

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 953 Inmate Reentry
SPONSOR(S): Stone
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|-----------|--|
| 1) Criminal Justice Subcommittee | 11 Y, 0 N | Rochester | Hall |
| 2) Justice Appropriations Subcommittee | | | |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Over 30,000 inmates were released from the Florida prison system in FY 2017-18. Released inmates often have difficulty finding stable employment and housing, which may create a greater risk for recidivism. Reentry programs are designed to assist inmates with successful transition back to their communities; promoting stability and reducing the chance of recidivism. Studies show that implementing reentry programs that focus on job counseling and placement, housing, and mentoring can reduce recidivism rates by 10 to 20 percent.

HB 953 encourages offender reintegration into the community workforce. The Department of Corrections (DOC) provides current and released inmates with access to life skills and vocational training, job placement assistance, and referrals to reentry resources; the bill expands reentry services to:

- Increase the number of transition assistance and employment specialists;
- Require transition assistance specialists to provide job assignment credentialing information to inmates;
- Require DOC to establish a reentry referral hotline;
- Require DOC to provide a comprehensive community reentry resource directory to every inmate;
- Expand the use of the Glacier forecasting system to provide inmates with community-specific reentry service provider referrals prior to release;
- Authorize nonprofit organizations to apply for registration to provide inmate reentry services;
- Authorize educational institutions to provide assistance for veteran inmates;
- Authorize DOC to expand the use of job assignment credentialing; and
- Authorize DOC to develop a Prison Entrepreneurship Program.

The bill will likely have a positive indeterminate impact on state government.

The bill provides an effective date of October 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Reentry Programming

The Department of Corrections (DOC) may partner with public or private organizations, including faith-based service groups, to provide postrelease services to former inmates including substance abuse counseling, family counseling, and employment support programs.¹ DOC selects partner organizations based on the:

- Depth and scope of services provided;
- Geographic area to be served;
- Number of inmates to be served and the cost of services per inmate; and
- Individual provider's record of success in the provision of inmate services.

Transition Assistance

DOC provides a transition assistance specialist at each of its major prison institutions² who works with inmates nearing release to facilitate community reintegration by:

- Developing of a postrelease plan;
- Obtaining job placement information;
- Providing a written medical discharge plan and referral to a county health department;
- Providing a 30-day supply of HIV/AIDs medication, if taken prior to release by an inmate who is known to be HIV positive;
- Facilitating placement in a private transition housing program, if the inmate is eligible and makes such a request,³ and
- Providing a photo identification card.

A correctional officer⁴ or a correctional probation officer⁵ may not serve as a transition assistance specialist.

Before release, every inmate must complete a 100-hour comprehensive training course that focuses on job readiness and life management skills.⁶ In June 2017, DOC implemented statewide use of the

¹ S. 944.707, F.S.

² Major institutions, or correctional institutions, are prisons with fences, razor wire or ribbon, electronic detection systems, perimeter towers with armed correctional officers and/or officers in roving perimeter vehicles. Other types of prison facilities include work/forestry camps, community release centers, and road prisons. There are currently 50 major institutions in Florida. See Florida Department of Corrections, *Annual Report Fiscal Year 2017-2018*, pg. 33-34, http://dc.state.fl.us/pub/annual/1718/FDC_AR2017-18.pdf (last visited Mar. 1, 2019); s. 944.704, F.S.

³ Placements may include contracted substance abuse transition housing or contracted faith-based substance abuse transition housing programs. S. 944.704, F.S.

⁴ A "correctional officer" is defined as "any person who is appointed or employed full-time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correction institution." The term does not include any secretarial, clerical, or professionally trained staff. S. 943.10(2), F.S.

⁵ A "correctional probation officer" is defined as "any person who is employed full-time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community." The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. S. 943.10(3), F.S.

⁶ S. 944.7065, F.S.

Compass 100 program to meet this statutory training requirement. Inmates nearing release complete the Compass 100 curriculum, which focuses on developing life skills in conjunction with other educational courses and substance abuse treatment.⁷ Topics include punctuality, workplace etiquette, interpersonal communication, and problem solving.⁸ Additionally, inmates are required to complete a cognitive behavioral curriculum called "Thinking for a Change" which is designed to foster effective communication and problem solving skills.⁹ Each inmate develops a "Readiness Portfolio" that contains a resume, community resources, and program completion certificates to use as they reenter the community.¹⁰

DOC also employs four regional community transition specialists who collaborate with public, private, and community agencies to identify and develop employment opportunities for ex-offenders.¹¹ Lastly, DOC employs an employment specialist in each judicial circuit to assist offenders on community supervision with identifying employment opportunities.¹²

A statewide reentry resource directory, available to transition specialists and ex-offenders, is a searchable database available on DOC's website containing over 6,000 state and local organizations providing reentry services to offenders returning to the community.¹³ Currently, organizations seeking to be included in the resource directory submit an application to DOC, which enters the information into the directory. The department verifies the resource directory every six months to ensure the information provided remains current.¹⁴

Glacier

DOC uses Glacier, an electronic forecasting tool, to predict the number of inmates to be released into each county.¹⁵ The information is given to local law enforcement and public safety councils, enabling them to predict which services and resources inmates re-entering the community will need.

Release Orientation Programming

DOC currently provides a standardized release orientation program to every eligible inmate.¹⁶ The program includes instruction on:

- Employment skills;
- Money management skills;
- Personal development and planning;
- Community reentry concerns and support; and
- Any other appropriate instruction to ensure the inmate's successful reentry into the community.¹⁷

⁷ Florida Department of Corrections, *Florida Department of Corrections Launches Compass 100*, June 5, 2017, <http://www.dc.state.fl.us/comm/press/2017/06-05-Compass100.html> (last visited Mar. 1, 2019).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Florida Department of Corrections, Agency Analysis of 2018 Senate Bill 226, p. 3 (Oct. 2, 2017), <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=25696> (last visited Mar. 1, 2019).

¹² *Id.*

¹³ *Id.* at 2.

¹⁴ Email from Chris Taylor, Legislative Analyst, Florida Department of Corrections, RE: Question about Reentry Resource Directory (Feb. 25, 2019).

¹⁵ Florida Department of Corrections, *Division of Development: Improvement and Readiness – Introducing Spectrum & Glacier* (2018).

¹⁶ All inmates released from the custody of DOC are eligible to receive transition services. However, the law instructs DOC to give priority for these services to substance abuse addicted inmates. The law provides that inmates released from private correctional facilities should be informed of and provided with the same level of transition assistance services as provided by DOC for an inmate in a state correctional facility. Ss. 944.703 and 944.7031, F.S.

¹⁷ S. 944.705, F.S.

DOC must conduct a needs assessment of every inmate to determine any basic support services the inmate may need upon their release.¹⁸ In order to provide these services, DOC is authorized to contract with outside public or private entities, including faith-based service groups.¹⁹

Educational Programming

Section 944.801, F.S., authorizes DOC to establish educational services in all institutions that house inmates under its supervision. DOC is required to:

- Collect information relating to inmates' educational or vocational areas of interest, vocational skills, and education level during the intake process;
- Approve varying levels and types of institutional educational programs; and
- Establish procedures for inmate admission to the programs.²⁰

DOC must enter into agreements with certain entities to ensure the educational programs meet minimum performance standards established by the Florida Department of Education.²¹ DOC may enter into agreements with public or private:

- School districts;
- Community colleges;
- Junior colleges;
- Colleges;
- Universities; or
- Other entities.²²

Career and Technical Education Programming

DOC offers a variety of career and technical education programs throughout the state. Program offerings include:

- Culinary Arts (11 institutions);
- Masonry, Brick and Block (10 institutions);
- Carpentry (7 institutions);
- Electricity (7 institutions);
- Technology Support Services (6 institutions);
- Air Conditioning, Refrigeration and Heating Technology (5 institutions);
- Automotive Technology Career Services (5 institutions);
- Cabinetmaking (5 institutions);
- Plumbing Technology (5 institutions);
- Environmental Services (4 institutions);
- Building Construction Design (3 institutions);
- Computer Systems and Information Technology (3 institutions);
- Welding Technology (3 institutions);
- Automotive Collision Repair and Refinishing (2 institutions);
- Graphic Communications and Printing (2 institutions);
- Landscape Management (2 institutions);
- Beekeeping (1 institution);
- Canine Obedience Training (1 institution);

¹⁸ S. 944.705(4), F.S.

¹⁹ S. 944.705(5), F.S.

²⁰ S. 944.801, F.S.

²¹ S. 944.801(3)(e), F.S.

²² *Id.*

- Commercial Class "B" Driving (1 institution);
- Cosmetology (1 institution);
- Digital Design (1 institution);
- Drafting (1 institutions);
- Equine Care Technology (1 institution);
- Fashion Design Services (1 institution);
- Janitorial Services (1 institution);
- Nursery Management/Horticulture (1 institution);
- Wastewater/Water Treatment Technologies (1 institution); and
- Web Development (1 institution).²³

In FY 2016-17, inmates earned 1,799 vocational certificates and 1,349 industry certifications. In FY 2017-18, these numbers increased to 1,937 vocational certifications and 2,063 industry certificates.²⁴

Veteran Advocacy

Military veterans make up an estimated 8 percent of the national prison population.²⁵ Many veteran reentry needs, such as medical and mental health care, housing, and legal services, are the same as for other offenders. However, navigating available veteran benefit opportunities to meet reentry needs can be difficult without assistance. Generally, veteran advocacy and legal clinics are programs that provide legal services and assist veterans in obtaining available benefits.

Stetson University College of Law Veterans Advocacy Clinic represents Tampa Bay area veterans appealing denials of Veterans Administration disability benefits. Stetson Law professors oversee students providing free legal assistance to veterans. Florida State University College of Law Veterans Legal Clinic provides a wider variety of legal services for veterans including driver license reinstatements, representation in family law and landlord/tenant cases, expunction of criminal records, and assistance with clemency applications. Second and third year law students assist veterans under the supervision of licensed attorneys. Such programs do not currently operate in Florida prisons.

Prison Entrepreneurship Program

Though not statutorily mandated, DOC partners with the following educational institutions to offer inmates job training and readiness skills:

- Stetson University;
- Florida State University;
- University of Central Florida; and
- University of West Florida.²⁶

Other states have recognized the need for inmate career development programs, including entrepreneurship training that begins in prison and continues to offer support following release. In 2011, the University of Virginia's Darden School of Business implemented a prison entrepreneurship program at Virginia's Dillwyn Correctional Center, a medium-security prison housing more than 1,000 inmate.²⁷ The program, taught by Darden students and volunteers, focuses on entrepreneurship skills, ethics,

²³ Florida Department of Corrections, *Annual Report Fiscal Year 2017-2018*, *supra* note 2.

²⁴ Florida Department of Corrections, Agency Analysis of 2018 SB 226-Revised, p. 2 (Oct. 25, 2017). Florida Department of Corrections, *Annual Report Fiscal Year 2017-2018*, *supra* note 2.

²⁵ Office of the Public Defender, Ninth Judicial Circuit. *Incarcerated Veterans*. Salute Vets (2019), <http://www.salutevets.com/resources/incarcerated-veterans/> (last visited Mar. 1, 2019).

²⁶ Email from Jared Torres, Legislative Affairs Director, Department of Corrections, RE: Data request, (Feb. 9, 2018).

²⁷ Carlos Santos, *Second Chances: Darden's Fairchild Launches Prison Entrepreneurship Program*, UVA Today (Jan. 4, 2013), <https://news.virginia.edu/content/second-chances-darden-s-fairchild-launches-prison-entrepreneurship-program> (last visited Mar. 1, 2019).

and business strategy.²⁸ Students must complete math testing, develop a personal business plan, and complete a final exam. Although Virginia's overall recidivism rate is about 23 percent, the recidivism rate of program participants is less than 3 percent.²⁹

Similar prison entrepreneurship programs have succeeded in other states. Texas operates the Prison Entrepreneurship Program (PEP) at the Cleveland Correctional Facility in Houston.³⁰ The PEP was founded in 2004, and approximately 800 inmates graduate from the program annually.³¹ To be eligible for PEP, inmates:

- Must have attained or be working toward a high school degree or GED;
- Must be within three years of release;
- Cannot be active gang members; and
- Cannot be sexual offenders.³²

Inmates participate in a three-month, in-prison character development program known as "The Leadership Academy," followed by a six-month, in-prison "mini-MBA" program.³³ Each inmate is required to write a complete business plan and pitch the plan over 120 times to groups of PEP business executive volunteers.³⁴ PEP services continue after graduation and release from prison, and include transition housing, transportation, counseling, a support network, social events and emergency financial assistance. Participants have access to bus passes, phone cards, reduced-cost dental services, medical services, and eye exams and glasses through partnerships with other service providers. Following graduation, 106 participants have founded businesses and the recidivism rate of those participants is less than 7 percent.³⁵

Transitional Employment Programs

DOC partners with Prison Rehabilitative Industries and Diversified Enterprises (PRIDE) to provide inmates with competency-based job training.³⁶ PRIDE operates 41 centers providing training to inmates in 29 state correctional facilities. The program provides training in diversified market segments including agriculture, manufacturing, engineering, medical, services, printing, information technology, and office administration.³⁷ PRIDE offers inmates vocational certifications that are recognized by, and have market value to, potential employers.³⁸

The PRIDE program begins over a year from an inmate's release date. A PRIDE transition specialist helps the participant prepare a transition plan which covers housing and preparing for a job search after release. The PRIDE transition specialist also helps the participant create a resume and develop a training certificate portfolio. PRIDE works with community partners to ensure that clothing, food, and housing needs are met when the participant is released from prison. The transition specialist then

²⁸ *Id.*
²⁹ Resilience Education, *Executive Summary*, (Mar. 2018), <https://static1.squarespace.com/static/5bc4fff016b6405451831f02/t/5bf22d0acd836636ea5b6cd0/1542597899378/1+ +2018+RE+Executive+Summary+%28March+2018%2C+UPDATED%29.pdf> (last visited Mar. 1, 2019).
³⁰ *Id.* See also Prison Entrepreneurship Program, *Releasing Potential* (2018), <http://www.pep.org/releasing-potential/> (last visited Mar. 1, 2019).
³¹ *Id.*
³² Elizabeth English, *The Prison Entrepreneurship Program: An Innovative Approach to Reentry* (Dec. 2016), <http://www.techknlq.com/site/wp-content/uploads/Prison-Entrepreneurship-Program-Profile-December-2016.pdf> (last visited Mar. 1, 2019).
³³ Prison Entrepreneurship Program, *Empowering Innovation* (2018), <https://www.pep.org/empowering-innovation/> (last visited Mar. 1, 2019).
³⁴ *Id.*
³⁵ Versus 25 percent statewide. *Id.* See also The Prison Entrepreneurship Program, *The Results*, <http://www.pep.org/pep-results> (last visited Mar. 1, 2019).
³⁶ Florida Department of Corrections, *Annual Report Fiscal Year 2017-2018*, *supra* note 2.
³⁷ PRIDE Enterprises, *Why PRIDE?* (2017), <https://www.pride-enterprises.org/WhyPride.aspx?page=WhyPride> (last visited Mar. 1, 2019).
³⁸ *Id.*

assists the participant in the employment search and serves as a job retention coach once the inmate is hired. As of June 30, 2018, Florida's recidivism rate was 24.5 percent; the recidivism rate for former PRIDE participants is 9.89 percent.³⁹

Other states have experienced success pairing with nonprofit entities to establish transitional employment programs. The Center for Employment Opportunities (CEO) is a transitional employment program in New York City that services approximately 2,000 parolees annually.⁴⁰ Parolees participate in a four-day pre-employment orientation before beginning work performing maintenance and repairs for city and state agencies.⁴¹ Participants spend one day per week meeting with employment coaches and receiving supplemental soft skill training.⁴² When considered "job-ready," the parolees work with a job developer to find permanent job placement.⁴³ A follow-up study determined that the CEO program significantly reduced the probability of rearrest and reconviction, and the number of rearrests for high risk⁴⁴ participants in a specified time frame.

A similar transitional employment program called the Reentry Works Program (RWP) operates in St. Paul, Minnesota.⁴⁵ The program serves men within 90 days of release from prison.⁴⁶ Participants are placed in transitional jobs at a Goodwill location, generally assisting with the organization's retail operations, such as stocking shelves and processing donations. After an assessment period, successful participants advance to the job development phase where they can apply for on-site, paid training in one of several programs including automotive repair and construction. Program participants work with RWP staff to find permanent job placement and are eligible to receive incentive payments if they maintain employment for six months.⁴⁷

Effect of Proposed Changes

HB 953 encourages offender reintegration into the community workforce. The bill mandates that each inmate receive a copy of a comprehensive community reentry resource directory. The directory must be organized by county and include the name, address, and telephone number of each provider, as well as a description of the services offered. The bill also requires the establishment of a toll-free hotline which provides information to released inmates seeking to obtain post-release referrals for community based reentry services. Both the reentry resource directory and hotline reduce barriers to locating available reentry services.

The bill also requires DOC to increase the number of transition assistance specialists in proportion to the number of inmates served at each of the major institutions and increase the number of employment specialists per judicial circuit based on the number of released inmates served under community supervision. The bill requires transition assistance staff to provide information to inmates identifying job assignment credentialing or industry certifications for which the inmate is eligible. These certifications benefit the inmate following release from incarceration, as they may be provided to potential employers as a record of skills training and employment history.

³⁹ PRIDE Enterprises, *Annual Report 2017* (2017), https://www.pride-enterprises.org/Themes/PrideDefault/MediaContent/About/2017%20Annual%20Report/2017_Annual_Report.pdf (last visited Mar. 1, 2019).

⁴⁰ Dan Bloom, *Transitional Jobs: Background, Program Models, and Evaluation Evidence* (Feb. 2010), https://www.acf.hhs.gov/sites/default/files/opre/tj_09_paper_embed.pdf (last visited Mar. 1, 2019).

⁴¹ *Id.*

⁴² Soft Skills are general behaviors that allow a person to succeed in a work or social environment, such as effort, timeliness, and personal presentation. See Dan Bloom, *supra* note 36.

⁴³ Dan Bloom, *supra* note 36.

⁴⁴ High risk participants are those with nine or more prior arrests. See Janine Zweig et al., *Recidivism Effects of the Center for Employment Opportunities (CEO) Program Vary by Former Prisoners' Risk of Reoffending* (Oct. 2010), https://www.acf.hhs.gov/sites/default/files/opre/ceo_program.pdf (last visited on Mar. 1, 2019).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

The bill also requires DOC to allow nonprofit faith-based, business and professional, civic or community organizations to apply to be registered to provide reentry services. These services include, but are not limited to, providing information on housing and job placement, money management assistance, and counseling addressing substance abuse, mental health, and co-occurring conditions. DOC must adopt policies and procedures for screening, approving, and registering an organization that applies to be registered. DOC may deny registration if the organization does not meet such policies and procedures. Partnering with nonprofit organizations may enable DOC to expand the availability of reentry resources without requiring additional funding.

The bill requires DOC to expand the Glacier forecasting system to include proactive alerts for available reentry services. An expanded Glacier system reduces barriers to locating available reentry services by assisting DOC staff locate reentry services in an inmate's county of residence.

The bill also authorizes DOC to contract with Veteran Advocacy Clinics or Veteran Legal Clinics operated by colleges, universities or other nonprofit organizations, to assist qualified veteran inmates in applying for veteran's assistance benefits upon release. Addressing veteran reentry needs through advocacy and legal clinics helps veterans navigate available veteran benefit opportunities, which may lead to more stable housing, employment, and reduced recidivism.

The bill authorizes DOC to develop a Prison Entrepreneurship Program, to include 180 days of in prison education. If the program is implemented in a facility, the curriculum must include a component on developing a business plan, procedures for graduation and certification of successful student inmates, and at least 90 days of transitional and post-release continuing education services. The bill also encourages the use of transitional employment programs. The bill authorizes DOC to enter into agreements with public or private community colleges, junior colleges, colleges, universities, or other nonprofit entities to implement the program. Similar prison entrepreneurship programs have significantly reduced recidivism rates among participants.

B. SECTION DIRECTORY:

Section 1: Amends s. 944.704, F.S., relating to staff who provide transition assistance; duties.

Section 2: Amends s. 944.705, F.S., relating to release orientation program.

Section 3: Amends s. 944.801, F.S., relating to education for state prisoners.

Section 4: Provides an effective date of October 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will likely have a positive indeterminate impact due to increased expenditures in employing transition and employment specialists, developing additional reentry resources, and developing a Prison Entrepreneurship Program.

The bill may also have a negative indeterminate impact on the prison population by reducing future recidivism.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOC has sufficient rulemaking authority to implement provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES