Left, Left, Left Right Left: Should Florida Embrace Rehabilitation Boot Camp Programs For Juvenile And Youthful Offenders?

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Abstract

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KEYWORDS: offenders, Boot camp, rehabilitation
LEFT, LEFT, LEFT RIGHT LEFT: SHOULD FLORIDA EMBRACE REHABILITATION BOOT CAMP PROGRAMS FOR JUVENILE AND YOUTHFUL OFFENDERS?

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I. INTRODUCTION

The State of Florida and the United States of America, by and large, have experienced significant prison overcrowding, which has led to the development of various sentencing options. The criminal justice system has become increasingly punitive, but many states have not abandoned the idea of rehabilitation as an important goal, especially for juvenile and youthful

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offenders. Some state statutes continue to present a commitment to rehabilitation by including practices and programs promoting the best interest of young offenders through services meant to create productive, law-abiding citizens. The Supreme Court of the United States has established that young people uniquely possess an “antithetical—constitutional ‘right to a meaningful opportunity to be rehabilitated.’”

“This right is based on the Court’s identification of adolescents as . . . singularly amenable to rehabilitation,” which designates them as a separate class from adults. “Where punishment entails the purposeful inflict[ing] of suffering upon its recipient, rehabilitation involves a beneficent response aimed at overcoming unwelcome aspects of its recipient’s life.”

Faced with the growing issue of prison overcrowding and juvenile crime, lawmakers developed intermediate sanctions “to fill the gap between regular probation and prison.” One type of intermediate sanction is boot camp or shock incarceration. Boot camp programs have various names in different states including: “Special Alternative Incarceration, . . . Basic Training Program, . . . Regimented Inmate Discipline, . . . and Challenge Incarceration,” among others.

Boot camp programs are considered a “constructive approach to . . . rehabilitation. . . . [and are] modeled after military basic training.” These programs are designed for young offenders who have been convicted of a felony and would be facing prison time without this rehabilitative option. Studies show that “public support for intermediate sanctions like boot camps is high when applied to [youthful], nonviolent offenders.” Typically, these programs last between “three to six months, depending on the state.” “Brief confinement in a boot camp” program serves the purpose of shocking participants and teaching the “harsh

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3. Id. at 504–05.

4. Id. at 458–59. Supreme Court cases have classified capital punishment and life sentences without parole for juvenile offenders as cruel and unusual under the Eighth Amendment, which makes them a distinct class from adults. Id. at 458–60.

5. Id. at 459–60.

6. Gardner, supra note 2, at 466.

7. Nix, supra note 1, at 15.

8. Id.

9. Id. at 15–16.

10. Id. at 16.

11. Id.


reality of prison life without subjecting them to long prison sentences and direct contact with hardened criminals.”\textsuperscript{14} Promising programs across the country include non-military rehabilitative services, as well as including forming close relationships with department staff and other participants, providing “education, vocational training, counseling, . . . drug treatment, and creating a structured environment.”\textsuperscript{15} Rehabilitation boot camp programs give young offenders “one last chance to change his or her criminal way of life” and puts the offender in the proper state of mind and body to make a commitment to personal growth.\textsuperscript{16} Some of the many objectives are to instill “self-discipline, self-responsibility, self-respect, self-esteem, self-motivation, and . . . work ethic.”\textsuperscript{17} “Boot camps are not designed to graduate model citizens. They are designed to provide young offenders with a sound foundation upon which to build new lives.”\textsuperscript{18}

This Comment will evaluate the history, effectiveness, costs, and practices of boot camp rehabilitation programs to consider if the State of Florida should embrace this type of rehabilitation for juvenile and youthful offenders.\textsuperscript{19} Furthermore, it will explain the Florida statutory process and regulations that all programs must abide by within the state.\textsuperscript{20} Finally, this Comment will discuss the final standing boot camp rehabilitation program in Florida to view its progress and determine if Florida should expand the resources put into rehabilitation boot camp programs for youthful offenders.\textsuperscript{21}

II. \textbf{FLORIDA STATUTES}

Florida statutory law provides the standards for the process of allowing an offender to replace a sentence with an alternative sanction.\textsuperscript{22} Florida statutes also provide the requirements for an offender to be classified as a youthful offender, and the process of enrollment in a rehabilitation basic training program.\textsuperscript{23} In order to serve the statute’s purpose of alleviating extreme prison overcrowding, the particular rehabilitative methods and

\begin{flushleft}
14. \textit{Id.}
17. \textit{Id.}
18. \textit{Id.}
19. \textit{See infra} Part III.
20. \textit{See infra} Part II.
21. \textit{See infra} Part IV.
\end{flushleft}
programs are detailed within the statute along with policies used after successful completion of the program to limit and track recidivism.  

A. Downward Departure and Judicial Disposition

According to section 921.0026 of the Florida Statutes, “[a] downward departure from the lowest permissible sentence . . . is prohibited unless there are circumstances or factors that reasonably justify the downward departure.” One of the listed mitigating circumstances, that reasonably justifies “departure from the lowest permissible sentence,” is a defendant being sentenced as a youthful offender. Pursuant to section 958.04 of the Florida Statutes:

The court may sentence [any person] as a youthful offender . . . [w]ho is at least [eighteen] years of age or who has been transferred for prosecution to the criminal division of the circuit court, . . . [any person w]ho is found guilty of or . . . tendered . . . a plea . . . to a crime that is . . . a felony if the offender is younger than [twenty-one] years of age at the time [the] sentence is imposed, and [any person w]ho has not previously been classified as a youthful offender. . . . [A] person who has been found guilty of a capital or life felony may not be sentenced as a youthful offender . . . .

Furthermore, the statute allows the court to place a youthful offender into the custody of the department for a period of less than six years, and the commitment cannot surpass the maximum sentence for the convicted offense.

If an offender successfully participates in the youthful offender program, the court may modify the sentence or provide “early termination of probation, community control, or the sentence at any time prior to the scheduled expiration of [the] term.” If the court modifies a sentence and imposes probation or community control, the duration—including the term of incarceration—cannot exceed the original sentence. According to the statute, prison overcrowding is an emergency situation and the creation of a

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25. Fla. Stat. § 921.0026(1).
26. Id. § 921.0026(2).
27. Fla. Stat. § 958.04(1)(a)–(c).
28. Id. § 958.04(2)(d).
29. Id.
30. Id.

https://nsuworks.nova.edu/nlr/vol42/iss1/4
basic training program is “necessary to aid in alleviating” this extremely problematic issue.\(^3^1\)

B. **Youthful Offender Basic Training Program**

Florida Statute section 958.045 gives the department authority to “implement a basic training program for youthful offenders.”\(^3^2\) Youthful offenders enrolled in the basic training program must actively participate for at least 120 days.\(^3^3\) “The program shall include marching drills, calisthenics, a rigid dress code, manual labor assignments, physical training with obstacle courses, training in decision making and personal development, high school equivalency diploma and adult basic education courses, and drug counseling and other rehabilitation programs.”\(^3^4\) In order to be enrolled into the program, an offender must be screened to ensure they are capable of participating in the physically demanding activities of the program and must not have a prior incarceration.\(^3^5\) During the screening, “the department [must] consider the offender’s criminal history and the possible rehabilitative benefits of shock incarceration.”\(^3^6\) “If an offender meets the specified criteria and space is available, the department [may] request . . . approval for the offender to participate in the basic training program.”\(^3^7\) According to the statute:

> The program shall provide a short incarceration period of rigorous training to offenders who require a greater degree of supervision than community control or probation provides . . . . The program is not intended to divert offenders away from probation or community control but to divert them from long periods of incarceration when a short shock incarceration could produce the same deterrent effect.\(^3^8\)

After being admitted into the program, each offender is given a full substance abuse assessment to provide the department with the ability to decide if substance abuse treatment is necessary for the offender’s rehabilitation.\(^3^9\) Additionally, “each offender who has not obtained a high school diploma [will] be enrolled in an adult education program designed to

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31. *Id.* § 958.04(4).
33. *Id.*
34. *Id.* § 958.045(1)(a).
35. *Id.* § 958.045(2).
36. *Id.*
38. *Id.* § 958.045(3).
39. *Id.* § 958.045(4).
aid the offender in improving his or her academic skills and earning a high school diploma.” 40 The progress of each participant is repeatedly evaluated to track improvements in educational and career skills. 41 In the event that an offender in the “program becomes [problematic and] unmanageable, the department may revoke the offender’s gain-time and place the offender in disciplinary confinement for up to [thirty] days.” 42 Once the disciplinary process is completed, the offender may continue to participate in the program unless they were disciplined for an act or threat of violence. 43 In the case of a termination from the basic training program, the offender is removed and must complete their original sentence in the general population. 44

After completion of the basic training program, successful participants are sent to a community residential program where they will stay for a term decided by the department. 45 “If the . . . program director determines that the offender is not suitable for the community residential program but is suitable for an alternative post release program, . . . within thirty days prior to program completion the department [may] evaluate the offender’s needs and determine an alternative post-release program or plan.” 46 During the community residential program, the offender must be employed and pay restitution to the victim of the offense. 47 After they are released from the community residential program, offenders are put on probation, or post-release supervision, and must comply with various conditions. 48 Successful offenders may also continue their unfinished educational programs after their release. 49

Furthermore, the statute requires “[t]he department [to] provide a special training program for staff selected for the basic training program.” 50 The statute also states that the department can incentivize activities to encourage active participation and dedication to the program. 51 Lastly, the statute requires the department to track recidivism of the offenders after they are released to compile statistics on rearrests and recommitment. 52

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40. Id.
41. Id.
43. Id.
44. Id.
45. Id. § 958.045(6)(a).
46. Id.
48. Id.
49. Id.
50. Id. § 958.045(10).
51. Id. § 958.045(13).
III. SHOCK INCARCERATION AND BOOT CAMP PROGRAMS

The correctional policies of the last 150 years can be described as a “proverbial pendulum that swings back and forth” depending on prominent political ideologies and practices of different time periods.53 An era of optimism occurred in the 1950s and 1960s involving “a social movement away from strictly punitive responses” and towards “interventions with treatment, rehabilitation, and reintegration” practices.54 The Great Society programs of this time period sought to “prevent and [change] criminal patterns in early adulthood.”55 A major “goal was to avert and . . . mitigate unlawful behavior” in young people before they became habituated to crime.56 Adolescent and youthful offenders were thought to be more responsive and malleable than adult offenders, which made them “the primary targets of rehabilitat[ion] services.”57 However, a rise in crime occurred between 1960 and 1975 and consistently high crime rates through the 1990s changed the country’s perspective.58 The accepted rhetoric was that “lenient [rehabilitative] sanctions had encouraged more crime and . . . a tougher response to law-breaking was” sought.59 During this time, rehabilitation programs and practices were largely abandoned with a few exceptions.60

The currently fashionable suggestion that society abandon efforts to find more effective programs to rehabilitate offenders is, we believe, irresponsible and premature. . . . The promise of the rehabilitative ideal . . . is so compelling a goal that the strongest possible efforts should be made to determine whether it can be realized and to seek to realize it.61

54. Id.
55. Id.
56. Id. at 7–8.
57. Id. at 8.
58. See Benda, supra note 53, at 8.
59. Id. at 8.
60. See id. at 11.
61. Id. at 11 (quoting PANEL ON RESEARCH ON REHAB. TECHNIQUES, NAT’L ACADEMY OF SCIENCES, NEW DIRECTIONS IN THE REHABILITATION OF CRIMINAL OFFENDERS 22 (Susan E. Martin et al. eds., National Academy Press 1981)).
A. History of Boot Camp Rehabilitation

The first boot camp program opened in Chester, Georgia in December of 1983. This era was during a time period heavily focused on a punitive response to crime rather than rehabilitation, however, boot camps “promised both punishment and rehabilitation in the same sanction.”

Momentum “for the development of boot camp[] programs have generally . . . come from judges, governors, and legislators.” Boot camp programs “enjoyed extensive favorable media coverage” for years after 1983, because they portrayed themes that were consistent with the “popular demand for harsh punishment, discipline, and deterrence.” Boot camp programs were derived from previous correctional programs, including Scared Straight and Shock Probation programs. Both of these programs were specifically aimed at deterrence of crime, and Scared Straight programs attempted to accomplish this “by causing juvenile offenders to fear prison through short . . . performances staged inside [of] a prison by . . . groups of [intimidating] inmates serving life sentences.” The Shock Probation method involved an offender being confined in the general prison population for short periods of time to experience the prison lifestyle firsthand. These programs were similar to modern boot camp programs, in that “after serving the term, th[e] remainder of the offender’s sentence [was] suspended and he [or she was] placed on probation” or supervision.

Another correctional program with roots in boot camp rehabilitation includes Challenge programs for juveniles, which are modeled after Outward Bound programs. Outward Bound programs were created to give offenders “a physically and emotionally challenging experience,” which is structured to test and expand the individual’s capabilities. The small group of offenders, consisting of “[nine] to [twelve people] live together, act as a team, and develop cooperative skills” to aid and motivate them to succeed later in life. Similar to boot camp, physical challenges are not the goals in themselves, but are used as an instrument through “which personal growth

63. Muscar, supra note 12, at 11; see also Benda, supra note 53, at 8.
64. Nix, supra note 1, at 16.
65. Id.
66. Id.
67. Id.
68. Id.
69. Nix, supra note 1, at 16.
70. Id. at 16.
71. Id.
72. Id.
takes place." Furthermore, as the program strives for personal growth, these programs provide opportunities for offenders “to develop self-reliance and trust in [their peers].” A prominent belief of youthful and juvenile crime is that “delinquents suffer from deficiencies in problem-solving skills and from dysfunctional views of self.” Due to this, the practice of physical fitness is especially rehabilitative for youthful offenders because it “has a significant impact on self-perception.” High self-esteem and self-confidence increases motivation and correlates with performance variables including academic grades and work responsibility. Research indicates that youthful offenders who have successfully completed rehabilitative programs have significantly lower recidivism rates than adult offenders.

1. Rise and Fall of Florida Boot Camp Programs

“Florida was one of the first states to embrace . . . boot camp[]” rehabilitation after implementing a statute in 1989 allowing their operation, and opening of its first juvenile boot camp program in 1992. In the mid-1990s, Florida operated the most juvenile boot camps in the country with six programs. Even though “criticism of the effectiveness of boot camp” rehabilitation began around 1999 in Florida, most programs “continued to operate until 2006.”

A turning point in Florida’s boot camp programs “was the highly publicized death of a fourteen-year-old boy at one of the camps.” “Martin Lee Anderson was arrested for stealing his grandmother’s [vehicle and] . . . was sent to boot camp after violating his probation for trespassing at school.” In January of 2006, Anderson died at the program after he collapsed while running laps, which led staff members to beat and mistreat the young offender until he eventually died of suffocation. Initially, the Florida Governor at the time, Jeb Bush, did not move to close the state’s boot

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73. Id.  
74. Nix, supra note 1, at 16.  
75. Id.  
76. Id.  
77. Id.  
78. Id.  
80. Id. at 21–22.  
81. Id. at 22.  
82. Id.  
83. Id.  
84. Muscar, supra note 12, at 22.
camp program, and instead, called the death one tragic incident.\textsuperscript{85} Months of national coverage, and a growing concern about the safety of boot camps, followed and led the Florida Legislature to terminate the programs.\textsuperscript{86} These highly publicized, but rare, incidents of abuse caused “a national trend to move away from boot camps.”\textsuperscript{87} Specifically, because of changing public opinion and unclear data on the effectiveness of boot camp programs, legislators sought to reallocate funds used for rehabilitation elsewhere, causing a lack of rehabilitation programs for youthful offenders throughout the country.\textsuperscript{88}

\subsection*{B. Summary of Boot Camp Rehabilitation}

In large, the specific methods and practices of boot camp programs vary from state to state, depending on whether the program is punishment or rehabilitation-based.\textsuperscript{89} “Punishment-centered boot camp [programs primarily focus] on physical tasks and military training,” while rehabilitation-focused programs place more emphasis on “supportive programs, such as education, counseling, and drug treatment.”\textsuperscript{90} Boot camp programs for juvenile and youthful offenders typically use elements from both.\textsuperscript{91} Most boot camp rehabilitation programs begin at intake, and the arrival to the program is described as a rude awakening for the participants.\textsuperscript{92} Many military-style programs begin with a “ceremony where participants shave their heads” and are organized into squads or platoons.\textsuperscript{93} During the course of the program, the “participants engage in a rigid schedule . . . of strict discipline, hard labor, drills, and physical training, simulating military basic training.”\textsuperscript{94} The department staff also creates a “militaristic environment by requiring participants to address the staff using military titles,” such as sir and ma’am, and “requiring . . . the staff and participants to wear [appropriate military] uniforms.”\textsuperscript{95} Some programs use intimidation and humiliation methods during the beginning of the course to ensure that the participants take the program seriously and are vulnerable to change, while others “prohibit["}
verbal abuse and corporal punishment." However, in most of the military-style rehabilitation boot camp programs, staff members make sure that they get the offender’s attention and unambiguously show that they have control over the participants. Intake may be frightening and eye-opening to the participants, but “it is the only . . . way to strip away the old street attitudes” that are common amongst the participants. Many of the offenders that are enrolled into boot camp programs have low self-esteem and have few accomplishments in their lives. Most have been raised without a structured environment and have a lack of positive influences. The sometimes harsh methods used are a last-chance attempt at reforming young criminals into law abiding citizens by breaking them down to build them back up with motivation and confidence.

Rehabilitation programs, that are semi-militaristic and heavily focused on supportive and positive rehabilitation, are the most successful in terms of recidivism and impact on the offenders. Elements that have been identified in successful correctional rehabilitation programs are “formal rules, anti-criminal modeling and reinforcement, problem solving, use of community resources, quality interpersonal relationships, relapse prevention and self-efficacy, and therapeutic integrity.” Many of the methods used are focused on psychological behavior modification. Some of the defined target behaviors are “attention to detail, hygiene, attitude, communication, and physical training.” Typically, the relationships formed between the department staff and the participant plays a large role in offender rehabilitation. Group support and teamwork are taught in all aspects of the program, including “military drill and . . . group counseling sessions.” Other important qualities for rehabilitation, like problem solving, are taught in an intensive supervision phase where offenders may “work, complete community service, [take classes toward their education], and abide by a curfew.” Historically, offenders who successfully complete these programs display a deep loyalty to the program and the individuals who

96. See id. at 3, 5–7.
97. Nix, supra note 1, at 20.
98. Id.
99. Id.
100. Id.
101. Id. at 16, 20.
102. See Nix, supra note 1, at 21–22.
103. Id. at 21.
104. Id.
105. Id.
106. Id.
108. Id.
aided in their rehabilitation.\textsuperscript{109} One of the most influential aspects of these programs is the realization that the staff cares for them because many of the participants have not experienced caring relationships before.\textsuperscript{110} It is imperative that staff members push the offenders to put their full effort into their progress and motivate them to have something to look forward to when they graduate.\textsuperscript{111} The “key question in juvenile [and youthful offender] justice is how to effectuate lasting psychological and behavioral changes that will lead to rehabilitation and reduced recidivism.”\textsuperscript{112}

Treatment programs offered by the department staff, as well as an extensive aftercare phase, are essential for successful rehabilitation and must not be overlooked.\textsuperscript{113} According to research on the topic, treatment programs are successful if they “target offenders who are at risk for recidivism, are modeled after cognitive-behavior theoretical models and are sensitive to juveniles’ learning styles and characteristics, and address the characteristics of youth directly associated with criminal activity.”\textsuperscript{114} Because of this, participants are most affected by plans that address their individual history and needs.\textsuperscript{115} An offender who struggles with drug addiction or abuse may benefit from supportive programs like drug abuse counseling more than an offender whose lack of social skills are attributed to the offense.\textsuperscript{116} Due to this, it is important that the particular characteristics and histories of the offenders must be considered to maximize the rehabilitative effects.\textsuperscript{117} Furthermore, aftercare and supervision programs are especially beneficial in reducing recidivism for offenders with drug abuse problems.\textsuperscript{118}

1. Importance of Aftercare on Recidivism

A major reason boot camp programs across the country have failed is due to a lack of follow-up or aftercare for participants when they return to

\textsuperscript{109} Id. at 20.
\textsuperscript{110} Id.
\textsuperscript{111} See id. at 20–21.
\textsuperscript{112} Muscar, supra note 12, at 38.
\textsuperscript{113} See id.
\textsuperscript{115} Id.
\textsuperscript{116} Id. at 38–39.
\textsuperscript{117} See Muscar, supra note 12, at 38–39.
\textsuperscript{118} See id.
the community. This conclusion is made from studies that have compared the criminal activities of boot camp graduates who participated in aftercare programs to those who have not. “[One] study compared the recidivism rates of 337 offenders who received a mandatory [ninety]-day . . . aftercare program to [the recidivism rate of] 383 offenders . . . who did not receive [any sort of] aftercare.” Both of these groups participated in a six-month boot camp program “modeled after military basic training but also included an emphasis on [supportive] rehabilitation” methods and practices. This study concluded that “[t]he offenders who received aftercare had [significantly] lower recidivism than [the group that] did not.” The statistics displayed that after one year of release, 16% of the group who received aftercare reoffended, compared to the 21% rate for the group who did not. Two years after the programs were completed, 22% of the aftercare group reoffended while 33% of the group without aftercare reoffended. These statistical differences emphasize the need for boot camp programs to include follow-up practices to supervise the offenders and ensure they stay on the right track. However, like most other aspects of boot camp, aftercare practices can vary greatly between states and jurisdictions, which lead to varying results.

The specific aspects of aftercare programs have an impact on their success in reducing recidivism. Supervision in itself may not be significant enough to have an impact on recidivism; whereas, programs with close supervision and individually tailored rehabilitation methods have more success. A previous Florida boot camp program, in Pinellas County, had staff members stay in contact with the participants for at least six months after graduation to track their behavior and success in school. Another example of an aftercare program that experienced success in recidivism is the New York shock parole aftercare program. This program mainly

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120. Id.
121. Id. (emphasis omitted).
122. Id.
123. Id.
125. Id.
126. See id.
127. Id. at 360; Muscar, supra note 12, at 41.
128. See Muscar, supra note 12, 40–42.
129. Id. at 41–42; see also Mackenzie, supra note 119, at 360.
130. Muscar, supra note 12, at 41.
131. See id.; Nix, supra note 1, at 19.
consisted of “employment, drug treatment, and counseling opportunities.” One factor that likely contributed to this program’s success was the light caseload of the officers assigned to the program. Two officers were assigned to thirty graduates personally in order to individualize treatment and more effectively supervise and monitor the graduates. While statistics are often scarce and vary depending on many factors, the consensus is that aftercare programs are a key aspect of successful rehabilitation, and the specific practices and methods used by each program play a large role in the results.

C. Goals of Boot Camp Rehabilitation

Besides the primary goal of rehabilitation for youthful offenders to change their lives and reduce crime, other goals of boot camp rehabilitation to consider are deterrence, punishment, incapacitation, and cost control. Generally, boot camp administrators use “rehabilitation, deterrence, and cost control” as their primary goals, while the public and policymakers tend to prioritize deterrence and punishment. The goals and purposes of boot camp rehabilitation are similar to those of a traditional correctional facility, but supporters believe boot camp programs are a better fit to meet these goals. Legally, deterrence is considered in two ways: General and specific deterrence.

Specific deterrence refers to a sanction deterring the particular individual punished, whereas general deterrence refers to vicariously learning from seeing other people punished. The assumption underlying shock incarceration is that the unpleasant experience per se will be a potent disincentive to further commission of unlawful behavior. Many boot camps are even located in close geographical proximity to more traditional prisons to emphasize the potential for serving hard time.

A common belief among administrators, legislators, and the public is that the harsh nature of boot camp will prevent recidivism of the individual—specifically by providing a life-changing experience, while also

132. Muscar, supra note 12, at 41.
133. Id.
134. See id. at 39–41.
135. Id. at 40–42.
137. Muscar, supra note 12, at 9.
138. Id.
140. Id.
deterring the general public from committing crimes.\textsuperscript{141} The media coverage of boot camps involving early wake-up calls, physical conditioning, and yelling drill sergeants can cause young offenders who know of the possibility of boot camp or prison to refrain from breaking the law.\textsuperscript{142}

Punishment and incapacitation are also goals viewed favorably by legislators and the public because of the retribution aspect and keeping offenders out of the community until their desires for criminal behavior have decimated.\textsuperscript{143} Punishment is defined as “impos[ing] unpleasantness upon a person as a response to his or her commission of a wrongful act.”\textsuperscript{144} So long as rehabilitation boot camp programs are successful, they provide a way to incarcerate and punish young offenders in shorter periods of time, creating a more effective way to meet the goals of the criminal justice system.\textsuperscript{145}

Furthermore, boot camp programs can reduce prison overcrowding and result in significant cost savings due to the considerably shorter sentences of participants in the programs.\textsuperscript{146} According to the National Institute of Justice, “[b]oot camps could reduce the number of prison beds needed in a jurisdiction, which would lead to modest reductions in correctional costs.”\textsuperscript{147} Conversely, boot camp programs have the potential to widen the net, or to confine offenders who would otherwise be given probation, which could lead to boot camp programs becoming as expensive as prison.\textsuperscript{148} The primary reason boot camp numbers have dwindled across the country is a result of economic concerns—widening the net may be a reason for this because boot camp rehabilitation is more costly than probation.\textsuperscript{149} It is also difficult to analyze the economic impact of these programs because “states vary in [their budgets and] how they determine costs.”\textsuperscript{150} Because of these economic concerns, it is imperative that states are selective in determining enrollment of offenders, and someone who would likely be given probation should not be enrolled to prevent unneeded costs.\textsuperscript{151} Overall, while it may vary from state to state, boot camp programs provide an opportunity to lower costs on individual offenders and can be a benefit to

\textsuperscript{141} Id. at 4–5.
\textsuperscript{142} Id. at 5.
\textsuperscript{143} See id. at 6.
\textsuperscript{144} Gardner, supra note 2, at 464.
\textsuperscript{145} See Benda, supra note 53, at 6.
\textsuperscript{146} See Nix, supra note 1, at 22.
\textsuperscript{147} Benda, supra note 53, at 6–7.
\textsuperscript{148} Muscar, supra note 12, at 36–37; Nix, supra note 1, at 18.
\textsuperscript{149} See Muscar, supra note 12, at 36.
\textsuperscript{150} Benda, supra note 53, at 7.
\textsuperscript{151} See Muscar, supra note 12, at 36.
the economy so long as the programs successfully rehabilitate the offenders.152

D. Controversy and Political Climate

The effectiveness and practice of military-style boot camp rehabilitation has been a topic of debate for years and requires a multidimensional analysis.153 Proponents of the programs believe that rehabilitation, especially for youthful offenders, is a necessary and important aspect of the criminal justice system.154 Most believe that while supportive programs like drug counseling and education are crucial to their success, the military aspect of the programs are also important to instill self-control and discipline in the offenders and to ensure they are dedicated to changing their way of life.155 Those opposed to the programs view the military aspect as undermining rehabilitative efforts by putting the participants in an environment of aggression and intimidation.156 Those against military boot camp programs believe that the nonmilitary aspects are the reason some programs have success and the military boot camp itself is inefficient and a waste of already limited resources.157

The perceived problems facing boot camp programs are largely based on individual programs rather than the effectiveness of boot camp programs as a whole.158 Perhaps the most significant reason for the lack of rehabilitation programs in the United States is inadequate, or lack of, funding.159 Further, if programs are being questioned for effectiveness, they often end up on the chopping block of budgets.160 Another cited problem that has caused a political shift away from these programs is the potential for abuse.161 Like the incident in Florida, there are cases of staff members abusing offenders and causing significant injury, leading to the closure of programs.162 Many citizens view military boot camps unfavorably due to their perception that the military mentality may not be appropriate as a

152. See Benda, supra note 53, at 7; Nix, supra note 1, at 21–22.
154. See Nix, supra note 1, at 20–21.
155. Id. at 21; Muscar, supra note 12, at 8, 29–30.
156. Muscar, supra note 12, at 3.
157. Id. at 3–4.
159. See Nix, supra note 1, at 18–19.
161. Nix, supra note 1, at 18.
162. Muscar, supra note 12, at 19, 22–23.
rehabilitation tool for young offenders. One example of a reported extreme initiation practice is as follows:

You are nothing and nobody, fools, maggots, dummies . . . and you have just walked into the worst nightmare you ever dreamed. I [do not] like you. I have no use for you, and I [do not] give a . . . who you are on the street. This is my acre, hell’s half acre, and it matters not one damn to me whether you make it here or get tossed out into the general prison population, where, I promise you, you [will not] last three minutes before [you are] somebody’s wife. Do you know what that means, tough guys?

While most programs prohibit the use of intimidation and humiliation practices, and have become heavily regulated, many believe that the risk of abuse in a hostile environment, such as this, is too great. A potential problem with these practices is giving the participants a perception that their environment is unsafe, which could potentially have an impact on their rehabilitation. Furthermore, some critics believe that boot camp practices and environments may be counterproductive because they could create a hardened, more disciplined criminal. “One critic [stated] that people go in feeling like Rambo and come out feeling a whole lot like Rambo.” Another potential issue that must be considered by administrators and legislators debating boot camp rehabilitation is limited positive interactions with the staff. As previously stated, pro-social interactions with department staff are crucial to a program’s success, and the nature of these programs may limit this aspect of the rehabilitation. “[R]esearch [has] indicate[d] that there is a high rate of staff turnover in boot camp[] [programs].” In programs where this occurs, it would be difficult for participants to bond with staff members, which is a rehabilitative aspect boot camp programs are built on.

Another perceived psychological issue with boot camp programs for juvenile and youthful offenders is described by psychologist Dr. Marty Beyer in her review of a pilot program. Dr. Beyer conducted research on

163. Nix, supra note 1, at 18.
165. Id. at 23, 31.
166. Id. at 31–32.
167. Nix, supra note 1, at 18.
168. Id.
169. Muscar, supra note 12, at 31–32.
170. Id. at 32.
171. Id.
172. Id. at 4, 32.
173. Id. at 28.
adolescent development and delinquent juveniles in boot camp programs.\textsuperscript{174} Her research presented the idea that adolescents “are fairness fanatics and are ‘very sensitive to anything they perceive as unfair.’”\textsuperscript{175} Dr. Beyer was concerned that participants would perceive the program as unfair, which would lead offenders to be resistant to assistance.\textsuperscript{176} Her stance is that young offenders respond to encouragement rather than punishment, and the underlying attitudes and long-term behaviors are not changed from punishment.\textsuperscript{177} There is a risk of offenders temporarily adjusting their behavior in order to avoid unwanted punishment, but ultimately not being rehabilitated once they are released from the program.\textsuperscript{178}

While there are some perceived risks, boot camp rehabilitation programs have, in their nature, a reliable source for the effectiveness of these programs, the participants, and graduates themselves.\textsuperscript{179} Studies indicate past participants strongly support boot camp programs and have a more positive attitude about their situation than offenders in traditional detention centers.\textsuperscript{180} One reason for this perceived satisfaction with boot camp programs is the structured, safe environment compared to traditional correctional facilities.\textsuperscript{181} Current boot camp participants also reported feeling “less impulsive and less anti-social” than offenders in other facilities.\textsuperscript{182} Studies indicate that participants perceive boot camps as caring and just and more therapeutic.\textsuperscript{183} For example, a previous Florida boot camp program that was in operation for twelve years before closing due to economic reasons, left a lasting impact on many of its graduates.\textsuperscript{184} Five years after the program’s closure, one graduate said that “his greatest memory from the camp [was] the relationships he formed that changed his life forever.”\textsuperscript{185} The graduate, Andre Edmonds, also reflected on what his life would be like without having the opportunity of boot camp

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\textsuperscript{174} Muscar, supra note 12, at 28. \\
\textsuperscript{175} Id. (quoting Michael Peters et al., BOOT CAMPS FOR JUVENILE OFFENDERS 8 (1997)). \\
\textsuperscript{176} Id. \\
\textsuperscript{177} See id. \\
\textsuperscript{178} See id. at 28–29. \\
\textsuperscript{179} See MacKenzie et al., supra note 114, at 10–11; Christin Erazo, Five Years After Closing, Martin County Boot Camp Leaves Legacy of Success, TCPALM (June 29, 2011), http://archive.tcpalm.com/news/five-years-after-closing-martin-county-leaves-legacy-of-success-ep-385104747-344433722.html#. \\
\textsuperscript{180} See Muscar, supra note 12, at 43; Erazo, supra note 179. \\
\textsuperscript{181} Muscar, supra note 12, at 44–45. \\
\textsuperscript{182} Id. at 44. \\
\textsuperscript{183} Id. at 45. \\
\textsuperscript{184} See Erazo, supra note 179. \\
\textsuperscript{185} Id. \\
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rehabilitation. Edmonds, who is “now a [law-abiding] construction worker in Coconut Creek,” stated, “[w]ithout the camp, [I would] be dead or in prison; no doubt . . . . Kids who need that program are missing out.”

This particular program served the Treasure Coast, Palm Beach, and Okeechobee counties, and provided its young participants with structure and education to earn high school diplomas. “[The program] was also successful in [recidivism and] prevent[ed] about [eighty] percent of its graduates, who were [not always] first-time offenders, from committing [crimes in their future.]”

The Martin County Florida program is another example of a successful rehabilitation boot camp program for juvenile and youthful offenders that closed for economic reasons. “Pam Roebuck, [the] assistant state attorney in charge of Martin County’s juvenile division,” stated “[there is] always a danger when the really good programs close . . . . State statistics show—the boot camps—were the better programs; they were good accountability partners.”

Roebuck believes that the key to success of any rehabilitation program must begin “with dedicated individuals who form [positive] relationships” with offenders. A Martin County Sheriff, Robert Crowder, commented on the program and stated “[w]e focused on education, self-improvement and responsibility, and other good qualities we want to see in young men . . . . People think boot camp is all about screaming and hollering and doing push-ups; it was much more focused on developing the individual.” Another Martin County Sheriff, Captain Lloyd Jones, worked with young offenders at the boot camp program and also expressed the importance of a dedicated staff.

I just think we need better people working in the system . . . . It [is not] the [boot camp] program, [it is] the people. To make people responsible and hold them to those life skills, and care about children and see these kids become successful, I think [that is] the key to making any program successful.

186. See id.
187. Id.
188. Id.
189. Erazo, supra note 179.
190. See id.
191. Id. (alteration in original).
192. Id.
193. Id.
194. Erazo, supra note 179.
195. Id.
Captain Jones’ statement is consistent with the research that the success of programs is largely based on the personal relationships formed from the program and the dedication of the staff.\(^{196}\) At the end of the day, boot camp rehabilitation programs must be viewed individually to determine their effectiveness, and the now-closed Martin County program emphasized that there is potential in these programs to meet their objective goals.\(^{197}\)

IV. CURRENT FLORIDA BOOT CAMP PROGRAMS

Currently, the State of Florida is down to one remaining rehabilitation boot camp program.\(^ {198}\) As a state that once embraced rehabilitation and led the country in its amount of boot camp programs, economic and budgetary concerns have caused all but one program to cease operations.\(^ {199}\) The last boot camp program in Florida is a county-operated program in Miami-Dade County that has been successful with regards to recidivism and public preference.\(^ {200}\) However, this program has also been at risk of closure for economic reasons as well, regardless of its success.\(^ {201}\) Recently, this program has been popularized by celebrity endorsements and published success stories.\(^ {202}\) This program involves practices including a “semi-military training regimen[t], [e]ducation and [j]ob [t]raining,” “[d]rug [and] [l]ife [s]kills [c]ounseling,” and an extensive aftercare phase to reduce recidivism.\(^ {203}\)

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196. See id.; Nix, supra note 1, at 20–21.
197. See Muscar, supra note 12, at 25–26; Erazo, supra note 179.
199. Id.; Muscar, supra note 12, at 21–23, 36.
200. See Rodriguez, supra note 198.
201. See id.
A. Miami-Dade Boot Camp Program

The Miami-Dade Boot Camp Program was opened in 1995 and has enrolled over two thousand youthful offenders into the program ever since. Both young men and women can participate in the program if they are classified as a youthful offender and are between the ages of fourteen and twenty-four. Furthermore, “[t]o be eligible for the program, [participants] cannot be convicted of rape or murder,” but many cadets “have been convicted of charges such as resisting officers, possession of a controlled substance, or grand theft, among others.” According to an order form used to place defendants into the program, “[i]nmates are required to serve a minimum of . . . 120 days at the camp as an alternative to prison or county jail time, followed by [a two-month] [w]ork [r]elease” program, then finally a ten-month aftercare. The program description lists the function of the program and the objective goals the program serves to satisfy. These goals are behavior modification, education and job training, work details, and drug and life skills counseling. Behavior modification is used to “provide a restructured life style patterned to reorient inmates [mentally] in a way [that] best conforms to societal needs.” The educational programs provided are “access to Adult Basic Education (“ABE”), General Educational Diploma (“GED”), computer science training, college preparation, and the [learning] of basic economic skills necessary for future employment.” The inmates in the program also participate in community service based activities. Finally, the program provides “drug counseling, psychological counseling and training,” and training “in financial management, employment applications, job management, and basic social skills.”

One component of the Miami-Dade Boot Camp Program “is the structured semi-military training regimen,” which involves strenuous activity

204. Odzer, supra note 202.
205. Rodriguez, supra note 198.
207. Order for Defendant’s Placement in Miami-Dade County Corrections & Rehabilitation Department Boot Camp Program, supra note 203, at 1–2.
208. See id. at 1.
209. Id.
210. Id.
211. Id.
212. Order for Defendant’s Placement in Miami-Dade County Corrections & Rehabilitation Department Boot Camp Program, supra note 203, at 1.
213. Id.
used to safeguard physical and psychological well-being for the participants. In this phase of the program, the inmates participate in sixteen weeks of military drills and practices, including push-ups and “precise sequences for showering, meals, and bedtime.” The participants also have their heads shaved, are woken up at 4 AM for jogs, and refer to the department staff as sir and ma’am. Certain practices during this phase are harsh and can be perceived as unfair. For example, one published practice of the program is directing the inmates to “spend an hour making their beds, . . . shining their shoes,” and following other demands of the staff just so drill instructors can trash the rooms when the cadets leave. These practices are not the focal point of the rehabilitation program, but are completed initially during this phase as a tool for turnarounds. These practices are described as “an exercise in internalizing injustices rather than acting rashly” and potentially committing crimes. Acknowledging potential issues in the criminal justice system, these methods can be used to teach emotional control and how to resist responding in a situation where they are pulled over by police and are being profiled in an unfair way. However, when it appears that the cadet’s defenses have faded and they start to break down, the “drill-instructor regime can shift into something softer” and more personal. When something like this happens, the staff will pull the participant aside and ask about the participant’s life and family.

While the semi-military regimen used during this first phase is important to ensure the cadets are willing to be rehabilitated, the education and job training, drug counseling, and aftercare supervision are crucial to the success of this program. “Miami-Dade County is one of the nine sites [nationally that is] awarded [a] $300,000 three-year grant called Project Restart: Improved Reentry Education . . . from the U.S. Department of Education . . . .” This grant pays for the cadets’ educational classes at a local community college and GED classes for younger offenders who have

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214. Id.
216. Id.
217. See id.
218. Id.
219. Id.
221. See id.
222. See id.
223. See id.
224. See Order for Defendant’s Placement in Miami-Dade County Corrections & Rehabilitation Department Boot Camp Program, supra note 203, at 1–2.
225. Vizcaino, supra note 206.
not obtained a high school diploma.\textsuperscript{226} Along with the educational aspect, the life skills and job training aspects of the program motivate the inmates and give them the skills needed to have something to look forward to once they graduate.\textsuperscript{227} Upon completion of the first phase of the program, the participants may be released on community control or probation to find employment or further their education.\textsuperscript{228} “To ensure a successful probation period, the boot camp staff holds an orientation where family members are informed of the . . . conditions [their loved ones] must follow to graduate” from the program.\textsuperscript{229}

According to an order form, an example of the conditions that must be completed in the second phase of the program are obtaining a GED at the end of the term, a substance abuse evaluation, alcohol abuse evaluation, and an overall health evaluation.\textsuperscript{230} Once the participant graduates to the third phase of the program—the ten-month aftercare—they are still in the custody of the department and must abide by department conditions.\textsuperscript{231} The cadets “must call the facility three times a day and stay in school or find a job.”\textsuperscript{232} When boot camp participants leave the program, many go back into “the same areas [and have] the same friends,” which can be problematic.\textsuperscript{233} Supervisors in this final phase of the program help keep the participants on track and focused.\textsuperscript{234}

Most importantly, the Miami-Dade Boot Camp Program has become part of the success stories of thousands of Miami youth, and has been successful in reducing recidivism.\textsuperscript{235} This program has an 11% recidivism rate for their graduates, compared to the 27% of regular prison inmates who reoffend.\textsuperscript{236} Largely because of the program’s success, it is also highly regarded amongst local judges, sheriffs, and previous graduates.\textsuperscript{237} A local judge and avid supporter of the program, Miami-Dade Circuit Court Chief Administrative Judge Nushin Sayfie, stated, “[t]he [b]oot [c]amp program is

\textsuperscript{226} See id.
\textsuperscript{227} See Order for Defendant’s Placement in Miami-Dade County Corrections & Rehabilitation Department Boot Camp Program, supra note 203, at 1; Nix, supra note 1, at 16.
\textsuperscript{228} See Order for Defendant’s Placement in Miami-Dade County Corrections & Rehabilitation Department Boot Camp Program, supra note 203, at 1, 5.
\textsuperscript{229} Vizcaino, supra note 206.
\textsuperscript{230} Order for Defendant’s Placement in Miami-Dade County Corrections & Rehabilitation Department Boot Camp Program, supra note 203 at 1, 5.
\textsuperscript{231} Id. at 2.
\textsuperscript{232} Vizcaino, supra note 206.
\textsuperscript{233} See id.
\textsuperscript{234} See id.
\textsuperscript{235} See Odzer, supra note 202; Rodriguez, supra note 198.
\textsuperscript{236} Rodriguez, supra note 198.
\textsuperscript{237} See Rodriguez, supra note 198.
one of our success stories and a source of enormous pride . . . . When these young men and women leave [b]oot [c]amp, they are completely new individuals—respectful, confident, law-abiding, proud of themselves and thankful for the chance they have been given.”

One success story comes from current Florida Judge Jason Bravo, who owes his success to the Miami-Dade Boot Camp Program. When Judge Bravo was seventeen-years-old, he was going down the wrong path and was arrested for armed robbery. Bravo stated “[w]hat boot camp gave me was an opportunity . . . to better my life and move forward from a mistake that happened as opposed to pretty much rotting away in a jail cell.” After his graduation from the program, Bravo went on to attend college at Florida International University, obtain a law degree from Florida State University, and become an attorney at the same office that prosecuted him before becoming a judge. Jason Bravo is also an inspirational speaker at the program’s graduation ceremonies for the cadets.

The program is also endorsed by celebrity Dwayne The Rock Johnson who appears in an HBO documentary on the program. In a speech to new cadets, Dwayne Johnson stated, “I know this [b]oot [c]amp program. I believe in it . . . . I want the world to see how powerful this program is.”

Notwithstanding the success stories and lowered recidivism rates of graduates, the Miami-Dade Boot Camp Program was facing closure to cut its $4 million budget. Realizing the success of the last standing boot camp rehabilitation program for youthful offenders, “Miami-Dade . . . Mayor Carlos Gimenez found a one-time revenue to save the . . . program” from closing. Regardless of the success of rehabilitation programs, these programs always face uncertainty and the potential for closure due to limited budgets. However, the Miami-Dade Boot Camp Program saves taxpayers money over time by lowering expensive prison terms. For example, “[a] five-year prison term costs taxpayers $86,690,” whereas “[t]he [sixteen]-

238. Id.
240. Id.
241. Id.
242. Id.; Vizcaino, supra note 206.
244. Hanks, supra note 202.
245. Id.
246. Rodriguez, supra note 198.
247. Id.
248. See id.; Muscar, supra note 12, at 23, 25.
month boot camp [program] costs . . . $46,453.”250 While it still costs approximately $4 million a year to operate, the program has the potential to be cost effective over time, so long as it successfully rehabilitates the inmates, which it has been proven to do.251

V. CONCLUSION

Florida is a state that once led the country in rehabilitation boot camp programs but has recently followed a trend away from rehabilitation and is down to one remaining program.252 As discussed earlier, the reason for this is not the lack of success in recidivism, but rather a result of economic concerns and budget limitations.253 The success of these programs is dependent on many factors, including pro-social relationships with staff and peers, aftercare supervision upon release, and supportive programs for education and job training among others.254 The current Miami-Dade Boot Camp Program, and the everlasting impact previous Florida boot camp programs have, leave behind show that these programs have the potential to lower crime rates and make a difference in the lives of thousands of youth.255

The juvenile and youthful offenders who enroll into rehabilitation boot camp programs often have backgrounds lacking structure and guidance.256 Many are headed down a life of crime that will only be accelerated by going to prison and being influenced by hardened criminals.257 The vicious cycle of crime starts at a young age, but young people also bare the most potential for change and rehabilitation before their lives become irreparable.258 With crime rates surging across the State and country, a significant step in reducing crime can be accomplished through rehabilitation of young offenders.259 The Miami-Dade Boot Camp Program is an example of the impact these programs can have on young people by providing positive influences and mentors, physical and mental conditioning to improve perceptions of self, and an aftercare program that continues to

250. Id.
251. Id.
252. See Muscar, supra note 12, at 21–23, 25; Rodriguez, supra note 198.
253. Muscar, supra note 12, at 36; see also Rodriguez, supra note 198; supra Part III.
254. See Nix, supra note 1, at 21; MacKenzie, supra note 119, at 359.
255. See Rodriguez, supra note 198; Erazo, supra note 179.
256. Nix, supra note 1, at 20.
257. See id. at 16.
258. See Gardner, supra note 2, at 459–60.
259. See Benda, supra note 53, at 8, 11; Erazo, supra note 179.
motivate the offenders long after their graduation.\textsuperscript{260} So long as the programs are operated similarly to proven programs like Miami-Dade, the State of Florida should embrace boot camp programs and restart its effort to lead the country in rehabilitation for juvenile and youthful offenders.\textsuperscript{261}

\textsuperscript{260} See MacKenzie, supra note 119, at 359; Nix, supra note 1, at 21; Rodriguez, supra note 198.

\textsuperscript{261} See Nix, supra note 1, at 21; Rodriguez, supra note 198.