

Boot camp, handling of abuse allegations

Number: INFORMAL

Date: November 21, 1996

The Honorable Eddie Boone
Leon County Sheriff
Post Office Box 727
Tallahassee, Florida 32302

RE: JUVENILES--JUVENILE JUSTICE, DEPARTMENT OF--SHERIFFS--abuse allegations at boot camp, handling of. s. 39.057, Fla. Stat.

Dear Sheriff Boone:

Thank you for considering this office as a source for assistance.

You ask whether the Department of Juvenile Justice may investigate allegations of abuse or misconduct by law enforcement officials assigned to the Leon County Boot Camp program and may require that a hotline telephone number to report such incidents be posted at the boot camp.

While this office is precluded from formally commenting upon the powers and authority of the Department of Juvenile Justice in the absence of a request from that department,[1] the following observations are offered in an effort to be of assistance.

Section 39.057, Florida Statutes, authorizes the implementation and operation of boot camp programs by the Department of Juvenile Justice, a county or a municipality. These programs are to include educational assignments, work assignments and physical training exercises.[2] Juveniles assigned to a boot camp program are required to participate in educational, vocational, and substance abuse programs to receive additional training in appropriate decision-making, and in life and job skills.[3]

The Leon County Boot Camp is operated by the Leon County Sheriff's Office under a contract between the sheriff's office and the Florida Department of Juvenile Justice which provides partial funding for the program. Under the contract, the sheriff's office is responsible for operating a thirty bed secure boot camp program, the residential phase of which "shall operate 365 days a year and shall provide 24 hour awake care, custody, and services designed to meet the individual needs of each youth." [4]

The Department of Juvenile Justice is not a law enforcement agency and its employees are not law enforcement officers authorized to conduct criminal investigations. Thus, the department may not conduct criminal investigations into allegations of criminal conduct at the boot camp but is under an obligation to report such matters to a law enforcement agency for investigation.

The Department of Juvenile Justice, however, is statutorily authorized to establish certain

standards for the operation of boot camps and to include such standards in the contract for the boot camps' operation.[5] Moreover, the parties are bound to the duties and responsibilities prescribed by the terms of the contract.[6]

I trust these informal comments may be of assistance to you in resolving these issues.

Sincerely,
Robert A. Butterworth
Attorney General

RAB/tgk

[1] See s. 16.01(3), Fla. Stat., and this office's Statement Concerning Attorney General Opinions, providing that the Attorney General is authorized to render opinions to public officials on questions relating to their own official duties under state law.

[2] Section 39.057(5), Fla. Stat.

[3] *Id.*

[4] Item 1, section A, p. 1 of the contract.

[5] See, e.g., s. 39.057(7), Fla. Stat., authorizing the department to adopt disciplinary sanctions standards for use in boot camps; s. 39.057(12)(b), Fla. Stat., authorizing the department to establish training criteria for boot camp staff, including "appropriate methods of dealing with children who have been placed in such a stringent program"; and s. 39.057(13)(b), Fla. Stat., authorizing the department to institute proceedings to terminate the operation of a facility if the facility fails to abide by an order of the department.

[6] See, e.g., s. G, Item I.K.1. of the contract requiring an employee of the provider who knows or has reasonable cause to suspect abuse, neglect or exploitation of a juvenile to report such knowledge or suspicion "to the central abuse registry and tracking system of the department on the single statewide toll-free telephone number (1-800-96ABUSE)." And see Section G, Item I.T.6. of the contract, stating:

"Investigation of Abuse and Neglect Allegations Requirement (Law Enforcement Providers Only). The provider agrees to comply with the Department of Juvenile Justice, Inspector General's Procedure for Allegations of Client Abuse in Contracted Programs Operated by Law Enforcement Agencies. Failure to comply with this procedure could result in cancellation of the contract."