



Florida Police Benevolent Association, Inc.



CAPITOL REPORT

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By Matt Puckett, Deputy Executive Director
LEGISLATIVE ACTIVITY FOR THE WEEK ENDING JANUARY 9, 2009

LEGISLATURE CARVES UP THE BUDGET... AGAIN

The state needs an additional \$2.3 Billion to cover the remaining expenses for this fiscal year (July 1, 2008 to June 30, 2009). The Legislature and governor have tapped into our reserves and trust fund money, but that's not enough. Deep cuts have sliced through the ranks with Correctional Probation Officers losing \$7.1 million for staffing, Florida Highway Patrol losing \$1.5 million in funding for vacant positions and FDLE losing vacant positions in drug investigations and public assistance fraud.

Presidents from all the statewide chapters (FDLE, SLEO, FHP, SCO and CPO) were in Tallahassee lobbying the Legislature to hold these positions harmless. In the end, Correctional Probation Officers bore the brunt of the reduction to the Department of Corrections, which is about \$48.7 million.

The fallout from the cuts to Correctional Probation Officers is not yet known, but it appears to affect filled positions even after all vacancies are eliminated. This news is a far cry from what the Legislature documented during the conference meetings on Friday and Saturday. The intent of the \$7.1 million was to reduce 88 positions from the Community Corrections staff; however, the high dollar figure was questioned by the PBA and the Department throughout the day. Advocates for the figure indicated that operational monies and high ranking staff should be included for the reduction. The Department has not officially notified us of its intent.

The original reductions to the Florida Highway Patrol were 60 vacant positions, but that number was slashed in half to 30. FDLE Special Agents were spared, but the professional staff of the agency was reduced in every area.

No agency, state program, or initiative came out of the conference meetings untouched. The Legislature had to fill the holes created by the \$2.4 billion in revenue shortfalls for the remaining 6 months of the year. In December, the estimates were an additional \$100 million below previous estimates. If that declining trend continues the state will be short \$1.2 billion from current estimates.

Basically, we have not hit the bottom.

Statewide Chapter Presidents Keep the Focus on Saving Positions

Presidents from all of our Statewide Chapters have been in Tallahassee to fight for officer positions. It was an uphill battle considering they had to compete against children and the elderly for attention. However, they pressed forward with public testimony at every committee meeting, interviews with the press and meetings with key leaders in the House of Representatives and Senate. We appreciate their hardwork and unity.



"... Definitely a risk to public safety...when you have offenders when you don't know where they're living, not making contact with them, they're back doing drugs, they're doing crimes against the citizens of Florida..." **said Richard Gordon, Florida Police Benevolent Association Correctional Probation Officer Chapter President.**

"Public Safety and Officer Safety must become a priority of our elected leaders," **said Jim Baiardi, President of State Correctional Officers Chapter.**



"Being able to have the manpower to work these cases, that's the ballgame right there. That's what we, at FDLE, have to make sure we have. And we're losing that. We need quality investigators to work these types of cases," **Telly Sands, FDLE Special Agents Chapter President said.**





Representatives Debbie Boyd, center, and Leonard Bemby, center right, meet with SLEO President Matt Tyre, SCO President Jim Baiardi, CPO President Richard Gordon and FDLE President Telly Sands to discuss protecting positions.



FDLE Special Agents President Telly Sands, center, and SLEO Vice President Chris Kirkland, left, meet with Criminal and Civil Justice Appropriations Chairman, Senator Victor Crist, right, to discuss the Committee's proposed budget reductions.

Below is the PBA's response to the officer sexually assaulted at Baker Correctional Institution and the Legislature's proposal to eliminate vacant positions at the Department of Corrections.



STATE CORRECTIONAL OFFICERS CHAPTER
OF THE FLORIDA POLICE BENEVOLENT ASSOCIATION, INC.
The Voice of Florida's State Correctional Officers

FOR IMMEDIATE RELEASE:
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**OFFICER SEXUALLY ASSAULTED BY INMATE
WHILE ON DUTY**

(Tallahassee, FL) - A female State Correctional Officer was sexually assaulted while on duty at Baker Correctional Institution this week, as the State legislature debated cuts to Department of Corrections staff and budget.

Jim Baiardi, President of the State Correctional Officers Chapter of the Florida PBA stated: "Being a Correctional Officer is a dangerous job made more dangerous by budget cuts and a growing violent inmate population. Public Safety and Officer Safety must become a priority of our elected leaders. This incident is a prime example of what can happen when Corrections/Law Enforcement Officer Safety is not a priority of government. The legislature should be filling vacant Department of Corrections positions, not cutting them". The officer was alone inside of an inmate housing area at the time of the incident which has become common practice due to lack of staffing resulting from budget cuts over the past years.

The incident is currently under Investigation.

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Tallahassee Democrat, January 12, 2009

Bill Cotterell: Perhaps privatized prisons just doesn't work

There comes a point, when a car or a business venture or a relationship has repeatedly turned out to be more trouble than fun, when we need to step back and say, "Maybe this just is not going to work."

A new report from the Legislature's fiscal analysts indicates that Florida may be at that point with private prisons. One of Gov. Jeb Bush's lasting legacies, particularly among Republicans, is the belief that privatization works. But the Office of Program Policy Analysis and Government Accountability says — again — that our \$133 million commerce in corrections might be something less than a smashing success.

OPPAGA says the Department of Management Services has improved its oversight of the six privately run prisons, with state monitors spotting contract violations that resulted in removal of three prison wardens and levying of \$3.4 million in fines and deductions from state payments to the companies. But over the years, prison privatization has been as troublesome, or more so, than the state's attempts at outsourcing personnel, purchasing and insurance administration.

At least those "outsourcing" efforts, while profitable to the companies that got contracts and headaches for the employees who had to deal with them, didn't affect public safety. Prisons are different.

Significantly, OPPAGA doesn't single out either of the worldwide companies that operate private prisons in Florida. It's the system itself — the corporate need to make money by cutting corners, the government's bureaucratic blame-shifting — that draws critical attention.

The Department of Corrections inspects the six corporate-run prisons, which house nearly 8,000 inmates, and here is some of what OPPAGA said the inspectors found:

Security violations, "including inoperable alarms, spotlights and escape sensors; buildings not checked for tunneling; and missing tools that could be crafted by inmates into weapons."

"Contraband violations including positive inmate drug tests and inmate possession of drugs and drug residue, gang material and weapons as well as staff and visitors arriving at the prison in violation of contraband policies."

Medical treatment violations, including lost or never-ordered laboratory tests, delays up to five months in filing records, "unsanitary conditions and nursing staff vacancies."

Another way private prisons can operate 7 percent cheaper than comparable state institutions — as required by law — could be by having far fewer inmates with serious health and mental problems. At the Graceville prison, OPPAGA said, 18 percent of inmates were classified "psychological grade 3," compared with 67 percent in a comparable state prison; 16 percent of Graceville's inmates had medical upgrades, compared with 53 percent in a state prison of similar size.

"As special-needs inmates are more expensive to serve than other inmates, the difference in the populations of public and private prisons results in the state shouldering a greater proportion of the

cost of housing these inmates," said the report. "As a result, the requirement that the private prisons operate at 7 percent lower cost than state facilities is undermined."

Then there are the phone calls home and visitation with families, which are considered important to rehabilitation.

"While the families of inmates in state prisons pay 50 cents for a 15-minute collect call, families of inmates in private prisons, on average, pay \$6.18 for the same length call," OPPAGA reported.

State prisons normally allow visits on Saturdays and Sundays, but OPPAGA said the private prisons allow them on one of those days, not both. DMS said that's because of space limitations in common areas, but OPPAGA said "these centers have twice the median square feet of those in public prisons."

There's an adage in corrections that people go to prison "as" punishment, not "for" punishment. Once there, they're supposed to get some help, so they don't come out — and almost every one of them is coming out, eventually — worse than they went in. But the OPPAGA report said DMS contracts for private prisons don't set standards or measure performance in GED completion, graduation from treatment programs, completion of vocational training or transition programs meant to reduce recidivism.

OPPAGA, which does performance studies on agencies and reports to the Legislature on how things are going, also said the inmates' own money is not being properly accounted for in the private prisons. About \$1.5 million a year is collected from sale of snacks, cigarettes and toiletries in the prison canteens, to be used for some extras that the taxpayers shouldn't have to provide. But OPPAGA said the some of the money was used to buy computers and software for administrative staff of the prison companies, and sometimes prisons simply couldn't account for some of it.

If these were a few small, isolated events, they might be just unfortunate glitches and misunderstandings in a big, statewide operation of business and government. But the history of prison privatization is a troubled one.

Under the old Correctional Privatization Commission, one executive director was fined and fired for ethics violations and another went to jail (admittedly not the companies' or the state's fault; he just happened to make a better inmate than executive). Shortly after assuming oversight, the DMS inspector general reported widespread billing of the state for nonexistent employees. There have been frequent disputes over who pays for equipment and services, and allegations of corner-cutting on staffing and security.

True, a lot of the complaining has come from the **Police Benevolent Association**, which represents correctional officers in state prisons and understandably doesn't like privatization in any form. And DMS says it is currently satisfied that problems are being fixed and the 7-percent savings rate is being attained.

The private prisons are a big business, hiring some of Tallahassee's top lobbyists. But when an enterprise has been so troubled, so long, maybe it's time to reconsider doing it.

Contact Bill Cotterell at (850) 671-6545 or bcotterell@tallahassee.com.

Three Questions from this Week:

- Is it time the state reexamines its philosophy on the correctional system? The core function of government is to protect the public. However, our correctional system is set up to secure, punish and rehabilitate offenders. Right now the security and punishment sides are receiving the bulk of the funding. This disparity between security/punishment and rehabilitation is out of necessity, but is fiscally responsible. From an expenditure perspective, it is argued that probation supervision, work release and substance abuse programs cost less and provide reasonable results in preventing recidivism.
 - Is reemployment being driven out of financial necessity? Many reemployed workers cannot afford to pay for their medical needs once in retirement so they return to their old employers to get the group health insurance to help pay the bills. These workers are typically upper middle to lower middle income employees with children still at home, or in college. This is an issue for regular session, but because of the dire financial circumstances that has resulted in layoffs across the board, many are requesting that double dippers be the first employees let go.
 - Should the state fully fund areas where the federal government has indicated that it will provide matching money? This issue has sparked a serious debate. One side believes you spend what you have, so every area takes a reduction, which reduces the amounts of money Florida can receive from Washington. The other side believes you load up in the areas where matching money is available and draw down the most money possible.
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PBA LEGISLATIVE AGENDA FOR 2009

- Equitable pay increases for state correctional, correctional probation, and law enforcement officers represented by Florida PBA, including but not limited to, pay compression and retention issues (TBA and **Representative Julio Robaina**).
- Legislation extending the period of DROP participation for Law Enforcement, Correctional and Correctional Probation Officers an additional 36 months (**Senator Carey Baker** and **Representative Will Snyder**).
- Legislation clarifying the types of evidence, such as video surveillance, an officer who is the subject of a complaint can view prior to an investigation (**Senator Mike Fasano** and TBA).
- Legislation changing the Special Risk upgraded credit from two percent to three percent (TBA and **Representative Carl Domino**).
- Support for changes and clarifications to investment guidelines contained in Chapter 185 (**Senator Carey Baker** and **Representative Ed Hooper**).

With reference to other legislation, the Board of Directors gives authorization to the Director of Legislative Services to support legislation favorable to the membership or oppose legislation harmful to the membership.
