

FLORIDA'S SEXUALLY VIOLENT PREDATOR PROGRAM:

Findings on the Civil Commitment
Referral Process

PROGRAM BACKGROUND

- Authorized by Jimmy Ryce Act - October 1998
- Administered by Department of Children & Families (DCF)
- Statutory Intent: target the “small but extremely dangerous number of sexually violent predators”
- SVP is defined as: “any person who has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment”

PROGRAM ELIGIBILITY

- Over the Age of 18
- 1st Time Offenders w/No Known History of Sexual Violence
- Offense Categories
 - Murder while engaging in a sexual battery
 - Kidnapping/false imprisonment of a child <13 that involves any sex act upon or in their presence
 - L & L or indecent assault upon or in the presence of a child
 - Any attempt, criminal solicitation, or conspiracy to commit a sexually violent offense
 - Conviction of a sexual battery any time before Oct. 1, 1998

CIVIL COMMITMENT ASSESSMENT PROCESS

(See Figure 1)

- Total Cases Referred to DCF for Consideration of Commitment Between 1/99 – 12/99 4,377

- Released After Initial Assessment/Did Not Meet Criteria 2,404

- Met Criteria/Referred for Evaluation 404
 - Clinical Evaluation Yes/Referred 176
 - Clinical Evaluation No/Released 221
 - Evaluation Pending 7

OPPAGA PROGRAM FINDINGS

JAN. 1999 – DEC. 1999

(See Figure 2)

- Delays in the Assessment Process
 - Referral to DCF → Initial Assessment Completion: 93 days
 - Referral to Clinical Evaluator → Evaluation Completion: 27 days
 - Completion of Clinical Evaluation → State Attorney: 12 days
 - Total Processing Time: 133 days
 - Total Processing Time Required by Law: 45 days

OPPAGA PROGRAM FINDINGS

JAN. 1999 – DEC. 1999

- Reasons for Delays in the Assessment Process
 - Program Start up Issues
 - Limited Availability of Contracted Clinical Evaluators
 - Program Understaffed
 - Shifting Prison Release Dates for Eligible Inmates
 - 76% released 1-6 months prior to expected release date
 - 12% released on expected release date
 - 17% released after expected release date

OPPAGA PROGRAM FINDINGS

June 2004

- Delays in the Assessment Process
 - Previous Total Assessment Processing Time: 133 days (45 days)
 - Current Total Assessment Processing Time: 213 days (180 days)

- Implications of Assessment Delays
 - Commitment Process Not Completed Before Inmate Release Date
 - Of 445 inmates detained at Civil Commitment Center, 293 are Pre-Commitment Status.
 - Average Detention Time Awaiting Proceedings: 916 Days*
 - \$15 million to detain 240 offenders not committed as SVPs*

**Includes delays associated with legal proceedings as well as assessment process.*

OPPAGA RECOMMENDATIONS

- Number of DCF Staff and Contracted Clinical Evaluators Has Increased.
- Lead Time for Start of the Review Process Has Increased from 365 days to 545 days
- Refine/Evaluate Initial Assessment Process: 85% of Sex Offenders Referred to DCF are Released After the Initial Assessment

LUCKEN & BALES STUDY

RESEARCH QUESTIONS

- Is there a significant difference between sex offenders referred for clinical evaluation and sex offenders released after the initial assessment?
- Are the risk factors accounting for this difference consistent with statutory requirements?
- Are the risk factors accounting for this difference consistent with research and actuarials?

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DATA COLLECTION

- Data Sources
 - DCF Data Base/Standard
 - Legal and Non-Legal Offender Information (age, race, gender, prior and current record, use of weapon, # of prison disciplinary reports)
 - DCF Data Base/Coded
 - Case Narratives (criminal event information, victim information, P & P violation history, mental health history, treatment program history)

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SAMPLING STRATEGY

- All Adult Referrals from Department of Corrections
July 2000 - August 2003.

Excluded Cases

- Not Guilty By Reason of Insanity
- Parole Cases
- Women

- Total Number of Referrals: 6,346

Released/No's 5,931 (n=546)

Referred for Clinical Eval/Yes's 415 (n=246)

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VARIABLES USED IN ANALYSIS

(See Table 1)

- Dependant Variable
 - Yes/No Decision to Refer Sex Offender for 2nd Stage Clinical Evaluation

- Independent Variables
 - Offender Demographic (2)
 - Offender Legal (9)
 - Victim (3)
 - Offender Clinical (2)

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FINDINGS

- **Difference in Means Test (Table 2)**
- **Regression Results (Table 3)**

Significant Demographic Variable

- Race (White)*

Significant Legal Variables

- Weapon Used in Sex Crime***
- Number of Disciplinary Reports in Prison***
- Number of Prior Convictions: Sex Crime on Adult, Sex Crime on Minor***
- Number of Prior Convictions: Violent Crimes/Non-Sex***
- Number of Prior Convictions: Non-Violent/Non-Sex*
- Number of Current Convictions: Sex Crime on Adult, Sex Crime on Minor***
- Harm to Victim***

Significant Victim Variables

- Male Victim*
- Number of Victims***

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FINDINGS

- Clinical Opinion
 - Use of threats, violence, weapons
 - Severe victim injury
 - Pattern of Sexual vs Non-Sex charges
 - # of victims, age, known
 - Sexually Motivated
 - No prior treatment or treatment completion
 - Offender age at offense and time of release
 - Lack of insight on offense*
 - Unusual belief system*
- Study Model
 - Weapon Used in Sex Crime
 - Harm to Victim
 - # of Prior Sexual Offense Convictions: Adult vs Minor
 - # of Prior Violent/Non-Sex Convictions
 - # of Prior Non-Violent/Non-Sex Convictions
 - # of Current Convictions: Sex Crime on Adult, Sex Crime on Minor
 - # of Victims
 - Disciplinary Reports in Prison
 - Male Victim
 - Race (White)

**Information typically not available at initial assessment*

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FINDINGS

- Actuarial Model
 - Disciplinary Reports in Prison
 - # of Prior Sex Offense Arrests/Convictions
 - # of Prior Non-Sex Violence Arrests/Convictions
 - Current Convictions
 - Use of Force
 - Male Victim
 - Age at Release
 - Victim Unrelated/Stranger
 - Victim Age
 - Relationship Status/History
 - Multiple Acts*
 - Substance Abuse History*
 - Treatment History*
- Study Model
 - Disciplinary Reports in Prison
 - # of Prior Convictions: Sex Crime on Adult, Sex Crime on Minor
 - # of Prior Convictions: Violent Crimes/Non-Sex
 - # of Prior Convictions: Non-Violent/Non-Sex
 - # of Current Convictions: Sex Crime on Adult, Sex Crime on Minor
 - Harm to Victim
 - Male Victim
 - # of Victims
 - Race (White)
 - Weapon Used in Sex Crime

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CONCLUSIONS

- Risk Assessments at the 1st Stage are Consistent with Statutory Requirements (Means Difference Test)
- Florida's SVPP Risk Assessments at the 1st Stage of Evaluation are Fairly Consistent with Clinical Opinion
- Florida's SVPP Risk Assessments at the 1st Stage of Evaluation are Largely Consistent with Actuarial Instruments/Research Literature
- No evidence of over-prediction