discharges a firearm outdoors in specified locations may be charged with a first degree misdemeanor.

Recreational discharge includes target shooting or celebratory shooting. These types of firearm discharges are prohibited in an area that the person knows or reasonably should know is primarily residential in nature and has a residential density of one or more dwelling units per acre.

It is not a crime under the newly-created subsection (4) of s. 790.15, F.S., if the person discharges a firearm while lawfully defending life or property or when the person discharges a firearm while performing official duties which require the discharge. Also, it is not a crime to discharge a firearm in the residential area described above if, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁰ See, e.g., *Backyard gun range concerns St. Pete neighbors*, <http://www.wtsp.com/story/news/local/2015/02/02/man-builds-gun-range-in-his-yard-neighbors-concerned/22777421/> (last visited September 8, 2015), and *Fla. law allows backyard shooting ranges*, <http://www.heraldtribune.com/article/20140201/WIRE/140209997> (last visited September 8, 2015).

¹¹ *Fla. law allows backyard shooting ranges*, <http://www.heraldtribune.com/article/20140201/WIRE/140209997> (last visited September 8, 2015).

¹² *Id.*

¹³ *Id.*

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:

This bill amends section 790.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Criminal Justice on September 16, 2015:

Changed the effective date of the bill from “July 1, 2016” to “upon becoming a law.”

B. Amendments:

None.



846452

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
09/16/2015	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Clemens) recommended the following:

1 **Senate Amendment**

2

3 Delete line 26

4 and insert:

5 Section 2. This act shall take effect upon becoming a law.

By Senator Richter

23-00167-16

2016130__

1 A bill to be entitled

2 An act relating to discharging a firearm; amending s.
3 790.15, F.S.; prohibiting the recreational discharge
4 of a firearm in certain residential areas; providing
5 criminal penalties; providing exceptions; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (4) is added to section 790.15,
11 Florida Statutes, to read:

12 790.15 Discharging firearm in public or on residential
13 property.—

14 (4) Any person who recreationally discharges a firearm
15 outdoors, including for target shooting or celebratory shooting,
16 in an area that the person knows or reasonably should know is
17 primarily residential in nature and that has a residential
18 density of one or more dwelling units per acre, commits a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083. This subsection does not apply:

21 (a) To a person lawfully defending life or property or
22 performing official duties requiring the discharge of a firearm;
23 or

24 (b) If, under the circumstances, the discharge does not
25 pose a reasonably foreseeable risk to life, safety, or property.

26 Section 2. This act shall take effect July 1, 2016.



The Florida Senate

Committee Agenda Request

To: Senator Greg Evers, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: September 8, 2015

I respectfully request that **Senate Bill #130**, relating to Discharging a Firearm, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, appearing to read "Garrett Richter".

Senator Garrett Richter
Florida Senate, District 23

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/2015
Meeting Date

SB 130
Bill Number (if applicable)

Topic Discharging a Firearm

Amendment Barcode (if applicable)

Name Chief Frank Fabrizio

Job Title Police Chief

Address 2636 Mitcham Drive
Street

Phone 386-275-9377

Tallahassee FL 32308
City State Zip

Email ffabrizio@ponc-inlet.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

16 Sept 15
Meeting Date

SB 130
Bill Number (if applicable)

Topic DISCHARGING FIREARM

Amendment Barcode (if applicable)

Name LAURA YOUMANS

Job Title _____

Address 100 S. MONROE
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-16-2015
Meeting Date

130
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice2Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-16-15

Meeting Date

Topic Shooting Ranges

Bill Number SB-130
(if applicable)

Name MARION P. HAMMER

Amendment Barcode _____
(if applicable)

Job Title _____

Address P.O. BOX 1387

Phone 850-222-9518

Street

TALLAHASSEE FL 32302

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing NRA (NATIONAL RIFLE ASSOCIATION) UNITED SPORTSMEN OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

130

Bill Number (if applicable)

Topic BACKYARD Range

Amendment Barcode (if applicable)

Name Casey Cook

Job Title Advocate

Address 300 S. Bronough

Phone

Street

Tall

FL

State

32301

Zip

Email ccook@flcities.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

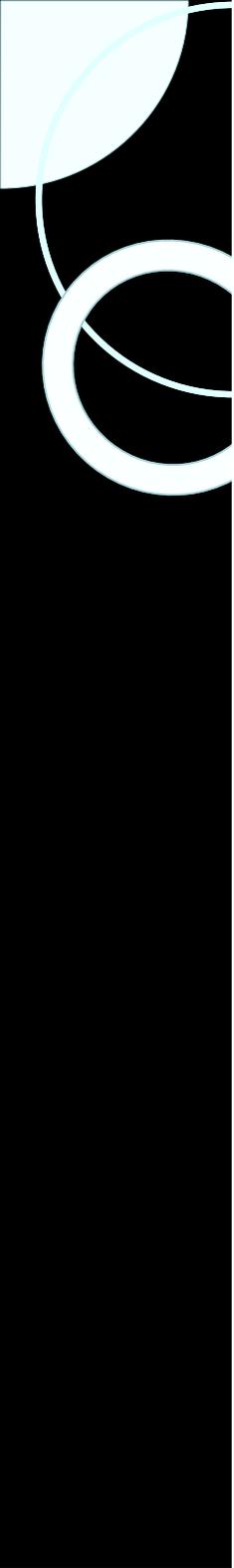
Representing Florida League of Cities

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



Florida Department of Corrections



Update

Senate Criminal Justice Committee
September 16, 2015

Julie Jones, Secretary

Vision



Inspiring success by transforming one life at a time.

Mission



Provide a continuum of services to meet the needs of those entrusted to our care, creating a safe and professional environment with the outcome of reduced victimization, safer communities and an emphasis on the premium of life.

Values



Safety

Accountability

Fairness & Integrity

Innovation

Goals



Talent Development: Invest in our members for their professional development, growth and success.

Inmate/Offender Programs: Implement rehabilitative programs that support a continuum of services for inmates and offenders, resulting in a successful transition into the community.

Communications: Promote a collaborative and transparent communications framework that engages all members and stakeholders.

Environment: Provide healthy, sustainable and compassionate environments that are the foundation of our values.

First Year Scope of Work



- Completed a fiscal audit
- Revised personnel processes
- Officer Equipment
- Facility maintenance schedule

Executive Order 15-102



- Implemented four region model
 - Fiscal and geographical realignment
- Strengthen the role of the Regional Director
- Zero Tolerance for Retaliation Memo
- FDLE MOU

Executive Order 15-134



- Independent staffing audit and analysis
- Develop two prototype institutions
 - Lake C.I.
 - Selected with an emphasis on housing, treatment and rehabilitation of the mentally ill inmate population
 - Liberty C.I.
 - Selected as a model to emphasize housing and programming for the general inmate population
- Partner with DCF and DJJ on mental health policies and procedures in Broward assessment

Personnel



- Net staff gained
- Staffing issues
- Supervisory accountability

Use of Force



- Three-year low
- Critical Incident Training
- Association of State Correctional Administrators audit
 - Use of Force Policy
 - Use of Force Procedures
 - Culture
 - Staffing
 - Institutional Operations

Mental Health



- Mental Health Ombudsmen
- Changes to mental health units
- Training for staff

Health Care Contracts



The Department remains committed to seeking the best care possible for our inmate population, while remaining a fiscally responsible steward of taxpayer dollars.

- ITN scheduled for release in December
- Ongoing data gathering and analysis

Community Corrections



- Vehicles
- Smartphones
- Promoting criminal justice partnerships
 - More Planned Compliance Initiatives
 - Expand the Alternative Sanctions Program

Moving Forward



- Modernizing the Department's Approach
 - Inmate/offender programs
 - Redefining the reception process



Thank You

Julie Jones, Secretary
(850) 717-3030

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 15-102

WHEREAS, the Governor is vested with the supreme executive power and must take care that the laws be faithfully executed, pursuant to Article IV, Section 1 of the Florida Constitution; and

WHEREAS, the Department of Corrections (“Department”) is an executive department of the State of Florida, created by Section 20.315, Florida Statutes, the administration of which is placed under the direct supervision of the Governor, pursuant to Article IV, Section 6 of the Florida Constitution; and

WHEREAS, the Department is charged with providing a safe and humane environment for offenders and staff, and to provide the level of security within its correctional institutions and facilities commensurate with the custody requirements and management needs of inmates, pursuant to Section 20.315(1), Florida Statutes; and

WHEREAS, the head of the Department is the Secretary of Corrections (“Secretary”), who is appointed by and serves at the pleasure of the Governor, pursuant to Section 20.315(3), Florida Statutes; and

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, by virtue of the authority vested in me by the Florida Constitution, and all other applicable laws, hereby promulgate the following Executive Order, effective immediately:

Section 1. In order to improve institutional oversight, I hereby direct the Secretary to increase the number of security and institutional operations regions within the State from three to

four. The Secretary shall implement this modification in a cost-effective manner. The Secretary shall appoint or reappoint a director for each of the four regions. Each director must:

1. Ensure the policies of the Department, particularly those policies associated with inmates, are appropriately implemented and enforced at each correctional facility within the director's assigned region.
2. Review, recommend, and hold subordinate chain-of-command staff responsible for appropriate and measured disciplinary decisions.
3. Ensure that each correctional facility in the director's assigned region maintains a retaliation-free environment, both for staff and for inmates.
4. Make at least two unannounced visits to each correctional facility within the director's assigned region on a quarterly basis.
5. Review on a quarterly basis statistics and trends related to uses of force, inmate grievances, employee discipline reports, and inquiries received by the Department, including inmate abuse.

Section 2. I hereby direct the Secretary to ensure that safety shall be added as a priority to the security reviews at each correctional institution and facility. The security review committee at each correctional institution and facility shall evaluate new safety and security technology, review, and discuss current issues impacting correctional institutions and facilities.

Section 3. I hereby direct the Secretary to ensure that appropriate staff investigates and evaluates the usefulness and dependability of existing safety and security technology, as well as new technology and video monitoring systems available, and makes periodic written recommendations to the Secretary on the discontinuation or purchase of safety and security devices.

Section 4. I hereby direct the Secretary to ensure that the Department contracts with security personnel, engineers, architects, or other safety and security experts as the Secretary deems necessary for safety and security consultant services.

Section 5. I hereby direct the Secretary to ensure that appropriate staff review staffing policies, classification, and practices, as needed.

Section 6. I hereby direct the Secretary to ensure that the Department complies with the requirements of the memorandum of understanding with the Florida Department of Law Enforcement, pursuant to Section 944.31, Florida Statutes, which adds additional independent oversight over certain use-of-force incidents. The Secretary shall provide copies of the memorandum of understanding in a timely manner to my office, the President of the Senate, and the Speaker of the House of Representatives.

Section 7. I hereby direct the Secretary to ensure that inspectors in the Office of Inspector General who conduct sexual abuse investigations in confinement settings receive specialized training in conducting such investigations. Specialized training shall include, but need not be limited to: techniques for interviewing sexual abuse victims; the proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collections in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or prosecution.

Section 8. I hereby direct the Secretary to ensure that each employee who either applies physical force or was responsible for the decision to apply physical force upon an inmate or an offender supervised by the Department signs an independent report under oath, which details that employee's involvement and other pertinent information regarding the incident within one working day of the incident.

Section 9. I hereby direct the Secretary to ensure that the Department establishes a usage and inventory policy to track, by institution, the use of chemical agents and the disposal of expired, used, or damaged canisters of chemical agents.

Section 10. I hereby direct the Secretary to provide medical staff the option of using identification numbers in lieu of names when completing incident reports.

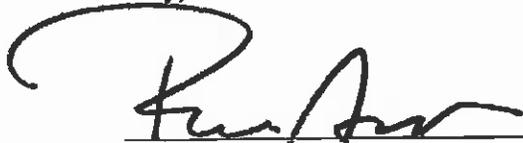
Section 11. I hereby direct the Secretary to ensure that the Department tracks and reports incidents of use-of-force.

Section 12. I hereby direct the Secretary to ensure that the Department establishes a policy to protect from retaliation those employees who report wrongdoing.

BEING FULLY ADVISED in the premise, and in accordance with the Florida Constitution and the laws of the State of Florida, this Executive Order is issued.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 8th day of May, 2015.



RICK SCOTT, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2015 MAY - 8 PM 3:05
TALLAHASSEE, FLORIDA
SECRETARY OF STATE

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 15-134

WHEREAS, the Governor is vested with the supreme executive power and must take care that the laws be faithfully executed, pursuant to Article IV, Section 1 of the Florida Constitution; and

WHEREAS, the Department of Corrections (“Department”) is an executive department of the State of Florida, created by Section 20.315, Florida Statutes, the administration of which is placed under the direct supervision of the Governor, pursuant to Article IV, Section 6 of the Florida Constitution; and

WHEREAS, the Department is charged with protecting the public through the incarceration, supervision, and rehabilitation of offenders, pursuant to Section 20.315(1), Florida Statutes; and

WHEREAS, the head of the Department is the Secretary of Corrections (“Secretary”), who is appointed by and serves at the pleasure of the Governor, pursuant to Section 20.315(3), Florida Statutes; and

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, by virtue of the authority vested in me by Article IV of the Florida Constitution, and all other applicable laws, hereby promulgate the following Executive Order, to take immediate effect:

Section 1. In the interests of improved institutional oversight and reform, I hereby direct the Secretary to engage the National Institute of Corrections and the Association of State Correctional Administrators to perform an external, independent audit and analysis of Department policies, practices, processes, needs, and performance related to staffing levels and organization.

The audit and analysis shall contemplate how changing Department staffing can positively affect safety, security, and inmate rehabilitation.

Section 2. I hereby direct that the Secretary develop and implement two (2) prototype correctional institutions to evaluate the impact of enhanced operational elements related to modern and innovative security techniques, technology, productivity, environmental factors, staffing levels and functions, climate control, institutional organization, shift scheduling, training and certification, and other additional facility improvements, with an emphasis on enhancing the safety, health, and well-being of staff and inmates. Specifically:

1. One prototype institution shall be created at the existing Lake Correctional Institution. That institution shall explore the impact of enhanced operational elements while specializing in housing, treating, and rehabilitating the mentally ill inmate population.
2. One prototype institution shall be created at the existing Liberty Correctional Institution. That institution shall explore the impact of enhanced operational elements while specializing in housing and reforming the conduct of the general inmate population.
3. Develop metrics or other quantifiable sets of standards to compare the Department's existing facilities with the operations of the two prototype institutions contemplated herein. The metrics or standards shall evaluate the effectiveness and efficiency of implementing the enhanced operational elements on a larger scale to include other Department facilities.

Section 3. I hereby direct the Secretary to consult with the Secretary of the Department of Children and Families and the Secretary of the Department of Juvenile Justice to explore

collaboration between the three agencies in order to develop and implement best management practices to positively impact mental health services. Specifically:

1. In Broward County, ensure consideration is given to the areas that potentially involve the agencies, including, but not limited to: addressing the needs of inmates with mental health issues who have been recently released back into the community; measures that may be employed to positively impact recidivism rates; and, providing support for individuals with mental health needs before those individuals are committed to the custody or supervision of the agencies.
2. Develop metrics or other quantifiable sets of standards to measure the results of the collaboration and shared resources of the agencies. The metrics or standards shall provide adequate data to evaluate the effectiveness and efficiency of implementing the collaborative strategies on a larger scale.

BEING FULLY ADVISED in the premise, and in accordance with the Florida Constitution and the laws of the State of Florida, this Executive Order is issued.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of July, 2015.



RICK SCOTT, GOVERNOR

ATTEST:



SECRETARY OF STATE

2015 JUL -9 6:11:35
FBI, FBI
STATE OF FLORIDA

*Assessment of Use of Force Policy and Practices within
the Florida Department of Corrections*

Submitted to the:

Florida Department of Corrections
Tallahassee, Florida

By the:

Association of State Correctional Administrators
Hagerstown, Maryland

August 31, 2015





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Executive Summary

The scope of work for the project mandated a review in each of these five areas: (1) a **UOF Policy** review to determine if the current policy is consistent with best practices of other state correctional agencies; (2) a review of **Facility UOF Procedures** to determine if the procedures are in line with the current governing policies, the effectiveness of those policies, and whether staff are following the policies; (3) an assessment of **Facility Culture** to determine the formal and informal cultures at the facilities that are selected for review, and also to identify the values, beliefs, and norms of the staff and, if those values, beliefs, and norms are in concert with the agency's mission and core values; (4) a review of **Staffing** to determine if the staffing levels, staff accountability, and staff training are adequate to meet the agency's primary mission of maintaining a safe and secure environment for both staff and inmates; and (5) an assessment of **Security Operations** to include staff and inmate supervision, disciplinary and grievance procedures, searches and contraband control, video surveillance, inmate movement, plant maintenance, key and tool control, and any other operational area for adequacy.

This report answers the questions posed in the five major areas of inquiry as listed in the scope of work for the project.

Question 1: Is the current use of force policy consistent with best practices of other state correctional agencies?

ASCA Review Team Finding: The current use of force policy is consistent overall with widely accepted practices of adult correctional agencies nationwide. The ASCA Review Team made three recommendations for amendments that we feel would further enhance the integrity of the current policy.

Recommendations:

1. Amend Paragraph 9(n)(2) (e) of the Use of Force (UOF) policy. This section does not require video recording when an inmate ceases disruptive behavior after receiving a final order but later resumes disruptive behavior on the same shift. The ASCA Review Team finds it valuable if the disruptive behavior and any organized UOF, including the use of chemical agents, is recorded in compliance with Paragraph (3).
2. Clarify that when an inmate refuses to relinquish control of the cell's food/handcuff port cover or does not allow the staff member to close the



cell's food/handcuff port cover, the event shall be considered an organized UOF and subject any further actions to Paragraph (3) of the policy. This addition would require a video camera to record the events. This recommendation was presented to the ASCA Review Team in the preliminary May 2015 meetings with senior officials of the Florida Department of Corrections. The team studied this proposal and found it to have great merit. This proposal is just one example of how proactive the Department officials are in remediating any use of force issues that could present future problems.

3. Provide a clarification within the UOF Policy by creating a more precise definition of the terms "any self-injury" and "attempts to commit suicide."

Question 2: Are procedures in line with current governing policies, are those policies effective, and is staff following the policies?

ASCA Review Team Findings:

1. The team concluded after extensive review of the relevant procedures that they are in line with current controlling policies. The team did note some common procedural errors in completing the use of force documentation properly.
2. The policies are effective and meet national standards as stated above. Additionally, the team spent a lot of time during the inspection phase interviewing facility administrators, supervisors, and line staff about this topic. The large majority of employees interviewed agreed that the procedures were more than adequate to meet the demands of any situation.
3. The team found that all planned use of force events at the facilities were well documented from start to finish. Most errors that occurred in those events were procedural in nature. Reactionary use of force events are an area for concern because there are times when the event occur in locations that do not have video or audio coverage. Since approximately 75% of the use of force events at the inspected facilities are reactionary, the facility administrator and the supervisory staff must rely on the officer's good judgment and training in dealing with those events. That being said, the ASCA team found no systemic or widespread non-compliance in following the department's use of force policy.

Recommendations:

1. The agency should make complementary procedural changes to accommodate the three amendments to the use of force policy recommended in the prior section.



2. Require the incumbent healthcare providers to document all medical and mental health assessments by using the SOAP method of medical records documentation.
3. Provide instruction and training to correctional staff so their comments on the (DC6-210) contain descriptive accounts of their involvement and observations in a UOF incident. "Boilerplate language" or conclusory statements on the DC6-210 should not be utilized.

Question 3: What are the formal and informal cultural values, beliefs, and norms of the staff at the facilities selected for review, and are those values, beliefs, and norms in concert with the agency's mission and goals?

ASCA Review Team Finding: The ASCA Review Team is confident that the agency's push to positively change the prevailing culture within the facilities is having the desired results. The team made this finding based on extensive interviews and observations at the inspected institutions. Every employee interviewed knew about the mandate from the Central Office to only utilize the least amount of force to gain control of a situation and only when other non-physical interventional methods have failed. The majority of employees interviewed agreed with the mandate and were in full support of the initiative.

The team found no systemic negative subcultures on any of the inspected facilities. Team members reported that a small number of correctional employees interviewed expressed doubts about the agency's initiative. Those doubts were most often characterized by the employees as "coddling" inmates. The few doubting employees should be carefully monitored by facility administrators and line supervisors to ensure that their negativity does not grow into an informal subculture that becomes pervasive among other employees at the institution.

In general, the ASCA team found that the values, beliefs, and norms of the formal and informal cultures at the institutions inspected were in concert with the agency's mission and goals.

Recommendation:

1. Continue to promote a clear and consistent message from the Department executive administration down the chain of command that the agency will have "zero tolerance" for employees who use improper or illegal force or abuse inmates. The agency should reinforce this message at every training session that occurs for correctional and managerial staff.



Question 4: Are staffing levels, staff accountability, and staff training adequate to meet the agency's primary mission of maintaining a safe and secure environment for both staff and inmates?

ASCA Review Team Finding: Both uniformed and non-uniformed staffing positions at the inspected facilities appeared to be less than the ASCA team felt was appropriate. However, completing a comprehensive staffing assessment and making a definitive determination was difficult because the team only reviewed nine of the 49 facilities within the department, every facility was operating under "Level 1" or minimal staffing deployment, and over 600 correctional officers were assigned to non-authorized posts. The team also reviewed the adequacy of staffing for field inspectors and the Use of Force Unit in Central Office since they play a key role in the examination of use of force events. The team came up with the consensus opinion that staffing levels were too low for each of those groups to effectively manage their caseloads.

ASCA Review Team Findings:

1. Staff accountability was gauged by the ASCA Review Team to be good. Accountability was a subject that was discussed with every employee interviewed by the team. Both supervisory and line staff agreed that the chain of command was being followed routinely. A review of the number of employee disciplines and the severity of the charges led the team to concur that each facility inspected was well within an acceptable range given the size and complexity of the institutions.
2. The ASCA team did find some deficiencies in staff training relating to how specialized training was funded, the lack of de-escalation training in both pre-service and in-service curriculums, and the lack of instruction for correctional officers in the specific area of use of force report writing.

Recommendations:

1. The agency should undertake a comprehensive, detailed staffing analysis for all Department facilities and the non-facility departments that support all institutional operations. These studies are highly detailed and require a great degree of roster research, interviews, and the development of a good working knowledge of each institution.
2. It is recommended that the agency receive a specific annual operating appropriation for specialized training expenses.
3. It is recommended that the agency mandate that de-escalation training/techniques be given a high priority for instruction in both pre-service and in-service training programs.



4. The ASCA Review Team recommends that the agency revise the current training curriculum to include specific training in UOF report writing.

Question 5: Does staff and inmate supervision, disciplinary and grievance procedures, searches and contraband control, video surveillance, inmate movement, plant maintenance, key and tool control, and any other operational area meet the standards for adequacy in a state correctional system?

ASCA Review Team Findings:

1. The team found that staff and inmate supervision was adequate given the employee deployment patterns. Disciplinary and grievance procedures were being followed and clearly meet agency and national standards.
2. Searches and contraband control was less than adequate because minimal staffing does not allow for any searches beyond the three cell searches required of each officer on each shift. As a result, the team found that the facilities were experiencing contraband control issues.
3. Video surveillance was found to be adequate in the inspected facilities and getting better. The replacement of the old analog cameras with digital cameras in the high security housing units will provide better coverage and clearer videos for the use of force reviewers. The plan to add audio recording capability to complement the new digital cameras will allow facility administrators and use of force reviewers to gain even better perspective on each incident that occurs in those areas.
4. Inmate movement, plant maintenance, key and tool control, and other operational areas were reviewed and found to be adequate. All of the facilities inspected but one were accredited by the American Correctional Association who spends a great deal of their inspection determining if these areas are in compliance with national standards.

Recommendations:

1. It is recommended that the agency survey all correctional facilities, giving priority to the higher security institutions, for security camera placement on the perimeter fence lines to assist in identification of individuals who may be throwing contraband items over the fence and inmates who may be retrieving the items inside the fence. Other interdiction methods such as more frequent unannounced searches, more frequent canine drug searches, and bolstering the search efforts at vehicle and package entry points should be employed to assist in stemming the flow of contraband into the facilities.



2. Continue the replacement of the outdated and ineffective analog cameras with digital cameras in high security housing units.
3. The agency should continue to install audio recording capable devices in all higher security inmate housing units giving priority to those where UOF events predominantly occur.

This Use of Force Review was conducted from May 2015 to August 2015. The ASCA Review Team began the process by analyzing reports and data provided by the Florida Department of Corrections and interviewing key personnel at the Tallahassee Central Office. The second phase was the on-site inspections that were concluded in July. The last phase of the project was to compile the data and observations collected into a full report that was completed in August. The full report of the ASCA Review Team follows this Executive Summary.



Section I

OVERVIEW



Overview

In March of 2015, The Secretary of the Florida Department of Corrections (Department), Julie Jones, endorsed a previously proposed scope of work for an assessment of the agency's use of force policy and practices, and an examination of the agency's culture. The Association of State Correctional Administrators (ASCA) was selected by the agency to conduct the comprehensive review. Over the last three years, a number of incidents involving excessive use of force on inmates by Department staff have led to serious injuries and, in one case, the death of an offender. As the newly appointed Florida Secretary of Corrections, Ms. Jones has opted to aggressively and proactively seek out solutions to the issues that led to the unwarranted and illegal actions by Department staff.

On May 19, 2015, Wayne Scott, ASCA's designated team leader for the review, and Gary Maynard, ASCA Associate Director and administrative support for the project, met with Mr. Ricky Dixon, Assistant Secretary of Institutions; Richard Comerford, Director of Institutional Operations; and Wes Kirkland, Chief of Security Operations, at the Department headquarters in Tallahassee, Florida to discuss the scope of work and logistics for completing the assessment. Mr. Scott and Mr. Maynard met with Secretary Julie Jones to ascertain her expectations and her timeline for the review.

In addition, Mr. Scott and Mr. Maynard met with the following Department support staff during this preparatory meeting: Kelley Scott, Director of Administration; David Ensley, Chief of Research & Analysis; Ken Sumpter, Deputy Inspector General (IG); Brian Foster, Assistant Chief-Use of Force Unit; Dean Glisson, Senior Inspector-Use of Force Unit; and Debbie Arrant, Supervisor of the Use of Force Unit.

During the initial discussions with the Department executive team, Mr. Scott and Mr. Maynard were presented with a document prepared by the agency entitled, *Use of Force Reduction Efforts 2015*. The document covers detailed use of force reduction strategies, a leadership message from the Secretary's Office that speaks strongly to the department's "zero tolerance" of inmate abuse and excessive force, additional specialized training for staff in de-escalation techniques prior to the application of force, and recommended changes in use of force practice and policy that reinforces the department's aggressive move to ensure staff and inmate safety in all potential use of force situations. These reduction efforts will be discussed in greater detail later in another section of this report.

The ASCA Review Team consisting of Wayne Scott, Team Leader; Bob Bayer; and Kim Thomas met with Department officials on June 9-11, 2015 at their headquarters



building in Tallahassee to begin the interview process with key personnel in the Department administration in an effort to learn the use of force reporting process, view use of force videos, gain greater knowledge of the use of force plan and procedures, and all other relevant information needed to address the areas of inquiry mandated from the scope of work for the project. Our fourth ASCA team member, Reggie Wilkinson, was not present for these meetings. He was subsequently brought up to date with the information learned at these meetings in a series of conference calls with the other ASCA team members. Dr. Wilkinson did participate in all the on-site inspections.

Criteria for the selection of the six prison facilities designated for on-site inspection by the ASCA team

The ASCA team reviewed a significant amount of data regarding use of force at all Department facilities to assist in determining the six institutions that would be selected for on-site inspections. The criteria that the ASCA team relied upon in making the final selections was how each facility ranked over the last eighteen months in the number of uses of force; the complexity, size, and predominant custody level of each facility; specialized inmate housing units at the facility; the geographic location in the state of each facility; and if the facility had been the subject of a high profile use of force event in the last three years. The ASCA team felt that it was important to choose facilities in each of the three geographic regions of the state to compare current use of force practices across the regions and, in particular, for the cultural examination.

Based upon the criteria listed above, the ASCA team chose the following facilities: Santa Rosa Correctional Institution in Region 1; Suwannee Correctional Institution, Columbia Correctional Institution, and Union Correctional Institution in Region 2; and Dade Correctional Institution, and Martin Correctional Institution in Region 3. Columbia, Santa Rosa, and Suwannee had annexes that were located close to the parent facility, so the ASCA team took advantage of that proximity and inspected those annexes as part of the review. The ASCA team believed that these six facilities and three annexes satisfied the selection criteria best and would give the examination team an opportunity to accomplish the goals and meet the requirements listed in the scope of work.

FLORIDA DEPARTMENT OF CORRECTIONS USE OF FORCE ASSESSMENT



Schedule of meetings with Department officials at their offices in Tallahassee – June 9-11, 2015.

The schedule for the ASCA team June 9-11 Tallahassee meetings is listed below:

Tuesday, June 9

Ricky Dixon, Asst. Secretary of Institutions

Meet with IG's Office and the Use of Force Office (UOF) staff to view UOF videos, learn the UOF report process, review UOF reports, and get insight into UOF issues within the Department from their perspective.

Wednesday, June 10

Randy Tiff, Regional Director, Region 3

Eric Lane, Regional Director, Region 2

Sam Culpepper, Regional Director, Region 1

Richard Comerford, Director of Institutional Operations

Wes Kirkland, Chief of Security Operations

ASCA team meeting to discuss information gained and develop strategies of on-site inspections.

Thursday, June 11

Department Training officials to review curriculum for pre-service and in-service training modules relating to use of force.

Department Information Technology (IT) officials to go over previously requested information of the six selected prison sites designated for inspection by the ASCA team.

Ricky Dixon; Richard Comerford; Wes Kirkland; Jeffery Beasley, IG; Dottie Ridgway, Deputy General Counsel; to discuss proposed changes to the use of force policy.

FLORIDA DEPARTMENT OF CORRECTIONS USE OF FORCE ASSESSMENT



ASCA team meeting to discuss final details in preparation for the on-site inspections.



Section II

Scope of Work



Scope of Work

The discussion in the May 19, 2015 meeting centered on the areas of inquiry in the original scope of work for the project: (1) a **UOF Policy** review to determine if the current policy is consistent with best practices of other state correctional agencies; (2) a review of **Facility UOF Procedures** to determine if the procedures are in line with the current governing policies, the effectiveness of those policies, and whether staff are following the policies; (3) an assessment of **Facility Culture** to determine the formal and informal cultures at the facilities that are selected for review, and also to identify the values, beliefs, and norms of the staff and, if those values, beliefs, and norms are in concert with the agency's mission and core values; (4) a review of **Staffing** to determine if the staffing levels, staff accountability, and staff training are adequate to meet the agency's primary mission of maintaining a safe and secure environment for both staff and inmates; and (5) an assessment of **Security Operations** to include staff and inmate supervision, disciplinary and grievance procedures, searches and contraband control, video surveillance, inmate movement, plant maintenance, key and tool control, and any other operational area for adequacy.

The on-site inspections were scheduled and completed as follows:

<u>Wilkinson-Thomas ASCA Review Team</u>	<u>Inspection Dates</u>
Columbia C. I. and Columbia Annex	June 22, 2015
Suwannee C. I. and Suwannee Annex	June 23, 2015
Santa Rosa C. I. and Santa Rosa Annex	June 28-29, 2015
<u>Bayer-Scott ASCA Review Team</u>	<u>Inspection Dates</u>
Martin C. I.	June 22-23, 2015
Dade C. I.	June 24-25, 2015
Union C. I.	July 6-7, 2015

ASCA Review Team members interviewed the warden or acting warden at each facility, the assistant wardens, the colonel, the major, and the captains on duty on each of the two shifts. Also interviewed were IG investigators, training coordinators, and all personnel involved in processing UOF reports. Lastly, the ASCA Review Team spent one-on-one time with lieutenants, sergeants, and



correctional officers on each shift. Many of those employees had previously been UOF participants.

The ASCA Review Team members also spent time observing facility operations and incidentally, had contact with inmates and staff that are not listed as formal interviewees in this report. Staffing documents were reviewed, UOF equipment and supplies were checked and verified as functional, internal facility specific documents that related to the scope of work were studied, surveillance equipment was examined, post orders relating to important security functions were reviewed, and all ancillary support area operations were observed for efficiency and the level of support provided to the institution.

Additionally, time was dedicated to an examination of staffing, both security and support areas, to see if there was a direct correlation between staffing levels and UOF events. It should be noted here that all inmate healthcare services are contracted out to private vendors who are responsible for maintaining appropriate staffing levels and properly credentialed personnel to meet the needs of the specialized populations at each of the facilities inspected.

The ASCA Review Team studied and analyzed a large number of documents prior to the facility visits, while on-site, and as part of the report writing at the conclusion of all the on-site inspections.

Florida Department of Corrections UOF Reduction Efforts

As mentioned previously, the discussions with Department officials at the Tallahassee headquarters centered on the agency's UOF reduction efforts. The agency, in late 2014, began to implement a series of actions that were devised to "push down" to the lowest levels of the agency, the "zero tolerance" stance the department was emphasizing in regards to inmate abuse and excessive or improper force.

In the Fall of 2014, the agency's secretary, deputy secretary, assistant secretary of institutions, and the deputy assistant secretary of institutions visited all Department facilities and met with senior management and mid-level supervisors about staff misconduct and mistreatment of inmates. The purpose of these visits was to strongly reinforce the agency's vision and values and emphasize the department's "zero tolerance" of any inmate abuse or excessive force. This leadership message from the very top leaders of the agency was the first step in trying to cease any and all illegal or improper actions by staff toward the offender population.



Each warden was then responsible for meeting with his/her facility personnel to deliver this message from headquarters and stress the importance of its' adherence by every employee at the institution.

The agency formed a Discipline Action Review Team (DART) consisting of persons representing the Department Executive Leadership Team, Human Resources, and Employee Relations counsel. This group meets weekly to review all punishments recommended for use of force or abuse policy violators. This review team ensures that punishments to staff are dispensed in a consistent and appropriate manner.

In January 2015, the agency's deputy assistant secretary specifically ordered all wardens to instruct staff that when a UOF is imminent and time allows, staff should activate the Incident Command System (ICS) prior to the application of force. Activation of the ICS will bring other security personnel in the area to the scene on an emergency basis in order to show force and reduce the possibility that a UOF event will occur.

In addition, a tracking system was developed to monitor UOF incidents and identify UOF trends at each facility. The three regional directors and each warden review these numbers monthly. The same individuals also screen all allegations of abuse and excessive UOF monthly.

The agency developed and implemented advanced training to security, medical, and mental health personnel that emphasized de-escalation techniques in critical situations. The focus of the training is on interventional personal communication with an inmate(s) prior to any application of physical force.

The ASCA Review Team reviewed each of these reduction efforts and found them to have great merit. The agency should continue to develop these efforts and make them a permanent part of the department's overall goal of eliminating any unnecessary or illegal uses of force.



Section III

Findings Related to Major Areas of Inquiry



Findings Related to the Major Areas of Inquiry

Review of the Current Department UOF Policy

One of the first priorities of this project was reviewing the UOF policy and assessing its' consistency with widely accepted practices of adult correctional agencies nationwide.

The UOF policy of the Department has its origins in Florida statute 944.35, entitled "Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties." This statute is very prescriptive compared to other states' statutes. It is unique in this regard. Laws in other states tend to give justifications for using force and allow much discretion to the correctional authorities in developing specific rules to fit their jurisdiction, facilities and mission while ensuring the safety of offenders, staff and ultimately-institutional security. Not only does the Florida statute contain the instances where force is authorized, but also it contains the parameters and the criminalization of Custodial Sexual Misconduct.

Specifically, Florida law allows force to be used in the following instances:

1. *To defend himself or herself or another against such other imminent use of unlawful force;*
2. *To prevent a person from escaping from a state correctional institution when the officer reasonably believes that person is lawfully detained in such institution;*
3. *To prevent damage to property;*
4. *To quell a disturbance;*
5. *To overcome physical resistance to a lawful command; or*
6. *To administer medical treatment only by or under the supervision of a physician or his or her designee and only:*
7. *When treatment is necessary to protect the health of other persons, as in the case of contagious or venereal diseases; or*
8. *When treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death.*

Florida Department of Corrections regulation FAC 33-602.210 is the comprehensive UOF policy for the agency and provides authorizations for the use of reasonable and lawful force. They include:



1. *Defend themselves or others from actions that are likely to cause injury or death;*
2. *Prevent the escape of a convicted felon from the custody of a correctional institution, any facility where an inmate is not permitted to depart without authorization, or as necessary to gain custody of an escaped inmate;*
3. *Prevent the escape of an inmate during transport or while outside a correctional institution or facility;*
4. *Prevent damage to property;*
5. *Quell a disturbance;*
6. *Overcome an inmate's physical resistance to a lawful command;*
7. *Prevent an inmate from inflicting any self-injury or from attempts to commit suicide; or*
8. *Reasonably restrain an inmate to permit the administration of necessary medical treatment.*

In reviewing the policy, other jurisdictions' rules and practices were considered, including, but not limited to Texas, Nevada, Alabama, North Carolina, Minnesota, Ohio, California and the Federal Bureau of Prisons. These policies contain certain common components and guided the ASCA Review Team. Most policies include instructions/directives to staff in a number of key areas including: definitions of UOF, authorization for using force, types of equipment (lethal and less than lethal), proper documentation, tactics for confrontation avoidance and de-escalation, reporting procedures, provision of medical care and methods/procedures for after action review or processes for reviewing the overall UOF in a particular instance.

Comparatively, the Florida policy and the statutory authority, is quite comprehensive, detailed and is sufficiently adequate to inform all staff members of their responsibilities. In many areas, the Florida policy is consistent with widely accepted practices across the country. The one exception would be the overall reliance on the use of chemical agents: however, there are numerous safeguards within the policy to prevent the unwarranted and excessive use of chemical agents. The deliberate use of Crisis Intervention Training (CIT) for Psychological grade 2 (S2) and higher inmates and the commitment to cease the use of chemical agents on inmates with mental health diagnoses are just two examples and are positive steps in safeguarding inmate and staff safety. At all levels of the agency it is readily apparent that a thorough review of the UOF policy is welcomed and there exists impressive commitment to improve the policy and practice of using force legally and appropriately.



It is the conclusion of the ASCA Review Team that the Department Use of Policy, in its current form, is overall consistent with widely accepted practices nationwide.

It is also critically important to stress that in accordance with the instructions of Secretary Jones, the policy is undergoing review to incorporate changes that will improve accountability and raise awareness of "Zero Tolerance" for inmate abuse and excessive force. These changes must proceed in a fashion that complies with Chapter 120, Florida Statutes, and the Administrative Procedure Act (A.P.A.). After conducting interviews with staff, extensive review of documents and thorough site inspections, the ASCA Review Team concurs with the following suggested changes and recommends that the department move forward in codifying these elements into administrative code as soon as practical.

Recommendations

- Defining the term "CIT" as an important skill in dealing with mentally ill inmates.
- Require the officer in charge (confinement lieutenant, close management (CM) lieutenant, or shift supervisor) to determine the Psychological classification grade of the involved inmate. Should the Psychological grade be S2 or greater, a qualified mental health professional shall go to the inmate and provide crisis intervention, attempting to de-escalate the situation and prevent any UOF.
- Require that should the involved inmate be a Psychological Grade 2 or higher and a qualified mental health professional is not available, an officer or staff member trained in CIT shall speak with the inmate and use the training provided in his/her CIT training in an attempt to de-escalate the event and prevent any UOF. This officer or staff member shall be uninvolved in the event(s) that gave rise to the possible UOF.
- Clarify that when an inmate refuses to relinquish control of the cell's food/handcuff port cover or does not allow the staff member to close the cell's food/handcuff port cover, the event shall be considered an organized UOF and subject any further actions to Paragraph (3) of the policy. This addition would require a video camera to record the events. This recommendation was presented to the ASCA Review Team in the preliminary May 2015 meetings with senior officials of the Florida Department of



Corrections. The team studied this proposal and found it to have great merit. This proposal is just one example of how proactive the Department officials are in remediating any use of force issues that could present future problems.

- Clearly specify that an inmate subjected to chemical agents cannot refuse to participate in the decontamination process (i.e., cold water shower).
- Amend Paragraph 12(k) of the UOF policy. This provision requires the Office of the Inspector General (OIG) to notify the warden when any officer is involved in eight or more UOF incidents in an eighteen-month period. Although well intended, the ASCA Review Team does not believe this practice is the most effective way to detect and prevent excessive UOF or events that may lead to an excessive UOF or abuse. The interviews, incident observations, and interactions with staff on all levels indicate that measuring reactionary UOF incidents is a more effective tool and will lead to more effective monitoring of correctional staff.
- The ASCA Review Team concurs with the recommendation for a referral to the warden when any employee is involved in *three* or more reactionary UOF incidents in a *six*-month period of time.
- Amend Paragraph 9(n)(2) (e) of the UOF policy. This section does not require video recording when an inmate ceases disruptive behavior after receiving a final order but later resumes disruptive behavior on the same shift. The ASCA Review Team finds it valuable if the disruptive behavior and any organized UOF, including the use of chemical agents, is recorded in compliance with Paragraph (3).

Findings Related To UOF Procedures And Review Process

The second task for the ASCA team was to discern if the agency's use of force procedures are in line with current governing policies, are those policies effective, and is staff following the policies?

There was significant discussion regarding reactionary versus organized uses of force, the reporting process, compiling the UOF packets and their subsequent reviews, UOF training, the role of IG staff, use of chemical agents, force used on mentally ill inmates, and more.



It was clear to the ASCA Review Team, based on their independent evaluations, that there was no systemic malicious, intentional, or even reckless disregard for the policies relating to UOF that were discernible during our inspections. From interviews conducted at the selected sites, there was not any indication of widespread intentions to use force unnecessarily or improperly.

The following are examples of how the staff is correctly applying the policy in actual events within their facility. The Departmental Policy creates several mandatory safeguards *prior* to the UOF, which are worthy of being discussed and are useful to the process. Initially, prior to any organized use of chemical agents, the security staff is required to determine if the inmate has any pre-existing medical conditions that might be exacerbated or aggravated by the exposure to a chemical agent or another device. The policy requires the shift supervisor to review the "Risk Assessment Use of Chemical Restraint Agents and Electronic Immobilization Device" (Form DC4-650B) prior to the application of any UOF. Regulation 33-602.210(1) is in practice at the facilities; this policy is being adhered to consistently and with great caution. All the staff interviewed revealed that they pulled the inmate file in the Close Management (CM) unit to view the DC4-650B and verified this information by calling the facility health care unit and having the nurse review the most recent form in the medical record.

Team inspectors had the opportunity to be present during a cell extraction at the Union Correctional Institution. The inmate had his cell door window covered and was verbally threatening that "he had steel" and was going to hurt someone. Under normal circumstances, this would have been an initial use of chemical agent scenario for safety reasons. However, staff reviewed the inmate's medical information and based upon a history of seizures they instead chose the option of a cell extraction team. The inmate was removed from his cell, provided with an Emergency Treatment Order (ETO), which is an injection of a depressant, and then moved to an isolation management room, which they refer to as SHOS (Self-Harm Observation Status). This was a good practical example of how the process is supposed to work.

The agency has also been very deliberate in providing specialized training. Crisis Intervention Training (CIT) is being provided to better equip the staff in relating to those inmates with mental health illnesses and aids staff in de-escalating and resolving conflicts.

Florida regulation 33-602.210 (12) (b) calls for a review of facts relating to a Use of Force (UOF) by the respective warden and the Office of the Inspector General (OIG).



This review process is a major component of the UOF policy and was examined closely during the visit to the Department Central Office. Personal interviews of staff within the UOF Unit and the review of UOF packets, including video footage, were helpful in understanding the process.

This process was also closely examined during site visits. Representative groups of staff having a role in completing an Incident Report (DC6-210) and involved in any way in processing the Report of Force Used (DC6-230) were questioned about the process and their responsibility/actions in the process. The reporting, review, and compilation of documents are tedious processes. Regardless, the reports are given considerable attention.

The facility staff's procedures for complying with Paragraph (12) (b) were closely examined and staff were questioned regarding steps taken to ensure a thorough and complete review of UOF incidents. The leadership at the facilities has developed a systematic method of reviewing the forms included in a UOF Packet along with the Report of Force Used (DC6-230), Incident Report (DC6-210), Emergency Room Record (DC4-701C), and Witness Statement (DC6-112C). Commonly, a series of staff review UOF and incident reports as soon as practical following an occurrence: warden, duty warden, assistant warden, colonel, and major. In accordance with the policy, designated staff are carefully reviewing written reports, medical records, documented times events occur and checking these times against the video footage.

Based on the ASCA Review Team's on-site visits, the leadership staff at the visited facilities is aware and cognizant of the need to monitor UOF. They are paying very close attention to the details and want to identify problems at the facility level before it gets to the IG's office. The leadership staff appears genuine in wanting to handle their problems. This is creating an environment where staff knows performance and compliance with policies are being reviewed carefully. This level of review does not appear to be affecting the performance of their job, but it is clear to staff that they will be punished for excessive UOF and other security violations. As an indicator of the completeness of the contents of the UOF packets, investigators have confidence that the UOF packets are complete and contain the necessary videos to assist in the evaluation/investigation of an incident.

In the interest of getting a better snapshot of the types of UOF incidents and injuries, the ASCA Review Team examined 41 UOF packets provided by the Santa Rosa facilities.



Several observations about the review of these packets are noted below. These observations are made to enable the appropriate staff member to review these practices and determine the frequency of these occurrences and any corrective action they deem is necessary. These observations are:

Medical records: "Emergency Room Record" (DC4-701c) forms are required to be attached to Form DC6-230, "Report of Force Used." (See generally 33-602.210 UOF rule.) The warden is also required to "ensure that Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, are included in the review of all uses of force and also forwarded with the rest of the required documentation to the OIG - UOF Unit." In reviewing UOF incidents at the facilities, staff stressed the importance of comparing the details described in the "Report of Force Used" forms and the "Witness Statement Form" (Form DC6-112C) to the video footage from available fixed wing cameras and any hand held camera. Another crucial step is to analyze the details described by those involved in the use of physical force to those injuries documented by medical personnel and also consider any claims or allegations made by the inmate, either verbally or in writing. In this review, the quality of the medical examination and the documentation associated with this care is critically important.

In reviewing UOF packets, most of the DC6-112C "Emergency Room Record" (DC4-701C) do not contain or follow the more traditional SOAP format for documenting assessments. The acronym SOAP means Subjective Data, Objective Data, Assessment, and Plan. For example, the use of the SOAP format is recognized, described and utilized in areas of mental health treatment within the Department. Specifically, Technical Instruction No. 15.05.18, entitled Outpatient Mental Health Services provides these guidelines for the writing of SOAP notes:

"Subjective data: The reason for the clinical encounter, for example, Inmate was seen at his request or Inmate seen by referral of medical staff for HIV counseling. Subjective data may also include what the inmate says that leads to identifying a problem, assessment of progress, or establishing a need for treatment or other action.

Objective data: What the clinician observes (hears and/or sees) that leads to identifying a problem and its severity, ruling out a problem, assessment of progress, or establishing a need for treatment or other action. This includes but is not limited to inmate behavior, symptoms,



relevant history, verbal and written reports from other staff, i.e., what others observe. Any clinical encounter that is intended to monitor or evaluate an inmate's mental status must result in observations being made under O in, at least, the following areas:

1. Appearance
2. Behavior
3. Orientation
4. Mood/affect
5. Perception
6. Thinking (including suicidal/homicidal ideation)
7. Vegetative functions (e.g., number of meals eaten per day; number of hours of sleep per night; bowel function)

Included in this section is information pertaining to lab tests and reports, an assessment of response to treatment (e.g., improvement of target symptoms), and documentation of any side effects of medications (whether these were noted by the clinician or were reported by the patient) as well as any education provided by the mental health practitioner.

Assessment: A judgment of subjective and objective data by the clinician, which includes a specific diagnosis, if indicated, comparison of current status with previous status relative to problems and goals (if reporting progress on the ISP) verification of a specific problem, or ruling out a problem.

Plan: What the clinician did to resolve the problem, if it was resolved during the session, and/or what the clinician will do to help resolve the problems/needs, issues pending for the next therapy session(s), a listing of medications prescribed linked to their respective target symptoms, lab tests requested, and referrals made to other providers shall also be included.



The SOAP method of documenting healthcare assessments is a key component to accurate record keeping in a correctional setting. This method allows any reviewer, especially in this litigious environment, to see and feel the medical complaints presented, to be able to follow the treatment plan ordered, and know the nature of the complaint. It best enables the reviewer to know the complete set of medical facts.

In reviewing UOF packets, the "Emergency Room Record" form itself provides little freedom to follow the SOAP method. This form requires the medical personnel to provide a "description of occurrence." They provide little subjective information about the inmate's own comments/statements concerning the cause of his injuries or the nature/extent of injuries. For example, this portion of the assessment form, "description of occurrence" most frequently states, "UOF/spontaneous" – "I/M became combative & was placed on floor" – "S/P Chemical U of F." The records reviewed appear to be comments made or information conveyed by correctional staff to medical personnel when presenting the patient for treatment/care. Recordings of subjective information with history or testimony of feelings in the patient's own words were not in the records reviewed by the team. Subjective data should also include what the inmate says that leads to identifying a problem, assessment of progress, or establishing a need for treatment or other action. As mentioned above, "subjective data may also include what the inmate says that leads to identifying a problem, assessment of progress, or establishing a need for treatment or other action." Such recordings are essential in piecing together the puzzle of whether a UOF was excessive. In addition, the courts have routinely examined "the extent of injuries inflicted" as one of the factors in deciding if the level of force was unconstitutional. These medical records forever record the "extent of injury."

Paragraph 12(a) of the policy requires "all inmate statements (subjects and witnesses) shall be made in writing using form DC6-112C, Witness Statement." Although the policy does not require a time limit to complete these statements, in several instances these statements were not completed in a timely manner (occurring in 13 of 41 files reviewed). In one instance, the witness statement was dated thirteen days after the incident. Admittedly, there will be instances where mentally ill inmates and inmates engaged in self-harm are not capable, stable or it would be inappropriate from a medical or mental health standpoint to write a statement.



Secondly, from the UOF packets reviewed, inmates frequently declined or refused to provide a written statement on the form provided (DC6-112C, Witness Statement). This is true even in instances where the inmate verbally alleged excessive UOF on camera.

The provision for the inmate to provide a statement is an important component of the policy. With some improvements, it can be another avenue for inmates to present their grievances and complaints to officials at the facility level, and beyond. It has the ability to contribute to a healthier institutional environment. This is mentioned merely to raise the question as to whether the inmate population is aware of the opportunity to write a statement and their degree of knowledge about the review process. It raises the question as to whether inmates feel safe in describing the incident, even in scenarios where they may share some culpability. Also important, is for inmates to know the importance of providing their rendition of the incident to those officials involved in the UOF review process. The inmate population should recognize this process as a trustworthy method for airing their complaints and an important step in developing confidence in the staff or "the system" to fairly and fully investigate their allegations. Timely submission of written statements by inmates and other inmate witnesses is an essential part of the review process. These statements should be completed in a timely manner so that the warden and other critical staff can appropriately evaluate them in their overall analysis of evaluating an incident.

Statements from other employees or officers who witnessed or participated in the application of force are important documents to be considered in the evaluation process. These statements can substantiate the need for the UOF, describe the amount of force as compared to the need for force and support the officer's account of the incident. In reviewing UOF packets, nearly all of the witness statements (recorded on DC6-210) show little, if any, more detail about the sequence of events, need for the UOF, or the actions taken by those involved. Most witness statements included vague statements such as, "I witnessed the UOF but did not participate." These statements do not provide any details or inform the reader what the witness personally observed. Such statements do not corroborate any version of facts and are not the best method of documenting a witness' personal knowledge of an incident. A more descriptive account of an event is of greater value for an incident that might be legally questioned years from the event.

In reviewing UOF packets, the Shift Supervisor's/Department Head's comments were evaluated. There appeared to be frequent use of "boilerplate language" that was conclusory and provided little insight into their personal observations. These



statements lacked a descriptive narrative of their personal actions during the UOF, especially in organized UOF incidents when chemical agents were applied or an extraction team was utilized. Comments such as "only the minimal amount of force was used to quell the disturbance and overcome inmate John Doe's physical resistance to a lawful command." Likewise, written statements on the Incident Report (DC6-210) of the shift supervisor were frequently conclusory. One in particular read, "This UOF was utilized to overcome Inmate Doe's physical resistance to a lawful command. Proper UOF and cell extraction procedures were followed." Plain, descriptive language is more helpful.

The Florida Department of Corrections regulation 33-602.210(10) (g) authorizes officers to apply lawful and reasonably necessary physical force to "prevent an inmate from inflicting any self-injury or from attempts to commit suicide."

According to the 2013-2014 Report of the IG's UOF Unit, they reviewed 7,379 cases and 935 of those were for "preventing suicide." In 2012-2013, 907 of the 6,357 UOF cases were for preventing suicide. These numbers indicate that instances, labeled by correctional staff as "attempted suicide" or "self-injurious behavior", are occurring frequently. Interviews of staff indicated the frustration of dealing with inmates who engage in acts of self-harm and also the difficulty in determining whether the behavior is actually "attempted suicide." For instance, at Santa Rosa Correctional Institution, a DC6-230 described an incident as follows:

"alone in assigned cell...was being issued a final order on video to submit to restraints for reassignment to a different dormitory when he tied his shirt around his neck, stood on the toilet, and tied the shirt to the sprinkler head in an attempt to hang himself...inmate _____ was ordered to cease his actions. Inmate _____ refused and continued his attempts at self-harm."

Following two applications of the chemical agent, the inmate ceased his actions of self-harm and force was discontinued.

In another incident at Santa Rosa, chemical agents (OC) were administered when an inmate in his assigned cell was "beating his head on the rear wall. Inmate ____ was issued several orders to cease his actions of self-harm and he refused all orders given." After the incident, the inmate wrote on the "Witness Statement" (DC6-112C) "I was beating my head on the wall because I want to be mobbed" (sic.)

It is recognized that these two incidents alone are not a representative sample. They serve as examples of scenarios where the lines between self-harm behavior



and attempted suicide are blurred. These incidents also reflect the difficulty for staff in responding to an inmate inflicting “any self-injury” or an attempt to commit suicide. The Director of Mental Health Services, Dr. Dean Aufderheide, expressed a concern for situations where it was difficult to determine whether force was used to overcome a resistance to a lawful command or to prevent self-harm. For instance, what is the case when an inmate had a sheet tied around his neck and the other end of the sheet in his hand? Typically, it appears this type behavior would be labeled as an attempted suicide in the MINS system, possibly increasing the number of incidents classified as “suicide attempts”.

Secondly, it would justify the correctional staff to use force because of a resistance to a lawful command or to prevent the harm.

The ASCA Review Team has some concern over the practice of using reactionary UOF to prevent self-harm or attempts at committing suicide, particularly for those with mental health issues. After conducting site tours, staff interviews, and the review of documents, including Survey Reports from the Florida Correctional Medical Authority, the ASCA Review Team defers on making any recommendations for major change to the policy of using chemical agents on those who are engaged in acts of self-harm or are attempting to commit suicide. Concerns regarding the level of staffing currently dedicated to providing mental health services and the difficulty in recruiting and retaining staff, particularly psychiatrists, are the primary reasons for this concern. Staffing issues frequently impact essential mental health services, such as conducting interviews of S2 and S3 inmates within one business day of the UOF incident to evaluate a higher level of care needed, (upgrade to psychological grade), maintaining accurate healthcare documentation, core competency of staff and administration/documentation of psychotropic medication and non-compliance.

One exception would be for the ASCA Review Team to recommend a clarification and greater definition within the UOF policy to the term “attempts to commit suicide.” Additionally, clearer guidelines for when self-harm behavior rises to the level of justifying reactionary less than lethal force would be beneficial. These minor modifications could be stressed in upcoming in-service training sessions.

Prior to implementing changes to the UOF or Suicide and Self-Injury Prevention policy (404.001), the ASCA Review Team believes it is essential to properly quantify and collect better data on incidents of self-harm and the UOF. With a better understanding, responsive policy and practice changes can be made to decrease instances of self-harm and impact the number of UOF instances.



Recommendations

- Require the incumbent healthcare providers to document all medical and mental health assessments by using the SOAP method of medical records documentation.
- Require DC6-112C form "Witness Statement" to be completed by the inmate within a specified time frame from the actual UOF incident (possibly three working days). Should justifiable circumstances exist that prevent a statement from being given, documentation should exist for the reason for the delay.
- Provide or ensure there is proper education to the inmate population of their ability to provide a written statement following a UOF and how this statement will be considered by the warden and others. This education can be included in the orientation to the facility or even the CM units.
- Provide instruction and training to Shift Supervisor's/Department Head's so their comments on the (DC6-210) contain descriptive accounts of their involvement and observations in a UOF incident. "Boilerplate language" or conclusory statements on the DC6-210 should not be utilized.
- Witnesses who have personal knowledge of the events surrounding the incident should be required to describe their observations in detail. Merely stating they "witnessed but did not participate in the use of force" is not helpful in any post event review or helpful in aiding the witness (or a fellow officer) should they be required to refresh their recollections years after an event.
- Provide a clarification within the UOF Policy by creating a more precise definition of the terms "any self-injury" and "attempts to commit suicide."
- Provide clearer guidelines for when self-harm behavior rises to the level of justifying reactionary less than lethal force would be beneficial.
- If such changes are incorporated, provide detailed training instruction on these areas within the "UOF" Instruction or lesson plan on "The Role of Security in Mental Health Inpatient Units."



The Use Of Force Unit

Established in 1999, the UOF Unit is responsible for reviewing all incidents involving the UOF at state and private correctional facilities, and those involving probation officers, to ensure compliance with established rules, procedures and statutes. When this unit was established, two field officers were transferred into the OIG to establish UOF Unit. Since then, one additional investigator position has been approved. At the time of the interviews, there were two vacancies in the unit that required one individual to complete a comprehensive final independent review of all UOF incidents submitted throughout the system.

To accomplish this mission, the UOF Unit independently reviews and evaluates all UOF incident reports, associated documents and videos as required from each correctional facility or office. Evidence indicating possible procedural violations, inmate abuse, excessive/improper/unauthorized force, or battery by staff is referred to Investigations. This review is based upon receipt of a completed Management Information Notification System (MINS) report (see below) that is usually generated by the institution, but can also be the result of a grievance that is filed by an inmate that will also automatically generate a MINS report. Because of the ability for more than one person to generate such a report, there are instances of duplication of investigative efforts since only those who file the report can view it below the UOF Unit, and they cannot search for a case file since the IG's Investigative & Intelligence System (IGIIS) automatically generates a case number based upon each MINS it receives.

The Department began the development of the Management Incident Notification System (MINS) in FY 1999/2000. The purpose of this system is to give management timely information on incidents while providing details not reflected in the initial report to the Emergency Action Center (EAC) outlined below. MINS replaced an inefficient e-mail system that had been used for reporting incidents to the OIG. Unlike the e-mail system, MINS also has a data system feature to allow for the retrieval and data reporting of incidents in a data file. The following chart reflects UOF incidents reported to the Unit in Fiscal Year 2013-14 (retrieved from the OIG Annual Report) and demonstrates the kind of data that can be extracted from the MINS data files that are now maintained in the OIG:

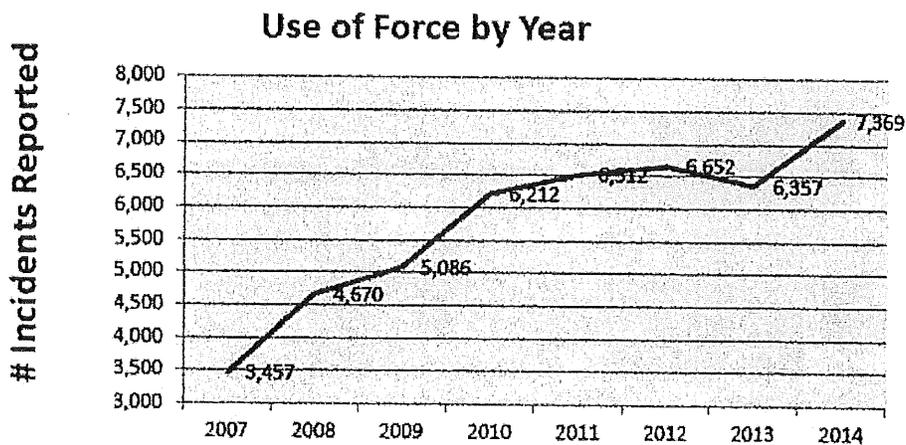
FLORIDA DEPARTMENT OF CORRECTIONS USE OF FORCE ASSESSMENT

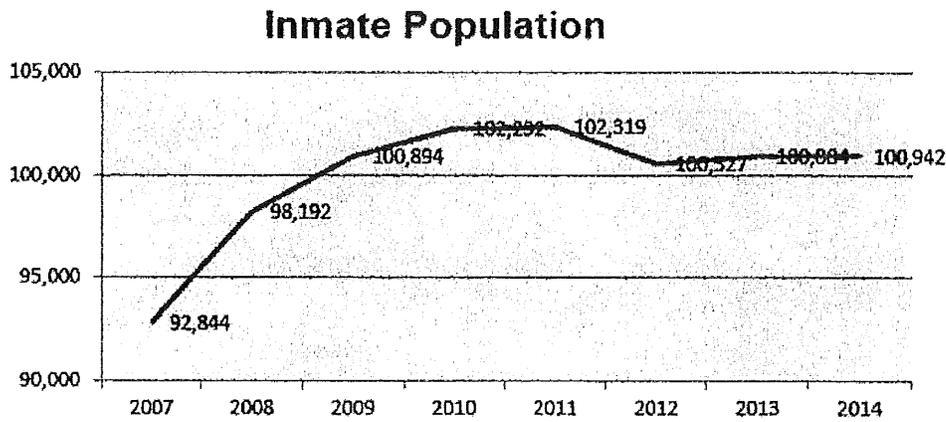


Classification	Reason Force Was Used	Number
27A	Self Defense	733
27B	Escape/Recapture	4
27C	Prevent Escape During Transport	3
27D	Prevent Property Damage	144
27E	Quell a Disturbance	2,402
27F	Physical Resistance to a Lawful Command	2,831
27G	Prevent Suicide	935
27H	Restrain Inmate for Medical Treatment	48
27I	Cell Extraction	215
27J	Mental Health Restraint	9
27K	Probation & Parole Handcuffing	0
27O	Other	45
TOTAL		7,369

Source: MINS for 07/01/2013 to 06/30/2014

The number of UOF incidents reported increased between 2007 and 2012, rising more than 90% in five years, along with the increase in inmate population. The number of UOF incidents decreased by 4.4% in Fiscal Year 2012-13. *The reduction in the UOF incidents was a result of change in Florida Administrative Code. Effective December 16, 2012, Chapter 33-602-210, F.A.C. no longer required four/five point medical restraints without force to be reported as a UOF incident.*





As illustrated by these two charts, UOF incidents increased approximately 16% in the Fiscal Year 2013-14, while the inmate population increased less than 1% in the same period. The department identified some precipitating factors perceived to contribute to this rise including the closing of nine facilities, mandatory increased vacancy rates for institutions, increases in TEA recruits, and a rise of inmate on inmate, and inmate on staff assaults.

The team reviewed UOF policy and procedure as well as actual documentation in active MINS reports. The team also reviewed a number of video disks that were forwarded as part of several MINS packets.

A brief description of the MINS coding itself is relevant to this discussion. The MINS is a reporting process that was developed in-house using the Disk Operating System (DOS) that was written for the x86 IBM-compatible computers from 1981-1995. There were other iterations including adaptations for Windows 95/98/ME, but it is safe to say that DOS is an extremely old computer programming system that was phased out of the industry before many of the correctional staff were born. It is not compatible with Windows, and that is a crucial element to be discussed later.

The report itself has a series of data fields and all the staff has to do to complete the report is fill in each required data field. The report contains the basic information from the incident report including the date of the incident and boxes to check to demonstrate that each element of the Department policy was followed. The fact that the report must be typed and that there is a simplified acknowledgement through



checked boxes explains to some degree why there is concern that the reports are a "boilerplate" response.

Concurrently, a video disk is also "burned" from the handheld cameras if it is a planned UOF and from the fixed wing cameras located within the institution. These disks accompany the MINS report and the report is signed each step of the process. There are tight time frames associated with the reporting structure as outlined in the policy and evidence suggests that staff take this very seriously and meet the reporting requirements.

The Emergency Action Center (EAC) is defined in UOF policy 33-602.210 as "the unit located in Department Central Office charged with receiving reports regarding serious incidents such as riots and escapes from all Department facilities and reporting the information to the proper authorities. This unit also receives requests for criminal histories, warrant confirmations, and offender location requests from law enforcement agencies throughout the United States." A referral to the UOF Unit (MINS) can also begin with information received by the EAC.

Assembling, reviewing, and finalizing the UOF reports is a time consuming process. It represents a significant commitment from the Department and is seen as essential in the assurance that progress will be made to 1) reduce the UOF incidents, and 2) determine appropriate administrative steps when inappropriate UOF is determined. Having said that, every effort needs to be taken to further streamline the process to free staff to be more productive in other areas of their employment. Wardens and assistant wardens need to have time to lead and manage and cannot increasingly be required to review lengthy case files and video tapes.

During onsite interviews, several common themes surfaced with the inspector staff:

1. The rapidly increasing caseload was comprised of many cases that staff knew from the outset would not be accepted for prosecution. They were simply cases that would go nowhere but still had to be taken through every step of the investigative process. There was no definitive way to discriminate between serious cases, and in those cases where all the facts were already known would not result in administrative action.
2. The number of MINS investigations is increasing based upon cases that inspectors think should not go forward.
3. Inspectors provided example after example of cases that could, and should, be finalized without going through the entire process over and over. These



"administrative investigations" are cases where the inspector knows the answer but still has to go through the entire investigative process.

4. The current data entry system was cumbersome and repetitious requiring a lot of retyping, cutting and pasting of documents from the MINS reports, etc. The files get copied along with the disks at a number of different points in the process and this repetition of efforts is a serious source of frustration for field inspectors.
5. The inability to focus in on local cases that needed resolution, such as contraband control.
6. Duplication of efforts is also a concern. In one inspector's discussion, he was aware of 24 duplicate investigations that are going on with just his caseload.
7. Caseloads have increased dramatically in the last four-to-six months. In one district, the average inspector had 20-30 cases pending resolution and currently the average is above 300%. There is a concern that the inmates have realized they can overload the system and this is resulting in MINS reports and CIG# letters for investigations.
8. Although a congenial relationship seemed to exist between the inspectors and the wardens, there was actually very little sharing of information that went on. Thus, institutional staff was almost always ignorant of investigations, the status of investigations, etc.
9. The inspectors do not receive annual specialized training. They attend the 40-hour block of recertification training required by the FDLE of all certified correctional staff and in most instances that is the extent of their ongoing training unless they are willing to spend their own money for special training they feel they need to enhance their future chances for promotion.

In trying to assess the effectiveness of the UOF reporting process, and its relationship to the staff acceptance of the message the Department is trying to get out, there was a constant concern that not only had the message gotten out to all the staff but that there were fears that staff might be putting themselves in some physical danger as a result of their hesitancy to use force for fear of disciplinary action or losing their job.

Recommendations

The team recognizes that some of the recommendations made in this section will have a significant fiscal note. Therefore, the overall recommendation would be for the Department to prioritize these recommendations and consider implementation as part of the long term strategic plan as funding is available.



- The UOF Unit is insufficiently staffed as a result of the changing demands from the increased focus on force reporting and an expansion on what kinds of UOF need to be formally reviewed to a final resolution. MINS data documents that the UOF incidents has risen 90 % in the last five years. In a single reporting year, 2014, the increase approximated 16%. Unless there are changes made regarding how the Department handles the documentation and definition of UOF incidents, it is clear that the present staffing of the investigators who review the reports must be augmented. Accordingly, the ASCA Review Team recommends two additional FTE positions for this unit. Currently, the unit has three authorized FTE positions and based upon last fiscal year's data, this unit reviewed approximately 7,500 incidents.
- The MINS system needs to be rewritten in a Window's based environment that is user friendly and scalable. The MINS report could be incorporated as a section in the IGIIS system since that system has to generate the case number. Credentials should be controlled to insure that only the MINS report could be entered and an automatic case number generated. Then there would be no need to retype the original information into the IGIIS. If that is not an acceptable solution, merely updating the DOS based MINS system to a Windows based program would allow a much wider range of adaptability, exception reports, compression of data, etc.
- Reconsider how UOF incidents are reported. There appear to be many examples of UOF that are minor in terms of merely meeting basic criteria without any substance or policy issues present. Issues that are procedural in nature (noncompliance) or where facts are known could be handled without a complete investigation. At some administrative level (perhaps the warden), there should be some mechanism to assign a lower priority to insure that the extensive reporting process does not need to be followed to administrative exhaustion. This would reduce the considerable amount of valuable supervisory and investigative time spent on what one investigator referred to as "investigations to nowhere".
- New audio/video technology needs to be developed to allow the storage, access, and transfer of entire MINS reports through digital media. Currently the video clips must be downloaded to disk and in some cases that can be a minute for minute time transfer. Presently, the UOF packets including the disks have to be sent via FED EX from institutions to the UOF unit at a



significant expense. Last year there were 7,500 cases. The savings from this expense could significantly fund changes in video transfer technology.

- Currently there is great emphasis on tracking the UOF but no evidence of data being maintained to document how often de-escalation techniques (CIT, etc.) work to avoid the UOF. Successful intervention statistics would help emphasize utilization and justify further efforts and training in de-escalation.

After a comprehensive review of the use of force procedures, the ASCA team concluded that the agency's use of force procedures were in line with the controlling policy, the policies were effective, and staff was routinely following the policy. The team did note some common procedural errors in completing the use of force documentation properly. The ASCA team also observed that in instances where staff committed violations of the policy, the facility administrators were handing out punishments commensurate with the violation.

Cultural Observations at the Inspected Facilities

One of the more challenging aspects of this review was to look at the culture of the Department as a whole. While it's clear that the agency has a Hierarchy or Bureaucratic dominant culture, the real test was to look deep into the lowest levels of the organization to try and identify subcultures that may be having a negative impact on meeting the agency's goals, mission, and vision. Specifically, is a subculture present within the agency that would lead certain employees to believe that they could abuse inmates with impunity? Additionally if that subculture exists how does the Department identify and eradicate it?

The Hierarchy Culture is best described as a highly structured work environment. All state criminal justice agencies are para-military in nature so it makes sense that the Department would also fall into this category. Prevailing laws, policies, procedures, and protocols really govern the decision making process in a highly bureaucratic organization such as this one.

With all this structure in place, how does the ASCA Review Team go about discovering any negative subcultures that are present within the agency. We began this task by interviewing the executive level administrators of the agency and worked our way down the chain of command to the most newly hired correctional officers at the institutions we inspected. The Department executive team and



Secretary Jones voiced very clearly their vision and goals toward making the agency a model of how to appropriately use (or not use) force in crisis situations. A series of unwarranted and illegal actions by certain employees that resulted in serious inmate injuries and one death has led the agency to take a critical look at their operations and how they can effectively change the organization to eliminate future employee malfeasance in any UOF event.

The agency's first move to effect this change was to create a strong message that incorporated the department's vision and goals. This message has since been carried by the executive leadership team to the regional directors and wardens. The regional directors and wardens were then tasked with the responsibility of taking the message to the rank-and-file employees at each of their respective institutions. The message was delivered down the chain of command in a very clear and concise manner that allowed little room for misunderstanding.

In fact, when the ASCA Review Team questioned all employees that were formally interviewed about Secretary Jones' message, every employee acknowledged that the message was delivered. However some employees thought the agency had gone too far and were "coddling" the inmates. However, the large majority of employees embraced the message and agreed that it was the right direction for the agency to move.

It is very important for the Department executive administration to continue to push this message in a positive way. Hearing the message from the very top administrators within the agency allows employees to gain an understanding that this new way of doing things is not going away. By utilizing the top administrators as "change agents" on a frequent basis, the agency can have assurance that the message will remain a top priority among all institutional staff.

Recently, Secretary Jones met with a group of captains in a training session and spoke directly to them about her message. The ASCA Review Team applauds this action. Her direct delivery of the message unfiltered by anyone in between on the chain of command is the best method for demonstrating the importance of compliance in this critical operational area and the priority she places on it.

At this point in time, with all the scrutiny from the media, the legislature, and the secretary's office of the Department any employees who are part of a negative subculture and would act with impunity against inmates are concerned, at the very least, that they will lose their jobs; and at the very worst, they will be prosecuted for a felonious act. The high level of scrutiny on this issue will probably make those



negative subcultures dormant until such time as they feel free to act again. It will be a challenge for the agency to identify potentially abusive employees and remove them from service. The agency can continue to neutralize improper or illegal actions by these employees by keeping the scrutiny level on this issue at a very high level.

Consistent and appropriate disciplinary sanctions administered to employees who violate the UOF policy or have been found guilty of inmate abuse is another important step in eradicating negative subcultures that might exist. A Discipline Action Review Team (DART) composed of executive level Department officials was created by the agency to do a weekly review of all punishments recommended for UOF or abuse policy violators. This review team ensures that punishments to staff are dispensed in a consistent and appropriate manner. If rank-and-file employees observed unequal or disproportional sanctions, it could breed mistrust and suspicion in the system and diminish the impact of the positive changes that the Department is striving to achieve.

The DART reviews accomplish two goals. First, the institutional employees recognize that abuse and UOF violators will come to the attention of the top administrators of the agency, and secondly, the consistently applied disciplinary sanctions will allow the employees to gain trust in the system.

With a geographic region as large as Florida, moving the institutional culture in a positive direction is difficult. Frequent changes in leadership at the warden and secretary level have contributed to these difficult challenges. At the Columbia facility, there have been four wardens in the last two years. While inspecting the Suwannee, Martin, Dade, and Santa Rosa Correctional Institutions, the ASCA Review Team discovered that each facility had experienced a warden change in the last twelve months.

Warden changes, especially on a regular basis can be a cause for concern. Having to second guess what the "new" warden requires can be challenging for rank-and-file employees. In addition, frequent change in leadership has an impact on the culture of the facility and the ability for staff to grow cohesively toward common goals. Thirdly, frequent changes at the warden's level increases the probability that informal subcultures among the correctional officer, sergeant, lieutenant and captain ranks develop separate and apart from the leadership of the facility. Stability at the warden's rank will increase the opportunities for advancing a positive culture and one in line with the mission and direction desired by the Department executive administration.



Another important factor involved in establishing a culture within a specific facility is how stressful the work environment is on a daily basis. Staff at each of the facilities inspected generally disclosed to the ASCA Review Team concern regarding the high concentration of special needs populations; i.e., , CM, psychiatric, and protective management at specific institutions. These populations, especially in high concentrations, are the most difficult groups to manage. These groups also account for the highest probability of potential UOF events. Senior supervisory personnel at the CM facilities fell short of saying they felt they were being “dumped on,” but it was clear, without additional staff, they believed their duties were being made more difficult.

The facilities selected for inspection were chosen because they had higher UOF rates than other facilities within the department. When facilities are densely populated with predominantly the highest security inmates in the system, staff that become stressed and need relief from that high pressure environment have few or no options to be reassigned to other areas of the facility that are generally less stressful. The ASCA Review Team noted that 107 correctional officers at the Suwannee Correctional Institution and 110 correctional officers at the Union Correctional Institution met the threshold of having participated in eight or more uses of force in the last eighteen months. These numbers are staggeringly high when compared to the overall total number of authorized positions allocated to each facility. At the Union C. I., 28.8% of the staff of 382 met the threshold, and the Suwannee C. I. had 32.8% of 326 staff meeting the threshold.

These high-pressure assignments, without a break to decompress, results in frustration and negative feelings among the staff that are constantly being called upon to participate in UOF events. These frustrations and negative feelings lead to the establishment of a negative subculture within an institution. It should also be noted that many of the male correctional officers expressed resentment that female officers making the same pay got the less stressful job assignments while the males were always called upon to do the “heavy lifting” for the facility. A review of the daily staffing documents confirmed that the correctional staff assigned to be on the emergency response teams for the shifts was almost exclusively male. As previously noted, these resentments can cause negative feelings to root and grow into a negative subculture.

A telling example of how correctional staff will go to great lengths to avoid being assigned to high pressure, stressful work posts was found by the ASCA Review Team at the Union Correctional Institution. The facility had seven vacancies for sergeant



that the warden was having trouble filling. When highly-tenured, experienced correctional officers were interviewed by the ASCA Review Team, the correctional officers said without reservation that they would not apply for promotion to sergeant because it meant an automatic assignment to the in-patient psychiatric unit (U and V Dorm) where the inmates were considered very difficult to manage and the large majority of UOF events at the facility occurred in those two housing units.

The ASCA Review Team recognizes that the shift captain is a critical position within the facility and often sets the tone for his/her shift. Captains are shift commanders with a lot of responsibility. Captains are the direct link between the agency and facility administrators, and the line correctional staff. They are the best positioned individuals to influence the line correctional officers in a positive way and to recognize those staff members that might abuse their authority.

One innovative method used by the agency to develop appropriate leadership skills for these captains is the creation of a "Captains' Academy." As of June 2015, approximately 190 of the over 300 captains had received this leadership training. This type of training is perfect for the secretary and her core leadership team to meet mid-level supervisors in small groups, interact, and stress the important initiatives of the secretary's office. These specialized training sessions are a great opportunity to get a critically important individual with a lot of influence with correctional officers to "buy in" to the secretary's message. Captains that are supportive of the new initiatives regarding UOF and abuse are much more likely to use their influence with the staff in a positive way. Conversely, if the agency detects that a captain is not supportive, he/she should be removed from service before they can have a negative impact on the culture of the institution where they are assigned.

In addition, sessions on leadership and fundamentals of correctional supervision can be taught and discussed openly. Because of the critical duties of the shift captains, particularly, at high security prisons, standardizing a Captains' Academy could be significant in preparing them to better manage their shifts and later, promotion opportunities. Assigning staff to posts, maximizing communications, completing required paperwork, counseling and evaluating staff (especially TEAs and other newly hired), assigning teams such as cell extraction and CIT could be skills an "academy" for them could enhance.

After completion of our analysis, the ASCA Review Team is confident that the agency's push to positively change the prevailing culture within the facilities is having the desired results. The team made this finding based on extensive interviews and observations at the inspected institutions. Every employee



interviewed knew about the mandate from the Central Office to only utilize the least amount of force to gain control of a situation and only when other non-physical interventional methods have failed. The majority of employees interviewed agreed with the mandate and were in full support of the initiative.

The team found no systemic negative subcultures on any of the inspected facilities. Team members reported that a small number of correctional employees interviewed expressed doubts about the agency's initiative. Those doubts were most often characterized by the employees as "coddling" inmates. The few doubting employees should be carefully monitored by facility administrators and line supervisors to ensure that their negativity does not grow into an informal subculture that becomes pervasive among other employees at the institution.

In general, the ASCA team found that the values, beliefs, and norms of the formal and informal cultures at the institutions inspected were in concert with the agency's mission and goals.

Recommendations

- Stabilize the frequent transfers at the Warden's level.
- Serious consideration should be given to reducing the density of the higher security populations at the facilities where they occur in order to give the wardens more opportunities to reassign staff experiencing burnout to other less stressful posts for a decompression period, and at the same time, make the institutions easier to manage.
- Facility administrators should mandatorily rotate correctional officers out of high stress assignments on a pre-scheduled basis.
- Provide a formalized training/leadership program for newly appointed Wardens. Recognizing and dealing with cultural change should be a major emphasis of this training.
- Continue to promote a clear and consistent message from the Department executive administration down the chain of command that the agency will have "zero tolerance" for employees who use improper or illegal force or abuse inmates. The agency should reinforce this message at every training session that occurs for correctional and managerial staff.



Findings Related to Staffing, Staff Accountability, and Training

The ASCA Review Team spent time at each of the selected facilities looking at uniformed and non-uniformed staffing positions. The team reviewed master and daily staffing rosters to determine how well each facility was able to operate with the staff allocated. Interviews were also conducted with senior-level administrators at each facility that were knowledgeable about the daily staffing routines. The ASCA Review Team was informed at the preliminary meetings with senior Department officials in Tallahassee prior to the inspections that all facilities were operating

[REDACTED]

Level 1 staffing was confirmed at each of the sites that were inspected. When all of the Level 1 staffing slots could not be filled, the wardens were authorized to pay overtime to fill the vacant slots. Some facilities were able to manage overtime through volunteers while others used a combination of volunteers and mandatory overtime. Mandatory overtime is exactly what it sounds like. Officers were mandated to work overtime without volunteering to do so. The facilities that utilized mandatory overtime did so from a rotational list so that no officer worked more mandatory overtime than any other officer of equal rank. The ASCA Review Team did not note any excessive use of overtime by the wardens at the selected sites.

The ASCA Review Team also learned in the preliminary meetings in Tallahassee that the agency has approved and designated more than 600 correctional officers to work in posts at the facilities that were not part of the authorized staffing component at the institutions. Most of the 600 plus correctional officers working in non-authorized positions are in these posts:

ACA/PREA Coordinator,
Disciplinary/UOF Coordinator,
K-9 officer,
Lock & Key/Arsenal Officer,
Motor Pool Officer,
Recruiter,
STG Officer,
Entrance/Exit Search Officer,



Tool Control Officer,
Security/Administrative Support Officer, and
Program Security Officer.

The ASCA Review Team acknowledges that these posts are necessary to maintain an efficient operation, as well as a safe and secure environment for the inmates and staff. However, each one of these officers that work in a full-time, non-authorized post takes away from the warden's ability to utilize those employees in staffing the authorized positions.

Determining appropriate levels of uniformed and non-uniformed staffing needs at any institution is a lengthy and complicated process. The staffing assessment team must understand the specific mission of each institution as a basis to begin the evaluation. The assessment team must account for every required activity and accurately gauge the amount of staffing needed to safely carry out each of those functions. The assessment team must ensure that staff coverage is adequate for every security post within a particular institution each day on a 24/7 basis. More intensive staffing levels are required for higher security/custody inmates.

For instance, it matters a great deal whether the facility has a specialized population with higher security needs than other lower security level institutions may require. Specialized populations that have high security needs are CM, in-patient psychiatric, death row, and all segregated groups. Minimal staffing levels at facilities that have specialized populations requiring higher degrees of supervision is not a recipe for success.

The sites selected for this UOF review all had specialized populations. The ASCA Review Team noted with concern that the staffing levels in these facilities on both shifts were lower than the team felt comfortable recommending. The ASCA Review Team spoke to many of the officers working in these specialized housing units and found them to be frustrated, burned out, and weary of working in such stressful conditions. Officers with those characteristics often make poor decisions in times of crisis.

In-patient psychiatric housing units are very difficult to manage under the best of circumstances. The inmates that are housed in those units are generally impulsive and act out, sometimes physically, against the staff and other inmates. It is critically important that the employees who work with this specialized group of offenders understand that often times the mental illness of a particular inmate drives the action that the untrained correctional officer mistakes for violent acting out against



staff. For that reason, it is imperative that all employees working with this population undergo specialized training in managing this group to better understand how to cope and successfully balance each inmates' treatment needs with the overall order and security of the institution. The ASCA Review Team is satisfied that the Department has in place a curriculum of specialized training for security staff assigned to the mental health housing units. Assigning untrained staff to work in this very special environment is dangerous and can lead to undesired results.

Temporary Employee Authorization status employees (TEA's) are used extensively in the institutions that were visited. A TEA is an employee who is still pending formal hire once the Basic Recruit Training (BRT) is completed and the prospective correctional officer passes the State's FDLE corrections examination for competence. They are also referred to as "non-certified employees" in some policy statements. In addition to the BRT, these TEA employees are required to complete a formalized New Employee Orientation (NEO) training for 40 hours. The annual in service training requirement of 40 credits is prorated as to when they are hired and those training credits are completed as well. A discussion with staff from the Bureau of Staff Development & Training indicated that the TEA's receive their NEO as soon as they are hired and then they immediately go to their BRT. In some cases, they go to the BRT and then attend the NEO immediately upon return to the facility.

Currently there is an aggressive effort to fill every position. In the previous years, institutions had to maintain vacant positions in order to transfer salary savings to institutional maintenance. Secretary Jones has changed that practice and the institutions now have institutional maintenance funding in their operational budget that frees the institutions to reduce the vacancy gap. As a result, there will be times when the TEA's do not receive their BRT for a number of weeks. As an example, a review of the Union C.I. roster information shows 29 TEA's in the BRT academy with 25 TEA's waiting to be scheduled. The TEA's awaiting training are placed into positions that do not require weapons or are in positions that do not allow contact that would result in the UOF. This is particularly important since they have not yet completed any defensive tactics training. Certainly, having a backlog of untrained staff is not the perfect situation. However, when institutions are operating at level 1 staffing, every resource must be utilized. The institutions are doing their very best to comply with Department policy and create a safe environment for both staff and inmate.



At many levels, additional staffing would increase the productivity and efficiency of the operation. The OIG is just one example. In addition to more resources needed in the UOF Unit, additional Inspectors are needed. At one facility with a difficult mission, a high concentration of Psychological Grade 3 inmates and concerns with contraband, there is an open Inspector position. At three facilities (Columbia, Suwannee and Santa Rosa) all Inspector caseloads have suddenly grown. At Columbia, caseloads have increased within the last 4 to 5 months from 6 or 8 to 46 open cases. With an increase in the number of Inspectors, they could be more proactive than reactive. They would have time to search out and conduct intelligence gathering instead of working high caseloads of "inquiries."

There has long been a debate among correctional experts as to whether an 8-hour shift or a 12-hour shift works best in a correctional setting. Many state correctional systems have partially or totally converted to 12-hour shifts for line staff working in prisons. Some years ago the State of Florida transitioned all of their adult correctional institutions to 12-hour shifts. The advantage for 12-hour shifts for line staff is the shorter work week and every other weekend off. This schedule is very popular with a large percentage of correctional workers. The 12-hour shift schedule is also appealing to state correctional administrators and legislators because of the staff savings that are accrued by eliminating the difference in the positions it takes to staff three 8-hours shifts versus two 12-hour shifts.

The ASCA Review Team took an in-depth look at how the 12-hour shift schedule might impact the number of UOF events at the facilities that we inspected. The ASCA team noted and observed that the agency supplemented the line staff in the high security housing units during peak hours. Every ASCA team member came away from the inspection tours thinking that the 8-hour shift might be a better option for the Department executive administration to consider. This conclusion was reached independently by each inspector based on personal observations and interviews with staff working in the CM or in-patient psychiatric housing units. In our interviews with staff working in the "pressure cooker" environments of CM or psychiatric in-patient housing units many admitted to being stressed, weary, and frustrated on a daily basis. Many of these employees are required to routinely participate in multiple planned UOF events as well as some reactionary events. Cumulatively, these pressures build up in staff and can cause impaired judgment resulting in bad events that may directly contribute to that officer or another officer or inmate being exposed to injury. The agency should also consider the long-term effects on the health of the line staff constantly working in this environment. It is logical to assume that staff that is experiencing burnout will make poorer decisions resulting in more UOF events.



The agency may wish to look at only transitioning to 8-hours shifts on the facilities that are densely populated with difficult to manage inmates and keep the other facilities on the 12-hour shift schedule. With a number of Department facilities within close proximity of each other, staff would have an option of working at a facility with 8-hour shifts versus one on the 12-hour shift schedule.

Both uniformed and non-uniformed staffing positions at the inspected facilities appeared to be less than the ASCA team felt was appropriate. However, completing a comprehensive staffing assessment and making a definitive determination was difficult because the team only reviewed nine of the 49 facilities within the department, every facility was operating under "Level 1" or minimal staffing deployment, and over 600 correctional officers were assigned to non-authorized posts. The team also reviewed the adequacy of staffing for field inspectors and the Use of Force Unit in Central Office since they play a key role in the examination of use of force events. The team came up with the consensus opinion that staffing levels were too low for each of those groups to effectively manage their caseloads.

Staff accountability was gauged by the ASCA Review Team to be good. Accountability was a subject that was discussed with every employee interviewed by the team. Both supervisory and line staff agreed that the chain of command was being followed routinely. A review of the number of employee disciplines and the severity of the charges led the team to concur that each facility inspected was well within an acceptable range given the size and complexity of the institutions.

Recommendations

- The agency should undertake a comprehensive, detailed staffing analysis for all Department facilities and the non-facility departments that support all institutional operations. These studies are highly detailed and require a great degree of roster research, interviews, and the development of a good working knowledge of each institution.
- Place a priority in filling the vacant inspector positions and increase the number of Inspectors.
- It is recommended that the 600 plus non-authorized positions currently being utilized as temporary assignments be made permanent with specific funding to support those posts. The ASCA Review Team understands that



this is a legislative function and cannot be unilaterally decided by Secretary Jones.

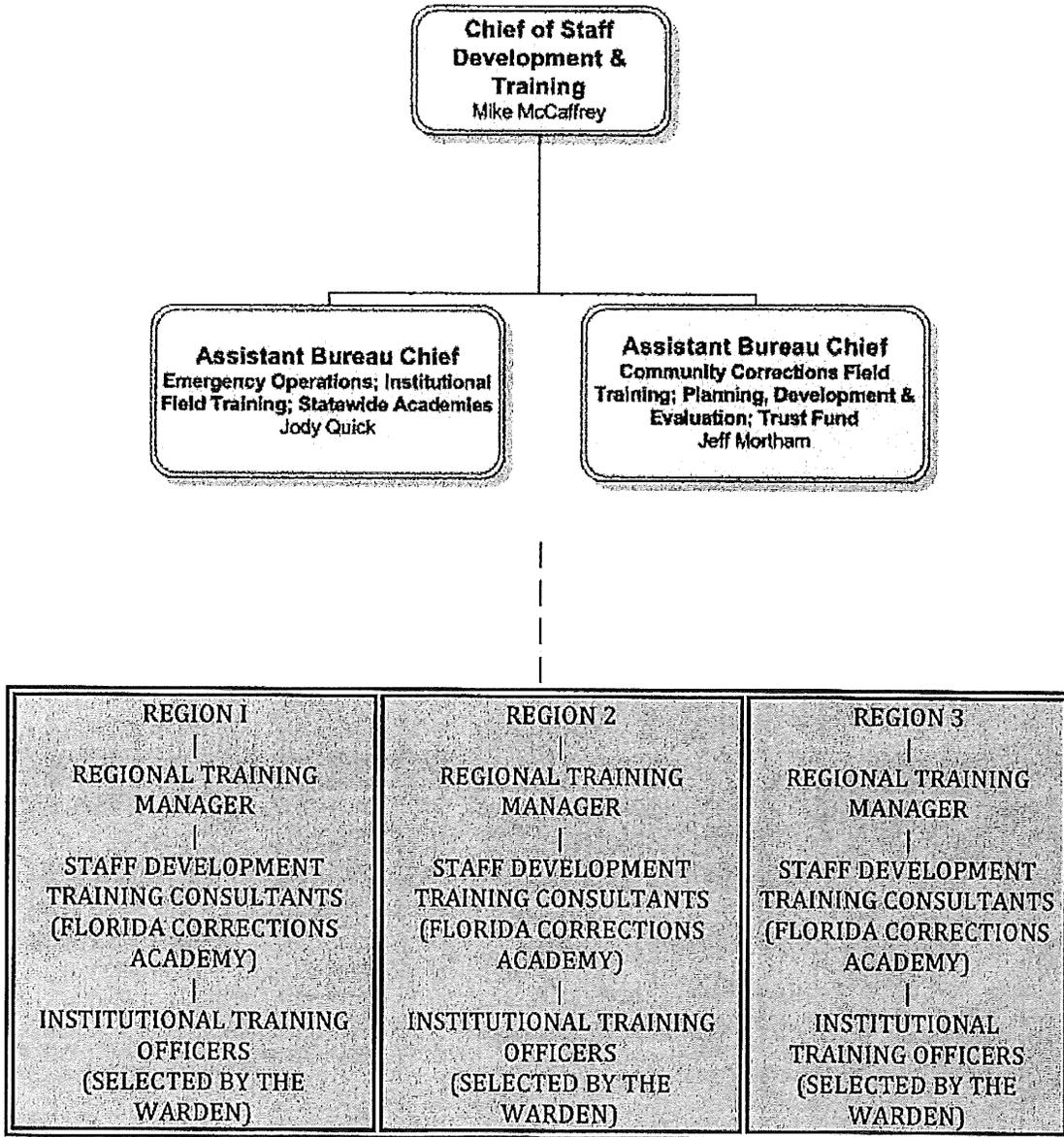
- The agency should give serious consideration to reverting back to 8-hour shifts on facilities that are densely populated with high security/custody inmates. The ASCA Review Team is concerned at the levels of stress observed from the staff working in those areas. The transition back to an 8-hour shift from the current 12-hour shift could make a significant difference in the overall quality of each officer's work.

Staff Development and Training

The ASCA Review Team had the opportunity to spend two hours with Bureau Chief Mike McCaffrey and Assistant Bureau Chief Jeff Mortham during the three days of interviews at the Department central office in Tallahassee. In reviewing the training capacity and effectiveness of a correctional system, there are three key elements to assess: Department policy, Department training in the policy, and the front line supervision efforts to insure that there is consistency between the policy, the training, and the actual ongoing practice in the facilities. In doing so, it is crucial that there is a complete understanding of the training process between the Department Central Office and the institutional staff.



The organizational chart for the Bureau is represented below:





This chart identifies three regional training manager offices that correspond to the three Department institutional regions. Each regional training manager's office supervises regional Florida Law Enforcement academies in each of the Department regions, which are supervised by a regional training manager. Each academy is staffed with a number of staff development training consultants and this level of staffing provides the interface with the Florida Department of Law Enforcement (FDLE). As relayed by both a training consultant and a training sergeant, any institutional training issues are sent to the regional office for discussion and subsequent reference to the Bureau for a decision. This regional staff also has access to the FDLE's Automated Training Management System, so they can input the participation of staff in all of those training efforts tracked and sponsored by the FDLE. This academy provides BRT as well as any specialized training funded by the Criminal Justice Standards and Training Commission Trust Fund (TCTF). The institutional training officers participate in quarterly training advisory meetings at the regional office and communicate with each other and the administration through these sessions.

The Bureau of Staff Development and Training is funded through the Criminal Justice Standards and TCTF as well as some departmental funding. The fund can only be used for advanced and specialized training, excluding the BRT that lasts eleven weeks and the annual in-service training (IST) that includes 40 credits of training.

Any training that is paid for out of the trust fund must be tied to learning objectives provided by the FDLE. That is another limitation to the development of emerging policy issues that require immediate training reinforcement. Any training supplies (e.g. defensive training mats, defensive weapons, training manuals, etc.) that are purchased for TCTF funded advanced and specialized classes are not supposed to be used for BRT or in-service training that results in the wide practice of sharing training supplies between institutions as needed.

As a result, during the last fiscal year anything that could not be paid for with TCTF fund dollars was paid for out of general revenue from one of the other program areas (primarily institutions). All training schools (which are what correctional training schools are considered) previously received \$67 per certified staff. This approximates \$1.2 million that is only used for advanced and specialized training. This does not include basic recruit or in-service training.

According to Mike McCaffrey, during fiscal year 2013/2014, this funding was reduced to \$40 per officer or \$715,000. This fiscal year funding has returned to \$67. Each year the Department works with institutions and community corrections to



determine their training needs and then a Master Plan is published for the year. The training is delivered through a combination of Department staff from the institutions, private vendors, and Bureau staff. Currently, this trust is funded through a very unstable source of court assessments (speeding tickets and other non-criminal traffic violations). According to Chief McCaffrey, the legislature has approved a special four million dollar supplement this year that resulted in the increase to \$67.

E-Train (Employee Training Records and Instruction Network) is a relational Web-based learning management system that replaced the existing mainframe STARS training records management system in 2005. According to the Department Annual Report 2005-2006, this new relational database was supposed to be "a more versatile application than its predecessor by providing both an on-line training course delivery environment and a training scheduling, tracking, and completion component. It also provides robust relational reporting features to assist staff in compiling and analyzing training- and instructor-related data."

Another aspect of this program is that some staff is allowed to take the actual training classes "online" over the intranet rather than having to attend the class itself. While this element of the program can be very helpful to deliver training in a cost efficient manner, there are also potential problems in terms of what classes are allowed to be taken online. UOF retraining is an example. UOF is one of the classes that upper level staff can complete via computer access and the individual can just skip to the test and get credit for the class. This is one of the reasons why In Service Training is documented in credits rather than actual training hours. In at least one academy, the students can also just read the module that is on the intranet and then take the exam when ready. Since this training module has not changed for a very long time, interviews indicated that many staff would just skip to the test and finish that portion of the training. The team feels that UOF retraining is so important to the agency mission that it should not be relegated to any form of online recertification. If it is presented in person, the lesson plan can be easily updated to insure that staff receive the latest vision of the Department and ensure that only the most current policies are reviewed and tested for understanding.

Corrections students cannot be employed as a correctional officer in Florida unless they complete a BRT course and subsequently pass the FDLE certification exam. The BRT can be done by private vendor (community colleges) or by the Department staff through in-house academies. The content, however, must be identical.



The total hours for this private vendor training was compared to the Department training offered at the Florida Correctional Academy in Suwannee and the total hours for each line item of training were identical. It is noted that the testing for each of the training topics is included in the total hours of instruction. Following the 11 weeks of BRT, the trainees are then returned to the institution for the new employee training reflected in the private academy schedule as 60 hours of "Return to Duty Station" training.

In addition to the basic training provided to new hires and the 40-hour new employee training, staff is required to complete a mandatory of 40 credits of in-service training (IST) each year. There is also a Field Training Officer (FTO) 40-hour program that exists in a variety of training structures from institution to institution. In reviewing the available documentation at the institutions, the Department is doing an exceptionally good job in assuring that all staff with the exception of those unavailable (on extended family leave, etc.) has completed their required FDLE training needed to maintain certification. There is significantly less participation in a bona fide FTO program, which is probably the result of all of the facilities operating at level 1 staffing, the minimum accepted staffing level to operate a facility. This level of staffing is a result of ongoing budget constraints and the historical difficulty in hiring and retaining staff.

There appears to be some disconnect in communication from top-level staff down to the training officer. For example, one training officer was not even aware of the name of the Chief of Staff Development and Training Bureau. This institutional training officer was additionally unsure of whether the staff at the Florida Corrections Academy was a Department employee, an FDLE employee, or a private contractor. This lack of understanding was what precipitated a phone interview with one of the regional training staff. In reviewing lesson plans it was noted that in one facility the NEAR lesson plan (*Neutralize, Empathize, Actively Listen, and Resolve*) was an active course, while the training officer at another facility indicated that it was no longer on the active Master Training Plan. All of the lesson plans are written by Central Office staff and then distributed down the chain of command and identified in the Master Training Plan.

Specialized training is funded by a special Criminal Justice Standards and TCTF. CIT is a bright star in the specialized training efforts of the Department in response to UOF training and de-escalation. There are also two additional programs associated with this CIT certification that are notable: 1) the "Two Second Drill" which is a two hour block offered subsequent to the basic CIT training, and 2) "Hearing Voices" which includes actual scenario training which simulates what a psychotic inmate



might hear while trying to deal with the reality that we observe externally. This training is done by mental health staff and coordinated with the institutions. The training goal is that 100% of the staff in the ten institutions that contain mental health units will complete this training. This is an admirable and aggressive goal and currently there is sufficient staff in the mental health units to provide CIT trained staff on most shifts for the institutions.

There are incident report writing classes included in the BRT and also provided in the in-service-training; but there is no specific training in how to write effective UOF reports that adequately let those who review the reports gain a clear understanding of the events that occurred.

This two-credit block does not require any competence in actually completing a report and does not specifically address how to write the UOF reports that are at the heart of this inquiry. One of the criticisms from the IG's staff is that the reports are all "boilerplate" responses written in correct "legalese" that addresses the department's policy and procedural requirements without really giving the reviewer a good picture as to what actually happened.

The current scenarios in the training plan are not inclusive enough. For example, the use of chemical agents if someone is threatening to self mutilate ("cut") is more effective to review in scenario training. It is difficult, at best, to prepare the officers simply by providing a narrative to read, study and test on. Currently, the UOF training for IST can be simply taken on a computer (read) and then tested through a series of online questions. In some in-service training programs, the staff is allowed to do the same thing but in a classroom situation. They read the material and simply do the test. Although in some instances these classes require what was referred to as "cheeks in the seats" attendance vs. online testing; training staff also indicated that in some institutions they merely show up, read what would have been read online via the intranet, and then take the completion test for credit. Again, this is why the in-service training portion of the requirements is expressed in credits and not training hours that suggest physical attendance and participation.

The department conducts a Captain's Academy for shift supervisors from across the state. This academy contains a component on use of force training presented by a regional director. The goal of the agency is to reach 100% of the supervisors at this level. Two additional classes are scheduled this fiscal year. Additionally, there are plans for lieutenants to also attend this academy. Some of the captains interviewed at the selected facilities were aware of this training effort and some were not. One



full-time training sergeant could merely indicate that she had "heard of it" and both field teams conducting separate interviews confirmed this scenario.

There is a Master Training Plan that lists the current fiscal year training topics and lesson plans. It is noted, however, that there are elective classes that institutions may or may not select for training. For example, there is a required course "Incarceration Management and Suicide Prevention" that some staff inappropriately refers to as "Osterback Training" because it arose from the settlement of the Osterback v. Moore litigation. Currently, this class is properly referred to as "CM/TCU Training" and the content includes responses to suicide attempts, self-mutilations, asphyxiations, etc. It is only required for Suwannee C.I., Union C.I. and Florida State Prison.

Staff training officers seemed to vary widely in their knowledge of the training function, their skill levels, and their training and institutional responsibilities. In some cases, the officers were full-time training staff; and in others, they balanced the training responsibility with institutional assignments as needed. Some facilities listed the training officer on the staff roster while others did not. (Compare Martin to Dade as an example). There were facilities with dedicated training areas and other facilities that did not have the luxury of that space. Some officers were unaware of how individuals were selected for training and none seemed to be cognizant of how the entire training function worked from Central Office to the front line. This lack of communication, policy and procedure implementation, and overall program design result in an inability to provide effective and efficient training department wide as discussed in the first paragraph of this section.

Recommendations

- The Bureau of Staff Development and Training is not organizationally positioned within the agency structure for maximum efficiency and effectiveness.

The ASCA Review Team recommends that the training function be given a higher profile and positioned closer to the top-level decision making and routine management discussions that occur in upper level meetings. Training needs to be at the front of policy decisions to insure proper policy implementation.

- It is recommended that the Bureau receive an annual operating appropriation for specialized training expenses either in addition to the



unpredictable court assessments or in lieu of that revenue stream, which would completely remove the unpredictability of funding for training. This would enable the Bureau to offer a more varied option of specialty training that would be more responsive to immediate policy needs on a year-to-year basis. This funding strategy would also allow the Department to purchase supplies that could be more widely used for other classes.

- Funding should be provided to ensure that the E-Train system can properly provide exception reports such as completed training requirements, scheduling, etc. that can be a result of input and output. This could simply be resolved by the creation of additional sub-routines in the program or it could require a more significant expense.
- Use Of Force training should be taught in a classroom setting by a live instructor. The curriculum should be updated whenever a change occurs to the use of force policy or the accompanying procedures.
- It is recommended that any certification training such as this be periodically refreshed through additional training on a pre-determined schedule (annually, every three years, etc.).
- It is recommended that the agency mandate that de-escalation training/techniques be given a high priority for instruction in both pre-service and in-service training programs.
- The ASCA Review Team recommends that the agency revise the current training curriculum to include specific training in UOF report writing. This revision should include a writing skills evaluation for each employee who takes the training. This revision should also emphasize that UOF participants write their reports in plain, descriptive words and phrases and not utilize or rely on "boilerplate" language that comes directly from the UOF policy. The training should also stress that when multiple officers participate in a common UOF event, each officer should independently write their report to preclude any suggestion of collusion.
- It is recommended that the "Captain's Academy" training be continued as a formal part of the training program with a well-defined training goal in mind.



- Managerial staff should be required to attend a refresher course in UOF training that is decidedly different from the yearly requirement for ongoing FDLE recertification. It should address those issues that are unique to management including legal issues, MINS, training responsibility, CIT, etc. The distinction between authorized UOF and necessary force, coupled with the concept of objective reasonableness, needs to be reinforced to those in the decision-making authoritative positions; and this will serve to more effectively change the institutional culture to embrace the new policy directions.
- It is recommended that the agency include more scenario-based UOF training on situations that correctional officers are likely to face routinely throughout their regular tours of duty.
- It is recommended that sufficient staffing be in place to insure that all new officers complete the full FTO program and that program be formalized to specify the program goals, objectives and specific skills to be learned.

As noted above the ASCA team did find some deficiencies in staff training relating to how specialized training was funded, the lack of de-escalation training in both pre-service and in-service curriculums, and the lack of instruction for correctional officers in the specific area of use of force report writing. The other deficient training areas noted in the report should be analyzed by the agency and given proper consideration for adoption.

The agency should move forward with the belief that for the new initiative on "zero tolerance" on illegal or improper UOF and abuse to take root and become ingrained as part of the basic culture of the department that training will be one of the most effective methods of instilling this message. Training touches every employee in ways that face-to-face meetings with employee groups cannot. Employees on their days off, on vacation, on sick leave, etc. miss the opportunity to attend the group meetings; and therefore, do not hear the message that the executive team wants and needs them to hear.

Findings Related to Institutional Operations

The ASCA Review Team spent time on each on-site inspection reviewing institutional policies and practices, post orders, disciplinary and grievance records/data, search practices for contraband control, video surveillance capabilities, key and tool control measures employed by the facility, armory



operations and armory equipment and supplies, and daily inmate movements activities. The ASCA reviewers found that the individual facilities inspected met national standards in all of these areas. For instance, post orders were detailed and customized to each individual post at the facility. The post orders were also reviewed on a schedule that allowed them to remain current with any changes directed at the facility, regional, or agency level.

Key and tool control measures were found to meet the agency's guidelines and provided adequate protections from these items falling into an offender's hands. The armories were well stocked with supplies and the inventories were current. All gas supplies were clearly marked with expiration dates and the armorers had records to indicate the safe disposal of expired products.

All institutional policies and practices surveyed were found to be in compliance with the controlling agency policies and practices. Once again these policies have frequent scheduled reviews to accommodate any updates that need to be incorporated. The ASCA team looked at inmate disciplinary and grievance processes/data and found those functional areas to be operating within the prescribed agency policies. Mass movements of inmates were observed by the ASCA teams. The movements were orderly and well supervised by staff.

The consensus opinion of the ASCA Review Team was that contraband control was weak within the institutions inspected with large amounts of cell phones, tobacco, and K-2 spice being the most often discovered items. Although less prevalent, currency and weapons are other contraband items that cause facility administrators great concern. Fights over cell phones, aggressive behavior when inmates are under the influence of K-2 spice, and drug overdoses that put lives at risk are all potential outcomes of contraband in the facilities.

Cell phones in prisons, especially high security institutions, can be very dangerous. The recent escape from a high security prison in New York State was partially facilitated by in-prison cell phone use. It was noted by the ASCA Review Team that Dade C. I., in particular, had an unusually high amount of cell phones within the compound. The facility administration believed that the contraband items were being thrown over the compound's double perimeter security fence and being picked up and distributed by inmates at the facility that had access to the areas where the contraband was being tossed over. The other facilities had contraband issues also, but seemingly not to the level of Dade C. I. The ASCA Review Team



██████████ both the persons throwing the contraband items over the fence and those inmates retrieving the items.

Although inmates are banned from having any access to any tobacco product, staff is not. They are allowed to bring tobacco through the Central Control Room, but are limited to one pack of cigarettes. Leadership staff admits that if inmates have cigarettes they probably got them from staff even though it is disallowed. One staff person indicated that one cigarette might sell for as much as ten dollars.

At times, there are mass shake downs of cell blocks to search for contraband articles. There is little doubt the impact of inmates possessing contraband can have on the orderly operation of a prison.

The ASCA teams noted that the number of searches by staff met the minimum requirements set out by agency policy, but in our opinion the search procedures did not do enough to successfully interdict the flow of contraband items into the institutions. This is an area that can be improved with additional staffing that would allow more searches to occur and improvements in technology that would assist the staff in identifying weak spots where contraband could be introduced. The searches entering the front entrances of the facilities were thorough and gave little opportunity for anyone entering through this portal to introduce contraband items.

Plant maintenance was found to be operating as well as could be expected with the budgetary limitations that the function experiences on an annual basis. It was relayed to the ASCA Review Team that until recently, correctional officer positions were intentionally left vacant to use those unused salary funds for institutional maintenance purposes. The agency was hopeful that the new state budget would remedy the maintenance budget shortfall and restore the dollars to a level that was adequate to manage the function without resorting to utilizing other budget lines.

It is important to note that the American Correctional Association (ACA), the nationally recognized accrediting body for state correctional systems, accredited all of the facilities inspected except for Dade. The ACA sends out a team of experts every three years to accredited institutions for reaccreditation purposes. Their inspectors judge every operational aspect of a facility's operation against national correctional standards. Dade C. I. is scheduled for an ACA inspection in August 2015 and fully expects to meet the accreditation thresholds.



ACA accreditation is important because it further substantiates the ASCA Review Team's opinion that these facilities meet and often exceed national standards in most of the institutional operational areas that were subject to this review.

Correctional officers are provided with a body alarm that must be activated by the officer, a portable hand-held radio, and either a MK-4 or MK-9 gas canister that is worn on the belt. [REDACTED]

The ASCA Review Team discovered that most of the correctional officers liked the hand-held radio assigned to them. However, the radio batteries have to be changed up to three times each shift to maintain operability. Some of the radios also had problems with the belt clip breaking. This caused the officers to either hold the radio or put it in their pocket. Neither of those options would be considered optimal in a high security prison where the officers need their hands free at all times.

Considerable discussion regarding equipment took place during the inspection visits. Conversations regarding video was the most concerning to prison staff. Presently, [REDACTED] analog cameras throughout the institutions inspected are referred to as "fixed wing." In addition to poor screen definition, they do not currently record audio. Of the facilities inspected only Dade C. I. had the audio feature installed in the high security inmate housing units. Both Dade administrators and the UOF Unit at the Department Central Office were highly complimentary of the audio feature and how helpful it was when reviewing UOF events for appropriateness. The audio feature added critical context for the reviewers that is missing in video-only UOF packets.

Medical/Mental Health Providers

One area of institutional operations that was formerly administered by the Department and is now a contracted service is the provision of medical and mental health care. The two contracted medical and mental health service providers are Corizon and Wexford. Prior to fully implementing the private contract for medical/mental health services, the Department employed 2,562 full-time employees to manage this function. Of the 2,562, approximately 2,400 were assigned to facilities to provide direct inmate care.



In 2013 the agency fully privatized all inmate medical/mental health care by awarding contracts to Corizon and Wexford. Corizon now deploys 1,714 full-time positions and Wexford has 410 full-time positions to manage the direct delivery of medical/mental health services to the offender population. Combining the Corizon and Wexford direct care employees, 2,124, and comparing that number to the 2,400 formerly deployed in direct care at the facilities leaves a reduction of 276 positions.

The ASCA team interviewed each warden about this topic and was told generally that the reduction in staff was not well received. The biggest complaint was that the private providers not only provided less staff, but they were very slow to fill vacant positions. The ASCA team learned that there was no financial disincentive for the private providers to fill vacancies in a timely manner. Most contracts for the provision of privatized services in correctional systems build in a fine structure if positions are not filled within a certain specified time period. These contracts lacked that provision so the private service providers in this case were not motivated to fill the vacancies.

The lack of the appropriate number of full-time medical/mental health direct care providers is a matter of concern. The ASCA Review Team experienced an opportunity to view the direct care mental health providers while inspecting the Union C. I. The warden at Union C. I. disclosed to the ASCA team that she felt the reduction in mental health staff had negatively impacted her facility.

Union C. I. has four housing units that have psychiatric in-patients. S Dorm is a residential treatment unit and accounted for 3% of the UOF events in a twelve-month period ending in May 2015. T Dorm, a CSU, accounted for 13% of the UOF events during the same time period. U and V Dorms, TCU, had 40% and 29% of the uses of force during that same year. During the aforementioned twelve-month period the inmates in these housing units had a combined 85% of the total uses of force for the entire institution.

The extremely high UOF rate in the psychiatric in-patient housing units at Union C. I. points to a problem with few good resolutions. U and V Dorms were constructed to house dangerous, high-security inmates that would have little programming because of their overriding security needs. Consequently, these two housing units have very little program space for the mental health workers to conduct any out of cell treatment programming. The intensive programming that these inmates require is very difficult if not impossible to achieve because of the physical design of



the structure. Clearly, these two housing units were not built nor designed to be occupied by in-patient psychiatric inmates.

The environment inside U and V Dorms was very chaotic and extremely noisy with the inmates constantly pounding on their doors for attention. When the ASCA Review Team later interviewed staff that worked in those two dorms, the staff admitted to high levels of stress and frustration. Most of the mental health workers worked regular business hours, 8:00 a.m. to 5:00 p.m., with weekends and holidays off. This left the staff to deal with this difficult to manage population without the benefit of having the mental health staff on site for extended periods of time.

Recommendations

- It is recommended that the agency survey all correctional facilities, giving priority to the higher security institutions, [REDACTED] of individuals who may be throwing contraband items over the fence and inmates who may be retrieving the items inside the fence.
- The agency should review the policy of allowing employees to bring tobacco into the secure compounds. It is a given that as long as this policy exists tobacco will be available to be obtained by the inmates. Any contraband item of high value such as tobacco can create a conflict situation that could result in a physical UOF event.
- The agency should critically examine the current personal body alarms carried by all employees for true functionality and adequateness.
- It is recommended that the agency review the type of replacement batteries currently being purchased for the hand-held radios. The broken belt clip issue should also be reviewed for a permanent resolution.
- The agency should give consideration to relocating the psychiatric in-patients from Union C. I. to a facility that is more conducive to their treatment needs.



- The agency should give consideration to cancelling the current contracts for medical/mental health services and reissue a Response for Proposal to service providers in the marketplace that would agree to contractual arrangements that would mandate certain staffing levels, certain levels of credentialed personnel, and penalties for non-compliance in the event positions that are vacant are not filled in a specified time period.



Section IV

Summary



Summary

In May 2015 representatives of ASCA met with Department officials, including Secretary Julie Jones, to discuss the logistics and time table for assessing and producing a report on the department's UOF policy, the procedures developed from the policy, and any cultural impact that may negatively affect how force is used by correctional staff at the agency's facilities. The agency also required the ASCA team to make a comparison of the current UOF policy and accompanying procedures against national standards. The department's desire was to have a group of experts review those areas and make recommendations that the agency could then use, coupled with their already ongoing initiatives, to eliminate to the greatest extent possible any further illegal, improper, or unnecessary force against the offender population.

Over the last five years the department has been the subject of intense media and legislative scrutiny and criticism because of several high profile UOF events that had very bad results. In the fall of 2014, the department began to take definitive actions that resulted in better tracking of every UOF event that occurred. This action really elevated UOF actions to the highest level of governance within the agency. With real-time concrete numbers and trends at their disposal, the executive administrators of the agency could act swiftly if they became cognizant of any developing UOF problems in the field. The regional directors and wardens also analyzed these numbers and trends in real time.

CIT was introduced to promote de-escalation of UOF events before physical force measures would be employed. Procedural changes were made to put more accountability in the review process. The Department executive team traveled across the state and met with all the wardens, regional directors, and other supervisory/managerial staff in the field to emphasize that the agency was adopting a "zero tolerance" policy toward staff found to be abusive and acting outside policy and procedural guidelines.

In early 2015, Secretary Jones authorized the agency to aggressively fill all the vacant correctional officer positions. She, along with her key executive staff, created a strong, clear message around the "zero tolerance" policy and have proceeded to ensure that the message continues to be pushed down to the lowest levels in the agency. It has been made clear to the ASCA team that this initiative is the agency's number one priority and they are resolute in changing the dynamics that allowed past abuses to occur.



Armed with that information the ASCA Review Team selected six facilities within the department for inspection. The criteria that the ASCA team relied upon in making the final selections was how each facility ranked over the last eighteen months in the number of uses of force; the complexity, size, and predominant custody level of each facility; specialized inmate housing units at the facility; the geographic location in the state of each facility; and if the facility had been the subject of a high profile UOF event in the last three years. The ASCA team felt that it was important to choose facilities in each of the three geographic regions of the state to compare current UOF practices across the regions and, in particular, for the cultural examination.

In June and early July 2015, six facilities and three annexes (Dade C. I., Columbia C. I., Columbia Annex, Martin C. I., Santa Rosa C. I., Santa Rosa Annex, Suwannee C. I., Suwannee Annex, and Union C. I.) were inspected by the ASCA Review Teams. Every operational aspect at each facility was examined, policies and post orders were reviewed, personal observations were recorded from touring the facilities, and many employees up and down the rank structure were interviewed. On one occasion, the ASCA Review Team got to observe a cell extraction at Union C. I. Every warden that hosted an ASCA team was very professional and provided the team members data specific to the institution. All employees interviewed were aware of the emphasis being placed on proper and accountable UOF methods. Most employees that we interviewed expressed agreement with the changes. Almost all employees that we interviewed had been to the CIT and had used the techniques learned at that session to de-escalate a potential UOF event. Those employees who had not personally used the CIT techniques had observed other staff successfully defuse potentially explosive situations by using the lessons learned through CIT training.

Each of the facilities inspected were clean, sanitary, orderly, and well maintained. Searches of the ASCA team members were thorough and in compliance with the department's search policy. Every employee that the ASCA team members came into contact with was courteous and professional. Many expressed pride in their job and looked to make corrections a career.

At the conclusion of the inspections, each inspector reported his findings and observations to the ASCA project team leader, who used that information to draft the report with recommendations. The report is structured along the lines of the major areas of inquiry listed in the original scope of work for this review. All recommendations are listed under each major area so the reader can refer to the text on the subject area for ease of clarification



The ASCA team recognizes that some of the recommendations require legislative approval or funding. The ASCA team further suggests that the agency prioritize the recommendations that can be implemented with current resources and agency authority. Other recommendations may need to be delayed because of fiscal restraints or other complicating obstacles.

Lastly, any reader of this report will find discussions of similar topics in more than one location. For instance, training is discussed in different portions of the report because it touches on all major areas of inquiry.

The Association of State Correctional Administrators wishes to thank all who participated from the Department in the development of this report. We wish the Department great success in their endeavor to change the dynamics within department to ensure that past abuses will not be a problem in the future.



Section V

Appendices

- Appendix A – Documents Reviewed
- Appendix B – Acronyms and Definitions
- Appendix C – Employees Interviewed
- Appendix D – Project Team



Appendix A

Documents Reviewed

- 33-103.001 Inmate Grievances – General Policy
- 33-103.002 Inmate Grievances – Terminology and Definitions
- 33-103.003 Inmate Grievances – Training Requirements
- 33-103.004 Inmate Grievances – Staff and Inmate Participation
- 33-103.005 Informal Grievance
- 33-103.006 Formal Grievance – Institution or Facility Level
- 33-103.007 Appeals and Direct Grievances to the Office of the Secretary
- 33-103.008 Grievances of Medical Nature
- 33-103.009 Grievance Relating to Admissible Reading Material
- 33-103.010 Grievances Regarding Lost Personal Property
- 33-103.011 Time Frames for Inmate Grievances
- 33-103.012 Grievance Records
- 33-103.013 Classification of Grievance
- 33-103.014 Reasons for Return of Grievance or Appeal Without Processing
- 33-103.015 Inmate Grievances – Miscellaneous Provisions
- 33-103.016 Follow Through on Approved Grievances
- 33-103.017 Inmate Grievances – Reprisal
- 33-103.018 Evaluation of the Grievance Procedure
- 33-103.019 Inmate Grievances – Forms (Repealed)
- 33-601.301 Inmate Discipline – General Policy.
- 33-601.302 Inmate Discipline – Terminology and Definitions.
- 33-601.303 Reporting Disciplinary Infractions.
- 33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.
- 33-601.800[1] Close Management.doc
- 33-602.101[1] Care of Inmates.doc
- 33-602.203[1] Control of Contraband.doc
- 33-602.204[1] Searches of Inmates.doc
- 33-602.210[1] Use of Force.doc

FLORIDA DEPARTMENT OF CORRECTIONS USE OF FORCE ASSESSMENT



108.002 Contraband Interdiction.docx
 602.003 Use of Force Devices, Agents, and Munitions.docx
 602.004 Forced Cell Extraction.docx
 602.009 Emergency Preparedness.docx
 602.018 Contraband and Searches of Inmates.docx
 602.024 External Inmate Transportation.docx
 602.028 Special Management Spit Shield.doc
 108.002 Contraband Interdiction.docx
 602.003 Use of Force Devices, Agents, and Munitions.docx
 602.004 Forced Cell Extraction.docx
 602.009 Emergency Preparedness.docx
 602.018 Contraband and Searches of Inmates.docx
 602.024 External Inmate Transportation.docx
 602.028 Special Management Spit Shield.doc
 602.030 Security Staff Utilization.docx
 602.033 Video Cameras-Segregation Housing Unit.docx
 602.037 Tools and Sensitive Item Control.docx
 602.038 ICS Simulations and Response Plan Drills-Exercises.docx
 602.039 Key Control and Locking Systems.docx
 602.044 Internal Inmate Movement.docx
 602.049 Forced Hygiene Compliance.doc
 602.054 Escort Chair.doc
 Agency Statements.doc
 Chemical_Agents-2014-2 In-Service.pdf
 DC2-930 In-Service Defensive Tactics Proficiency.docx
 DC4-650B Revision Draft 05-14-15.docx
 Defensive Tactics Basic Recruit Training.pdf
 Defensive_Tactics_Lesson_Plan_CO_and_LEO_2015-1.pdf
 Office of the Governor Executive Order # 15-102.pdf
 Supporting Correspondence.pdf
 The Role of Security in Mental Health Inpatient Units 2015
 UOF Participant Advisory Review Draft.doc
 UOF Reduction
 Use of Force DRAFT 8 Cell Extraction and Chemical Agent May 12
 USE_OF_FORCE_TOPICS-2014-1 In-Service.pdf
 602 033 Video Cameras.pdf
 2015-05-22 UOF Incidents 11-2013 - 04-2015 by facility
 2015-05-31 assault and uof data
 AD0347.pdf
 AD0348.pdf
 Chemical_Agents-2014-2.pdf
 Crisis_Intervention_Training_Instructor_Guide_2014-3.pdf
 Defensive_Tactics_Lesson_Plan_CO_and_LEO_2015-1.pdf
 Lake - Dade Profile.pdf
 Martin CI - Hardee CI Profile.pdf
 NWFRC-Columbia CI Profile



NWFRCAnnex - Columbia-Annex Profile.pdf
 Suwannee CI Admin June 9, 2015_2015_06_11_13_55_36_577.pdf
 Suwannee CI Administrative 2015_2015_06_11_14_00_53_654.pdf
 Suwannee CI Annex Day-B June 2015_2015_06_11_14_03_19_706.pdf
 Suwannee CI Annex Night -D 2015_2015_06_11_14_04_26_533.pdf
 Two_Second_Drill-CIT_2_2015-1.pdf
 DADE CI REQUESTED INFORMATION.docx
 Dade TCU SECURITY_POST_CHART-3972379.pdf
 DadeCI SECURITY_POST_CHART-3972372.pdf
 DAILY_ROSTER-6-24-15.pdf
 OIC Meeting Agendas.pdf
 UOF Breakdown June 2014 to May 2014.xlsx
 Use of Force Log - Dade CI Main Unit - Warden copy.xlsx
 #01 - General Post Order March 17 2015 (2).docx
 2015_Master_Training_Plan_2015-7_(4-29-15).pdf
 Basic_Report_Writing-2014-1.pdf
 BRT High Liability
 BRT Instructor Guide FL.pdf
 Copy of A Team ICS DART Responses.xlsx
 Copy of UOF Participant Advisory - Coccoaro, Michael.xlsx
 DAILY_ROSTER-3971414.pdf
 DAILY_ROSTER-3971416.pdf
 DAILY_ROSTER-3971426.pdf
 Facility Tracker - March 2015.xlsm
 ICS-DART.pdf
 Martin In-service 2015 (3).xlsx
 SECURITY_POST_CHART-3971420.pdf
 uof brief.docx
 USE_OF_FORCE_TOPICS-2014-1.pdf
 COLUMBIA CI--9-24-14
 COLUMBIA-Annex-3-3-15.xls
 DADE CI 6-13-12.xls
 Dade TCU 3-9-15.xls
 FSP-MU-05-16-12 1.xls
 FSP-WU-06-10-2013.xls
 MARTIN WC 11-4-14.xls
 MARTIN-CI 08-2-12.xls
 Santa Rosa Work Camp Add Staff from Annex Barrydale-Century2.xls
 Santa Rosa-CI-04-02-12.xls
 Santa Rosa-CI-Annex Move Staff to WC 9-9-14.xls
 Suwannee Annex 8-21-2012 8 Hour 12 hour.xls
 Suwannee MU 10-1-14 -YO.xls
 Suwannee WC 8-1-13 hour.xls
 #01 - General Post Order March 17 2015.docx
 #10 - Housing Sergeant Officer (Confinement) March 17 2015.docx
 #11 - CM Sergeant-Officer March 17 2015.docx

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#57 - CSU TCU MHTF March 18 2015.docx
PREA Status Report 5-11-15.xls
Allegations of Physical Abuse and Excessive Force.xlsx
Officer Of The Inspector General.pdf
Incidents UOF 052014-051915.xls
info for ASCA psych grade UOF.xls
sample uof model - cm institutions.xls
2015-04-30 assault and uof data.xlsx
2015-05-22 UOF Incidents 11-2013 - 04-2015 by facility.xlsx



APPENDIX B
ACRONYMS and DEFINITIONS

A.P.A.	Administrative Procedures Act
BRT	Basic Recruit Training
CARP	Computer Assisted Reception Process
CCTV	Closed Circuit Television
CIT	Crisis Intervention Training
CM	Close Management
CJSTCTF	Criminal Justice Standards and Training Trust Fund
CSU	Crisis Stabilization Unit
DART	Discipline Action Review Team. (Abuse of force used to be reviewed at the Wardens level. This was changed to DART (Disciplinary Action Review Team) 4 months ago. Now any allegations get reviewed at central office instead of the Warden by legal representation and a leadership team appointed by the Secretary. The results are then discussed with the Warden via phone and the Warden takes appropriate personnel action. By statute, only the Warden can make this recommendation.
DART	At the institutions this is the Designated Armed Response Team.
DVR	Digital Video Recorder
EAC	Emergency Action Center (2005: Emergency Action Center (EAC) staff responded to over 24,000 calls, teletypes and other requests for assistance from institutions, community corrections, other law enforcement, corrections agencies and the general public. EAC staff conducted approximately 1,305 NCIC/FCIC criminal background checks for various Central Office, institutional and community corrections staff.)
E-TRAIN	A computerized training program resident on the intranet for online training of LT and above.
ETO	Emergency Treatment Order (an injection...usually a depressant)

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F.A.C.	Florida Administrative Code
FTO	Field Training Officer
FDLE	Florida Department of Law Enforcement
ICS	Incident Command System
IGIIS	Inspector General's Investigative & Intelligence System.
Level 1 staff	This is also referred to as "critical" staffing level that an institution cannot function below. There are three levels of staffing and almost all facilities are operating at level 1 staffing.
MINS	Management Incident Notification System
NEO:	New Employee Orientation training.
OBIS	Offender Based Information System
NEAR	Neutralize, empathize, actively-listen, and resolve
OIG	Office of the Inspector General
pdf	A computer file format that is not intended to be edited further.
PREA	Prison Rape Elimination Act
RRT	Rapid Response Teams
S-1 to S- 5	Mental Health Classification levels (S-1 is general population and S-2 through S-6 is diagnosed. The higher the level, the more severe the diagnosis).
SHOS	Self-Harm Observation Status (the inmate is placed in an Isolation Management Room)
STG	Security Threat Group
TCU	Transitional Care Unit
TEA	Temporary Employee Assistant

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UOF Use of Force

UOFAS Use of Force Advisory System managed by the OIG to track and notify each warden of those staff who are involved in 8 use of force incidents within an 18-month period. This policy will be changed to a 3 in 6 month involvement in only spontaneous use of force incidents.



Appendix C
Florida Department Of Corrections Employees Interviewed During The Course
Of The Use Of Force Study

Julie Jones	Secretary of Corrections
Ricky Dixon	Assistant Secretary of Institutions
Richard Comerford	Director of Institutional Operations
Wes Kirkland	Chief of Security Operations
Kelley Scott	Director of Administration
David Ensley	Bureau Chief of Research & Data Analysis
Michael McCaffrey	Chief, Staff Development & Training
Eric Lane, Sr.	Regional Director of Institutions-Region 2
Dean Aufderheide, Ph.D.,M.P.A.	Director of Mental Health Services
Randy Tiff, III	Regional Director of Institutions-
Region 3	
Sam Culpepper	Regional Director of Institutions-Region 1
Jeff Mortham	Assistant Chief, Staff Development & Training
Vicki Newsome	Assistant Bureau Chief of Classification Management
Dottie Ridgway	Deputy General Counsel
Jeffrey Beasley	Inspector General
Ken Sumpter	Deputy Inspector General
Brian Foster	Assistant Chief, Use of Force Unit
Dean Glisson	Senior Inspector, Use of Force Unit
Debbie Arrant	Supervisor, Use of Force Unit
Alan McManus	Bureau Chief of Policy Management & Inmate Appeals

Dade Correctional Institution Employees

Marvin Clemmons	Warden, Dade Correctional Institution
Jose Lugo	Assistant Warden, Operations
Glenn Morris	Assistant Warden, Mental Health
Alfredo Picanol	Mental Health Counselor
Victor Barber	Colonel, Dade Correctional Institution
Rod Nowell	Major, Dade Correctional Institution
Travis Donaldson	Captain, Dade Correctional Institution
Philip Lebowitz	Captain, Dade Correctional Institution
Latoyia Butler	Correctional Officer, Dade CI
Shanice Ward	Correctional Officer, Dade CI
Arian Caballero	Correctional Officer, Dade CI
Darrell Johakin	Correctional Officer, Dade CI
Jonathan Clark	Sergeant, Dade Correctional Institution
Magnus Seneque	Sergeant, Dade Correctional Institution
Inez Martin	Sergeant, Dade Correctional Institution



Jonathan Fanfan Institution	Sergeant, Dade Correctional
Randy Moles	Sergeant, Dade CI Training
Laquetta Thompson	Investigator, IG's Office
Victor Sakay	Sergeant, Dade CI
Dalton McDonald	Correctional Officer, Dade CI
Rejinald Patterson	Correctional Officer, Dade CI
Hian Cobas	Correctional Officer, Dade CI

Martin Correctional Institution Employees

Robert Hendry	Warden, Martin Correctional Institution
Ernest Reed	Major, Martin Correctional Institution
Domingo Guzman	Captain, Martin Correctional Institution
Jose Morales	Correctional Officer, Martin CI
Kristofer White	Correctional Officer, Martin CI
John Lytell	Sergeant, Martin Correctional Institution
James Yearby	Sergeant, Martin Correctional Institution
Geoffrey James	Sergeant, Martin Correctional Institution
Dana Swiderski	Acting Armorer, Martin CI
Nicholas Gorman	Sergeant, Lock & Key, Martin CI
Jarian Walker	Correctional Officer, Martin CI
Ashley Rodriguez	Correctional Officer, Martin CI
Johnny Riegal	Captain, Martin Correctional Institution
Jimmie Reese	Assistant Warden, Operations
Scott Thomas	Senior Inspector, Martin CI
David Colon	Colonel, Martin CI
Wilfrid Lazarre	Behavioral Health Specialist, Wexford
Michael Coccaro	Lieutenant, Martin CI Training

Suwannee Correctional Institution Employees

Freddie Mock	Assistant Warden-Programs
Richard Lukens	Colonel
Michael Carlton	Captain (Suwannee Annex)
Janet M. Martin	Captain
Jason Vann	Inspector
Sherry Rucker	Training Sergeant
Kevin Sievers	Sergeant-H Dorm

Columbia Correctional Institution Employees

Greg Drake	Warden
Ronnie Woodall	Assistant Warden-Operations
Randall Polk	Assistant Warden-Programs
Chris Lane	Colonel



C.E. Norman	Major-Columbia Annex
Bennie Harper	Captain
Bennett Kilgore	Captain-Columbia Annex
Eric Hall	Captain-Columbia Annex
Peter Lindboe	Inspector
James Hansen	Training Sergeant
Shannon Hughes	Training Officer

Santa Rosa Correctional Institution Employees

James Coker	Warden
Michael Booker	Assistant Warden-Programs
John F. Kolodziej	Colonel
Donnie R. Ealum	Major-Santa Rosa Work Camp
Alan B. Jackson	Major-Santa Rosa Correctional Institution
David Dunlap	Major-Santa Rosa Annex
Michael Burch	Captain-Santa Rosa CI
Doug Harris	Captain-Santa Rosa Annex
K. Torres	Lieutenant-Santa Rosa CI(F-Dorm)
Brandon Turner	Sergeant-Santa Rosa CI(G-Dorm)
Robert Olson	Sergeant (Use of Force Coordinator)
Roderic Stovall	Training Officer
Maurice Radford	Inspector

Union Correctional Institution Employees

Diane Andrews	Warden, Union Correctional Institution
Torrey Johnson	Assistant Warden-Operations
Stephen Rossiter	Assistant Warden-Programs
Stephanie Crawford, Ph.D	Assistant Warden-Mental Health
Kevin Box	Colonel, Union CI
Timmy Robinson	Captain, Union CI
Stanley Peterson	Major, Union CI
Rex Bailes	Captain, Union CI
John Thomas	Sergeant, Union CI
Keegan Gray	Correctional Officer, Union CI
Edward Bennett	Correctional Officer, Union CI
Millard Bell	Sergeant, Union CI
Jamie McDaniel	Correctional Officer, Union CI
James Crow	Correctional Officer, Union CI
Joe Aretino	Inspector General Supervisor
Kevin Lingis	Inspector
Sabrina Cox	Training Officer
Rhonda Horler	Word Processing Systems
Rose Odom	Staff Dev & Training Consultant



APPENDIX D - PROJECT TEAM

The project team represents a highly experienced set of correctional practitioners, who have served in line, supervisory, and management positions in their respective jurisdictions. The team members are Wayne Scott, Lead Consultant; Bob Bayer, consultant; Kim Thomas, consultant; Reginald Wilkinson, consultant; and Gary Maynard, Project Manager. George Camp, Co-Executive Director of ASCA, will provide oversight. Each member of the Project Team has participated in similar studies in their own jurisdictions or as consultants to other public and private correctional agencies. Team member biographies are appended to this report.

WAYNE SCOTT, TEAM LEADER

Wayne Scott is a senior associate with MGT. He served more than 30 years with the Texas Department of Criminal Justice and the Texas Board of Pardons and Paroles. Wayne began his career in corrections in 1972 as a correctional officer and rose through the ranks to serve as Executive Director of the Texas Department of Criminal Justice (TDCJ). During his six-year tenure as Executive Director he was responsible for the confinement, care and supervision of over 600,000 adult felony offenders, the management of over 40,000 employees, and the administration of a biennial budget of \$4.6 billion. He also supervised the construction of five high-security facilities and the building of twenty trusty camps. Wayne implemented major policy reforms during his tenure as Executive Director, including systems that managed financial and contract operations, the consolidation of the TDCJ legal department and the establishment of the Advisory Council on Ethics. Wayne has been recognized for his achievements in the field of corrections. He was given the Dr. George Beto Hall of Honor Award, the Texas Corrections Association President's Award, and was honored by Sam Houston State University as a Distinguished Alumni. The Texas Board of Criminal Justice has recognized his service by naming a Texas prison for him in Angleton.

Mr. Scott's correctional consulting experience includes: Consultant on a four-man team of security experts to review all agency policies and security procedures in the aftermath of a high profile escape; Consultant on a comprehensive assessment of staffing needs for the Detention Command of the Harris County Sheriff's Office, Texas; Consultant on an Immigration and Customs Enforcement contract to provide support in administering and conducting the Detention Compliance Management Plan; Consultant on a comprehensive assessment of the administration and operations of the Massachusetts Department of Correction; Consultant on a justice system review for Tyler County, Texas; Consultant on a



comprehensive performance review of the Oklahoma Department of Corrections and its related programs; Consultant on a criminal justice system and jail population study for Bexar County, Texas; Consultant on an agency-wide operational analysis for the Florida Department of Corrections; Consultant on an assessment of the New Mexico Department of Correction's policies, procedures, and practices as they relate to the deployment of its correctional staff; Consultant on a project for the Cook County Judicial Advisory Council to develop an approach to assessing security staffing needs at the Cook County (Chicago, Illinois) Jail.

ROBERT BAYER

Robert Bayer held the position of Director of the Nevada Department of Corrections from 1995--- 2000. He began his career in corrections as a Correctional Classification Counselor in the mid--- 1970's for the Nevada Department of Corrections. He was promoted through the ranks to Statewide Substance Abuse Program Director, Department Training Manager, Training/Internal Affairs Administrator, Inspector General, Correctional Captain and then to Associate Warden of Operations.

From 1992 to 1995, he worked as the Operations Supervisor with the special assignment of statewide responsibility for parole revocation procedures and policies as well as all out---of---state parole caseload. From 1994 to 1995 in his capacity with the Peace Officer Standards and Training Academy, he was borrowed from the Parole and Probation Department for special assignment to develop and implement a new statewide corrections academy for a rural detention center and police/sheriff staff, and to set up computerized state police/peace officer training.

Dr. Bayer holds Ph.D. degrees in Political Science/Public Administration and Policy, and English Literature from the University of Nevada, Reno. He also earned a M.P.A. in Political Science/Public Administration and Policy, a M.A. in English Literature and a B.A. in Liberal Arts. He continues his contributions to the field of corrections by serving on the National Advisory Council, Justice Management Program at the University of Nevada. While Director, he was an active member of ASCA and in addition to serving on several committees, he also served as its Treasurer. After retiring, he has remained active with ASCA as an associate member and as a trainer of new users of the Performance Measures System

KIM THOMAS



An interest in criminology and corrections led Mr. Thomas to study at Marshall University in West Virginia where he earned a Bachelor of Science Degree in 1983. Upon graduation, he relocated to Alabama and began his career with the Alabama Department of Corrections, graduating with the Correctional Academy Class 83-10.

Following graduation and eleven years and half years in Corrections, he rose through the ranks as a Correctional Officer, Correctional Sergeant, and Classification Specialist at a maximum security facility. While employed with the Department, Commissioner Thomas attended the Birmingham School of Law and received his Juris Doctorate in 1993. In April 1995, he was given the privilege of representing the Alabama Department of Corrections in the Legal Division as the Assistant General Counsel. For six years, under Commissioners Campbell and Allen, he served as General Counsel to the Department; and was appointed Commissioner of the Alabama Department of Corrections in January 2011. Commissioner Thomas retired in January 2015.

REGINALD A. WILKINSON, ED.D.

Dr. Reginald A. Wilkinson is the Executive Director of the Ohio Business Alliance for Higher Education and the Economy. The Business Alliance is an independent, nonpartisan 501(c)(3) organization, affiliated with the Ohio Business Roundtable. We are committed to serving as a catalyst, mediator and advocate for an enhanced and more strategic role for Ohio's colleges and universities as contributors to Ohio's economic growth. Wilkinson is the Vice-Chair of the Cleveland Scholarship Programs and serves on the board of the Ohio College Access Network.

Reggie Wilkinson recently retired as the Director of the Ohio Department of Rehabilitation and Correction (DRC): a position he held since 1991. At the time of his retirement, after 33 years with state government, he was the longest serving director of corrections in the nation. In addition to director, he was also Director of Training, Warden, and Regional Director of Prisons.

Wilkinson's academic background includes B.A. and M.A. degrees from The Ohio State University. He was also awarded the Doctor of Education degree from the University of Cincinnati. Reggie is a Past President of both the Association of State Correctional Administrators and the American Correctional Association. He has recently stepped down as the President and Executive Director of the International Association of Reentry as well as Vice Chair for North America of the International Corrections and Prisons Association.



He has received many awards from organizations such as the National Governors' Association, the Volunteers of America, the Association of State Correctional Administrators, and the American Correctional Association. Wilkinson, furthermore, has had numerous journal articles and book chapters published on a variety of correctional topics.

GARY D. MAYNARD

Gary Maynard, Project Manager, was the primary point of contact for the Department, leading both the initial meeting with Florida DOC staff and the final closeout meeting where the final report will be presented. Gary will play a significant role in the review of documents and data and in the writing and review of the initial report documents and final report documents submitted to the Department.

Gary Maynard has served as an Associate Director of ASCA since 2013. Gary has more than 35 years of experience in prison, jail and parole and probation operations at the state level. His experience at the facility level includes institutional parole officer, case manager, case manager supervisor, and deputy warden. He has experience as warden at both medium and maximum-security institutions. He previously served as a psychologist for the federal Bureau of Prisons. He has served as director/secretary for four state correctional systems, including the states of Oklahoma, South Carolina, Iowa and most recently, Maryland.

As Secretary of the Maryland Department of Public Safety and Correctional Services, he oversaw 22 prisons, Baltimore City Booking and Detention complex, 65,000 individuals under parole/probation, a budget of \$1.2 billion and 11,000 both uniformed and civilian staff members. Upon his arrival in Maryland, Gary tackled the enormous task of overseeing the closure of the Maryland House of Correction due to safety issues. During his tenure as Secretary, he significantly raised awareness of gang violence issues by bringing together a meeting of over 50 criminal justice stakeholders. As a result of this collaboration, key information-sharing protocols were introduced leading to the identification of gang members both entering and exiting the system. He focused much of his efforts to improving safety and security, both inside the prisons as well as in the community, by identifying drug treatment, education and health care as the building blocks for inmates' ultimate success.



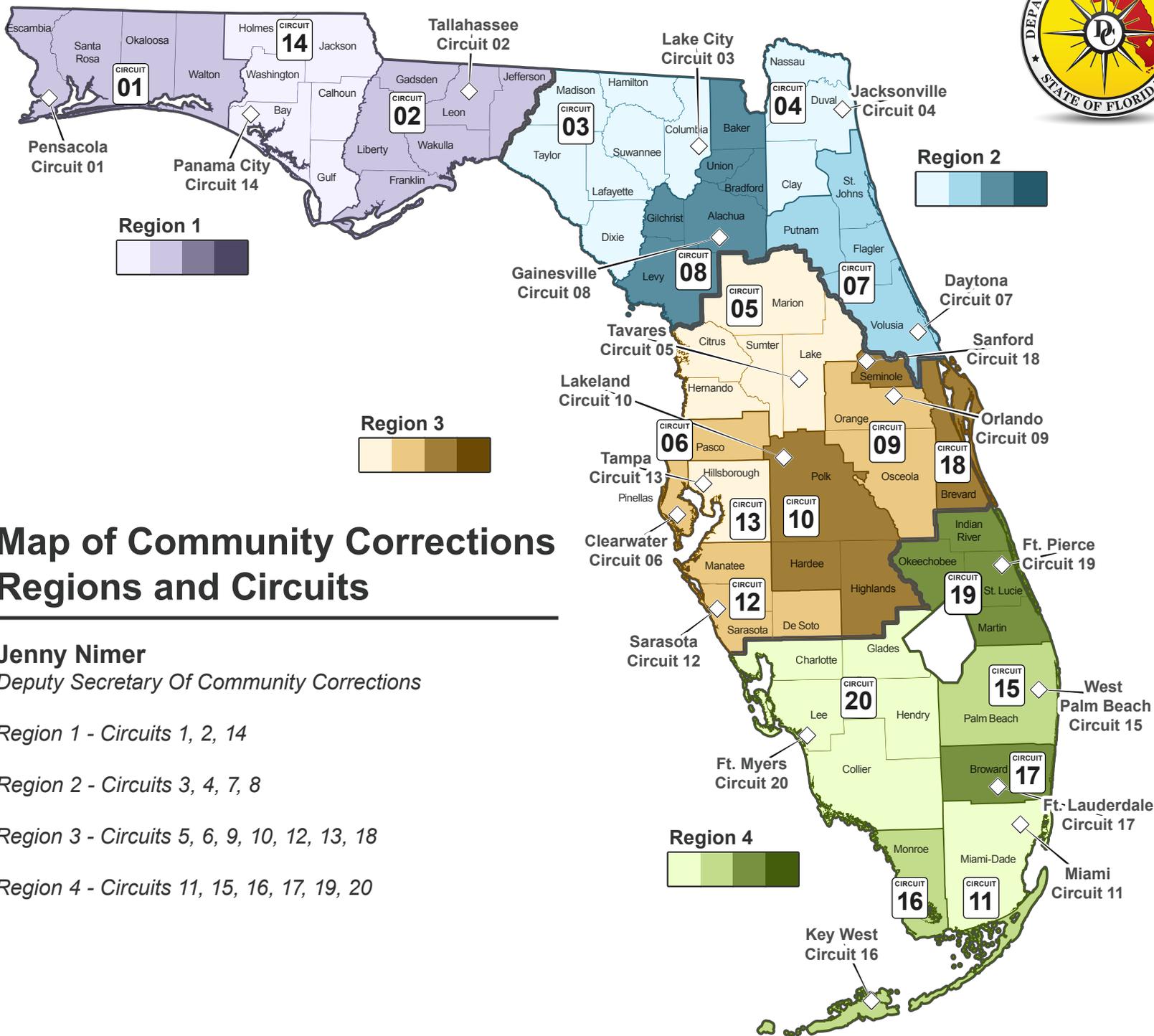
As a member of the Association of State Correctional Administrators since 1987, Gary has chaired the Information Sharing Committee, as well as served on the Executive Committee and acted as the Southern Directors President. Gary has been a member of the American Correctional Association since 1974. He is a past President of ACA and served as a member with ACA's Commission on Accreditation for Corrections and the Standards Committee.

GEORGE M. CAMP

George M. Camp, Co-Executive Director of the Association of State Correctional Administrators, will provide oversight of this Project. He has been engaged in several ASCA initiatives including the expansion of the Performance-Based Management System (PBMS); Reducing Racial Disparity within Corrections; Providing Training and Professional Development Opportunities for Correctional Administrators; and Developing Guidelines for the Operation of Long-Term Segregation Populations.

George has served the public sector from 1962 to 1977 in a variety of positions that included Director of the Missouri Department of Corrections; First Deputy Commissioner of the New York State Division of Criminal Justice Services; Assistant Commissioner of the New York City Department of Correction; and Associate Warden of the Federal Prison in Lompoc, California and the U.S. Penitentiary in Marion, Illinois.

He has a Bachelor's degree from Middlebury College, a Master's degree in Criminology and Corrections from Florida State University, and a Doctorate in Sociology from Yale University.



Updated 07/2015

Map of Community Corrections Regions and Circuits

Jenny Nimer

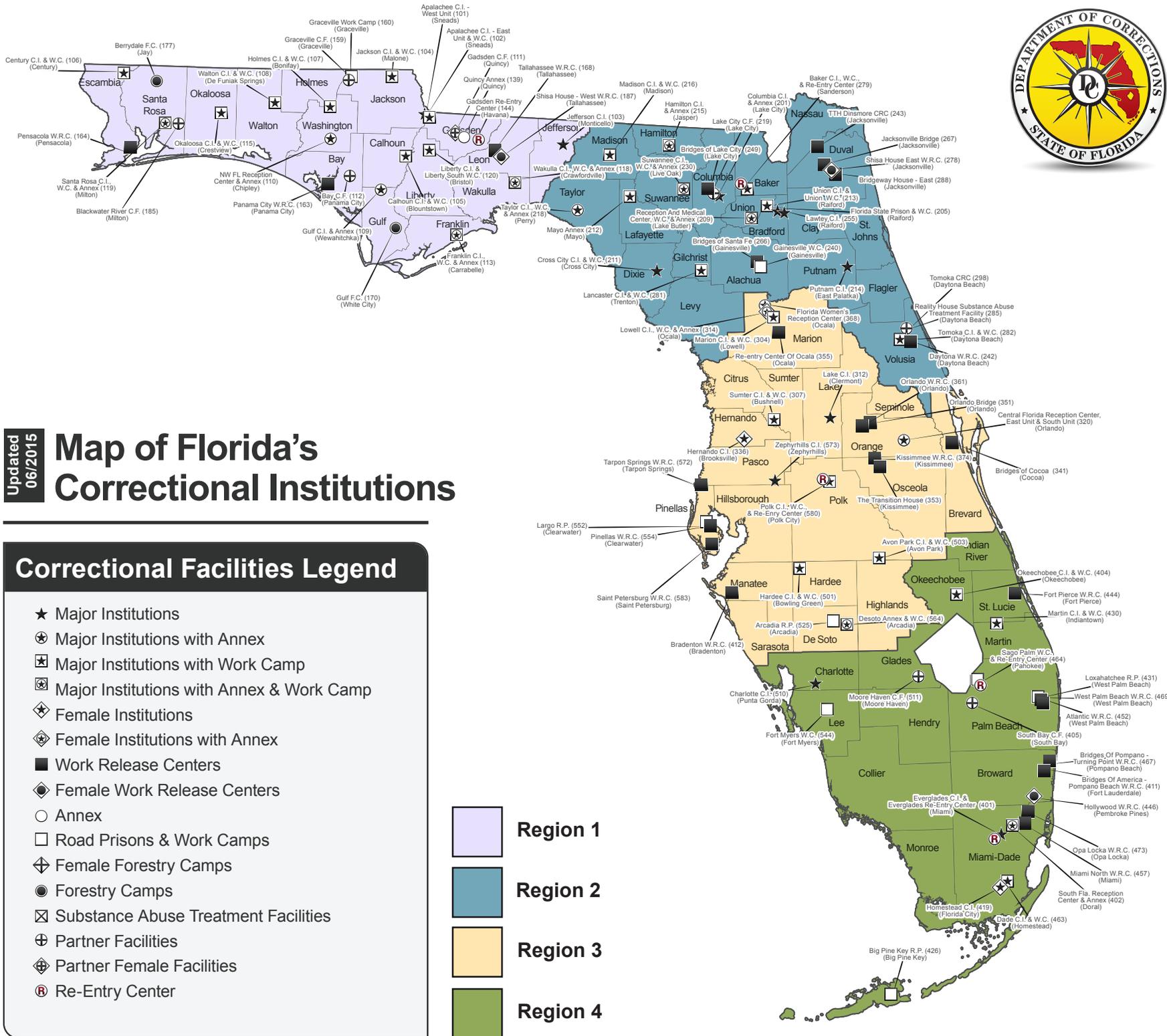
Deputy Secretary Of Community Corrections

Region 1 - Circuits 1, 2, 14

Region 2 - Circuits 3, 4, 7, 8

Region 3 - Circuits 5, 6, 9, 10, 12, 13, 18

Region 4 - Circuits 11, 15, 16, 17, 19, 20



Updated 06/2015
Map of Florida's Correctional Institutions

Correctional Facilities Legend

- ★ Major Institutions
- ⊕ Major Institutions with Annex
- ⊠ Major Institutions with Work Camp
- ⊞ Major Institutions with Annex & Work Camp
- ◆ Female Institutions
- ◆ Female Institutions with Annex
- Work Release Centers
- ◆ Female Work Release Centers
- Annex
- Road Prisons & Work Camps
- ◆ Female Forestry Camps
- Forestry Camps
- ⊠ Substance Abuse Treatment Facilities
- ⊕ Partner Facilities
- ◆ Partner Female Facilities
- Ⓡ Re-Entry Center

- Region 1
- Region 2
- Region 3
- Region 4

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15

Meeting Date

Bill Number (if applicable)

Topic FL Dept Corrections

Amendment Barcode (if applicable)

Name Kim Schultz

Job Title Probation officer

Address 18360 NE 22 Ave

Phone 7863449483

Street

NMB FL 32160

City

State

Zip

Email SCHULTZlegu@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ETA Teamsters United

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/16/15
Meeting Date

Topic Department of Corrections - Update

Bill Number N/A
(if applicable)

Name Julie Jones

Amendment Barcode N/A
(if applicable)

Job Title Secretary

Address 501 S. Calhoun St.
Street

Phone 850-717-3030

Tallahassee FL 32399
City State Zip

E-mail jones.julie@mail.dc.state.fl.us

Speaking: For Against Information

Representing Department of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: LL 37
Caption: Senate Criminal Justice

Case No.:
Judge:

Type:

Started: 9/16/2015 9:05:59 AM
Ends: 9/16/2015 10:29:56 AM

Length: 01:23:58

9:06:00 AM Quorum present
9:07:16 AM Senator Richter SB 130
9:07:42 AM Growth of shooting ranges in residential neighborhoods
9:08:48 AM Amendment 846452-Changes effective date
9:09:10 AM Amendment adopted, back on bill as amended
9:09:21 AM Senator Clemens with a question
9:09:49 AM Senator Gibson with a question-Salvatore shooting
9:10:18 AM No distinction in the bill
9:11:06 AM Senator Gibson asks about public awareness
9:11:40 AM Senator Brandes-How would an accidental discharge be treated
9:12:05 AM Connie-This bill does not speak to accidental discharge
9:13:00 AM Senator Bradley-Is there any thought to defining what a recreational discharge is
9:15:31 AM Senator Brandes wants to hear from Law Enforcement on this bill
9:15:57 AM Senator Clemens not sure of definitions either
9:16:25 AM Chief Frank Fabrizio Police Chief-FPCA-in favor of bill
9:17:24 AM Senator Brandes with questions
9:18:16 AM Assoc. of Counties waves in support
9:18:29 AM Brian Pitts
9:21:55 AM Casey Cook Florida League of Cities waves in support
9:22:15 AM Marion Hammer NRA supports
9:23:12 AM Question for Marion Hammer from Senator Brandes
9:25:28 AM Debate-Senator Gibson will support the bill but would like additional language
9:26:43 AM Senator Richter to close
9:27:04 AM Senator Brandes wants assurance that we will deal with accidental language
9:28:32 AM Show tCS/SB 130 favorable
9:29:00 AM SB 68 by Senator Evers
9:29:12 AM Licenses to Carry Concealed Weapons or Firearms on colleges and universities
9:30:22 AM Senator Clemens-Why would we want to do that?
9:30:35 AM Senator Evers-Constitutional Rights should not stop at the line of a college
9:31:20 AM Senator Clemens continues with questions
9:31:42 AM Senator Brandew
9:31:47 AM Can a college have certain policies regarding guns
9:32:22 AM Senator Clemens-Legal opinion on answer given to Senator Brandes
9:32:53 AM regarding private or public universities
9:33:24 AM Senator Gibson with a series of questions
9:36:21 AM Dr. Gary Kleck Professor of Criminology and Criminal Justice
9:38:23 AM Senator Bradley with a question regarding statistics of Concealed Weapon holders
9:39:17 AM Senator Bradley continues with questions
9:40:44 AM Gary Kleck continues
9:42:51 AM Senator Clemens with questions regarding data
9:44:50 AM Senator Clemens-gun crimes on campus
9:45:44 AM How many states ban college campuses from having guns-Cannot answer
9:46:03 AM Senator Gibson with a series of questions
9:48:19 AM Section 12 line 14 Senator Gibson wants clarification
9:49:04 AM Connie answers questions
9:51:12 AM Senator Gibson reads list of those waving
9:55:11 AM Adam Whitmen UCF student
9:56:29 AM Jim Murdaugh President Tallahassee Community College President-against
9:57:46 AM Senator Bradley with a question
9:58:13 AM Senator Brandes with questions
10:01:40 AM Steven Landgraf - student
10:03:51 AM Motion to vote on bill at 10:15

10:04:21 AM Marshall Ogletree
10:05:44 AM Matthew Larta Professor of Music/President UFF-FSU
10:07:56 AM Brandon Woolf-Student for Concealed Carry at UF
10:10:23 AM Chris Wagoner-Law Enforcement Training Coordinator
10:10:58 AM Eric Friday-General Counsel, Florida Carry
10:12:52 AM Brian Pitts-Justice for Jesus
10:13:01 AM Motion for 10:20
10:13:59 AM Marion Hammer-NRA
10:15:06 AM Senator Clemens in debate
10:17:09 AM Senator Gibson in debate
10:18:05 AM Senator Evers to close
10:19:00 AM By your vote SB 68 is favorable
10:20:47 AM Secretary Julie Jones Department of Corrections
10:24:35 AM Senator Gibson with a series of questions
10:26:20 AM Senator Bradley with a series of questions
10:27:36 AM Senator Gibson
10:29:30 AM Meeting adjourned