An Overview of the Florida Department of Children and Families’ Sexually Violent Predator Program

Suzonne M. Kline, Psy.D., Director
January 29, 2010
Gabriel Myers Work Group

Opening Thoughts

- Majority of sexual offenders do NOT recidivate
- Sexual violence is decreasing
- Childhood sexual abuse does not cause a person to sexually offend as an adult
- Persons referred by the Florida Department of Juvenile Justice are NOT juveniles
Legal Basis I

  - U.S. Supreme Court set forth procedures for the indefinite civil commitment of persons convicted of a sex offense whom the state deems dangerous due to a mental abnormality.
On May 19, 1998 the Florida Legislature enacted the Involuntary Civil Commitment of Sexually Violent Predators Act with subsequent revisions and rules.

Law went into effect on January 1, 1999.
Prototype Case

- The law was in response to the abduction, sexual assault and murder of a Florida youth.
Legal Basis II

Sexual Offender Classifications

- Sexual Predators
- Sexually Violent Predators
- Sexual Offenders
## Fast Facts as of January 21, 2010

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>36,577</td>
<td>Referrals to DCF</td>
</tr>
<tr>
<td>3,474</td>
<td>Referrals sent for face to face evaluation</td>
</tr>
<tr>
<td>1,421</td>
<td>Referrals recommended for civil commitment</td>
</tr>
<tr>
<td>1,305</td>
<td>Petitions filed by State Attorneys</td>
</tr>
<tr>
<td>464</td>
<td>Persons currently committed to DCF</td>
</tr>
</tbody>
</table>
Referral Process

1. **Referral Received**: Referrals come from DC, DJJ, and DCF.
2. **Info Gathered**: Masters level staff gather critical information.
3. **Referral Screened**: A decision is made whether a clinical evaluation is needed.
4. **Rec. To State Attorney**: Evaluation may be done.
5. **Petition May Be Filed**: Recommendation sent after evaluation.

Referral may be returned.
Referrals Received by Fiscal Year
as of December 31, 2009

98-99: 3,280
99-00: 2,349
00-01: 2,433
01-02: 2,972
02-03: 2,779
03-04: 2,264
04-05: 2,468
05-06: 4,023
06-07: 3,855
07-08: 4,749
08-09: 3,599
09-10: 1,694
Sexually Violent Predator Program Process

☐ Referral Sources

- Florida Department of Corrections (97%)
- Florida Department of Juvenile Justice (2%)
- Florida Department of Children and Families/Persons found Not Guilty by Reason of Insanity (1%)
Sexually Violent Predator Program Process

☐ Referral

- 18 years of age or older;
- At least one conviction for a sexually motivated offense;
- In lawful custody.
Sexually Violent Predator Program Process

- Eligible for Commitment
  - 18 years of age or older;
  - At least one conviction for a sexually motivated offense;
  - In lawful custody;
  - Evidence of a mental abnormality or personality disorder that makes it likely that the person will commit another sexually violent offense;
Sexually Violent Predator Program Process

- File Review
  - Review information in referral packet
  - Collect additional records if needed
  - Summarize Criminal and Clinical Information
  - Send completed packet to screener
Sexually Violent Predator Program Process

☐ Screening
  ■ Two licensed clinicians independently screen each case
  ■ Each determines whether referral qualifies for face-to-face evaluation
Diagnoses

☐ Paraphilias
  ■ Exhibitionism
  ■ Pedophilia
  ■ Voyeurism
  ■ Sexual Sadism

☐ Personality Disorders
  ■ Antisocial Personality Disorder
Sexually Violent Predator Program Process

☐ Evaluation
  ■ Contracted evaluators interview referred individual
  ■ Provide written report to the Multidisciplinary Team with recommendations

01/29/2010
Diagnoses of Persons Evaluated for Involuntary Civil Commitment

Diagnoses

- Paraphilia NOS
- Alcohol Abuse
- Personality Disorder NOS
- Alcohol Dependence
- Polysubstance Dependence
- Cannabis Abuse
- Alcohol Abuse
- Alcohol Dependence
- Polysubstance Dependence
- Cocaine Abuse
- Exhibitionism

Frequency
Risk Tools

- PCL-R (20 items, scored 0 to 40)
  - Grandiose Sense of Self Worth
  - Impulsivity
- MnSOST-R (16 items, scored -14 to 31)
  - Was the victim a stranger in any sex related offense?
  - Number of sex related convictions
- Static-99R (10 items, scored -3 to 12)
  - Prior sex offenses
  - Any unrelated victims?
Multidisciplinary Team

☐ Composition of team
☐ Primary objectives
☐ Factors considered in rendering a decision/recommendation
Sexually Violent Predator Program Process

☐ Trial

- Based on recommendation, State Attorney files probable cause papers
- Trial held
- Must be a unanimous decision
- Commitment to the Department if person is found to be a sexually violent predator

01/29/2010
Civil Commitment

The Florida Civil Commitment Center
Arcadia, Florida

01/29/2010
Sexually Violent Predator Program Process

☐ Commitment/Treatment
  ■ Admitted to the Florida Civil Commitment Center
  ■ Annual progress report sent to the Court
  ■ Annual trial

01/29/2010
## Treatment Program

<table>
<thead>
<tr>
<th>Phase</th>
<th>Treatment Module</th>
<th>Estimated Duration of Treatment (in months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>1.1 Moral Reconation Therapy</td>
<td>18-24</td>
</tr>
<tr>
<td></td>
<td>1.2 Thinking for Change</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.3 Treatment Readiness for You</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15-18</td>
</tr>
<tr>
<td>II</td>
<td>2.1 Disclosure</td>
<td>18-24</td>
</tr>
<tr>
<td></td>
<td>2.2 Discovery</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>3.1 Development</td>
<td>18-24</td>
</tr>
<tr>
<td></td>
<td>3.1a Relationships Skills</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.1b Empathy and Emotional Awareness</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.2 Consolidation</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>4.1 Maintenance and Comprehensive Discharge Planning</td>
<td>6 - 9</td>
</tr>
</tbody>
</table>

On average, the full treatment program takes up to 6 years.
## Department of Juvenile Justice Referrals
*(as of December 31, 2009)*

<table>
<thead>
<tr>
<th>Count</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,418</td>
<td>Referrals since 1998</td>
</tr>
<tr>
<td>121</td>
<td>Sent for evaluation</td>
</tr>
<tr>
<td>41</td>
<td>Recommended for commitment</td>
</tr>
<tr>
<td>17</td>
<td>Ever committed to DCF</td>
</tr>
<tr>
<td>14</td>
<td>Currently committed to DCF</td>
</tr>
</tbody>
</table>

*All persons evaluated were at least 18 at the time of evaluation*
### Department of Juvenile Justice Referrals*
(as of December 31, 2009)

<table>
<thead>
<tr>
<th>Descriptive Statistic</th>
<th>Age at time of referral</th>
<th>Age at time of admission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>18.59</td>
<td>19.24</td>
</tr>
<tr>
<td>Median</td>
<td>18.29</td>
<td>19.08</td>
</tr>
<tr>
<td>Minimum</td>
<td>17.44</td>
<td>18.15</td>
</tr>
<tr>
<td>Maximum</td>
<td>20.93</td>
<td>20.98</td>
</tr>
</tbody>
</table>

*All persons evaluated were at least 18 at the time of evaluation*
Victim to Victimizer Research

Victim to Victorizer Research

  - More than a third of sex crimes against minors are committed by juveniles
  - Seven out of eight are at least 12 years old
  - 93% are boys
Data from the Florida Civil Commitment Center

- 31% of the resident population report being sexually victimized while a minor.
- 14% of the resident population report sexually victimizing a child while a minor.
- 9% of the resident population report both having been sexually victimized as a child and sexually victimizing other children while a minor.
Common Myths

- Most sexual assaults are committed by strangers.
- Children who are sexually assaulted will sexually assault others when they grow up.
- Youths do not commit sex offenses.
- Treatment for sex offenders is ineffective.
Closing Thoughts

- Majority of sexual offenders do NOT recidivate
- Sexual violence is decreasing
- Childhood sexual abuse does not cause a person to sexually offend as an adult
- Persons referred by the Florida Department of Juvenile Justice are NOT juveniles
For More Information

Suzonne M. Kline, Psy.D., Director
Florida Department of Children and Families
Sexually Violent Predator Program
Mental Health Program Office
1317 Winewood Blvd., Building 6, Room 217
Tallahassee, Florida  32399-0700
Phone 850.921.4490 Fax 850.921.5830
email: suzonne_kline@dcf.state.fl.us
Macro Level Flowchart of Sexually Violent Predator Commitment Process

<table>
<thead>
<tr>
<th>Step</th>
<th>Referral Agent ¹</th>
<th>Department of Children and Families</th>
<th>State Attorney</th>
</tr>
</thead>
</table>
| Make referral | • Refer all individuals with a felony conviction for a sexually motivated offense prior to end of commitment | • Review Referral Packet  
• Collect additional records if needed  
• Summarize Criminal and Clinical Information  
• Schedule face-to-face evaluation if needed | |
| Review/Screen/Summarize/Schedule | | • Analyze available information including completed risk assessment  
• Provide recommendation to State Attorney | |
| Multidisciplinary Team | | | |
| Determine | | | |
| Act on Finding | • Release individual | | |
| Hold Trial | | | |
| Act on Finding | • Release individual | • Commit to the Department of Children and Families | |

¹Referral agents include Department of Corrections, Department of Juvenile Justice, and Department of Children and Families
Macro Level Flowchart of Sexually Violent Predator Program Process for Managing Referrals

<table>
<thead>
<tr>
<th>Step</th>
<th>Reviewer</th>
<th>Screeners</th>
<th>Multidisciplinary Team (MDT)</th>
<th>Community Evaluator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need</td>
<td>Need to make recommendation to State Attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Review/Collect/Summarize | • Review Information in Referral Packet  
• Collect additional records if needed  
• Summarize Criminal and Clinical Information  
• Send completed packet to screener |                                                                           |                               |                     |
| Screen/Determine   |                                                                           | • 2 licensed clinicians independently screen each case  
• Each determines whether referral qualifies for face-to-face evaluation |                               |                     |
| Interview Needed?  |                                                                           |                                                                           |                               |                     |
| Interview/Document |                                                                           |                                                                           |                               |                     |
| MDT                |                                                                           |                                                                           |                               |                     |
| Determine          |                                                                           |                                                                           |                               |                     |
| Recommend          |                                                                           |                                                                           |                               |                     |
| Need Met           |                                                                           |                                                                           |                               |                     |

- **Interview needed?**
  - **No**: Recommend no probable cause
  - **Yes**: Contracted evaluator(s) interview referred individual  
  - Provide written report to MDT with recommendations

- **Probable Cause?**
  - **No**: Recommend no probable cause
  - **Yes**: Recommend yes

Recommendation made to State Attorney