



Several Deficiencies Hinder the Supervision of Offenders in the Community Corrections Program

at a glance

The Department of Corrections is responsible for over 192,000 offenders on various types of community supervision. Between February 2004 and December 2005, 1,842 offenders were arrested for committing serious crimes, such as murder, sexual offenses, robbery, child abuse, and aggravated stalking. The department found officer noncompliance in 243 (13%) of those cases, most commonly for failing to make required contacts with the offender.

Several deficiencies hinder the supervision of offenders in community corrections. Program resources are not directed at offenders who pose the highest risk. Administrative tasks hinder officers' ability to supervise offenders, and offender transport creates problems for the department and local law enforcement.

Therefore, the Legislature should remove caseload standards from statutes and require the department to manage caseloads and provide supervision based on an offender's level of risk. The department should monitor all offenders based on their risk to public safety, study options to improve technology, and assess options of transporting offenders who violate supervision to jail.

Scope

In recent years Florida has experienced a number of high-profile cases in which offenders on community supervision committed heinous crimes. In response, the Legislature enacted Chapter 2005-28, *Laws of Florida*, known as the Jessica Lunsford Act. The act strengthens penalties for persons who commit sex offenses, including lifetime imprisonment or supervision with electronic monitoring for persons convicted of lewd and lascivious molestation of a child under 12.

The act also requires the department to review the circumstances related to any offender who is arrested for a serious crime while on supervision. It further directs OPPAGA to examine those reviews and identify patterns of noncompliance by probation officers and systemic deficiencies in the community supervision program.¹

Our report addresses four questions.

- How does the department monitor offenders on community supervision?
- How many serious crimes have been committed by offenders on community supervision?
- Did probation officers properly supervise the offenders who committed serious crimes?
- Do systemic deficiencies exist in the community supervision program?

¹ The act also required OPPAGA to study the effectiveness of Florida's sexual predator and offender registration process (*Florida's State, County, Local Authorities Are Implementing Jessica Lunsford Act*, OPPAGA Report No. 06-03, January 2006).

Exhibit 1

Over 112,000 Offenders Are Actively Supervised in the Community, With the Majority on Regular Probation

Supervision Type	Description	Number of Offenders on Active Supervision	Percentage of Active Supervision Population
Probation			
Administrative Probation	Least intensive form of supervision in which offender is not subject to contacts; periodic record checks are completed to ensure the offender has not violated the law	1,884	1.7%
Regular Probation	Most common form of supervision requires offenders to maintain contact with probation officers based on their risk to the public; offenders must pay for supervision, court costs, and victim restitution and participate in treatment programs.	74,716	66.4%
Drug Offender Probation	Requires offenders with drug problems to have individualized treatment plans and random drug testing	13,763	12.2%
Sex Offender Probation	Requires offenders to comply with specific conditions imposed by the court, e.g., not being allowed to reside within 1,000 feet of a school, playground, or daycare center; submit to DNA testing, sex offender treatment or counseling; follow mandatory curfew (Appendix A lists additional requirements.)	2,780	2.5%
Probation Total		93,143	82.8%
Pretrial Intervention			
Regular Pretrial Intervention	Requires first-time offenders who committed nonviolent crimes to submit to a term of probation in exchange for not being formally charged for their crimes	5,103	4.5%
Drug Offender Pretrial Intervention	Requires drug treatment and testing conditions for first-time offenders with drug problems in exchange for not being formally charged for their crimes	2,980	2.6%
Pretrial Intervention Total		8,083	7.2%
Community Control			
Regular Community Control	Requires offenders to submit to house arrest that may include electronic monitoring	7,003	6.2%
Sex Offender Community Control	In addition to the provisions of sex offender probation, offenders are subject to intensive supervised house arrest	206	0.2%
Community Control Total		7,209	6.4%
Post-Prison Release			
Conditional Release	Requires supervision for violent offenders, habitual offenders, and sexual predators upon reaching their prison release date with accrued gain time	1,935	1.7%
Parole	Requires inmates released into this post-prison supervision to submit to terms and conditions set by the Florida Parole Commission	1,943	1.7%
Other Post-Prison Release Supervision	Includes conditional medical, addiction recovery release, control release, administrative control release, provisional release, supervised community release, and program supervision	210	0.2%
Post-Prison Release Total		4,088	3.6%
Other Supervision			
Other Supervision	Includes county work release, county parole, conditional pardon, and mandatory conditional release	24	0.0%
Other Supervision Total		24	0.0%
Total Offenders on Active Supervision		112,547	100.0%

Source: Fiscal Year 2004-05 Annual Report and Florida's Supervised Population Monthly Status Report, December 2005, Florida Department of Corrections.

Background

The Department of Corrections' Office of Community Corrections supervises offenders placed on community supervision to monitor their compliance with Florida law and conditions specified by the courts. Judges may sentence offenders to community supervision as an alternative to jail or prison or may impose a term of supervision to follow a prison term, known as a split sentence. As shown in Exhibit 1, probation is the most common type of supervision, which is generally imposed by the court in lieu of a prison sanction thereby saving prison beds for more dangerous offenders.

As of December 2005, the Community Corrections program was responsible for 192,645 offenders, of which 58%, or 112,547, were being actively supervised. As shown in Exhibit 2, 44,130 offenders (22.9%) had absconded from supervision and their whereabouts were unknown.² The remaining offenders were either under active-suspense, meaning that they were unavailable for direct supervision (e.g., they were in jail awaiting court proceedings or hospitalized); or were living outside of Florida and supervised by another state with the Florida Department of Corrections continuing to monitor their reported compliance with supervision conditions.

Offenders on community supervision are supervised by correctional probation officers. These staff supervise offenders primarily through personal contacts conducted in the field and in the office. Under most forms of supervision, officers are required to visit the offender's home or place of employment and offenders are required to visit the probation office. In addition to making contacts, probation officers conduct investigations, compile and review violations, and provide referrals and resources to help offenders successfully transition into the community through employment, treatment programs, and support services.

² OPPAGA addressed the problem of absconding offenders in prior reports (*Review of the Department of Corrections*, OPPAGA Report No. 00-23, December 2000; and *More Efficient Use of Probation Officers and Prioritization of Victim Restitution Needed*, OPPAGA Report No. 04-58, August 2004). The department now issues warrants for absconders and has established an absconder apprehension team to locate and arrest absconders.

Exhibit 2

The Community Corrections Program Is Responsible for 192,645 Offenders

Total Offender Population	Number	Percentage
Active	112,547	58.4%
Active-suspense	31,201	16.2%
Total Currently Under Supervision	143,748	74.6%
Out-of-state	4,767	2.5%
Absconders	44,130	22.9%
Total Not Currently Under Supervision	48,897	25.4%
Total Offenders	192,645	100.0%

Source: Supervised Population Monthly Status Report, December 2005, Florida Department of Corrections.

In Fiscal Year 2005-06, the Legislature appropriated \$247.3 million and 3,568 positions to the Community Corrections program. General revenue accounts for most of this total (\$247 million), with the remaining \$320,246 coming from the department's grants and donations trust fund. The Community Corrections program accounts for 20% of the department's \$1.2 billion total Fiscal Year 2005-06 budget. Of the 3,568 positions allocated to community corrections, 2,287 are filled by certified probation officers who are responsible for supervising offenders while the remaining positions consist of supervisors, support staff, and program managers.³

Questions and Answers

How does the department monitor offenders on community supervision?

The level of supervision for offenders in community corrections is typically based on the perceived risk they pose to the community. Florida law states that one of the goals of the department is to provide supervision based on public safety risks.⁴ To this end, the department has developed a risk classification system to place offenders into minimum, medium, and maximum categories, which determines the frequency of contacts between the offender and probation

³ In total, 2,357 positions are allocated to probation officers, of which 70 were vacant in December 2005.

⁴ Section 20.315(1)(e), *F.S.*

officer. This system considers a number of factors including the offenders' crime, criminal history, length of sentence, and employment. The department classifies all sex offenders, drug offenders, those on post-prison release, and violent and habitual offenders as maximum risk, as well as those who violate the terms of their supervision.⁵

Based on their assessed risk, offenders generally must report to the probation office on a weekly or monthly basis. Additionally, officers must make contacts with offenders at their residence and place of employment, with offenders' treatment providers, and with family members or neighbors to ensure that offenders are complying with the conditions of their supervision.

Some categories of offenders also are subject to additional conditions. All offenders sentenced to community control (house arrest) receive additional supervision, and sex offenders may be subject to mandatory curfew, monitoring of their computers, and annual polygraph tests. Appendix A lists other restrictions for sex offenders.

As shown in Exhibit 3, offenders on community control receive the most intensive supervision, a minimum of eight personal contacts per month, while sex offenders receive a minimum of three monthly contacts. Offenders in the maximum risk category are required to receive two monthly personal contacts, while those in lower risk classifications receive less frequent contacts.

In addition, Florida statutes limit the caseloads of probation officers based on the types of offenders they supervise.⁶ Community control caseload ratios cannot exceed 25 offenders per officer, while sex offender caseload ratios cannot exceed 40:1 and drug offender caseload ratios cannot exceed 50:1. There are no statutory limits on caseloads of other types of offenders, but the department uses a weighted caseload system that limits the number of minimum, medium, and maximum offenders a probation officer can supervise. Officer caseload ratios range from 25 offenders per officer to 250 offenders per officer depending on the types of offenders they supervise.

⁵ Probation officers and supervisors are able to classify offenders as maximum risk upon a file review or other reason to believe that the offender may violate probation.

⁶ Sections 948.001, 948.10, and 948.12, *F.S.*

Exhibit 3

Community Control Offenders Receive Four Times the Number of Contacts as Maximum Risk Offenders

Risk Classification	Number and Percentage of Offenders	Monthly Personal Contacts	Officer Caseload Maximum
Community Control	7,213 (6.4%)	8	25
Sex Offender	6,825 (6.0%)	3	40
Maximum	28,644 (25.5%)	2	50
Medium	15,840 (14.1%)	1.5	75
Minimum	43,410 (38.6%)	1	113
Administrative	2,384 (2.1%)	0	250
Pretrial Intervention	8,083 (7.2%)	NA ¹	NA ¹
Pending Classification	148 (0.1%)	NA ²	NA ²
Total Active	112,547 (100.0%)		

¹ Varies based on risk. Offenders in pre-trial intervention are initially classified as minimum risk but are classified as maximum risk if they violate probation.

² Pending classification refers to offenders awaiting formal classification and placement on supervision.

Source: Florida's Supervised Population Monthly Status Report, December 2005, Florida Department of Corrections; Department of Corrections Long Range Program Plan; and Florida Corrections Commission 2003 Annual Report.

How many serious crimes have been committed by offenders on community supervision?

Between February 2004 and December 2005, 1,842 offenders on community supervision were arrested for committing serious crimes. These crimes are classified as serious by the Jessica Lunsford Act and include murder, sexual offenses, robbery, carjacking, child abuse, and aggravated stalking. On average, slightly less than one-tenth of one percent (0.08%) of offenders being actively supervised each month committed a serious crime.

Exhibit 4 shows the crimes committed and the risk level under which the offenders were supervised at the time they were arrested for committing those crimes.⁷ Offenders who were classified as maximum risk committed a disproportionate

⁷ The 1,842 offenders committed a total of 2,653 offenses that were deemed serious. Offenders who committed multiple offenses are categorized in the exhibit under the most serious offense committed. The offenses were ranked in order of the A through J categories set forth in s. 948.062, *F.S.*

Exhibit 4**71% of All Offenders Arrested for Committing Serious Offenses Were Under Maximum Risk Community Supervision ¹**

Serious Offense	RISK LEVEL						Total Offenders
	Administrative	Community Control	Maximum	Medium	Minimum	Sex Offender	
Murder / Attempted Murder	2	17	152	16	16	5	208 (11%)
Sexual Battery	1	26	180	17	27	40	291 (16%)
Sexual Performance by a Child	0	14	87	7	12	30	150 (8%)
False Imprisonment	3	30	262	13	35	17	360 (20%)
Lewd and Lascivious	0	6	71	9	7	21	114 (6%)
Child Abuse	1	4	40	0	4	0	49 (3%)
Robbery	1	34	409	21	34	13	512 (28%)
Stalking	1	7	82	7	12	3	112 (6%)
Vehicular Homicide	0	0	5	3	1	0	9 (0%)
Aggravated Assault / Battery ²	1	1	13	0	4	7	26 (1%)
Other Offenses ³	0	1	6	0	0	4	11 (1%)
Total Offenders Who Committed Serious Crimes from February 2004 Through December 2005	10 (0.5%)	140 (7.6%)	1307 (71.0%)	93 (5.0%)	152 (8.3%)	140 (7.6%)	1842 (100%)
Percentage of All Offenders on Active Supervision as of December 2005	2.1%	6.4%	25.5%	14.1%	38.6%	6.0%	

¹ The offenses were ranked in order of the A through J categories set forth in s. 948.062, *Florida Statutes*.

² This category is not specifically set forth in statute; however, it is used as a proxy for the category – “forcible felony by a person who is designated as a sexual predator.” The department’s serious offense reports do not identify sexual predators; instead they list all forcible felonies, which include aggravated assault and battery.

³ Includes offenses that would not be considered a crime if the person were not on community supervision, such as a sex offender possessing pornographic materials.

Source: OPPAGA analysis of serious offenses committed by Florida offenders on community supervision between February 2004 and December 2005.

number of serious offenses. These offenders accounted for 25.5% of the supervised population in December 2005, but committed 71% of all serious crimes as well as most of the crimes in each category.

These results suggest that the maximum risk classification is an accurate measure of the risk of the offender to the community, but that current supervision requirements for this population may not be sufficient.

Did probation officers properly supervise the offenders who committed serious crimes?

When persons on community supervision are arrested for committing serious offenses, department policy requires circuit administrators to review their cases to determine if officers

complied with all policies and procedures. The department’s review of these cases found officer noncompliance in 243 (13.2%) of the 1,842 cases.

The most frequent violation was failure to make required personal contacts with the offender at home or in the field. This violation was cited in 127 cases, as shown in Exhibit 5. In 45 of those cases, officers failed to make the required contacts during more than one reporting period. Personal contacts with offenders are the department’s primary means of monitoring whether offenders are complying with the conditions of their supervision and abiding by the law.

The second most common violation was failure to verify offender residency or employment, which is required at the beginning of the supervision period and every 90 days thereafter. This is important as the department verifies that the offender is not violating the conditions of supervision by living or working at that location.

Exhibit 5
Over 50% of the 243 Cases Showing Officer
Noncompliance Included Failure to Meet Contact
Standards¹

Policy and Procedures Not Followed	Cases	Percent
Failure to Meet Contact Standards	127	52.3%
Failure to Verify Residency or Employment	90	37.0%
Failure to Ensure Drug Testing Is Administered	73	30.0%
Failure to Report Offender Violations	50	20.6%
Failure to Conduct Offender Orientation	36	14.8%
Other Violations ²	26	10.7%

¹ The total exceeds 100% as officers violated more than one procedure in some cases.

² Includes timely entering case notes and conducting case management reviews.

Source: OPPAGA analysis of management reports associated with serious offenses committed by offenders on DOC community supervision between February 2004 and December 2005.

For example, sex offenders cannot live or work within 1,000 feet where children regularly congregate.

Department staff reported several reasons why officers fail to make all required contacts. These reasons include officer negligence, and situations in which officers received cases at the end of the month and had insufficient time to visit the offender before the end of the reporting period. Further, officers prioritize their cases by risk class and may not contact some offenders as required during a period if they receive additional cases due to the turnover, illness, and annual leave of other officers (the department redistributes cases when such officer vacancies occur).

While probation officer supervisors are required to monitor an individual officer's compliance with contact standards, department management is unable to track and monitor statewide compliance with this requirement. The department requires supervisors to run computer-generated reports that indicate whether officers made all of their contacts during the reporting period. Supervisors also are required to report instances of noncompliance to circuit administrators and ensure that the contact is made during the next reporting period. However, our review of department data indicates that there is not always adherence to these requirements. In many cases, required contacts were not made for several consecutive months, suggesting that supervisors did not identify and intervene in these cases. The department cannot determine the

extent of this problem because while it has a process to assess officer noncompliance on a monthly basis, managers are unable to retrieve and analyze this information on an historical basis.

To better assess the extent of this problem and develop strategies to correct it, the department should develop a computer program to regularly extract and report statewide compliance with contact standards. When such contacts are not made, probation officers miss the opportunity to determine whether offenders are complying with their supervision or are exhibiting signs that they may commit serious crimes.

Do systemic deficiencies exist in the community supervision program?

In addition to officer noncompliance, there are several systemic deficiencies that hinder the supervision of offenders in community corrections. The program's resources are not being directed at offenders who pose the highest risk, administrative tasks hinder officers' ability to supervise offenders, and offender transport creates ongoing problems for the department and local law enforcement agencies.

Community supervision resources should be directed at offenders who pose the highest risk

Although our analysis indicates that maximum risk offenders generally pose the greatest risk to public safety, the department supervises community control offenders more intensively. Community control offenders are required to receive the highest level of monitoring with a minimum of eight contacts per month, four times the monitoring frequency of maximum risk offenders. We calculated the number of required contacts for each supervision type and found that the department allocates a disproportionate amount of supervision resources for community control offenders. While community controllees account for 6.4% of the supervised population in December 2005, they are required to receive 28.5% of all contacts, as shown in Exhibit 6. The intensity of community control supervision is both a reflection of statutory requirements and departmental policy.⁸

⁸ Section 948.10(3), F.S., requires the department to allocate no less

Exhibit 6

The Department Allocates a Disproportionate Amount of Supervision Resources for Community Control Offenders

Risk Classification	Percentage of Offenders	Percentage of Personal Contacts
Community Control	6.4%	28.5%
Sex Offender	6.0%	10.1%
Maximum	25.5%	28.3%
Medium	14.1%	11.7%
Minimum	38.6%	21.4%
Administrative	2.1%	0%

Note: The percentage of offenders does not equal 100% because offenders in pre-trial intervention are listed in their own risk class but are supervised by minimum, medium, or maximum risk.

Source: Florida's Supervised Population Monthly Status Report, December 2005, Florida Department of Corrections; and OPPAGA analysis of contact standards in the Department of Corrections Long Range Program Plan.

While community controllees receive the highest level of monitoring, these offenders as a group may not warrant such a high level of monitoring. Community controllees are restricted to home and work while other offenders under supervision generally are not. The community control population also excludes forcible felons, who, due to the seriousness of their offenses, are ineligible for placement in this program.^{9, 10} Forcible felons include those who have committed violent offenses such as murder, sexual battery, and robbery. In contrast, as of December 31, 2005, there were 32,365 offenders on probation and post-prison release who committed murder and other violent crimes, but are not supervised as closely as those sentenced to community control.

Similarly, the department's electronic monitoring resources are not currently targeted to the highest

risk offenders. A previous OPPAGA report noted that in December 2004, almost half (43%) of electronic monitoring units were being used on offenders who were sentenced to community control for drug and property offenses, while thousands of habitual and sex offenders were not being electronically monitored.¹¹ This occurred because electronic monitoring traditionally has been ordered by judges for community control cases, which do not represent the highest risk offenders on community supervision. While the department has statutory authority to place other offenders on electronic monitoring, it has not used this authority in cases where electronic monitoring was not specifically ordered by the court.¹²

Florida statutes require the department to "intensively" supervise all sex offenders, drug offenders, violent and habitual offenders, and those on post-prison release. To meet this requirement, the department makes contact with sex offenders three times a month and classifies the other offenders as maximum risk, which requires contact twice a month. However, while some of those offenders pose a greater risk than others, they are all supervised the same. For example, a person labeled as a drug offender for possession of drugs is required to be visited the same number of times as a person who is on post-prison release for murder.

The state could better direct its limited resources to offenders who pose the greatest risk to public safety by classifying and supervising all offenders based on the severity of their criminal history and likelihood to reoffend. This would enable the department to make more frequent contacts with the highest risk offenders. The Legislature should consider modifying statutes to require the department to use its risk classification system to classify all offenders and supervise them accordingly.¹³ As a result, department supervision contact standards and officer caseloads would be determined based on offender risk rather than type of supervision. As previously recommended in OPPAGA's prior report on electronic monitoring,

than 10% of its supervision resources to community control offenders. As discussed earlier, Florida law also requires community control caseloads to be 25:1, which is smaller than any other supervision type. Departmental policy mandates the number of personal contacts required to supervise community control offenders.

⁹ Section 948.10, *F.S.*

¹⁰ Section 776.08, *F.S.*, defines "forcible felony" as treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual. Section 948.10, *F.S.*, allows felons convicted of manslaughter or burglary to be sentenced to community control.

¹¹ *Electronic Monitoring Should Be Better Targeted to the Most Dangerous Offenders*, OPPAGA [Report No. 05-19](#), April 2005.

¹² *Anthony v. State of Florida*, 854 So.2d 744 (Fla. 2d DCA 2003), found that the department could not violate the supervision of an offender on electronic monitoring if that requirement was not part of the court order.

¹³ This would not change the conditions or restrictions of supervision, only the intensity.

the Legislature also could make electronic monitoring a standard condition of the sentencing order, which would enable the department to direct these resources based on offender risk as well.

Administrative tasks hinder officers' ability to supervise offenders

Supervisors and probation officers report that officers generally spend less than half of their time making contacts with offenders, and spend most of their remaining time doing administrative work. This includes entering information about offenders into a computer database, reviewing criminal justice information to identify arrest and sentencing data, and compiling and reviewing probation violations. Officers also make referrals for offenders, such as for drug treatment and batterers' intervention, notify crime victims that their offenders have been released, file paperwork for offender files, and reconcile court-ordered payments. In addition, officers are responsible for conducting as many as 15 different types of investigations for each offender, such as community control eligibility investigations, pre-sentence investigations, and violation investigations.

Officers' ability to efficiently perform these administrative tasks is hindered by outdated technology. Officers use the Offender Based Information System (OBIS) mainframe system to track and record all offender information. This 27-year-old system is antiquated and has a number of limitations, such as requiring users to manually enter a series of numeric codes to run and retrieve information from the database. The system also lacks edit checks, which can result in erroneous and improper information being entered into data fields. Due to its outdated software, the department has had difficulty finding individuals with the knowledge to maintain and repair the system.

The department is assessing options to replace OBIS with a new Windows-based system that would improve officer productivity, avoid duplicate data entry, and provide edit checks. The department plans to request funding for the project in Fiscal Year 2007-08, and estimates that the system will have a cost of \$20 million.

The department also is considering a pilot project to provide mobile technology (laptops or personal digital assistants) to probation officers while its

new system is under development.¹⁴ These devices would allow officers to input and review case notes while in the field thereby reducing the amount of time spent on this administrative work. The department is currently identifying time savings that could be attained by using the proposed system.¹⁵

The department should develop feasibility studies for the reengineering/replacement of OBIS and the technology pilot program. The results of both studies should be reported to the Legislature to aid in its budget deliberations.

Offender transport creates ongoing problems for the department and local law enforcement agencies

An ongoing challenge for the community supervision program is arranging for the arrest and transport of offenders who violate the terms and conditions of their supervision. These persons are taken to county jail until a judge determines if they will serve jail or prison time, receive additional time on supervision, or be released with no additional sanctions.

While probation officers have arrest authority, they lack the authority to transport offenders to county jail and must rely on local law enforcement to fulfill these duties. During 2005, over 15,500 offenders were arrested at probation offices, and this number has increased in recent years with the department's zero tolerance policy of arresting all offenders who violate the terms of their supervision.¹⁶ Local law enforcement agencies provided transport for all of these offenders. Department staff and law enforcement officials throughout the state have voiced concern regarding transport of these offenders. Law enforcement agencies report that transporting the probation offenders can create a substantial strain on their resources.

Department staff assert that the challenges of transporting offenders diminish public safety and adversely affect productivity. While probation officers may arrest offenders, local probation offices lack secure facilities to hold these persons. As a

¹⁴ Several probation agencies across the United States including Georgia, Illinois, and Maryland utilize mobile technology.

¹⁵ A similar pilot program recently was initiated for federal probation officers to electronically download and retrieve all case information.

¹⁶ Officers also may conduct arrests in the field, which requires law enforcement to transport offenders, as well.

result, probation officers frequently do not arrest offenders themselves but instead call local law enforcement to send an officer to arrest and transport the offender. The probation officers try to stall the offender until local law enforcement arrives, which can take several hours. In the meantime, offenders can simply walk out of the office to avoid arrest, creating a public safety problem.

The need to supervise offenders in probation offices while they are awaiting arrest and transport also prevents officers from attending to their other duties. Some probation offices report that they routinely devote two to three officers to monitoring offenders who are in the office awaiting arrest or transport, reducing productivity substantially.

The department should explore options for resolving this situation. Specifically, the department should examine the feasibility of establishing a limited number of cells or other secure facilities to hold offenders at probation offices, and/or acquiring a limited number of secure vehicles to transport these offenders to county jails. Another option would be to establish contracts with local law enforcement agencies to reimburse them for the costs of transport offenders if done within established time frames. The department should identify the fiscal impact of these and related alternatives and provide them to the Legislature for its consideration.

Recommendations

To improve accountability, we recommend that the department annually provide the Legislature with compliance results of contact requirements. The report should include the total number of contacts required for each risk level, the number of contacts made, the reasons contacts were not made, and the number of instances in which contacts were missed prior to offenders committing serious crimes.

To better direct resources to the most dangerous offenders, we recommend that the department supervise all offenders based on their assessed risk to public safety rather than prescribed requirements in statute. To accomplish this, the Legislature should consider amending statutes to require the department to use its risk classification system to classify all offenders regardless of supervision type; remove statutory language requiring minimum caseloads for community control, sex offender probation, and drug offender probation; and remove language requiring the department to

allocate 10% of its resources to community control. Upon revision of Florida law, the department should develop and implement new contact standards and caseloads based on the risk classification and report these changes to the Legislature.

To improve its technology and productivity, we recommend that the department develop a feasibility study on the reengineering/replacing OBIS as well as its technology pilot project that would provide handheld computers to staff. This feasibility study should include a business case describing strategic needs, assumptions, constraints, and expected outcomes of the new system as well as a cost-benefit analysis indicating initial and long term investment requirements.

To minimize the adverse effects of transporting offenders who violate probation, we recommend that the department assess options such as creating a limited number of holding cells or secure facilities; obtaining a limited number of secure vehicles to transport offenders to county jails; and establishing contracts with local law enforcement agencies to transport offenders within established time frames. The department should identify the fiscal impact of these and other alternatives and provide them to the Legislature for its consideration.

Agency Response

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the Secretary of the Department of Corrections for review and response. The Secretary's written response is reproduced in its entirety in Appendix B.

OPPAGA supports the Florida Legislature by providing evaluative research and objective analyses to promote government accountability and the efficient and effective use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

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Appendix A

Statutory Supervision Conditions for Sex Offenders

Offenders who committed a sex offense and are placed on community supervision are subject to many restrictive conditions, as provided in s. 948.30, *Florida Statutes*. These provisions are noted below.

- A mandatory curfew
- Prohibition on living within 1,000 feet of a place where children regularly congregate (If victim was under 18 years of age)
- Successful completion of a sex offender treatment program
- Prohibition on any contact with the victim
- Prohibition on contact with a child under the age of 18 (if the victim was under 18 years of age)
- Prohibition on working for pay or as a volunteer at any place where children regularly congregate (if the victim was under 18 years of age)
- Prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material
- Prohibition on accessing the Internet or other computer services (if the offense took place on or after July 1, 2005)
- Submission of a specimen of blood or other approved biological specimen to the Department of Law Enforcement to be registered with the DNA data bank
- Restitution to the victim, as ordered by the court
- Submission to a warrantless search of person, residence, or vehicle

If the offense took place on or after October 1, 1997

- Participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms
- Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising office.
- A prohibition against obtaining or using a post office box without the prior approval of the supervising officer
- If there was sexual contact, an HIV test with the results to be released to the victim or the victim's parent or guardian
- Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections

If the offense took place on or after September 1, 2005

- Mandatory electronic monitoring as a condition of the probation or community control supervision (if the victim was 15 or younger and offender is 18 or older)

Appendix B



**FLORIDA
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Office of Program Policy Analysis &
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Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1475

Dear Director VanLandingham:

In response to your correspondence and report regarding supervision of offenders in Community Corrections, we thank you for the opportunity to be objectively evaluated by your office. I wish to acknowledge the professionalism of your staff in completing this evaluation of offender supervision and commend your staff for diligently working to understand the complex dynamics of supervision. We have enjoyed meeting with your staff over the past several months to discuss and examine very important issues.

The report recommends the department monitor all offenders based on their risk to the public and re-direct program resources to offenders who pose the highest risk. We agree that often various priorities such as warrantless arrests take precedence over the number of contacts made with each offender; therefore, we will re-allocate resources to prioritize contacts with the offender and the community. We agree that administrative tasks take time away from supervision of offenders in the community. In an effort to reduce administrative tasks necessary in supervising the offender, the agency will also examine mobile data access services, hand held computers and other integrated systems in an effort to reduce desk work required by officers and allow more time for field supervision.

In reference to prescribed caseload requirements in statute, we will ask for legislative support in removing statutory language requiring minimum caseloads for specialized supervision types such as the statutorily mandated 25 to 1 offender to officer ratio for community control cases. This revision of statutorily required caseload requirements will allow the department to develop and implement a new risk assessment system, thereby more effectively identifying the offenders that pose the greatest risk to the public and ensuring offenders are supervised based on appropriate risk level.

Director VanLandingham

April 1, 2006

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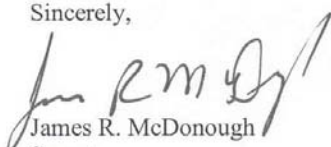
Further recommendations include that the department develop a feasibility study on re-engineering or replacing our Offender Based Information System (OBIS). Current language in a House and Senate appropriations bill mandates that a feasibility study on reengineering or replacing OBIS will be submitted to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council by January 1, 2007. The department agrees that this process is necessary as a first step in replacing or reengineering our current system.

Additional recommendations include that the department create a limited number of holding cells or secure facilities to hold offenders while awaiting transport. While this idea has merit, the department's Community Corrections facilities are leased and this would require approval from the property owners who provide these leases to the department. There would be additional funding necessary to design and build these cells, and this would require arming staff with the necessary devices and training for cell extraction in the event of an emergency situation. Obtaining a limited number of vehicles to transport offenders to county jails and establishing contracts with local law enforcement agencies for offender transport is an effort the department will approach in our next legislative session.

Finally, this report notes there were cases found deficient in meeting supervision requirements. These deficiencies are reported to administrative officials immediately upon notification of a new serious offense arrest. Often the preliminary findings can be justified upon further review. For example, contacts with an offender may not be met due to an offender absconding. The department is committed to ensuring that contact standards are met and that all issues of offender non-compliance are examined and handled appropriately.

Despite the obstacles outlined in this report, our officers face many challenges and have shown their dedication to the State of Florida and its citizens. The Florida Department of Corrections recognizes that our primary mission is public safety. We promise improving focus in identification of high risk cases, prioritizing supervision and contact requirements and examining technological innovations. The department welcomes the opportunity to further work with you and the legislature to ensure our mission is met.

Sincerely,


 James R. McDonough
 Secretary

JRM/BA/dk