

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 801 Alzheimer's Disease and Related Dementia Training for Law Enforcement and Correctional Officers

SPONSOR(S): Criminal Justice Subcommittee, Buchanan and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 208

FINAL HOUSE FLOOR ACTION: 117 Y's 0 N's **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

CS/HB 801 passed the House on February 22, 2024, and subsequently passed the Senate on March 4, 2024.

Dementia is an overarching classification of diseases whose characteristic symptoms present as difficulties with memory, language, problem-solving, and other thinking skills. Alzheimer's disease is the most common form of dementia, accounting for an estimated 60 to 80 percent of all dementia cases. Alzheimer's disease is an incurable, progressive brain disorder that damages nerve cells in the brain, leading to memory loss and changes in the functions of the brain, with symptoms worsening gradually over time.

Sections 943.11 and 943.12, F.S., create the Criminal Justice Standards and Training Commission (CJSTC) within the Florida Department of Law Enforcement (FDLE) and require CJSTC to establish uniform minimum training standards for the training of officers in the various criminal justice disciplines. Section 943.13, F.S., requires all officer applicants to complete a CJSTC-approved basic recruit training program. After obtaining certification and as a condition of continued employment or appointment, s. 943.135, F.S., requires officers to receive at least 40 hours of CJSTC-approved continued employment training (CET) every four years.

Section 943.17296, F.S., requires each certified law enforcement officer to complete training in identifying and investigating elder abuse and neglect as a part of his or her basic recruit training or as CET. Such training must include instruction on the identification of and appropriate responses to persons suffering from dementia and on identifying and investigating elder abuse and neglect. The CJSTC, however, does not currently offer specific post-basic training on Alzheimer's disease or related forms of dementia.

The bill creates s. 943.17299, F.S., to require FDLE to establish an online, continued employment training component relating to Alzheimer's disease and related forms of dementia. Under the bill, the training component must be developed in consultation with the Department of Elder Affairs and include, but need not be limited to, instruction on interacting with persons with Alzheimer's disease or a related form of dementia, including instruction on techniques for:

- Recognizing behavioral symptoms and characteristics;
- Effective communication;
- Employing alternatives to using physical restraints; and
- Identifying signs of abuse, neglect, or exploitation.

The bill specifies that completion of the training component may count toward the 40 hours of instruction required for continued employment or appointment as a law enforcement officer, correctional officer, or correctional probation officer.

The bill will have an insignificant negative impact on FDLE associated with the costs of developing and implementing the new training component. See Fiscal Analysis & Economic Impact Statement.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Dementia

Dementia is an overarching classification of diseases whose characteristic symptoms present as difficulties with memory, language, problem-solving, and other thinking skills.¹ Dementia affects millions of people and is more common as people grow older, with about one-third of all people age 85 or older developing some form of dementia.²

Alzheimer's Disease

Alzheimer's disease is the most common form of dementia, accounting for an estimated 60 to 80 percent of all dementia cases.³ Alzheimer's disease is an incurable, progressive brain disorder that damages nerve cells in the brain, leading to memory loss and changes in the functions of the brain, with symptoms worsening gradually over time. Individuals with Alzheimer's disease may develop changes in mood, personality, or behavior. A common behavior that individuals with Alzheimer's disease frequently develop is wandering.⁴ Wandering occurs when a person leaves the safety of a responsible caregiver or a safe area and cannot retrace their steps, often becoming lost.⁵ Approximately 12 to 60 percent of individuals with a cognitive disability wander and approximately five percent of wandering instances result in physical harm to the disabled person.⁶

There are an estimated 6.93 million people in the United States with Alzheimer's disease.⁷ By 2060, the number of people with Alzheimer's disease in the U.S. is expected to double to a projected 13.85 million people.⁸

Florida has the second highest prevalence of Alzheimer's disease in the country. Currently, approximately 580,000 Floridians over the age of 65 have Alzheimer's disease; however, it is estimated that by 2025, that number will rise to 720,000.⁹

Law Enforcement, Corrections, and Alzheimer's Disease

Law enforcement officers regularly interact with individuals exhibiting Alzheimer's disease symptoms, such as confusion, disorientation, and wandering. Individuals with Alzheimer's disease often cannot ask for help and may not even recognize they need help. One researcher estimated that an average search-and-rescue operation for an individual with Alzheimer's disease lasts about 9 hours.¹⁰

¹ Alzheimer's Association, *2023 Alzheimer's Disease Facts and Figures*, <https://www.alz.org/media/documents/alzheimers-facts-and-figures.pdf> (last visited Mar. 4, 2024).

² National Institute on Aging, *What Is Dementia? Symptoms, Types, and Diagnosis*, <https://www.nia.nih.gov/health/alzheimers-and-dementia/what-dementia-symptoms-types-and-diagnosis> (last visited Mar. 4, 2024).

³ Alzheimer's Association, *supra* note 1, at 7.

⁴ Alzheimer's Association, *supra* note 1, at 5.

⁵ *Id.*

⁶ Joseph Wherton, et al., *Wandering as a Sociomaterial Practice: Extending the Theorization of GPS Tracking in Cognitive Impairment*, 29 Qual. Health Res., (Sept. 14, 2018), <https://journals.sagepub.com/doi/10.1177/1049732318798358#articleCitationDownloadContainer> (last visited Mar. 4, 2024).

⁷ Kumar B. Rajan, Ph.D., et al., *Population Estimate of People with Clinical AD and Mild Cognitive Impairment in the United States (2020-2060)*, 17 *Alzheimers Dement.* 12, (May 27, 2021).

⁸ *Id.*

⁹ Florida Department of Elder Affairs, *2023 Alzheimer's Disease Advisory Committee Annual Report*, <https://elderaffairs.org/wp-content/uploads/ADAC-Report-2023.pdf> (last visited Mar. 4, 2024).

¹⁰ Federal Bureau of Investigation, Law Enforcement Bulletin, Robert Schaefer and Julie McNiff, *Awareness of Alzheimer's Disease*, <https://leb.fbi.gov/articles/featured-articles/awareness-of-alzheimers-disease> (last visited Mar. 4, 2024).

Additionally, in roughly a decade, it is estimated that older prisoners will make up a third of the prison population and many of them will develop dementia.¹¹ Those prisoners who develop dementia may no longer comprehend prison rules and as a result may appear to corrections officers to be acting out and may also become increasingly vulnerable to abuse from other inmates.¹²

Moreover, individuals with dementia who are released on probation create challenges for correctional probation officers as they often experience difficulties meeting supervision requirements.¹³

Criminal Justice Officer Training

Sections 943.11 and 943.12, F.S., create the Criminal Justice Standards and Training Commission (CJSTC) within the Florida Department of Law Enforcement (FDLE) and require CJSTC to establish uniform minimum training standards for the training of officers¹⁴ in the various criminal justice disciplines.¹⁵ Section 943.13, F.S., requires all officer applicants to complete a CJSTC-approved basic recruit training program.¹⁶

After obtaining certification and as a condition of continued employment or appointment, s. 943.135, F.S., requires officers to receive at least 40 hours of CJSTC-approved continued employment training (CET) every four years. The employing agency must document that the CET is job-related and consistent with the needs of the employing agency, and report training completion to the CJSTC through the Automated Training Management System.¹⁷

Current Florida law requires FDLE to develop CET relating to various special topics, such as training related to diabetic emergencies¹⁸, autism spectrum disorder¹⁹, and identifying and investigating elder abuse and neglect²⁰.

Section 943.17296, F.S., requires each certified law enforcement officer to complete training in identifying and investigating elder abuse and neglect as a part of his or her basic recruit training or as CET. Such training must include instruction on the identification of and appropriate responses to persons suffering from dementia and on identifying and investigating elder abuse and neglect.

The CJSTC, however, does not currently offer specific post-basic training on Alzheimer's disease or related forms of dementia.

Effect of the Bill

The bill creates s. 943.17299, F.S., to require FDLE to establish an online, continued employment training component relating to Alzheimer's disease and related forms of dementia. Under the bill, the training component must be developed in consultation with the Department of Elder Affairs and include,

¹¹ Sara Novak, *Dementia in Prison Is Turning into an Epidemic: The U.S. Penal System Is Badly Unprepared*, Scientific American (Sept. 27, 2022), <https://www.scientificamerican.com/article/dementia-in-prison-is-turning-into-an-epidemic-the-u-s-penal-system-is-badly-unprepared/> (last visited Mar. 4, 2024).

¹² *Id.*

¹³ Tonya B. Van Deirse, et al., *Probation Officers' and Supervisors' Perspectives on Critical Resources for Implementing Specialty Mental Health Probation*, 48 Adm. Policy Ment. Health 408, (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7956054/> (last visited Mar. 4, 2024).

¹⁴ Section 943.10, F.S., defines "officer" to mean any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer.

¹⁵ S. 943.12(5), F.S.

¹⁶ S. 943.13(9), F.S.

¹⁷ FDLE, Agency Analysis of 2024 House Bill 801, p. 5 (Dec. 8, 2023) (on file with the House Criminal Justice Subcommittee).

¹⁸ S. 943.1726, F.S.

¹⁹ S. 943.1727, F.S.

²⁰ S. 943.17296, F.S.

but need not be limited to, instruction on interacting with persons with Alzheimer's disease or a related form of dementia, including instruction on techniques for:

- Recognizing behavioral symptoms and characteristics;
- Effective communication;
- Employing alternatives to using physical restraints; and
- Identifying signs of abuse, neglect, or exploitation.

The bill provides that completion of the training component may count toward the 40 hours of instruction required for continued employment or appointment as a law enforcement officer, correctional officer, or correctional probation officer.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an insignificant negative impact on FDLE expenditures due to costs of developing and implementing the new online continued education training component required by the bill. FDLE estimates that the total cost to develop and implement the training component will be approximately \$11,000.²¹ However, this cost can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²¹ FDLE, *supra* at note 17.