

FLORIDA SHERIFFS ASSOCIATION



Protecting, Leading, Uniting Since 1893



FSA Headquarters • 2617 Mahan Drive • Tallahassee, Florida



Webinar



Protecting, Leading, Uniting Since 1893

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www.flsheriffs.org/legislative/



Background

Cherish Periwinkle, 8 years old

SunSentinel



SEX PREDATORS UNLEASHED

Since 1999
594 offenders
reviewed and
released

¼ attacked again within 6 months
6 found victims the day they were released



Sexually Violent Predator

Eligibility for SVP is determined at the end of a criminal sentence if the offender is:

- Convicted of a ***sexually violent offense***, and
- Is determined to have a ***mental abnormality or personality disorder*** that makes them likely to engage in future acts of sexual violence if not confined



What is a
Sexually Violent Predator?



Sexually Violent Predator Program

Civil Commitment begins with screening and evaluation before the case moves to civil court

Florida Civil Commitment Center (FCCC)

Arcadia, Florida



Sexually Violent Offenses

s. 394.912(9), Fla. Stat.

- a. Murder of a human being while engaged in sexual battery.
- b. Kidnapping of a child under the age of 13 and, in the course of that offense, committing:
 - 1. Sexual battery; or
 - 2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child.
- c. Committing the offense of false imprisonment upon a child under the age of 13 and, in the course of that offense, committing:
 - 1. Sexual battery; or
 - 2. A lewd, lascivious, or indecent assault or act upon or in the presence of the child.
- d. Sexual battery in violation of s. 794.011.
- e. Lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04 or s. 847.0135(5).
- f. An attempt, criminal solicitation, or conspiracy of a sexually violent offense.
- g. Any conviction for a felony offense in effect at any time before October 1, 1998, which is comparable to a sexually violent offense listed above or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense.
- h. Any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under this part, has been determined beyond a reasonable doubt to have been sexually motivated.



Sexually Violent Predator Referral Process

- Agencies of jurisdiction make referrals:
 - Department of Corrections,
 - Department of Children and Families
 - Department of Juvenile Justice
 - Now...State Attorneys
- Notify the Multidisciplinary Team (MDT) of the release date
- MDT reviews the inmate's background information. This record is compiled by the agency of jurisdiction



Background Records Review

- Personal Background
- Mental Health Records



- Criminal Background
- Treatment History
- Supervision Records & Recidivism

**Jails will be responsible
for pulling together this
information**



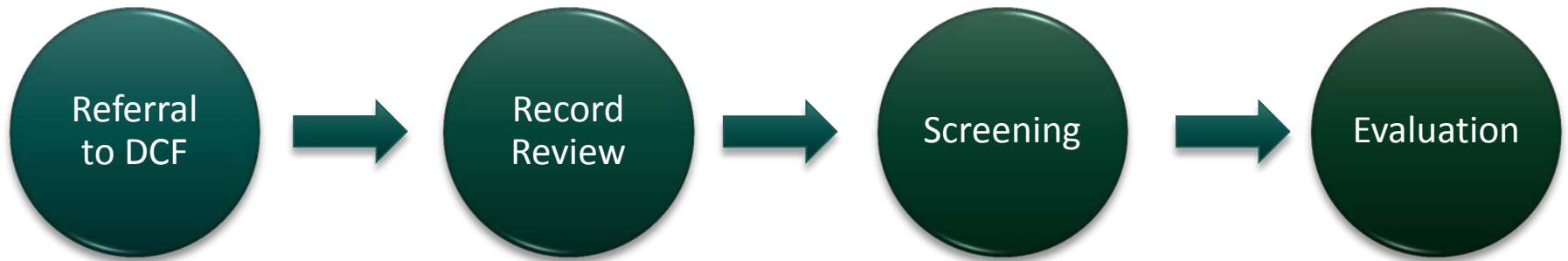
Multidisciplinary Team

- Masters-level DCF staff summarize criminal and clinical information and collect additional information
- Two DCF psychologists determine if the individual meets criteria and whether or not a face-to-face evaluation should be conducted

SB 522 allows for law enforcement and victim advocates to consult with the MDT during the assessment and evaluation process



Screening, Assessment & Evaluation



Entire MDT decides if the referral should move to the judicial process – petition for probable cause



Judicial Process

- If the MDT determines that the offender should be civilly committed, the MDT submits a recommendation to the state attorney
- The state attorney will decide whether or not to file a commitment petition of probable cause

This is a civil court proceeding



"Could my client be innocent? Probably not. My point is it's interesting to think about."



Florida Civil Commitment Center

2 statuses in which an individual can be held at FCCC:

- **Committed:** the person is receiving therapeutic treatment for the mental abnormality or personality disorder; or
- **Detained:** the person can be held at the FCCC while the evaluation is being completed or while the civil commitment case is pending if they have completed their prison sentence or forensic treatment. Detainees are not civilly committed.



Civil Commitment Statistics

Since 1999:

- 899 individuals who have been civilly committed
- 738 detainees have been released to the community



The total population of the FCCC is 634,
63 detainees, and 541 commitments.

~ June 23, 2014



Changes for State Attorneys

- Allows for a person that is **sentenced to county jails** to be eligible for referral for civil commitment by the state attorney
- A state attorney is given discretion to refer persons who meet certain criteria, and *shall* refer others
- Makes additional changes for state attorneys to initiate judicial proceedings for civil commitment



Referral Network

Referral
Sources

- DOC, DJJ, DCF - Forensic, *State Attorney*

DOC, DJJ ,
Forensic

- Triggered by release

SAO

- *Triggered by sentence*



Referral Changes

State attorneys **MAY** refer offenders who:

1. Are required to register as a sexual offender
2. Have been previously convicted of a sexually violent offense, **AND**
3. Have been sentenced to county jail for any criminal offense

State attorneys **SHALL** refer offenders who are arrested on a new charge and who have been:

- Previously convicted of a sexually violent offense, and were civilly committed OR
- Previously convicted of a sexually violent offense, and were in DCF custody as a result of the court finding of probable cause that the offender met the criteria of being a sexually violent offender



Referral Process: Who does what?

SVPP

- Creates watch list of people who have been in the Department's custody based upon a court finding of probable cause
- Notice to victim, DOC and Parole Commission, FDLE, sheriff in county person intends to live after release

SAO

- May refer those sentenced to county jail who is on registry and has previously been convicted of Sexually Violent Offense
- State Attorney reviews MDT "no's"
- State Attorney may file regardless of MDT recommendation
- State Attorney may ask MDT to reconsider MDT "no's"

Jails

- Upon notice of referral from SAO, notify SAO and MDT of release date
- Collect and send background information to MDT
- Notice State Attorney that background information was sent to MDT



SVP Referrals 1998 - 2014

8% Referred for
evaluation



3% Recommended by
MDT for commitment



2% Committed by the
court to DCF/FCCC



Changes for Jails

Jails are now an “agency of jurisdiction” & required to:

- Notify the MDT and the state attorney of an inmate’s release date 180 days prior to release or as soon as practicable, **and**
- Collect records about the inmate and send them to the MDT

The state attorney will notify the jail which inmates are being referred for civil commitment



Suggested Practices for Jails

Upon notification from the state attorney that an offender is being referred for civil commitment:

1. Send sexually violent offender's release date to DCF and the state attorney **AND**
2. Compile background information for the Multidisciplinary Team



Release Date Notification

- When the state attorney notifies the jail that an inmate is being referred, the jail must provide notification of the inmate's release date to the state attorney and the multidisciplinary team
- Determine the process that works best for sending the notifications to the state attorney *of the circuit in which the sexually violent offense was committed (required)*
- A document can be created locally that allows the booking system to populate the offender's information
(sample in implementation guide)



Collecting Background Information

Jails are responsible for collecting background information when the state attorney proceeds with a referral



Jails should contact DCF to find what information exists in the file *before* collecting any data

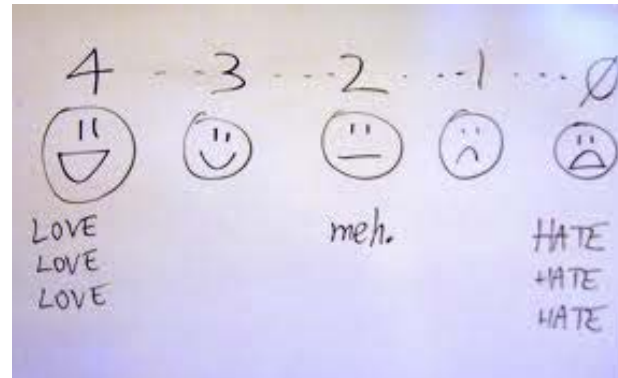
- More information on the “shall” group
- Less information on the “may” or “discretionary referral” group



Evaluation

If the decision is made to refer an offender, the jail must permit an evaluation by a contracted psychiatrist

- Face-to-Face Evaluation



DCF Evaluation Contract Manager (Michelle Lee) will schedule an evaluation with the jail – **needs confirmation**





State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Interim Secretary

Evaluation
Request Letter

DCF needs
confirmation
BEFORE
the psychiatrist
will come to
the facility

Dear Jail Administrator,

Based on Chapter §394, Part V, Florida Statutes, Dr. F/L Name, Florida Licensed Psychologist, will report to Name of Jail on Month day, year, at approximately time to conduct an evaluation of Inmate F/L Name, ID# . Please allow as much time as possible for this evaluation.

The doctor may need to bring in a laptop computer and will need access to the following during the visit:

- 1 Classification (Master) Record
- 2 Health Record
- 3 Interview room that affords reasonable privacy and confidentiality.

Please confirm that the inmate will be ready for the visit.

Thank you for your help.

Michelle Lee-Armet
Evaluation Contract Manager
Sexually Violent Predator Program Florida Department of Children and Families
Office: 717-4355 Fax: 850-921-0015
E-mail: Michelle_Lee@dcf.state.fl.us



Evaluation

Three possibilities exists:

1. Evaluation before the jail processes the offender's release;
2. DCF can issue a 72 hold for the offender's release; or
3. If the offender is released from the jail, the state attorney can request a pick-up order or writ of bodily attachment from the court until the evaluation can be completed



Transportation

- DCF does not have jurisdiction over the offender until a probable cause for civil commitment is filed
- The offender must be transported by the jail to FCCC in Arcadia if the offender is released from jail with a sentence of time served and the referral is still pending, ***unless DCF designates the jail as an “appropriate secure facility”***

Then the jail can hold the offender until the evaluation is complete



Implementing the Process

- Speak with the state attorney's civil commitment or sexual offense unit on how to best implement this process for the jail and judicial circuit
- Contact DCF for further information or questions
- DCF and state attorney contacts can be found in the FSA Implementation Guide
- Send point of contact to the Florida Sheriffs Association



Questions???



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