

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2516

SPONSOR: Senator Diaz de la Portilla

SUBJECT: Criminal Justice Training

DATE: March 31, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill would amend s. 943.14, F.S., to require each Criminal Justice Training School that provides basic recruit training, or each Selection Center that provides applicant screening, to conduct a background check on each applicant to include the applicant's fingerprints which will be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for criminal history checks. Under the bill, candidates for admission to the Training Schools would be denied access if they have been convicted of a crime which would later render them unable to be certified as a law enforcement, correctional probation officer, or correctional officer under s. 943.13, F.S.

The bill would amend s. 943.17, F.S., to require the Criminal Justice Training and Standards Commission to assure that entrance to basic recruit training programs is limited to candidates who pass a basic-skills examination and assessment instrument based on a job-task analysis in the specific area of study.

This bill substantially amends the following sections of the Florida Statutes: 943.14 and 943.17.

II. Present Situation:

The Criminal Justice Standards and Training Commission

Section 943.085, F.S., sets forth the intent of the Legislature "to strengthen and upgrade law enforcement agencies in this state by attracting competent, highly qualified people for professional careers in the criminal justice disciplines" and that "the Criminal Justice Standards and Training Commission, in the execution of its powers, duties, and functions, actively provide statewide leadership in the establishment, implementation, and evaluation of criminal justice standards and training for all law enforcement officers, correctional officers, and correctional probation officers". s. 943.085, F.S.

To that end, the Criminal Justice Training Commission was created under s. 943.11, F.S., which has certain powers, duties and functions as set forth in s. 943.12, F.S. Among these duties is the responsibility of establishing uniform minimum training standards for the training of officers in the various criminal justice disciplines, consulting with educational institutions concerning the development of training schools, and establishing minimum curricular requirements for those schools. s. 943.12, F.S.

Section 943.17, F.S., gives the Criminal Justice Standards and Training Commission the authority to design, implement, maintain, evaluate, and revise job-related curricula and performance standards for basic recruit training programs.

Requirements for Certification as an Officer

To be certified as a law enforcement officer, correctional officer, or correctional probation officer, under s. 943.13, F.S., the person must:

- ◆ be at least 19 years of age;
- ◆ be a U.S. citizen;
- ◆ be a high school graduate or its “equivalent”;
- ◆ not have been convicted of a felony or of a misdemeanor involving perjury or false statement, or have been dishonorably discharged from the armed forces;
- ◆ have his/her fingerprints on file with the employing agency;
- ◆ pass a physical exam;
- ◆ have good moral character;
- ◆ submit an affidavit of compliance with the requirements of the certification requirements;
- ◆ complete a commission-approved basic recruit training program, unless exempt by virtue of having completed a comparable course of study in another state or having been employed as a full-time officer in another state;
- ◆ achieve an acceptable score on the certification exam; and
- ◆ comply with continuing education requirements.

A person must be certified under s. 943.13, F.S., in order to be employed or appointed as a full-time, part-time or auxiliary officer.

Criminal Justice Training Schools and Selection Centers

There are 39 Criminal Justice Training Schools in Florida. All but a handful of those programs are licensed and operated under the umbrella of the State Board of Education, in the Community College setting. Section 943.14, F.S., gives the Criminal Justice Standards and Training Commission the responsibility of certifying the compliance of Training Schools with the rules of the commission, and approving the certificates or diplomas that are given graduates in those schools which teach commission-approved classes. The statute provides a mechanism by which the training center may be fined, or injunctive relief sought against it, if the center does not comply with the commission’s rules or the statute.

There are a few privately-run programs, like the Miami-Dade Academy, the Florida Highway Patrol Academy and the Florida Marine Patrol Academy. For the most part, those few programs train persons who have already undergone a screening process and have been hired by the agency.

Despite the existence of s. 943.256, F.S., which created Criminal Justice Selection Centers for the purpose of providing standardized evaluation of preservice candidates for the local criminal justice systems, anecdotal evidence suggests that the various Training Schools in the state do not employ a standardized screening process of candidates for admission to the training programs. The entry requirements vary from program to program. For example, some programs require a physical agility test, others do not. At least one Selection Center utilizes the standards set forth in s. 943.13, F.S., to determine whether an applicant qualifies for admission to the training program.

There is an effort under way at the Florida Department of Law Enforcement, which houses the Criminal Justice Professionalism Program, to develop standards for a “basic abilities test” which would give an assessment of the Training School applicant’s success in the training program and ultimate success on the job. The standards have not been perfected, therefore the test has not been created yet.

Vocational Education

Part II of chapter 239, F.S., governs Vocational Education in the state. Because the vast majority of Criminal Justice Training Schools are operating in the community colleges, they presumably fall under the purview of the Department of Education and the related statutes and rules. The Criminal Justice Selection Centers, created in s. 943.256, F.S., are “under the direction and control of a postsecondary public school” or of a criminal justice agency.

Under s. 239.201, F.S., adult or certificate career education shall be available to all persons in the region, regardless of previous academic attainment. The purpose of career education is to enable students who complete vocational programs to attain and sustain employment. s. 239.229, F.S. Section 239.213 (2), F.S., states: “Students who enroll in a certificate career education program shall complete an entry level examination *within the first six weeks of admission into the program.*” The statute and Rule 6A-10.040, F.A.C. require the student to be provided with remedial instruction if the student is deemed deficient in any area by the test score. The student may not be awarded a vocational certificate until the student achieves the minimum level of basic skills required for that program by the Department of Education. The Rule lists the specific tests that may be administered.

III. Effect of Proposed Changes:

The bill would require Criminal Justice Training Schools or Selection Centers to conduct a background check, utilizing fingerprints provided by each applicant for admission, before the applicant enters the basic recruit training class. The fingerprints will be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal history check.

The bill specifies that applicants who have been found guilty of a crime that would render them unable to be certified as an officer under s. 943.13 (4), F.S., (i.e., a felony conviction or a

misdemeanor involving perjury or false statement), would not be considered a viable candidate for admission to a Criminal Justice Training School.

The bill would give the Criminal Justice Standards and Training Commission the authority to limit entrance to basic recruit training programs to persons who have passed a basic-skills examination and assessment instrument based on a job-task analysis adopted by the Commission.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the candidate for admission to the Criminal Justice Training School is expected to pay for the cost of the background check performed by FDLE and the FBI, there will be a negative fiscal impact on those citizens.

C. Government Sector Impact:

If the Training School or Selection Center pays for the background checks mentioned above, there may be a negative fiscal impact. There may be some money saved, in that students who ultimately will not be allowed to become certified officers due to their criminal backgrounds, will not be participating in the classes, although it is not known what savings would result as the students who do participate pay tuition.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Under s. 943.053, F.S., the Florida Department of Law Enforcement may assess a charge for disseminating criminal histories. Criminal histories are considered to be a public record, and

therefore open to public inspection, under chapter 119, F.S. There are restrictions, however, involving sealed or expunged records, under s. 943.059, F.S.

There may be some conflict between the bill, as drafted, and the current law governing vocational education. Because Florida's community colleges are "open enrollment" institutions, it is not known what effect limiting admission to the criminal justice training schools would have.

Students in vocational education classes are only tested *after admission*, and even then, if they are deficient in an area, remediation is offered. s. 239.213 (2), F.S. Some training schools, however, are reportedly currently utilizing an admissions test and using a system of quantifying an applicant's performance on the test, as well as other criteria, in determining which applicants to admit.

The philosophy of vocational education is to enable students to obtain and maintain employment. s. 239.229, F.S. It could be argued that admitting a student who has a felony conviction, and is therefore not realistically a candidate for certification as a law enforcement officer, is diametrically opposed to the overall philosophy of vocational education.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
