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BUILDING STRONGER SAFER CITIES

Avoiding Dangerous Policy Off-Ramps
to Secure Florida's Future Success



FLORIDA
CHAMBER
of Commerce





Imagine driving on the highway. The wide-open road is in front of you and your future is bright. With a full tank of gas, you are on course to successfully reach your destination. Along the way, there will be many potential “off-ramps” that will take you off course, waste money, and expose you to danger. Staying focused on the road, while avoiding known detours and exits, will mitigate harm and ensure a successful path ahead.

Tragically, in many states and cities around our nation, leaders have made policy decisions that drove their communities off the path of economic prosperity and security into crime-ridden despair and ruin. Once thriving cities have been forced off the path of success by damaging and ill-informed decisions to decriminalize crime, defund police, refuse prosecution, not hold juveniles accountable, and undermine support for law enforcement.

As we try to grow to a top ten global economy by 2030 and as the nation focuses on crime in their communities, Florida is getting it right. Florida remains committed to securing our future success by adopting sound policies to combat crime and disorder. State leaders have rejected the call for policies that promote chaos and instability in our cities. Florida is the third largest state in the nation with approximately 23 million people. We expect to add 2.8 million more residents, 1.35 million new jobs, 40 million more annual visitors, and approximately 2.5 million more drivers on our roads by 2030. Safe communities are paramount to ensure we can meet this growth. This report outlines the proven policy detours that threaten the safety and economic stability of communities – serving as both a warning and a road map to stronger, safer cities.

DECRIMINALIZING CRIME

Legalizing Stealing

Some criminal justice reforms, like eliminating bail, have made it easy for shoplifters to escape accountability, responsibility, and punishment. Some jurisdictions have not stopped there. Instead, they have taken actions that have in effect decriminalized shoplifting. For example, California passed Proposition 47, which significantly increased the thresholds for felony prosecution of shoplifting and theft. According to a 2015 *Washington Post* story, the result was what San Diego's Police Chief called a "virtual get-out-of-jail-free card."¹ Such law changes were not limited to California alone. The resulting damage from such destructive policies resulted in store closings, workers losing jobs, and citizens losing a local source of goods. The damage caused a downward spiral and flight from urban cities, which reduced tax revenues and further eroded necessary county and city services and degraded the quality of life.²

The damage from laws like Prop 47 was not limited to repeatedly arresting the same criminals with little to no consequences. Instead, criminal groups created a new business model, organizing rings to profit off the newly relaxed laws. For example, in 2021, organized shoplifting and flash mob thefts across the country caused businesses \$94.5 billion in losses.³ That number jumped 15.8% in 2022 to \$112.1 billion.⁴ Large-scale thefts by organized groups have increased, and stolen merchandise is sold to fund other crimes such as guns, drugs, and human trafficking.

Eight of ten retailers reported an increase in violence against employees in 2021. The same study identified the top cities affected by retail crime as Los Angeles, San Francisco/Oakland, Houston, New York, and Seattle. Retailers in these cities are plagued by unprecedented levels of theft and rampant crime in their stores. 49% of respondents reported that shoplifters are "much more" violent and aggressive compared with one year ago, 72% reported an increase in average value per incident in areas that increased felony thresholds, and 67% reported initiatives to reduce or eliminate cash bail have caused an increase in repeat offenders.⁵

One recent example saw brazen daytime thefts at Gucci stores across California. Thieves stole \$900,000 worth of jewelry in Los Angeles⁶ and \$100,000 worth of handbags in Costa Mesa.⁷ One suspect involved in the theft of \$50,000 worth of goods at a Gucci store in San Jose, California was wanted in Nevada for a string of armed robberies and an attempted murder.⁸ Retail thieves are not limiting their target to high-end stores. Major retailers like Walmart, Target, Home Depot, and Walgreens have also been targeted. Even after implementing protection measures aimed at reducing theft, retailers have been forced to take more drastic measures. Citing rampant theft and

1 *The Washington Post* (Oct. 10, 2015). A 'Virtual Get-Out-Of-Jail-Free Card' A new California law to reduce prison crowding keeps one addict out of jail, but not out of trouble. <https://www.washingtonpost.com/sf/national/2015/10/10/prop47/>

2 *New York Post* (Oct. 16, 2023). "Don't make Walmart workers fight crime: Boot out the pols who killed public safety." <https://nypost.com/2023/10/16/dont-make-walmart-fight-crime-boot-out-killer-leftist-politicians/>

3 David Johnson (2023). The rising toll of organized retail crime. National Retail Association. <https://nrf.com/blog/rising-toll-organized-retail-crime>

4 <https://nrf.com/media-center/press-releases/retail-crime-accounted-over-112-billion-industry-losses-2022-according>

5 David Johnson (2023). The rising toll of organized retail crime. National Retail Association. <https://nrf.com/blog/rising-toll-organized-retail-crime>

6 James Callery (Aug 2, 2023). Shocking moment gang of nine robbers dash out of the Gucci store in Century City clutching thousands of dollars worth of luxury bags and clothes as security guards watch on. *Daily Mail*.

7 Nathaniel Percy (Aug 17, 2023). \$100,000 in handbags stolen in mob theft at South Coast Plaza. <https://www.ocregister.com/2023/08/17/100000-in-handbags-stolen-in-mob-robbery-at-south-coast-plaza/>

8 Hope Sloop (Oct 11, 2023). "Moment five suspects force their way past a guard and into a California Gucci store for smash-and-grab robbery of \$50K in merchandise: One suspect nabbed." <https://www.dailymail.co.uk/news/article-12364183/Shocking-moment-gang-nine-robbers-dash-Gucci-store-Beverly-Hills-clutching-thousands-dollars-worth-luxury-bags-clothes-security-guards-watch-on>. <https://www.dailymail.co.uk/news/article-12619591/california-gucci-store-robbery.html>



Porch Pirates Not Welcome in Florida

The Florida Legislature cracked down once again on organized retail theft during the 2024 legislative session and went a step further this year to put a swift stop to porch piracy. HB 549 by Representative Bob Rommell and Senator Jay Trumbull lowers the threshold for stealing packages from people's front porches from \$100 to \$40. Under the new law, if a package thief steals a package from a person's home valued at \$40 or more, that person will now face a third-degree felony. These porch pirates represent a growing epidemic of criminals that steal packages from Floridians' doorsteps, hurting both Floridians and retailers.

The bill also increases penalties for criminals that make coordinated thefts and repeat offenders. Under HB 549, if a person participates in a retail theft with five or more individuals that person will face a third-degree felony. Anyone who organizes these types of thefts, including "smash-and-grabs," through social media will face a second-degree felony, and repeat offenders or those committing theft with a firearm will now face a first-degree felony charge.

While other states continue to make policy decisions that relax enforcement of these types of crimes, Florida has made it unequivocally clear, in Florida, you will be held accountable.

violence, Target announced they would close nine stores in New York City, San Francisco, Seattle, and Portland, Oregon by the end of 2023.⁹

In 2019, Florida increased its felony theft threshold, though not to the same high dollar threshold as California. Unlike California and other states, Florida enacted a series of laws to deal with criminals committing repeated thefts and organized groups committing retail theft. Additionally, the state, led by the Attorney General, proactively fought organized retail theft. For example, the Attorney General launched the Florida Organized Retail Crime Exchange, a first-of-its-kind, statewide task force and a new interactive database to help spot trends, identify suspects, and take down massive, organized retail theft rings. That sensible approach prevented the spiral seen in California and other states.

Legalizing All Drugs

Some states have decriminalized drugs as part of criminal justice reform. For example, in February 2021, Oregon enacted what was a first-in-the-nation law that decriminalized the possession of small amounts of heroin, cocaine, and other illicit drugs. Under Oregon's law, possession of such drugs was no longer punishable by jail time and carried penalties more akin to a traffic ticket.¹⁰ The result of decriminalization was that people in Oregon could not live their day-to-day lives without encountering open-air drug markets.¹¹

Unlike Oregon or even states that have legalized marijuana recreationally, Florida has taken a different approach. Florida has taken actions to target drugs that are causing the most harm, like fentanyl, and those who distribute drugs and cause Floridians' deaths. In 2022, the Florida Legislature passed HB 95, which increased the mandatory minimum term of imprisonment for trafficking fentanyl. It also added methamphetamine to the list of drugs that, if it caused death, could be the basis of a felony murder charge. It also increased the penalties for selling controlled substances near a substance abuse treatment facility.

In 2023, the Florida Legislature passed HB 365 and HB 1359. HB 365 changed the causation standard for when the distribution of certain controlled substances caused an overdose death. HB 1359 created a new offense for those who traffic fentanyl using methods that target children and young adults.

At the same time, Governor Ron DeSantis and the First Lady launched Coordinated Opioid Recovery (CORE), which is a comprehensive approach that expanded every aspect of overdose response and treats all primary and secondary impacts of substance use disorder.¹² Additionally, Attorney General Ashley Moody launched substance abuse resources¹³ and a program to ensure law enforcement and other first responders have ready access to the lifesaving drug Naloxone.¹⁴ The legislature in successive sessions has provided historic substance abuse treatment funding,¹⁵ which has been augmented by the historic \$3 billion recovery that Florida's Attorney General recovered from opioid litigation.¹⁶

9 Lisa Fickenscher and Carl Campanile (Sept. 26, 2023). Target to close 9 stores — including NYC location — citing 'theft' and employee 'safety.' *NY Post*. <https://nypost.com/2023/09/26/target-to-close-9-stores-citing-theft-and-employee-safety/>

10 CNN (Mar. 8, 2024). "Oregon governor to sign bill re-criminalizing possession of certain drugs into law." <https://www.cnn.com/2024/03/08/politics/oregon-drug-laws-recriminalization/index.html>.

11 AP News (Nov. 19, 2023). "Oregon's first-in-the-nation drug decriminalization law is facing pushback amid the fentanyl crisis." <https://apnews.com/article/oregon-drugs-decriminalization-pushback-bb209e6ba9835c69f95b093c8ee00279>.

12 Office of the Governor. Coordinated Opioid Recovery (CORE): <https://www.floridahealth.gov/programs-and-services/opioid-response/CORE.html>.

13 Office of the Attorney General. Dose of Reality Program: <https://doseofrealityfl.com/>.

14 Office of the Attorney General. Helping Heroes Program: <https://www.myfloridalegal.com/newsrelease/video-attorney-general-moody-launches-helping-heroes-provide-free-naloxone-florida>.

15 Clickorlando.com (July 3, 2023) "Florida budget Oks Largest mental health funding yet, but more to do, experts say." <https://www.clickorlando.com/news/local/2023/07/03/florida-budget-oks-largest-mental-health-funding-yet-but-more-to-do-experts-say/>.

16 Tampa Bay Times (May 5, 2022). "Florida and Walgreens reach \$683 million opioid settlement." <https://www.tampabay.com/news/health/2022/05/05/florida-and-walgreens-reach-683-million-opioid-settlement/>.



DEFUNDING THE POLICE

In addition to decriminalizing crime, activists have sought to defund law enforcement. In June 2020, activists utilized George Floyd's death to spark a call for defunding the police. In response, New York City slashed its police budget by \$1 billion. New York City was not alone as Los Angeles and Austin cut their police budget by \$150 million each. San Francisco reduced its budget by \$120 million, and many other cities also cut their budgets.¹⁷ The result of such cuts was predictable - crime increased.

In June 2021-June 2022, New York City saw an increase of 31% in overall crime driven by a 41% rise in grand larceny, a 36% uptick in robbery, and a nearly 34% increase in burglary.¹⁸ Other cities saw similar increases.¹⁹ In addition to increased crime, the defund police movement caused law enforcement morale to plummet. There were officer shortages as officers quit and retired in droves, and response times and crime rates increased. Indeed, in Austin, police staffing is so bad that 911 calls for property crimes are being redirected to 311 for a non-police response.²⁰

Florida again took the opposite approach. In 2021, the Florida Legislature passed HB 1. Among many things, HB 1 created a process to stop cities from being able to defund municipal police agencies. Prior to HB 1, Florida law already created a process for the Governor and Cabinet to decide budget disputes between counties and their sheriffs, preventing or limiting counties from defunding law enforcement. Moreover, as discussed below, Florida increased funding to law enforcement. The defund the police movement never took root in Florida, and the disastrous damage that it caused elsewhere did not materialize here.

¹⁷ Forbes (Aug. 13, 2020). "At Least 13 Cities Are Defunding Their Police Departments." <https://www.forbes.com/sites/jemimamcevoy/2020/08/13/at-least-13-cities-are-defunding-their-police-departments/?sh=776f7bda29e3>

¹⁸ Fox News (July 7, 2022). "New York City overall crime increases 31% while incarceration conservation rate stoops to 18%." <https://www.foxnews.com/us/new-york-city-overall-crime-increases-31-while-incarceration-conservation-rate-stoops-18>

¹⁹ CNN (May 25, 2021). "Defund the police encounters resistance as violent crime spikes." <https://www.cnn.com/2021/05/25/us/defund-police-crime-spike/index.html>.

²⁰ *New York Post* (Mar. 3, 2023). "Cops quit woke Austin in droves, plunging Texas City into crisis: 'If you're conservative, it's a hostile place.'" <https://nypost.com/2023/03/03/cops-quit-woke-austin-tx-in-droves/>.

ROGUE PROSECUTORS

While defunding police and decriminalizing crime are significant off-ramps, some activists in recent years have targeted elected prosecutors as a means of criminal justice reform.²¹ Prosecutors play a crucial role in the criminal justice system. Armed with prosecutorial discretion, they determine which cases will be prosecuted and when sentencing enhancements will be added based on an evaluation of the facts of each case. Prosecutors have a duty to enforce the law, and, in doing so, they are instrumental in protecting citizens and communities from dangerous offenders. However, not all prosecutors believe that they must enforce the law when the facts meet the crime. Some prosecutors think that they do not need to prosecute entire classes of crimes or people, require bail, or add sentencing enhancements.

These prosecutors have increasingly been referred to as “rogue prosecutors” by some since their primary focus is not to enforce the law, punish criminal offenders, and protect citizens. Instead, rogue prosecutors undermine the criminal justice system by doing their job to the extent that it only comports with their personal and political views. Our justice system, however, is not set up to be dictated by a prosecutor who believes that they have the power to decide what laws should be enforced.²²

The policies of rogue prosecutors encourage lawlessness, harm law-abiding residents, drive residents and businesses out of cities, and demoralize the police.²³ Thankfully, citizens, including local business leaders, are starting to question these policies. Many are fleeing higher crime, and some businesses are closing their doors. Voters are beginning to revolt, recalling some rogue prosecutors, pushing back against radical reform efforts, and passing ballot proposals that restore common sense policing.²⁴

The most prominent rogue prosecutors are in Los Angeles, San Francisco, Chicago, Philadelphia, Baltimore, St. Louis, Austin, and Boston. Many more follow the movement’s reckless ideals. They often argue that most misdemeanors should not be prosecuted and push for the elimination of cash bail. They usurp the role of the legislative branch of government, which has led to a revolving-door criminal justice system where offenders—sometimes even violent offenders—are released back to the streets where police officers are discouraged from making arrests.²⁵

Los Angeles County District Attorney George Gascón faced public outrage and complaints against his soft-on-crime approach. His policies led to a pronounced increase in dramatic smash-and-grab robberies that continue to climb. Recently, 50 thieves stormed a Nordstrom store and stole \$100,000 worth of goods. The Los Angeles Police Department figures show a 13% increase in burglaries and a 42% increase in thefts. Even Gascón’s staff feel unsafe after an

21 Politico (Aug. 30, 2016). “George Soros’ quiet overhaul of the U.S. justice system.” <https://www.politico.com/story/2016/08/george-soros-criminal-justice-reform-227519>.

22 Fryer, Daniel (2020). Race, reform, and progressive prosecution. *Journal of Criminal Law and Criminology*. 110 (4). <https://scholarlycommons.law.northwestern.edu/jclc/vol110/iss4/4>

23 Smith, Zack and Charles Stimson (2022). Rogue progressive prosecutors promote lawlessness not reform. <https://www.heritage.org/crime-and-justice/commentary/rogue-progressive-prosecutors-promote-lawlessness-not-reform>

24 *New York Post* (March 6, 2024). San Francisco voters break ‘doom loop’ of woke policy failures. <https://nypost.com/2024/03/06/opinion/san-francisco-voters-get-tough-on-crime-and-public-disorder/>

25 Smith, Zack and Charles Stimson (2022). It’s not just rising crime: Rogue prosecutors are a huge problem. <https://www.heritage.org/crime-and-justice/commentary/its-not-just-rising-crime-rogue-prosecutors-are-huge-problem>

employee was attacked walking to her car after work.²⁶ His office has a staggering backlog of 10,000 cases, and nearly half of the voters supported a recall effort in 2022.²⁷

Chesa Boudin, the District Attorney of San Francisco from 2020 to 2022, claimed the death penalty was racist and immoral. He pledged to end cash bail, and his refusal to prosecute thefts with a value less than \$950 led to an epidemic of brazen shoplifting cases by criminals who knew they would not be prosecuted. As a result, Walgreens closed 17 stores and Target closed stores early because they could not sustain the retail theft and the resulting high financial losses.²⁸

Rachael Rollins, a former Boston district attorney elected in 2018, pledged to decline to prosecute shoplifting, thefts less than \$250, burglary, receiving stolen property, drug crimes, and resisting arrest. In a policy document to her staff, Rollins directed the elimination of bail and that “instead of prosecution, these cases should be outright dismissed prior to arraignment or...treated as a civil infraction.”²⁹ She was forced to resign as a U.S. Attorney, a position she held for just 16 months after the Department of Justice’s (DOJ) inspector general opened an ethics investigation and found she violated federal regulations, numerous DOJ policies, her Ethics Agreement, and applicable law. A separate report conducted by the U.S. Office of Special Counsel concluded her conduct was an extraordinary abuse of authority that threatened to erode public confidence in the integrity of federal law enforcement actions.³⁰

By refusing to prosecute entire categories of crime and supporting no cash bail, rogue prosecutors have drawn the attention and ire of constituents and lawmakers. George Gascon faced a recall effort, and legislators at both the state and federal levels have introduced or passed legislation in response to the trend. Texas enacted a law that went into effect on September 1, 2023, that allows for the removal of prosecutors who do not enforce certain laws.

Federally, Senator John Kennedy (R-La.), a member of the Senate Judiciary Committee, introduced the Prosecutors Need to Prosecute Act to require district attorneys (DAs) to report violent crimes that they fail to charge criminals with committing. The legislation responds to rogue prosecutors who decline to prosecute murder, aggravated assault, robbery, rape, burglary, motor vehicle theft, arson, and other serious crimes. Additionally, Byrne-Jag funds, or federal justice funding, would be prohibited from being distributed to a state or local government that authorizes no cash bail for firearm offenses.³¹

Florida has not been immune from this phenomenon, but our governors have prevented the policies of rogue prosecutors from taking root. As one of many examples, when a state attorney refused to seek the death penalty in any murder case, including the murder of a police officer and a pregnant woman, the then Governor reassigned all first-degree murder cases.³² The Florida Supreme Court affirmed the Governor’s authority to do so.

26 *New York Post*. Liberals turn back on woke LA prosecutor George Gascon as smash-and-grab robberies soar. (August 14, 2023). <https://nypost.com/2023/08/14/liberals-turn-their-backs-on-los-angeles-da-george-gascon/>

27 Noa Half (May 24, 2023). Woke Los Angeles DA George Gascon has a staggering backlog of 10,000 cases and scores of prosecutors have quit over complaints he is ‘authoritarian’ and ‘toxic.’ *Daily Mail*. <https://www.dailymail.co.uk/news/article-12120211/Los-Angeles-DA-George-Gascon-staggering-backlog-10-000-cases.html>

28 Recall of Chesa Boudin in San Francisco shows rogue prosecutor movement for failure it is (June 9, 2022). <https://www.heritage.org/crime-and-justice/commentary/recall-chesa-boudin-san-francisco-shows-rogue-prosecutor-movement>

29 Rachael Rollins Policy Memo. March 2019. <https://www.suffolkdistrictattorney.com/s/The-Rachael-Rollins-Policy-Memo.pdf>.

30 Henry Kerner (May 17, 2023). Letter to the President. Report of prohibited political activity. <https://osc.gov/Documents/Hatch%20Act/Reports/Report%20of%20Prohibited%20Political%20Activity%2C%20Rachael%20Rollins%20%28HA-22-000173%29.pdf>

31 Prosecutors Need to Prosecute Act of 2023, Senate Bill, 118th Congress, 2023. https://www.kennedy.senate.gov/public/_cache/files/4/9/49229d41-451f-4d0e-8f4f-c147f974781d/3EDAD3B1E41417B00A93C13E1F5114C5.all23104.pdf

32 NPR (Apr. 3, 2017). “Florida Governor Pulls Murder Cases From Prosecutor Who Shuns Death Penalty.”



THE REVOLVING JAILHOUSE DOOR

Another significant policy off-ramp that criminal justice reform activists push is the elimination of cash bail, commonly referred to as “no cash bail,” as a means to reduce jail populations. The purpose of bail is to ensure that those charged with a crime return to court. Cash bail, according to reform advocates, is discriminatory since “it often means that wealthier defendants get released while poor defendants have to stay in jail.”³³ Data, however, show that jail populations were decreasing prior to reform efforts. Nationally, from 2007 to 2017, jail admission decreased 19% and the jail incarceration rate declined 12%.³⁴

In 2017, Cook County’s (Chicago) Chief Judge eliminated cash bail and skewed data to assert pretrial release for most crimes did not increase crime.³⁵ However, contrary to the Chief Judge’s claim, an academic study found that no cash bail led to a substantial increase in crimes committed by pretrial releasees in Cook County. The study found that released defendants charged with committing new crimes increased by 45%, and the number of pretrial releasees charged with committing new violent crimes increased by an estimated 33%. Also, prosecutors were forced to drop a substantial number of aggravated domestic violence cases because batterers were able to more frequently obtain release and intimidate their victims into not pursuing charges. The study’s findings call into question whether the bail reform measures implemented in Cook County were effective. Because Cook County’s procedures are cited as state-of-the-art and have been implemented in many parts of the country, Cook County’s experience suggests that other jurisdictions may similarly be suffering increases in crime due to bail reform.³⁶

Crime and disorder are very real problems. Eliminating bail and other reform measures have predictably failed when the level of crime continues to increase and there are visible signs of disorder that inform the public’s perception of how safe streets really are. This is clearly illustrated in a 2020 poll that showed 59% of respondents said no cash bail is a bad law.³⁷

In 2023, Florida went in the other direction and strengthened the system of bail by passing HB 1627. Under this new law, Florida now requires violent or repeat offenders to see a judge before they can receive a bond. It also requires detention hearings for violent offenders, requiring a judge to determine if a defendant should remain in jail prior to conviction. Finally, it stopped local courts from establishing no bond policies, mandating a uniform, and statewide bond schedule for non-violent crimes to be set by the state Supreme Court. The bill did all that while making clear that just being poor would not cause an offender to unnecessarily remain in jail as it allowed courts to create programs for non-violent, non-repeat offenders and allowed courts to reconsider bond if someone cannot meet financial requirements.

33 Fair and Just Prosecution. Addressing The Poverty Penalty and Bail Reform. <https://fairandjustprosecution.org/issues/addressing-the-poverty-penalty-and-bail-reform/>.

34 Bureau of Justice Statistics (2019). Jail Inmates in 2017. <https://bjs.ojp.gov/library/publications/jail-inmates-2017>.

35 Smith, Zack and Charles Stimson (2023). Rogue Prosecutors: How Radical Soros Lawyers are Destroying America’s Communities. Bombardier Books.

36 Cassell, Paul and Richard Fowles (2020). Does bail reform increase crime? An empirical assessment of the public safety implications of bail reform in Cook County, Illinois. S.J. Quinney College of Law. <https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1189&context=scholarship>

37 Mangual, Rafael (2020). “Reforming New York’s Bail Reform: A Public Safety-Minded Proposal.” <https://manhattan.institute/article/reforming-new-yorks-bail-reform-a-public-safety-minded-proposal#notes>

JUVENILE ACCOUNTABILITY

In recent years, activists also targeted the juvenile justice system as an area needing reform and sought to decriminalize wrongful juvenile behavior. Cities like Chicago, New York, and numerous locations in California took non-enforcement of certain crimes when committed by juveniles to the extreme.³⁸ The result was an increase in violent juvenile crime,³⁹ including, in at least one city, an increase of 74% in juvenile gun crimes.⁴⁰

Such results were predictable. Research, as well as common sense, tells us that children need boundaries as well as appropriate consequences when misbehavior occurs. When a juvenile commits a crime and realizes there are no real consequences for their criminal behavior, many times the child commits more crimes or escalates their criminal behavior to more serious offenses. Finding balance in addressing juvenile crime is important. Research does suggest that, when possible, a rehabilitative approach rather than criminal sentencing for juvenile offenders can be effective. The harsh reality is that some juvenile offenders—particularly those who commit violent crimes—present a public safety risk that cannot be overlooked or handled by decriminalizing their wrongful behavior.

During the last three legislative sessions, Florida enacted a better, more balanced approach. Sheriffs have advocated for, and the legislature has delivered, a series of reforms aimed at ensuring the juveniles that present the most risk of harm to the public are treated accordingly as to detention and rehabilitative efforts.

First, in 2022, the Florida Legislature passed HB 7029 that now allows judges to decide whether to place a juvenile who has committed serious crimes in secure detention for more than the current 21-day time limitation after conducting a hearing and making written findings. Filling this gap in the current law will make sure that juveniles are not released back into their communities where they can commit additional crimes before their hearing. Additionally, the law increased the electronic monitoring program by allowing, not requiring, law enforcement to supervise any court-ordered electronic monitoring of juveniles on supervised release. Sheriffs are now partnering with the Department of Juvenile Justice (DJJ) to supervise juveniles placed on electronic monitoring, helping to create a more robust electronic monitoring system across the state. This initiative is keeping communities safe as a force multiplier to the department by having deputies quickly respond when a juvenile on electronic monitoring breaks curfew or other supervision violations by having a deputy safely intervene at night and on weekends when the department's staff is not on duty. An additional \$1 million was also included in the state budget for DJJ to increase electronic monitoring statewide.

Then in 2023, the Florida Legislature passed HB 1465. That bill addressed gun crimes among juveniles to help close loopholes in the current law by ensuring that juveniles who are charged with a gun crime are held in secure detention until they see a judge and that juveniles who are charged with possessing a firearm will be subject to longer lengths of detention to more appropriately and timely address behavior. The bill also allows a judge to order a juvenile to be held for more than the current 21-day max so that juveniles who are charged with an offense involving a firearm are not released back out onto the streets before the disposition of their case.

38 The Imprint (Oct. 31, 2018). "California, L.A. Agree: Locking Up Young Children is 'Nothing Good for Nobody.'" <https://imprintnews.org/featured/l-a-diversion-minimum-age/32638>.

39 CBS News (May 24, 2023). "Surge in violent juvenile crime has Oakland residents on edge." <https://www.cbsnews.com/sanfrancisco/news/surge-in-violent-juvenile-crime-has-oakland-residents-on-edge/>.

40 ABC10 (Jan. 16, 2024). "Sacramento County District Attorney's office seeing increase in juvenile crime." <https://www.abc10.com/article/news/crime/sacramento-county-das-office-sees-increase-juvenile-crime/103-46d97ea0-d863-4829-9987-f5a38b626dd1>.

Lastly, during the 2024 legislative session, HB 1181 passed. That law tackled the dangerous mix of juveniles and illegal firearms by creating swift and proportionate consequences so that delinquent and dangerous behavior is timely addressed. Specifically, HB 1181 authorizes a court to commit a juvenile to a minimum amount of time in a residential program for a misdemeanor violation of unlawful possession of a firearm. Prior to the bill, that consequence was optional. HB 1181 will now also require a court, if a minor is found to have committed the offense of unlawfully possessing a firearm three or more times, to adjudicate the minor delinquent and commit the minor to a DJJ residential program. This is not only the best course of action for the overall safety of the community, but also for the redirection and rehabilitation of juveniles who have repeatedly been found in possession of a firearm.

Furthermore, HB 1181 will now require a court to consider, rather than use, the results of DJJ's risk assessment instrument in deciding whether to continue to detain a juvenile and creates a presumption that a juvenile must be held in secure detention if the court finds probable cause that he or she committed specified offenses involving the use or possession of a firearm. This will be an important change in current practice and give judges more flexibility and support to hold juveniles who may be at risk of committing violent acts.

Finally, HB 1181 will require a juvenile who is adjudicated delinquent by a court for committing any offense or attempted offense involving a firearm to be placed on conditional release for one year following his or her release from a juvenile commitment program. It also prohibits a court from withholding adjudication if a juvenile previously had adjudication withheld for specified offenses and requires a court to adjudicate such a juvenile delinquent and sentence the juvenile to a DJJ residential program. This change makes certain that juveniles who are repeatedly being arrested with firearms are held accountable and not continuously run in and out of the juvenile justice system.

SUPPORTING LAW ENFORCEMENT

While criminal justice policy and prosecutors are incredibly important to public safety, leader-driven public support for law enforcement can also increase and enhance public safety. In many areas of our nation, the protests and riots after George Floyd's tragic death in the summer of 2020 caused a sweeping decline in public sentiment toward law enforcement. Morale among law enforcement ranks plummeted, contributing to a 279% increase in voluntary resignations among officers nationwide.⁴¹ By September of 2020, nearly nine out of every ten law enforcement agencies reported staffing shortages.⁴² Many officers in certain cities felt they lacked support from their political leadership and the community to do their job and keep citizens safe. The National Police Association reported that officers in "larger urban areas...don't feel so supported and in fact, they feel vilified."⁴³

Florida took a different approach, and the State Legislature introduced a slew of bills to support law enforcement, recruit new officers, and keep local government from defunding the police. These measures were priorities of the Governor and Attorney General and passed with

41 Mourtgos, Scott, Adams, Ian, and Nix, Justin (2021). Elevated Police Turnover following the Summer of George Floyd Protests: A Synthetic Control Study. https://www.researchgate.net/publication/354172594_Elevated_Police_Turnover_following_the_Summer_of_George_Floyd_Protests_A_Synthetic_Control_Study.

42 WTSP 10 Tampa Bay (2020). Study finds 86% of police departments experiencing staffing shortages. <https://www.wtsp.com/article/news/local/study-finds-86-of-police-departments-experiencing-shortages/67-cd4f87c-1d5e-4840-b0b4-53614530249e>

43 ABC 3340 (2022). 'They feel vilified': Law enforcement frustrated by lack of support, former officer says. <https://abc3340.com/news/nation-world/they-feel-vilified-law-enforcement-frustrated-by-lack-of-support-former-officer-says-national-police-association-fraternal-order-of-police-violence-shootings-sgt-betsy-smith>

overwhelming support. Changes included across-the-board pay raises for officers, new recruit bonuses, relocation grants, training grants, first-time home buyer assistance, and more.

In 2021, the Florida Attorney General launched a nationwide initiative to recruit qualified officers to Florida from states where leadership did not support law enforcement.⁴⁴ The “Be A Florida Hero” comprehensive law enforcement recruitment tool houses an interactive map showing open law enforcement career opportunities across the state. The Attorney General also partnered with the Florida Sheriffs Association and Florida Police Chiefs Association to host a nationwide law enforcement jobs fair in all 50 states.⁴⁵

As a result of heightened recruitment efforts, legislative changes, and the overwhelming support from state leaders, more than 4,000 new officers received Florida’s Law Enforcement Recruitment Bonus.⁴⁶ Nearly a fourth of the new recruits moved to Florida from out-of-state with 340 coming from Illinois, California, and New York. While other states are slow to respond to the law enforcement exodus, Florida is leading the way in supporting law and order and recruiting officers who do not feel supported. Florida leaders often publicly state that Florida is “the most pro-law enforcement state in the nation”⁴⁷ and many new recruits say they moved to Florida because “we are supported here.”⁴⁸

Florida continues to lead the nation in supporting law enforcement and creating incentives to recruit new officers. To avoid law enforcement staffing shortages and ensure quick responses to emergency calls and enough manpower to investigate crimes, state and local government leaders must prioritize officer morale and take proactive steps to incentivize service.

Those anecdotal examples and observations are supported by a recently conducted survey. The Florida Sheriffs Association surveyed sheriffs in Florida and nationally to get their feedback on crime. The survey was distributed by the National Sheriffs Association and Major County Sheriffs of America and was conducted between November 16-30, 2023. A total of 148 responses were received: forty-seven from Florida sheriffs and 101 nationally, from 17 different states.

44 Office of Florida Attorney General News Release (2021). Attorney General Moody Launches Nationwide Law Enforcement Recruitment Initiative: Be A Florida Hero. <https://www.myfloridalegal.com/newsrelease/nationwide-leo-initiative-be-florida-hero-launched-ag-moody>

45 Office of Florida Attorney General News Release (2023). Attorney General Moody Announces Launch of Nationwide Law Enforcement Recruitment Effort. <https://www.myfloridalegal.com/newsrelease/nationwide-law-enforcement-recruitment-effort>

46 Office of Florida Governor News Release (2024). Governor Ron DeSantis Awards 4,000th Law Enforcement Recruit Bonus. <https://www.flgov.com/2024/01/30/governor-ron-desantis-awards-4000th-law-enforcement-recruit-bonus/#:~:text=Each%20of%20the%204%2C000%20law,%2C%E2%80%9D%20said%20Governor%20Ron%20DeSantis.>

47 Villages-News (2023). Florida is the most pro-law enforcement state in the nation. <https://www.villages-news.com/2023/04/22/florida-is-the-most-pro-law-enforcement-state-in-the-nation-2/>

48 Office of Florida Attorney General News Release (2023). To Kick Off National Police Week Attorney General Moody Launches New Program Highlighting Officers Who Moved To Be A Florida Hero. <https://www.myfloridalegal.com/newsrelease/kick-national-police-week-attorney-general-moody-launches-new-program-highlighting>

Sheriffs were asked to respond to the following questions:

1. Over the last 12 months, do you believe violent crime in your state has increased, decreased, or stayed about the same?
2. Over the last 12 months, do you believe violent crime in your jurisdictions has increased, decreased, or stayed about the same? This question included an open text box for respondents to explain their response.
3. Are you satisfied with the prosecutorial decisions of the prosecutor in your jurisdiction? Yes, No, Not sure.
4. Do the laws in your state allow for the removal of prosecutors who do not enforce certain laws? Yes, No, Not sure.
5. Has the Governor of your state generally supported law enforcement requests for funding? Yes, No, Not sure.
6. Has the Governor of your state mostly supported law enforcement requests for legislative changes? Yes, No, Not sure.
7. An open text box was included for additional comments.

The survey did not ask respondents to include any identifying information other than their state and the size of their jurisdiction. The survey provides a snapshot of the respondent's perception of crime and their satisfaction with their local prosecutor and governor.

In Florida, sheriffs believe violent crime in the state (Chart 1) has either decreased (40%) or stayed about the same (31%). Only 22% felt violent crime in their county had increased (Chart 2). Most sheriffs (72%) are satisfied with their local State Attorney (Chart 3). Finally, every Florida sheriff believed the Governor has supported requests for funding and legislative changes (Charts 4 and 5).

The results are very different nationally. Seventy-four percent believed violent crime had increased in their state (Chart 1), and just 2% believed it had decreased in their jurisdiction (Chart 2). Nationwide, sheriffs were split on satisfaction with their local prosecutor (Chart 3). They were also evenly split regarding the support they receive from their Governor for funding, with less than half responding in the affirmative (42% in Chart 4), and just 40% felt their Governor supported requests from law enforcement for positive legislative changes (Chart 5).

CHART 1

Do You Believe Violent Crime in Your State Has Increased, Decreased or Stayed the Same During the Last 12 Months?



CHART 2

Do You Believe Violent Crime in Your County (Jurisdiction) Has Increased, Decreased or Stayed the Same During the Last 12 Months?

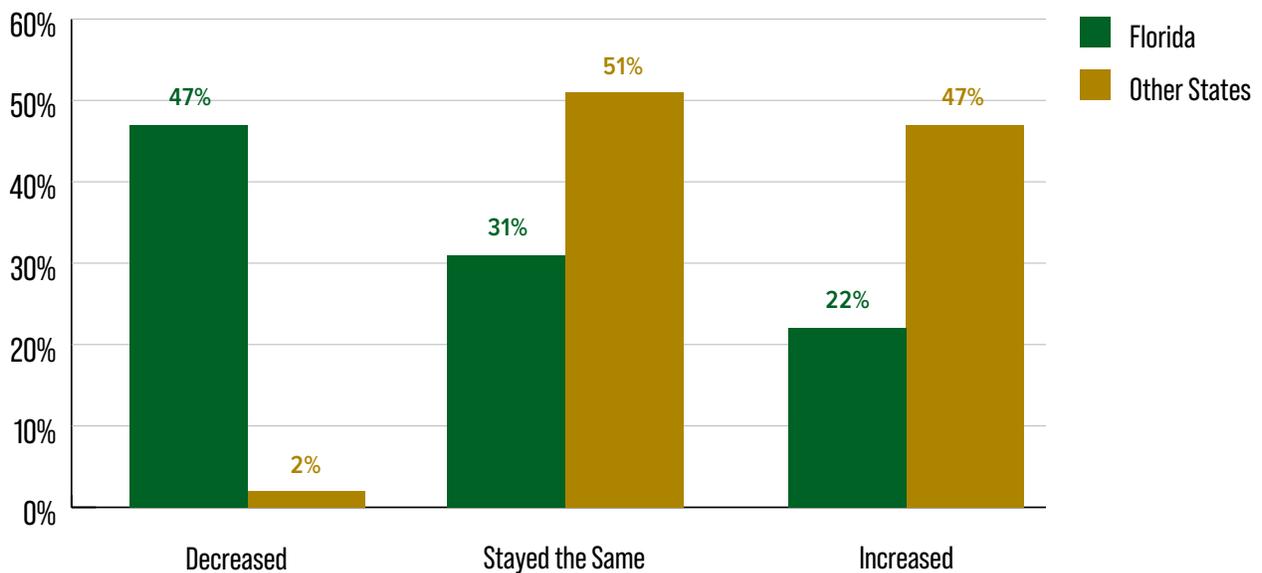


CHART 3

Are You Satisfied with the Prosecutorial Decisions of the State Attorney/Prosecutor in Your Jurisdiction?

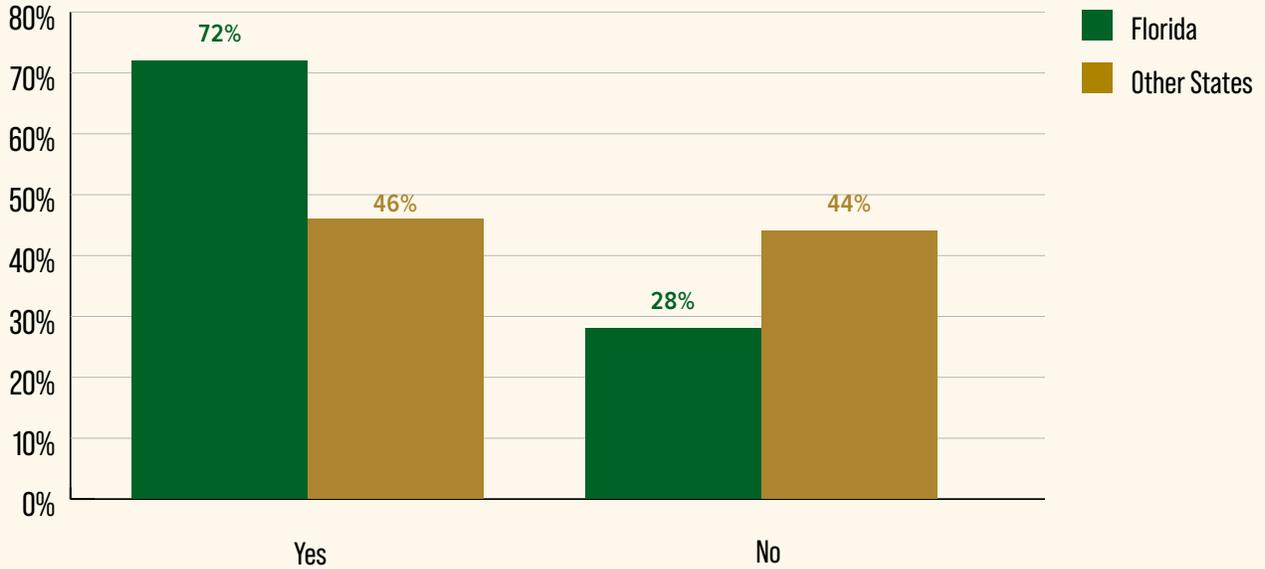


CHART 4

Has the Governor of your State Generally Supported Law Enforcement Requests for Funding?

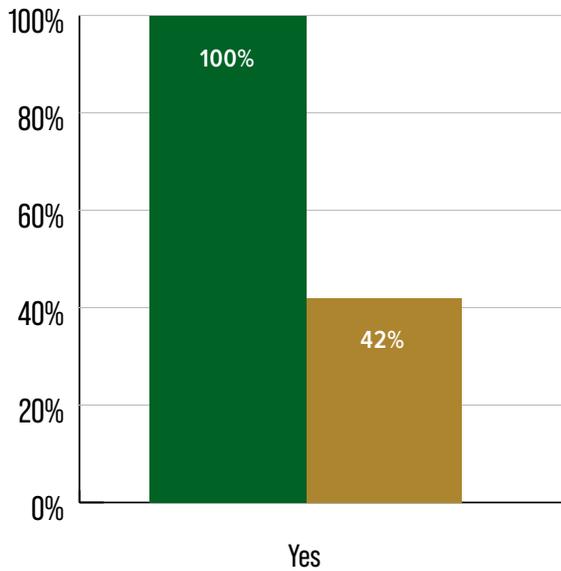
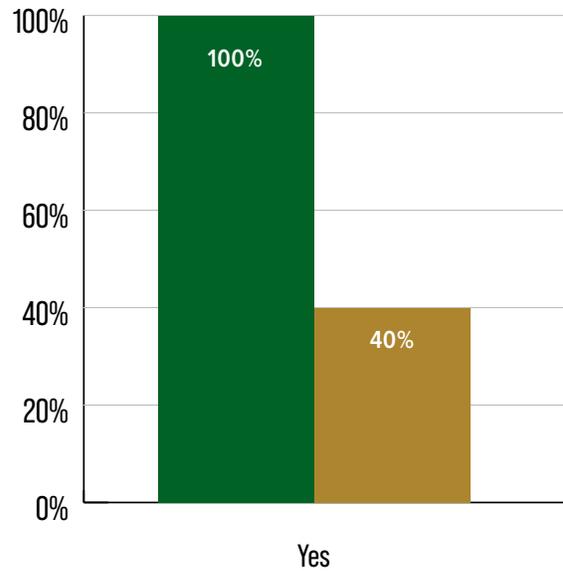


CHART 5

Has the Governor of your State Mostly Supported Law Enforcement Requests for Legislative Changes?



■ Florida ■ Other States

CONCLUSION

Many Americans are fleeing cities that have implemented criminal justice reform policies partly due to the rapid rise of violent crime.⁴⁹ Of the 13 cities with the highest violent crime rate, 10 are led by criminal justice reform activists. These 10 cities had an average violent crime rate of 1,285 per 100,000 in 2022, far exceeding the national rate of 380 per 100,000. All but two of these cities saw a population decline.⁵⁰

Some elected leaders in this country are sending a clear message that prosecuting criminals and protecting people are not high priorities and have implemented the dangerous policies described. As Doug Collins, a former U.S. representative from Georgia, astutely said “across the country, individual judges and prosecutors have mistaken their personal, rogue ideas for righteous criminal justice reform. Misguided action, however well-intended, will invariably result in tragedy.”⁵¹

Thankfully, in Florida, we have elected leaders in the Governor, members of the Cabinet, and the State Legislature who have ensured Florida does not take detours by falling for the fallacy that less law enforcement can lead to less crime. As the research and recent survey data show, these are decisions that lead to well-established off-ramps from the successful road of economic prosperity and community stability.

49 Bickerton, James (Apr 20, 2023). Crime is Making Americans Flee Democratic States. *Newsweek*.

50 US Census Bureau American Community Survey Population (2024). Data analyzed by Florida Sheriffs Research Institute.

51 Doug Collins (Jan 18, 2022). Conservatives must lead way on cash bail reform. <https://www.dailysignal.com/2022/01/18/conservatives-must-lead-way-on-cash-bail-reform/>.





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