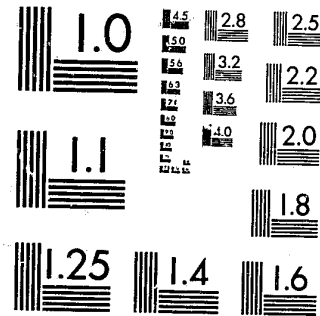


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LOCAL CORRECTIONAL ASSISTANCE PROJECT

SEPTEMBER 1982

**PREPARED FOR
THE MONROE COUNTY
LOCAL CORRECTIONS ADVISORY BOARD**

87816

**BY
BEAU OF CRIMINAL JUSTICE ASSISTANCE
OF PUBLIC SAFETY PLANNING & ASSISTANCE
ARTMENT OF COMMUNITY AFFAIRS
TALLAHASSEE, FLORIDA**

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CHAPTER I
INTRODUCTION TO THE
LOCAL CORRECTIONAL ASSISTANCE PROJECT

A. BACKGROUND

The problems confronting county jails in Florida have steadily increased in number and intensity over the past five years. While the actual physical conditions of most jails have not significantly changed during this period, a statewide population increase of 15.8% along with a 43.5% increase in the Crime Index (serious crimes) has contributed to a large increase in the county jail populations. County jail inmates have filed a record number of lawsuits against county officials concerning their civil rights, jail standards and conditions. This has resulted in tremendous pressure being brought to bear on those responsible for the operation of the jails. In fact, many areas of Florida have reached a crisis stage in the operation of their local correctional systems.

In most counties of Florida, it is the Sheriff who is responsible for the operation of the county jail. However, it would be very naive and grossly unfair to look upon the jail crisis as the "sheriff's problem". Actually, the jail issue should be more accurately described as a local criminal justice system problem. Each component of the criminal justice system can and should assume some responsibility for the increasingly serious and visible jail problems. Concomitantly, it will require a concerted and coordinated effort on the part of law enforcement, judges, state attorneys, public defenders and other criminal justice professionals to resolve many of the current county jail problems.

It should be noted that the problems confronting the county jails are very much related to the problems facing the state prison system. Approximately 69% of all inmates in county jails are charged with felony offenses. Potentially all of these inmates who plead guilty or are found guilty could be sentenced to state facilities. Traditionally, however, significant percentages of these defendants, particularly youthful offenders, have been sentenced to less than one year and are thus eligible to serve their sentence in the county jail rather than a state institution. As county jails become overcrowded, more felons are being sentenced to state institutions. The overcrowding in some county jails is exacerbated by delays in sentencing and transferring convicted felons to state institutions. In summary, the problems of the county jails can impact greatly on the state prison system and vice versa.

There has been an ever increasing awareness on the part of state and local criminal justice leaders that the jail problems are indeed system-wide problems and that the solutions must also be systemic. The Florida Council on Criminal Justice (FCCJ), has identified the local jail issue as one of its highest criminal justice priorities. In order to adequately address the jail issue, the FCCJ directed its staff, the Bureau of Criminal Justice Assistance (BCJA), to conduct several jail related research efforts. Over the past year and a half the BCJA has prepared the following reports on county jails:

- A Study of the Current Status of Florida's County Jails (September 1981)
- Recommendations, Strategies and Alternatives for Funding Local Jail Functions (October 1981)
- The Cost Effectiveness of Local Jails (February 1982)

The most common jail problems identified in these reports include:

1. Insufficient correctional staff,
2. Overcrowding/insufficient bed space,
3. Under-utilization of bed space in many small counties,
4. Antiquated and/or deteriorating facilities,
5. Inadequate program services,
6. Increasing displacement of law enforcement personnel to correctional functions and
7. Inadequate jail related data/statistics/budget records.

A primary set of factors which appear to cause or contribute to these problems are:

1. Inadequate criminal justice system coordination,
2. Criminal court delay,
3. Bail/bond pretrial release practices,
4. Inadequate jail management/planning,
5. Inadequate funding and
6. Inadequate jail management information systems.

A fundamental conclusion drawn by the BCJA staff who conducted the county jail research was - the kind of systemwide data

necessary for competent and prudent decisions regarding local corrections was generally not being collected and analyzed. No real headway can be made in addressing the multitude of county jail problems until and unless we collect and analyze information which tells us how our local criminal justice system is presently operating and what impact it is having on the size and nature of the jail population.

In an attempt to react to this dilemma in a comprehensive and systemic manner, staff from the BCJA and the Office of the State Courts Administrator (OSCA) have formed an inter-agency team which has developed and tested a Local Correctional Assistance Project. The project is a modified and expanded version of the former L.E.A.A.'s Jail Overcrowding/Pretrial Detention Alternatives project introduced to project staff by the personnel of the American Justice Institute, Sacramento, California.

B. CONCEPT

This project accesses, aggregates and analyzes information necessary for the formulation of local criminal justice system policies. Comprehensive information regarding the composition of the jail population, the type of charges for which defendants are incarcerated, the average length of time defendants are incarcerated, and their final dispositions are examples of information elements necessary for decisions regarding the effective use of available jail space and the efficient processing of defendants.

C. LOCAL CORRECTIONS ADVISORY BOARD

Simply stated, the project provides the basic information on how a Local Criminal Justice system is operating. This is essential in determining the most prudent and efficient manner in which to proceed. However, to be effectively utilized, the information gathered must be examined and used by local criminal justice officials in a spirit of cooperation. Policies instituted by any single criminal justice agency must be formulated with consideration for their impact on other components of the system. This requires close coordination of policy.

One method of increasing the coordination of policy between the components of the criminal justice system is the formation of a Local Corrections Advisory Board. The primary purpose of this Board is to provide a forum through which all those who contribute to jail problems can contribute to the solutions. As such, each Local Corrections Advisory Board should consist at a minimum of the Chief Circuit Judge, the Clerk of the Court, the Court Administrator, the Sheriff, the Jail Administrator, the State Attorney, the Public Defender, the Chairman of the Board of County Commissioners and the Chiefs of Police of major population centers in the area.

It is the responsibility of the Corrections Advisory Board to provide access to information and the support staff necessary to answer the question: "How is our Local Criminal Justice System presently operating and what impact is it having on the jail population?" Once we have determined how the system is operating we can ask ourselves: "Can we reduce our jail population

by changing the way we process our criminal defendants, without endangering the community or threatening the integrity of the judicial process?" This is a difficult question as it involves policy and political decisions. However, if we examine our present operations closely, we believe policy and political decisions can be made which will result in a more efficient operation of the Criminal Justice System which could lead to a reduction of the jail population. Such an examination will allow criminal justice leaders to maximize the use of available resources and determine priorities.

D. OBJECTIVES

The primary objective of the Local Correctional Assistance Project is to develop a process which counties can use to generate and analyze the type of systemwide data required to make prudent decisions regarding local correctional operations.

The process involves the following steps:

1. Identifying the most important and useful Criminal Justice System data elements,
2. Developing and implementing data collection instruments and procedures,
3. Computer analysis of data collected,
4. Development and presentation of a final report including recommendations/alternatives and
5. Encouraging the development of coordinated criminal justice policies by the Local Corrections Advisory Board which result in either a reduction of the jail population or a decrease in the rate of growth.

The Local Correctional Assistance Project is providing direct staff support for the data collection and analysis associated with the initial pilot test of the process. It is likely that direct staff support will be provided for data collection and analysis in other jurisdictions until the process has been sufficiently refined and standardized. At that point in time, it is envisioned that the process and technology will be transferred to requesting counties who will then provide all or most of the staff for data collection. Of course, technical assistance will remain available from the Local Correctional Assistance staff throughout the life of the project.

E. PROJECT BENEFITS

Completion of the project in any particular county should provide numerous benefits. Among these are:

- Detailed analysis of information related to the areas of:
 - 1) Arrest procedures/practices
 - 2) Offenses committed
 - 3) Defendant Characteristics
 - 4) Defendant criminal history
 - 5) Booking and jail operations
 - 6) Bail/bond practices
 - 7) Time frames and procedures of judicial processing
 - 8) Case dispositions/sentencing
 - 9) Public defender procedures/practices
 - 10) State attorney procedures/practices

- Data base from which to develop system policy and procedures in the areas of:

- 1) Systemic planning
- 2) Structured arrest programs/criteria
- 3) Career criminal programs/criteria
- 4) Jail operations management
- 5) Jail population management
- 6) Pretrial release programs/criteria
- 7) Criminal court delay reduction program
- 8) Alternative sentencing program
- 9) Sentencing procedures/practices
- 10) Court caseload management
- 11) State attorney caseloads/procedures
- 12) Public defender caseload/procedures
- 13) Detention/system cost analysis

The following report is an example of the service which the Local Correctional Assistance Project can provide leaders of our Criminal Justice System.

CHAPTER II

PROFILE OF MONROE COUNTY AND ITS CRIMINAL JUSTICE SYSTEM

A. MONROE COUNTY AND THE LOCAL CORRECTIONAL ASSISTANCE PROJECT

The Monroe County jail operation has been one of the most severely overcrowded systems in the state over the past couple of years. In fact, Monroe County has or has had the highest per capita jail population in the State of Florida. The Monroe County Sheriff and County Commission are currently defendants in two lawsuits - one state and one federal alleging they are in violation of state and federal constitutional standards for the operation of a county jail.

In December of 1981, the Sheriff of Monroe County requested the assistance of the BCJA and OSCA's Jail Overcrowding/Pretrial Detention Alternatives Project, which is now called the Local Correctional Assistance Project. Monroe County has served graciously as our program development and testing site.

Project staff first met with Monroe County officials at an orientation meeting held in February of this year in Tampa. At that meeting, participants discussed the concept of the project, the requirements and expectations of all parties and some general planning strategies. One of the recommended planning strategies was to establish a local corrections advisory board, comprised of representatives from all major criminal justice agencies and entities. This recommendation was promptly accepted and carried out by Monroe County officials.

Project staff next met with Monroe County officials in Key West in March. During this visit, project staff toured the jail facility and held individual and group meetings with most of the

representatives on the local corrections advisory board. Project staff also examined a sample of court records and jail data during this visit. After taking care of logistical matters, the project staff returned to Tallahassee and developed data collection instruments and finalized the research design.

During the week of May 2-8, 1982, five staff members from the BCJA and one from the Office of the State Courts Administrator (OSCA) began collecting data from court files, probation and parole records and jail records in Key West. Project staff collected detailed information on a systematic random sample of 202 felony cases and 260 misdemeanor cases which were filed in 1981. Additionally, jail management data covering 1095 jail shifts for the calendar year 1981 were also collected.

It should be noted that the sample size of 462 cases fell slightly below the targeted sample size of 550. This was primarily due to the limited period of time (one week) allocated for data collection. However, it is the opinion of the project staff that the sample size is more than adequate to provide a valid "profile" of the criminal justice system in Monroe County during 1981.

This research project, like most all research efforts, is not without flaws. The following represents some of the qualifications and limitations which relate to this project:

- Due to limitations imposed by virtue of Monroe County's unique geographic structure, staff was able to sample data only from the main jail and courthouse in

Key West. Records maintained on misdemeanor cases in Plantation Key and Marathon Key were not examined.

- As with any initial pilot test of a research project, some problems with the content and organization of data collection instruments were identified. Consequently, certain data elements which were collected have proven to be of little value while other data which would have been of value were not collected. Additionally, some information was simply not recorded in court files and/or jail records and thus was not available.
- A final, general qualification of the data presented in this report is that it was not the result of a statistically "pure" methodology. Indeed, to have accomplished the intended objectives of this particular research project using academic methodological standards for sampling, data collection and verification, would have taken considerably more time and money than feasible. However, the project staff has utilized a sound, empirical methodology which was designed to yield useful, informative and reliable data concerning the Monroe County criminal justice system within a reasonable time frame and at a reasonable cost.
- Although this project does provide some of the basic information required to answer the question "should we build" it does not address that issue. Many additional factors must be examined in addition those presented in this report.

B. A PROFILE OF THE MONROE COUNTY CRIMINAL JUSTICE SYSTEM

This study of the Monroe County Criminal Justice System and the impact that the system components have on the operation of the county jail must begin by necessity with an overview of each decision point in the system. The remainder of this chapter of the report presents the majority of the information concerning the Monroe County Criminal Justice System (C.J.S.) gleaned from our sample.

This section presents a thumbnail sketch of Monroe County; its crime problem and its law enforcement, judicial and correctional characteristics. In the following section (C) we examine and describe who was arrested and why they were arrested. Following examination of the arrest decision we look at the information available on the pretrial release decision.

Discussion of the pretrial release decision is succeeded by an examination of judicial processing. This issue is subdivided to present information regarding the time frames and decisions which occur during the pre-arraignment stage; the arraignment to disposition stage; and the post disposition stage.

Following discussion of judicial processing we focus on the jail. The jail is discussed in terms of who was in jail; why they were in jail and how long they were in jail. The last segment of this chapter presents a brief discussion of the costs associated with detaining defendants in the Monroe County jail.

The complete list of questions we attempted to answer and their corresponding details are presented in table format in Appendix I.

1. Population

Monroe County had an estimated permanent population of 64,168 in 1981. This ranks Monroe County 27th in population among Florida's 67 counties. However, in addition to their permanent population, Monroe County hosted over one million tourists in 1981. The unique geographic structure of Monroe County, along with its picturesque and tropical island environment, make it one of Florida's favorite tourist regions.

2. Crime Rate/Law Enforcement Profile

Unfortunately, this popular region of our state is not sheltered from crime. In fact, Monroe County which constitutes the Sixteenth Judicial Circuit, had the fourth highest Part I (serious crimes) crime rate among Florida's 20 judicial circuits. There were 6,198 Part I crimes reported in Monroe County in 1981. There were 903 arrests made in connection with these 6,198 reported crimes. The percentage of Part I cases cleared by the arrest of one or more persons was 9.1 percent in 1981. This was, by far, the lowest clearance rate of all 20 judicial circuits. The average clearance rate statewide in 1981 was 20.9 percent.

It has been argued by Monroe County law enforcement officials that the low clearance rate is directly related to a deficiency in law enforcement resources. Indeed, 1981 data shows that, while the 16th Judicial Circuit had the 4th highest Part I crime rate, they also had the lowest number of sworn law enforcement personnel (128) of any judicial circuit in Florida.

In addition to the 903 Part I arrests made in 1981, Monroe County law enforcement officers also made 3,525 arrests for less serious Part II offenses.

3. Judicial Caseload

The courts in Monroe County in 1981 were extremely busy. According to the Florida Judicial System Annual Report there were 27,902 cases filed in the courts of the 16th Judicial Circuit in 1981 (17,513 of these were traffic cases). There were only three circuit court judges and three county court judges to handle all of these new case filings (4,650 cases per judge).

A more detailed look at criminal court caseload data over a four year period reveals some interesting trends.

Table 1

Monroe County Criminal Caseload Filings and Dispositions

	1978		1979		1980		1981	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
Circuit								
Persons	301	210	379	182	512	294	591	306
Property	425	323	638	242	877	365	833	449
Drugs	256	216	242	103	345	147	321	221
Other	200	162	305	197	550	138	202	144
Total	1,182	911	1,564	721	2,284	944	1,947	1,120
County								
Misdemeanor	4,742	3,661	5,547	4,899	4,956	4,753	5,018	4,291
County Ordinance	103	79	330	116	285	336	102	58
Municipal Ordin.	893	626	492	363	453	652	158	107
Total	5,738	4,366	6,369	5,378	5,694	5,741	5,278	4,456
Total Criminal	6,920	5,277	7,933	6,099	7,978	6,685	7,225	5,576

As shown in Table 1, there were 7,225 criminal cases filed in 1981. This represents less than a 5 percent increase in the total criminal filings since 1978. However, the number of Felony cases filed has increased 64 percent from 1978-81 while total county criminal case filings actually decreased over the same period of time when adjusted for the increase in felony filings. The greatest year to year decrease was between 1980 and 1981 when county and municipal ordinance case filings dropped from 988 to 260. An overall analysis of case filings demonstrates an apparent shift in judicial emphasis towards processing more "serious" cases and less "minor" cases.

Table 2

Total County Felony Case Dispositions

	1978	1979	1980	1981
Dismissal	76.0%	67.5%	76.8%	53.1%
Plea	16.7%	13.2%	12.4%	34.4%
Trial	2.9%	1.2%	3.8%	2.8%
Other	5.3%	18.4%	6.6%	9.7%

Table 3

County Felony/Person Case Dispositions

	1978	1979	1980	1981
Dismissal	78.6%	90.7%	74.1%	60.5%
Plea	15.7%	7.1%	13.6%	32.7%
Trial	2.4%	0.5%	7.5%	3.6%
Other	3.3%	1.6%	4.8%	3.3%

Table 4

County Felony/Property Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	76.5%	76.0%	82.2%	62.1%
Plea	18.8%	20.2%	11.2%	28.3%
Trial	1.9%	1.2%	1.4%	2.4%
Other	2.8%	2.5%	5.2%	7.1%

Table 5

County Felony/Drug Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	76.4%	70.9%	73.5%	31.2%
Plea	16.7%	21.4%	12.9%	52.0%
Trial	4.2%	3.9%	5.4%	3.6%
Other	2.8%	3.9%	8.2%	13.1%

Table 6

County Felony/Other Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	71.0%	33.0%	71.7%	43.1%
Plea	13.0%	5.6%	15.2%	29.9%
Trial	0.0%	0.5%	0.7%	0.7%
Other	16.0%	60.9%	12.3%	26.4%

Table 7

Total County Criminal Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	26.0%	15.6%	12.8%	16.1%
Plea	51.9%	48.2%	48.9%	55.7%
Trial	2.4%	1.7%	0.8%	2.1%
Other	19.8%	34.5%	37.5%	26.1%

Table 8

County Misdemeanor Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	23.5%	17.0%	15.4%	16.7%
Plea	54.2%	48.4%	49.9%	54.9%
Trial	2.8%	1.8%	0.8%	2.1%
Other	19.5%	32.7%	33.8%	26.3%

Table 9

Municipal Ordinance Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	42.7%	1.1%	0.0%	0.0%
Plea	36.7%	37.7%	44.3%	80.4%
Trial	0.0%	0.3%	0.3%	0.0%
Other	20.6%	60.9%	55.4%	19.6%

Table 10

County Ordinance Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	8.9%	2.6%	0.6%	0.0%
Plea	65.8%	70.7%	44.0%	72.4%
Trial	0.0%	0.0%	1.2%	3.4%
Other	26.6%	26.7%	54.2%	24.1%

Table 2 through 10 reveal several noteworthy trends.

First, they show very distinct and sharp changes in the types of dispositions by types of cases between the years 1980 and 1981. For almost every type of criminal case disposed of, there was a significant decrease in the dismissal rate and a concomitant increase in the percentage of dispositions by pleas. This is most dramatically evidenced in felony drug cases where dismissals decreased from 73 percent in 1980 to 31 percent in 1981 and pleas increased from 12.9 percent to 52 percent.

Table 11

Total Statewide Felony Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	37.9%	39.2%	40.9%	35.8%
Plea	39.9%	38.4%	40.2%	40.5%
Trial	4.8%	4.3%	3.7%	3.2%
Other	17.4%	18.0%	15.2%	20.5%

Table 12

Total Statewide Criminal Case Dispositions

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Dismissal	24.0%	22.9%	24.6%	23.6%
Plea	59.1%	58.3%	59.0%	61.7%
Trial	4.2%	4.2%	3.3%	3.6%
Other	12.7%	14.6%	13.1%	11.1%

It should be noted in comparing Tables 2 through 10 with Tables 11 through 12 that Monroe County is still significantly higher in its dismissal rates and lower in its rate of dispositions by pleas compared to statewide figures.

4. Monroe County Jail Characteristics

The Monroe County Jail has been experiencing severe problems over the last few years. The Florida Department of Corrections (DOC) cited the main jail facility in Key West with 42 violations of the State's standards for the operation of county jails their October 1981 inspection report. Eighteen of these violations were also noted during previous inspections. These problems were exacerbated by a very serious overcrowding problem. Table 13 compares the number of jail days consumed by inmates at the main facility with the number of jail days available based on the DOC's factored capacity of 61 inmates. The facility ranged from being 75% over capacity to 115% over capacity.

Table 13

Comparison of Jail Days Consumed to Jail Days Available 1981

<u>Month</u>	<u>Jail Days Consumed</u>	<u>Jail Days Available</u>	<u>Difference</u>	<u>Percent Difference</u>
January	3534	1891	1643	87%
February	3024	1708	1316	77%
March	3100	1891	1209	77%
April	3210	1830	1380	75%
May	3813	1891	1922	101%
June	3630	1830	1800	98%
July	3906	1891	2015	107%
August	4061	1891	2170	115%
September	3540	1830	1710	93%
October	3534	1891	1643	87%
November	3750	1830	1920	105%
December	3348	1891	1457	77%
Mean	3537	1855	1682	91%

Approximately twenty-five hundred suspects were booked into the jail during calendar year 1981 while the average daily population equaled 159 inmates. Twenty-six of these were held at the Stock Island Annex while the Marathon Key and Plantation Key substations generally held seven each. The main facility which averaged 119 inmates daily had an average of 3 male and 1 female correctional officers on duty during each shift to supervise

those inmates, a woefully inadequate staffing ratio of approximately 30 inmates for every correctional officer. The lack of adequate supervision is reflected by the number of incidents which occurred at the Monroe County Jail during 1981 as indicated by Table 14.

Table 14

Incidents at the Monroe County Jail 1981

<u>Incident</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Assault on Inmate	17	1	6	4	3	5	3	6	3	1	1	1	52
Assault on Corr. Officer	4	2	3	1	5	6	1	4	3	0	0	1	30
Fight	4	0	0	0	0	0	0	0	0	0	0	0	4
Attempted Suicide	2	0	5	1	0	2	0	1	0	0	0	0	11
Medical Emergency	7	1	10	4	8	5	2	5	2	1	5	1	51
Fire	1	0	0	0	0	0	0	0	0	0	0	0	1
Property Destruction	4	0	6	5	3	5	0	1	0	2	1	2	29
Total	39	4	30	16	19	23	6	18	7	4	7	5	178

During the course of the year 660 inmates were provided direct medical services at an average cost of approximately \$224 each. There were 125,100 meals served at an average cost of \$1.65 per meal. Total corrections expenditures in Monroe County for FY 1981 was approximately \$1,412,850 or \$24.34 for each jail day consumed (i.e. per person per day).

C. LCAP DATA AND ANALYSIS

1. Arrest Information

As indicated earlier, there were 903 arrest for Part I crimes and 3,525 arrests for Part II offenses made by Monroe County law enforcement officers in 1981. The following sections presents some of the information related to those arrests.

a. Arresting Agency

Examination of Table 15 indicates that approximately half of the arrest decisions in Monroe County were made by officers of the Key West Police Department. However, the sheriff's deputies made 59% of the felony arrests while the Key West Police Department accounted for 61% of the misdemeanor arrests. The Florida Marine Patrol is the only other Law Enforcement Agency in Monroe County which accounted for a significant percentage (11%) of the total arrests. It should be noted that there were almost three misdemeanor/ordinance arrests for every felony arrest made in 1981.

Table 15
Arresting Agency

<u>Agency</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Sheriff	35%	59%	16%
Police	50%	35%	61%
Highway Patrol	2%	3%	2%
Marine Patrol	11%	0%	19%
Other	2%	3%	2%

Comparison of the arresting agency with the final dispositions of those arrested on felony charges by the Sheriff's Office indicates 27% of those cases were dismissed; 19% were nolle prosequi; and 54% resulted in conviction. The same comparison for those felons arrested by the Police Department indicates 19% of the cases were dismissed; 28% were nolle prosequi; and 53% resulted in conviction.

Table 16

Comparison of Felony Dispositions by Arresting Agency

<u>Agency</u>	<u>Dismissed</u>	<u>Nolle Prosequi</u>	<u>Convicted</u>
MCSO	27%	19%	54%
KWPD	19%	28%	53%

Comparison of the arresting agency with the final disposition of those arrested on misdemeanor charges by the Sheriff's Office indicates 31% of those cases were dismissed; 18% were nolle prosequi; and 51% resulted in conviction. The same comparison for those misdemeanants arrested by the Police Department indicates 17% were dismissed; 6% were nolle prosequi; 74% were convicted; 2% were acquitted; and 1% were diverted. Misdemeanor arrests by the Marine Patrol resulted in 9% being dismissed; 89% convicted; and 2% diverted.

Table 17

Comparison of Misdemeanor Dispositions by Arresting Agency

<u>Agency</u>	<u>Dismissed</u>	<u>Nolle Prosequi</u>	<u>Convicted</u>	<u>Acquitted</u>	<u>Diverted</u>
MCSO	31%	18%	51%	-	-
KWPD	17%	6%	74%	2%	1%
FMP	9%	-	89%	-	2%

b. Offenses

The primary offense for which suspects were arrested in Monroe County was assault. (Please note throughout this report the term assault is inclusive with battery.) Twenty-two percent of the felony arrests were for aggravated assault while 12% of the misdemeanor arrests were for simple assault. Felony arrests for drug violations also equaled 22%, followed by property theft (17%) and burglary (10%). The primary offenses for which misdemeanants were arrested were marine violations (18%), simple assault (12%), ordinance violations (12%), shoplifting/petit theft (12%), trespass (10%), and public offenses (10%). Public offenses were defined as disorderly conduct, public intoxication and gambling.

Table 18

Primary Offense at Arrest

<u>Primary Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Assault	17%	22%	12%
Drugs	11%	22%	2%
Marine Violations	10%	-	18%

Table 18 (Continued)

<u>Primary Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Property Theft	8%	17%	-
Ordinance	7%	-	12%
Shoplifting/Petit Theft	7%	-	12%
Trespass	6%	-	10%
Public Offense	6%	-	10%
Burglary	5%	10%	-
Weapons Violation	4%	5%	3%
Obstructing Justice	4%	4%	4%
Traffic Violations	4%	-	6%
Robbery	3%	7%	-
Fraud	2%	1%	-
Indecent Exposure	2%	-	4%
Corrections Code	3%	3%	-
Forgery/Checks	3%	3%	-
Arson	1%	1%	-
Child Abuse	0.4%	1%	-

The prevailing felony offenses were classified as third degree felonies (60%) in contrast to the most common misdemeanor classification of second degree (48%). Ordinance violations accounted for 13% of the misdemeanor charges at the time of arrest.

Table 19

Primary Offense at Arrest by Degree

<u>Degree</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1st Degree Felony	4.6%	11%	-
2nd Degree Felony	12.0%	28%	-
3rd Degree Felony	26.7%	60%	-
1st Degree Misdem.	19.1%	-	34%
2nd Degree Misdem.	26.7%	-	48%
Ordinance	7.4%	-	13%
Probation/Parole	0.4%	1%	-
Special Punishment (DUI)	3.0%	-	5%

Violent crime, defined as an offense against the person, accounted for approximately 37% of the felony arrests and 16% of the misdemeanor arrests. Property crime equaled 30% of the felony arrests and 27% of the misdemeanor arrests. Drug offenses comprised 22% of the felony arrests but only 2% of the misdemeanor arrests.

Table 20

Primary Offense at Arrest by Type

<u>Type of Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Municipal Ordinance	6.9%	-	12.4%
Property	27.9%	29.6%	26.6%
Person	25.1%	36.5%	16.2%
Drug	10.8%	21.7%	2.3%
Other	29.2%	12.3%	42.5%

Table 21 reveals that fifty-seven percent of those arrested for a felony offense were charged with only one offense at the time of arrest. Twenty-seven percent were charged with two felony offenses and 16% were charged with three or more offenses. In contrast, 76% of the misdemeanants were charged with one offense at the time of arrest.

Table 21

Number Charges at Arrest

<u>Number of Charges At Arrest</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1	68%	57%	76%
2	21%	27%	16%
3 or more	11%	16%	8%

It is particularly interesting to note in Table 22 that very rarely (1% overall) were the number of charges at conviction less than the number at arrest. This seems to indicate that law enforcement officers were not overcharging at arrest at least in terms of the number of charges filed. The number of misdemeanor charges at conviction remained relatively static in comparison to the number at arrest. However, in felony cases the number of charges increased by at least one between arrest and conviction in 44 percent of the cases.

Table 22

Difference Between Charges at Arrest vs Conviction

<u>Difference Between Number Charges at Arrest vs. Conviction</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
-1 to -2	1%	2%	-
0	76%	54%	89%
+1	14%	26%	8%
+2 to +6	9%	18%	3%

c. Demographics

The typical suspect in Monroe County was a single, white/male, age 19-24 who resided in a Florida county other than Monroe County. It is interesting to note that 61% of the felony suspects lived in Monroe County while 62% of the misdemeanor suspects lived in Florida but not Monroe County. It is also noteworthy that 19% of the misdemeanants were residents of another country.

A little more than half of those arrested were employed. However, almost three-quarter of those arrested reported that a job provided them with their primary means of subsistence. Welfare recipients comprised 17% of the misdemeanor violators. The occupations of those arrested ranged from doctor to student. Fishermen, laborers and craftsmen were the prevailing occupations reported by those arrested (26%, 16% and 15%, respectively).

Table 23

Suspect Demographics

<u>Demographic Category</u>	<u>Primary Finding</u>	<u>Percent of Sample</u>	
		<u>Felony</u>	<u>Misdemeanor</u>
Marital Status	Single	67%	69%
	Married	33%	31%
Ethnic Origin	Caucasian	67%	74%
	Black	15%	8%
	Hispanic	18%	17%
Age Group	Under 18	1%	1%
	18 - 24	39%	36%
	25 - 29	18%	15%
	30 - 39	30%	31%
	40 - up	12%	17%
Residence	Monroe County	61%	16%
	Other County	36%	62%
	Other Country	3%	19%
Employment	Employed	58%	46%
	Unemployed	42%	54%
Occupation	Fisherman	22%	30%
	Laborer	20%	13%
	Craftsman	19%	12%
Sex	Male	90%	88%
	Female	10%	12%

d. Defendant Criminal History

Available arrest records indicated that 58% of those individuals charged with a felony offense did have a known prior criminal arrest history. However, only 31 percent of the misdemeanor violators had known prior arrest records. It is interesting that 74% of the felons and 88% of the misdemeanants in the sample had no known prior arrest for an offense against a person.

Table 24

Defendant Prior Violent Offense Arrests

<u>Number Prior Arrests Offense Against Person</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	84%	74%	88%
1	9%	13%	9%
2 - up	7%	13%	3%

When the defendant's history of prior convictions was examined, the absence of prior violent criminal behavior becomes even more dramatic. The study sample indicates that 89% of the felony suspects and 100% of the misdemeanor suspects had no known prior convictions for a violent crime. Due to the sketchy nature of prior criminal histories recorded in case files, the research staff cautions against a strict interpretation of this data.

Table 25
Defendant Prior Violent Offense Convictions

<u>Number Prior Convictions Offense Against Person</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	93%	89%	100%
1	5%	7%	-
2 - up	2%	4%	-

Twenty-nine percent of those arrested for felony offenses had a known prior arrest for a property crime and only 11 percent of arrested misdemeanants had a prior property crime arrest. Prior convictions for property crimes were even lower for felons (12%) and misdemeanants (3%). Those arrested for violations of drug laws also had generally not been previously arrested nor convicted of drug violations.

Summary

It appears from the arrest data that the Monroe County Sheriff's Office is handling the majority of the felony cases while the police Department is primarily dealing with misdemeanants and ordinance violators. However, based upon general dispositional data, it appears the general quality of misdemeanor arrests is higher for the Police Department than it is for the Sheriff's Office. In other words, misdemeanor arrests made by the Sheriff's Office are more likely to result in dismissal than those made by the Police Department. In addition, misdemeanor convictions are significantly lower for those cases made by the Sheriff's Office.

The most common offense for which suspects were arrested in Monroe County in 1981 was assault. Arrests for assault, drugs, theft and burglary accounted for over 71% of all felony arrests. However, these same four offenses accounted for 77% of all those felony cases which were ultimately dismissed. In addition, assault, theft and drug offenses comprised 71% of all those cases which were nolle prosequi. Assaults, municipal ordinance violations and public offenses accounted for the majority, 54%, of all misdemeanors which were ultimately dismissed.

The data shows that, overall, law enforcement officers are not overcharging suspects at arrest. On the contrary, in a significant number of felony cases, 44%, the number of charges increase by at least one between the time of arrest and conviction.

Overall, only 36% of those arrested were residents of Monroe County. However, there appears to be a significant difference in the residence status of those individuals charged with a felony versus those charged with a misdemeanor. Sixty-one percent of the felonies in Monroe County in 1981 were committed by residents of Monroe County; 39% were non-residents, 3% of whom were residents of another country. On the other hand, Monroe County residents accounted for only 16% of the misdemeanor arrests while non-residents accounted for the remaining 84%. However, almost 20% of those arrested for misdemeanor offenses were residents of another country.

Defendant criminal history information was often found missing in available records, thus this data should be interpreted cautiously. However, available data did indicate that 58% of those persons arrested for a felony did have a prior criminal history. However, only 26% of those felons arrested had known prior arrests for violent crimes. On the other hand, only 31% of those arrested for a misdemeanor had a known prior arrest record and only 12% had a prior history of arrest for crimes of violence.

2. Pretrial Release

a. Pretrial Release Process

In Monroe County, the first appearance hearing is the decision point at which the majority of the pretrial release decisions are made, particularly when the offense is a felony.

Table 26

When Pretrial Release Decision Made

<u>Process Point</u>	<u>Felons</u>	<u>Misdemeanants</u>
Prior to 1st Appearance	7.3%	65.1%
At 1st Appearance	90.1%	34.9%*
After 1st Appearance	2.6%	0.0%

*does not include those individuals who plead guilty or were sentenced at 1st appearance.

Table 12 shows that the pretrial release decision was made at the first appearance in over 90 percent of the cases where the defendant was arrested for a felony offense and in almost 35 percent where the crime charged was a misdemeanor. Over 67 percent of the defendants charged with a felony and almost 60 percent of those charged with a misdemeanor spent at least one night in jail prior to going to first appearance. If these percentages are applied to the number of actual felony and misdemeanor bookings in 1981, over 2500 defendants went before a judge at first appearance with a little more than 50 percent charged with a misdemeanor. Approximately 1,600 individuals spent at least one night in jail prior to their first appearance hearing and almost half were charged with a misdemeanor.

Figures A and B graphically display the pretrial release decision process in Monroe County.

Figure A

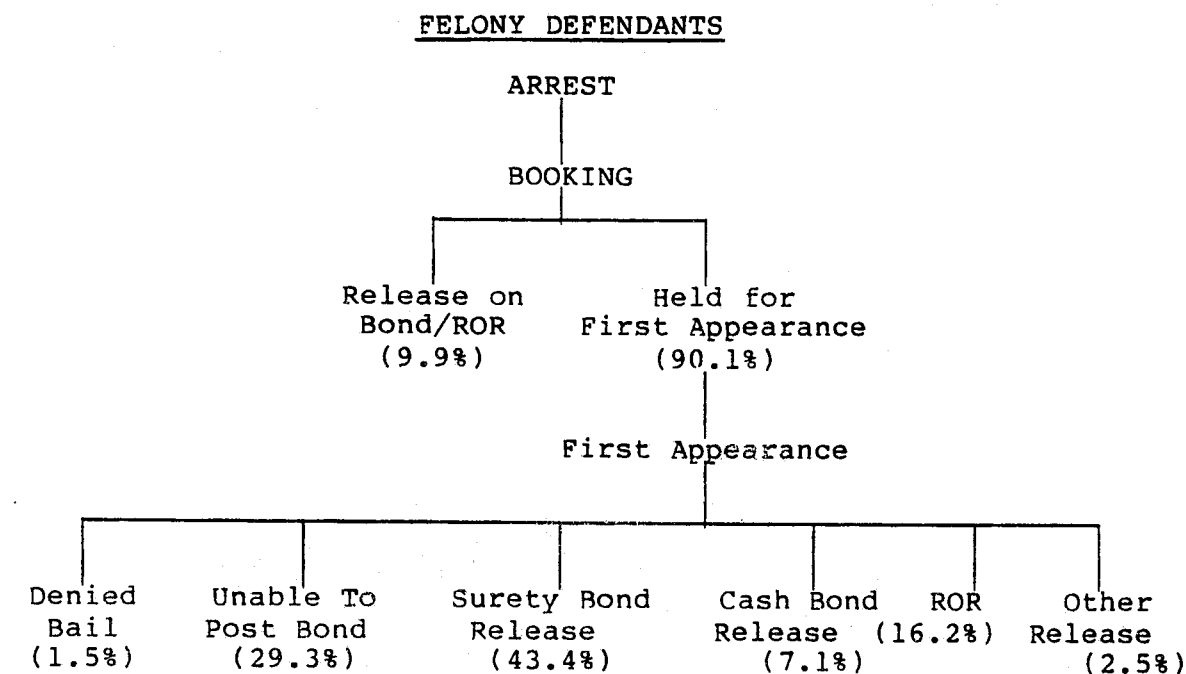
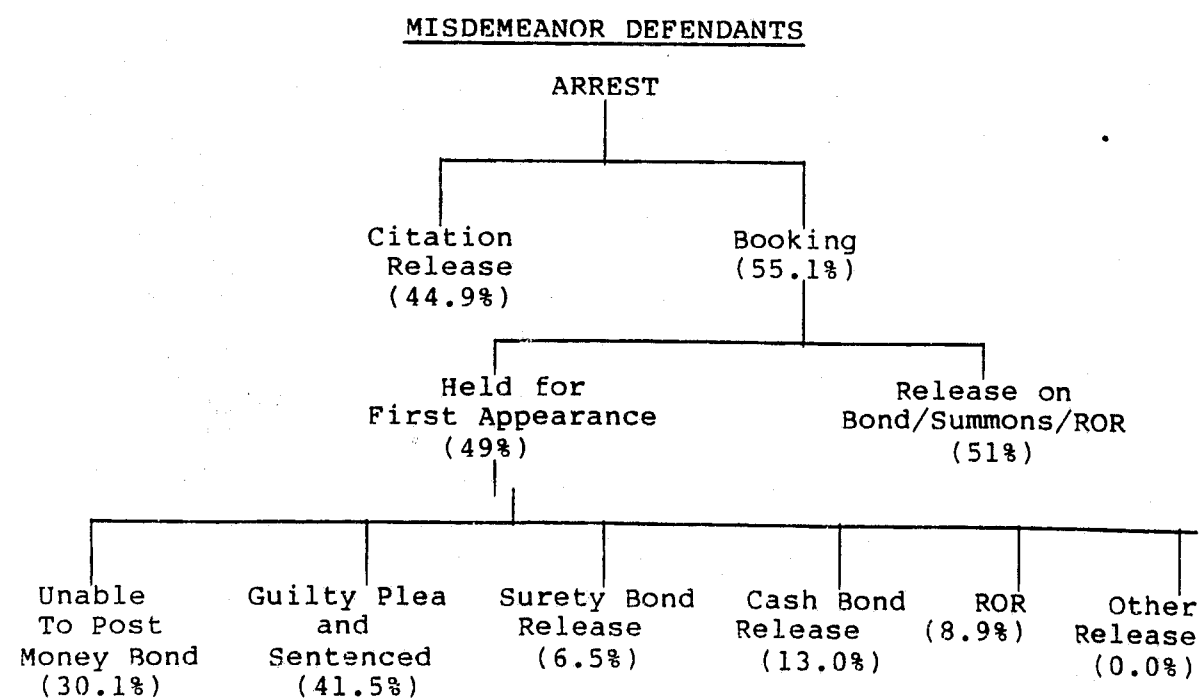


Figure B



b. Characteristics of the Bail Decision

The primary decision to be made in the pretrial release process is whether the defendant should be released prior to trial or remain in custody. This decision is influenced by judicial discretion only as it relates to the type or amount of bail. However, defendants charged with a capital or life felony may be detained without being afforded the opportunity to make bail. The findings of this study reflect this circumstance. Only three defendants (1.5%) were denied bail. Table 27 reveals, however, that almost 30 percent of the felony defendants and 19 percent of the misdemeanor defendants remained in custody throughout the process because of their inability to post a money bond.

A recent study of pretrial release practices in Florida conducted by OSCA indicated that, statewide, less than 25% of the felony defendants and less than 15% of the misdemeanor defendants remained in custody.

Table 27

Characteristics of the Bail Decision

<u>Results of Decision</u>	<u>Felons</u>	<u>Misdemeanants</u>
Released on Money Bond	50.5%	43.7%
Released on Non-monetary Conditions	18.7%	37.6%
Remained in Custody Unable to Post Money Bond	29.3%	18.8%
Remained in Custody-Denied Bail	1.5%	0.0%

With over 70 percent of the felony defendants and over 80 percent of the misdemeanor defendants being released, the question that arises is under what conditions are these individuals obtaining their release?

c. Types of Release Alternatives

Table 28 indicates that a surety bond was the predominant type of release alternative opted for by defendants charged with a felony, while cash bonds and citation/summons were primarily used by individuals charged with a misdemeanor. Release on Recognizance (ROR) was the second most frequently used release alternative for felony defendants. In summary, almost 75% of the felony defendants and over 50 percent of the misdemeanor defendants were required to post a money bond. Approximately three-fourths of the bonds for felony defendants were under \$5,000 while over 86 percent of the bonds for misdemeanor defendants were under \$500.

Table 28

<u>Type of Release Alternatives</u>		
<u>Release Alternative</u>	<u>Felony</u>	<u>Misdemeanor</u>
Surety Bond	62.3%	9.8%
Cash Bond	10.9%	43.9%
ROR	22.5%	9.2%
Citation/Summons	0.7%	35.8%
Others	3.6%	1.2%

Less than six percent of the felony defendants failed to appear (FTA) for scheduled proceedings and 14.1 percent of the misdemeanor defendants did likewise. Those felony defendants released on ROR had the highest no-show rate (13.3%) while those who were released on a surety bond had the lowest (3.6%). For misdemeanor defendants the opposite was true. Those who posted a cash bond had the highest FTA rates (21.1%) while those released on ROR and citation/summons had the lowest (6.6%).

d. Analysis of the Pretrial Release Decision

In analyzing this decision process, there are a number of inter-related factors that may have a significant impact on a defendant's pretrial custody. The purpose of this discussion is to identify those factors that contribute to Monroe County's jail overcrowding problem. Because of the uniquely different methods that are used to determine the appropriate release alternatives for defendants charged with a felony or a misdemeanor, each will be discussed separately.

1) Felony Defendants

In assessing how the pretrial release decisions for felony defendants were made, six factors were considered:

- Offense Type
- Residency/Citizenship
- Personal Characteristics
- Prior Record
- Bond
- Failure to Appear (FTA) Rates

a) Offense Type - Felony Defendants

Table 29 reveals that, of the four major offense categories, the only significant difference in the pretrial status is for defendants charged with drug-related offenses. Over 95 percent obtained their release whereas, for all other defendants, only between 58 and 65 percent obtained their release. It appears that the primary reason for this substantial difference is that defendants charged with drug offenses were more successful in acquiring the money necessary to make the bond usually via a bail bondsman. This is true even though the bonds for defendants charged with drug-related offenses were substantially higher than those set for other defendants.

Table 29

<u>Type of Offense by Pretrial Status</u>				
<u>Pretrial Status</u>	<u>Property</u>	<u>Person</u>	<u>Drug</u>	<u>Other</u>
On Pretrial Release	64.9%	61.6%	95.3%	58.3%
In Custody	35.1%	38.4%	4.7%	41.7%

b) Residency/Citizenship - Felony Defendants

Surprisingly, Table 30 indicates that there were no significant differences in the pretrial status of Monroe County residents versus out of county or state residents. In fact, a slightly higher percentage of Monroe County residents remained in custody. Also, the amount of the bonds for Monroe County residents were not significantly different from those set for out of county residents.

Table 30

Residence by Pretrial Status

<u>Pretrial Status</u>	<u>Monroe</u>	<u>Other Florida Counties</u>	<u>Other States</u>
On Pretrial Release	67.0%	69.1%	80.0%
In Custody	33.0%	30.9%	20.0%

c) Personal Characteristics

In examining the personal characteristics of felony defendants, those defendants who had the following traits were more likely to remain in custody:

- defendants between the ages of 19 and 29
- Hispanic defendants
- male defendants
- defendants who were laborers or fishermen
- defendants who were single or divorced
- defendants with less than a high school education
- defendants who were unemployed

A primary trait that is traditionally common to all of the above individuals is their low income. This could logically be translated to mean that these defendants were the most likely to remain in custody due to their inability to post a monetary bond.

d) Prior Record

According to Table 31, felony defendants with no prior arrest record are more likely to obtain their release while those with a prior conviction record are more likely to remain in custody.

Table 31

Prior Record by Pretrial Status - Felony Defendants

<u>Pretrial Status</u>	<u>Prior Arrest Record</u>	<u>No Prior Arrest Record</u>	<u>Prior Conviction Record</u>	<u>No Prior Conviction Record</u>
On Pretrial Release	63.7%	79.1%	46.2%	62.4%
In Custody	36.3%	20.9%	53.8%	37.6%

e) Bond

It was indicated earlier that, for felony cases, a money bond was set in almost 75 percent of the cases and that almost one-third were unable to post the bond. Of those defendants who did post bond, almost two-thirds relied on a bail bondsman.

Table 32

Amount of the Bond by Pretrial Status - Felony Defendants

<u>Pretrial Status</u>	<u>\$0-\$1000</u>	<u>\$1001-\$5000</u>	<u>\$5001-\$25,000</u>	<u>\$25,000+</u>
On Pretrial Release	88.2%	68.3%	51.7%	27.3%
In Custody	11.8%	31.7%	48.3%	72.7%

Table 32 shows that as the amount of the bond increases, there is a significantly more likely chance that the felony defendant will remain in custody.

f) Failure to Appear Rates

Closely related to the decision regarding the appropriate type of release alternative is the likelihood that the defendant, if released, will show for scheduled court proceedings.

Table 33

Comparison of FTA Rates by Types of Release Alternative

<u>Felony Defendants</u>		
<u>Release Type</u>	<u>Defendant Did Appear</u>	<u>Defendant Did Not Appear</u>
Surety Bond	96.4%	3.6%
Cash Bond	93.3%	6.7%
ROR	86.7%	13.3%
Other	75.0%	25.0%

Table 33 indicates that felony defendants released on their own recognizance are more likely to FTA than those released on a surety or cash bond. The nature of the offense, the residence of the defendant or the bond amount appears to have no affect on the propensity of the defendant to FTA. The only other factor that appears to affect FTA rates relates to when the release decision was made. Those felony defendants who were released prior to first appearance were more likely to FTA than those released at or after first appearance.

2) Misdemeanor Defendants

In contrast with felony cases, defendants charged with a misdemeanor have a third choice apart from obtaining their release or remaining in custody. They may also plea guilty at first appearance and be sentenced immediately. Figure B (pg. 37) indicated that 41.5 percent of the misdemeanor defendants who went to first appearance plead guilty and were sentenced.

To assess how the pretrial release decisions for misdemeanor defendants are made, four factors were analyzed:

- Offense Type
- Residency/Citizenship
- Bond
- FTA Rates

It is important to note that personal characteristics and prior record did not appear to be significant factors in making the pretrial release decision for misdemeanor defendants.

a) Offense Type

The major finding presented in Table 34 is that there are a significant percentage of misdemeanor defendants staying in jail throughout the pretrial process. In particular, defendants charged with criminal offenses such as trespass, assault, criminal mischief and theft are more likely to remain in jail. Defendants charged with a municipal ordinance violation are the most likely to plead guilty at first appearance.

Table 34

Offense Type by Pretrial Status - Misdemeanor Defendants

<u>Pretrial Status</u>	<u>Criminal</u>	<u>Municipal Ordinance</u>	<u>Traffic</u>	<u>Marine</u>	<u>Public Order/Justice</u>
On Pretrial Release	56.0%	51.6%	73.3%	100.0%	71.4%
In Custody	22.0%	9.7%	6.7%	0.0%	17.1%
Plead Guilty at FA	22.0%	38.7%	20.0%	0.0%	11.4%

b) Residency/Citizenship

As was the case with regards to felony defendants, Table 35 reveals a surprising result. Monroe County residents were more likely to remain in custody than individuals whose residence was outside the county. Non-Monroe County residents were more likely to plead guilty. Interestingly 100 percent of the residents from other countries obtained their release. There was no significant difference in the pretrial status of U.S. citizens and non U.S. citizens. Monroe County residents were more likely to be released on non-financial conditions but were less successful in posting a money bond when it was imposed.

Table 35

Residence by Pretrial Status - Misdemeanor Defendants

<u>Pretrial Status</u>	<u>Monroe County</u>	<u>Other Florida Counties</u>	<u>Other State</u>	<u>Other Country</u>
On Pretrial Status	55.0%	58.6%	60.0%	100.0%
In Custody	35.0%	13.8%	40.0%	0.0%
Plead Guilty at FA	10.0%	27.6%	0.0%	0.0%

c) Bond

Money was almost as great a factor in obtaining release for misdemeanor defendants as it was for felony defendants. As was indicated earlier in Table 27, almost 50 percent of the misdemeanor defendants were required to post a money bond. Of those who posted a money bond, over 80 percent posted cash and did not use a bail bondsman. Of the 19 percent who were unable to post a money bond, 75 percent were unable to post a bond of \$500 or less.

d) FTA Rates

Table 36 shows that misdemeanor defendants released pursuant to a Citation/Summons or on their own recognizance were more likely to appear for scheduled court proceedings than those who posted a money bond. This is the exact opposite of the finding related to felony defendants (see Table 33). Two factors that appear to influence FTA rates for misdemeanor defendants are their residency and the amount of the bond. Non-Monroe County residents were more likely to FTA than Monroe County residents. Also, misdemeanor defendants who posted bonds of \$200 or less were more incline to FTA than those who posted a bond of more than \$200. The nature of the offense charged appears to have no significant affect on the misdemeanor defendants decision to FTA.

Table 36
Comparison of FTA Rates by Type of Release Alternative

<u>Release Type</u>	<u>Misdemeanor Defendants</u>	
	<u>Defendant Did Not Appear</u>	<u>Defendant Did Appear</u>
Surety Bond	17.6%	82.4%
Cash Bond	21.1%	78.9%
Citation/Summons	6.7%	93.3%
ROR	6.3%	93.8%
Other	0.0%	100.0%

Summary

The following is a summary of the most significant findings related to the pretrial release issue:

- Residency does not appear to be a significant factor in the release decisions except in the case of misdemeanor defendants. In those cases, Monroe County residents were more likely to remain in custody than non-county residents.
- The amount of a monetary bond is a primary factor in whether or not a defendant remains in custody during the pretrial stage. Monetary bonds were set in over 75 percent of felony cases and almost 50 percent of misdemeanor cases. Almost one-third of felony defendants and 19 percent of misdemeanor defendants were not able to post bond.
- Bail bondsmen were used in over 65 percent of felony cases in which the defendant did bond out. Misdemeanants relied on a bail bondsman in less than 20 percent of the cases.
- Felony drug defendants obtained pretrial release over 95 percent of the time. This was the only type of felony case where such a high percentage of defendants obtained release.
- A significant percentage (19%) of misdemeanor defendants were not released pretrial. As with felons, the amount of the bond was the greatest factor relating to pretrial release for misdemeanants. Of the 19 percent

of misdemeanants who were unable to post bond, 75 percent were unable to post a bond of \$500 or less.

- Prior criminal record was a moderately significant factor in pretrial release of felons. Felons with no prior record were more likely to obtain pretrial release than those with a prior record.
- Felons released on a surety or cash bond were more likely to appear for scheduled court appearances than those released ROR. The exact opposite was true for misdemeanants. Misdemeanants who were released on a citation or ROR were much more likely to appear than those released on a cash or surety bond. Non-Monroe County residents who posted a cash bond had the highest failure to appear rate.

3. Judicial Processing

There were three major stages identified in the processing of cases through the court system in Monroe County: Pre-Arraignment, Arraignment to Disposition and Post Disposition. In the following discussion, each of these stages will be described with particular attention devoted to the manner in which decisions are made that move the case towards disposition. Specifically, attention will be focused on the time frame for making the decision and the nature of the decision made.

a. Pre-Arraignment

Figures C and D indicate the median length of time between the dates of arrest and arraignment was 45 days for felons and 29 days for misdemeanants.

Figure C

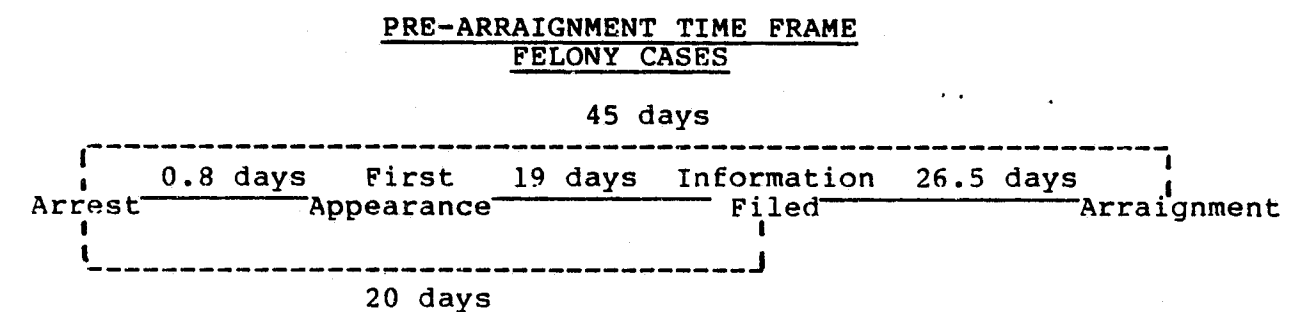
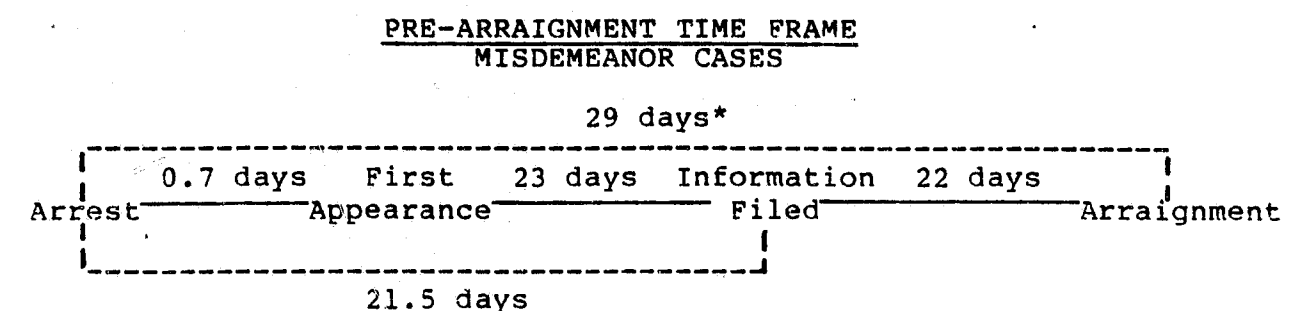


Figure D



During this stage, there are two major time requirements that must be complied with according to the Florida Rules of Criminal Procedure - the first appearance must be held within 24 hours of arrest and the information must be filed within 21 days of arrest.

Table 37

<u>Time Frame of First Appearance</u>		
<u>Number of Days</u>	<u>Felony</u>	<u>Misdemeanor</u>
Same Day as Arrest	32.7%	40.3%
1 Day	60.1%	54.6%
2 or more days	7.1%	5.0%

Table 37 reveals that almost 93 percent of the defendants charged with a felony and 95 percent of the defendants charged with a misdemeanor were brought to first appearance within 24 hours as required. Interestingly, in almost one-third of the felony cases and over 40 percent of misdemeanor cases, the hearing was held on the same day as the arrest.

Sixty percent of the felony defendants and 55% of the misdemeanor defendants went to first appearance the day following their arrest. The remaining 5% of the misdemeanor defendants were afforded a first appearance within four days of arrest. The remaining 4% of the felony defendants took from five to twenty-two days before having a first appearance.

*This time frame includes those defendants who plead guilty at first appearance.

Table 38

Time Frame - Arrest to Information Filing

<u>Number of Days</u>	<u>Felony</u>	<u>Misdemeanor</u>
0 - 7	7.2%	7.8%
8 - 14	19.6%	20.3%
15 - 21	31.2%	21.9%
22 or more	42.0%	50.0%

Although the median number of days between arrest and the filing of the information for both felony and misdemeanors was within the 21 day limit, Table 38 shows that in a substantial portion of cases (42% for felonies and 50% for misdemeanors), the information was not filed within 21 days. For those defendants who were in custody, an information was filed within 21 days in 66.7% of the felony cases and 45.5% of the misdemeanor cases. However, informations were filed on 73% of the felons and 70% of the misdemeanants by the end of thirty days.

The second major time frame within the pre-arraignment stage is the time between the filing of information and arraignment.

Table 39

<u>Time Frame - Information Filing to Arraignment</u>		
<u>Number of Days</u>	<u>Felony</u>	<u>Misdemeanor</u>
0 - 7	5.0%	10.3%
8 - 14	13.6%	17.6%
15 - 21	12.8%	20.6%
22 - 28	27.2%	16.2%
29 or more	41.4%	35.3%

As Table 39 suggests, in over 40% of the felony cases and approximately one-third of the misdemeanor cases, the arraignment was held in excess of a month after filing of the information. However, less than 25 percent of cases involving felons who were in custody and 10 percent of the misdemeanants in custody took longer than 30 days.

Within the time frame of the pre-arraignment stage three major decisions occur:

- The pretrial release status of the defendant,
- The legal representation provided the defendant and
- The decision to charge

As stated earlier, the majority of the felony pretrial release decisions are made at first appearance as are approximately one-third of the misdemeanor decisions.

If the defendant has not retained a private attorney prior to the first appearance, the first attempt to deal with the issue of legal representation occurs at first appearance.

In the study sample, seventy-five percent of the defendants charged with a felony were represented by the public defender with the initial appointment made at first appearance in slightly more than 81 percent of these cases. The term initial is used because it appears that for the large majority of the defendants, the appointment of the public defender at first appearance is temporary. The primary purpose of the appointment is to provide legal counsel to the defendant to assist in the determination of the appropriate pretrial release alternative. Beyond the initial appointment, the public defender does not appear to have actively pursued the case until the state attorney made a decision on whether to file formal charges. Those felony defendants who remain in custody were more likely to be represented by the public defender than those out on pretrial release (86.2% vs. 69.7%).

The study sample also reveals 58% of the misdemeanants did not retain legal counsel. This high percentage is primarily due to the large number of defendants who plead guilty at first appearance and were sentenced at that time. In the 42% of those cases where the misdemeanor defendant was legally represented, the Public Defender was the primary representative. The nature of that representation was the same as that in the case of felons.

Table 40

Legal Representation

<u>Legal Representative</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Public Defender	50%	75%	33%
Private Counsel	14%	22%	14%
Self-Representation	35%	3%	58%

Table 41

PD Time of Appointment

<u>Decision Point</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Prior to First Appearance	1%	2%	-
At First Appearance	75%	81%	63%
After First Appearance But Before Arraignment	8%	7%	11%
At Arraignment	14%	10%	21%
After Arraignment	2%	-	5%

The State Attorney must decide whether or not to formally charge the defendant by an information (or indictment) or by arrest affidavit in the case of misdemeanants. As stated earlier, the state attorney has 21 days to make a decision whether to prosecute the case or dismiss it. This restriction has the greatest affect on felony cases due to the state attorney's ability to prosecute a misdemeanor on the basis of an arrest affidavit. In this study, almost 65% of the misdemeanors were prosecuted on an arrest affidavit rather than an information.

Table 42

Nature of Charging Decision

<u>Decision Made</u>	<u>Felony</u>	<u>Misdemeanor</u>
Arrest Affidavit	0.0%	52.3%
Information Filed	73.1%	28.2%
No Information Filed-dismissed	22.4%	19.5%
No Information Filed-preliminary Hearing Held	4.5%	0.0%

Table 42 suggests that, for felony cases, the state attorney decided to file an information in almost three-fourths of the cases. In over 80% of the misdemeanor cases, prosecution was pursued by either filing an information or prosecuting on a current affidavit. Interestingly, while the 21 day filing limit was exceeded in over 40 percent of the felony cases, only 4.5% went to an adversary preliminary hearing. An adversary preliminary hearing is a right which is applicable to those felony defendants who are not charged in an information or indictment within 21 days of their arrest. The purpose of the hearing is for the court to determine if sufficient probable cause exists to warrant continued pretrial restrictions on the defendant.

The custody status of the defendant appeared to have no appreciable affect on the state attorney's decision to file an information.

b. Arraignment to Disposition Stage

Figure E

Arraignment to Disposition Timeframe

FELONY CASES

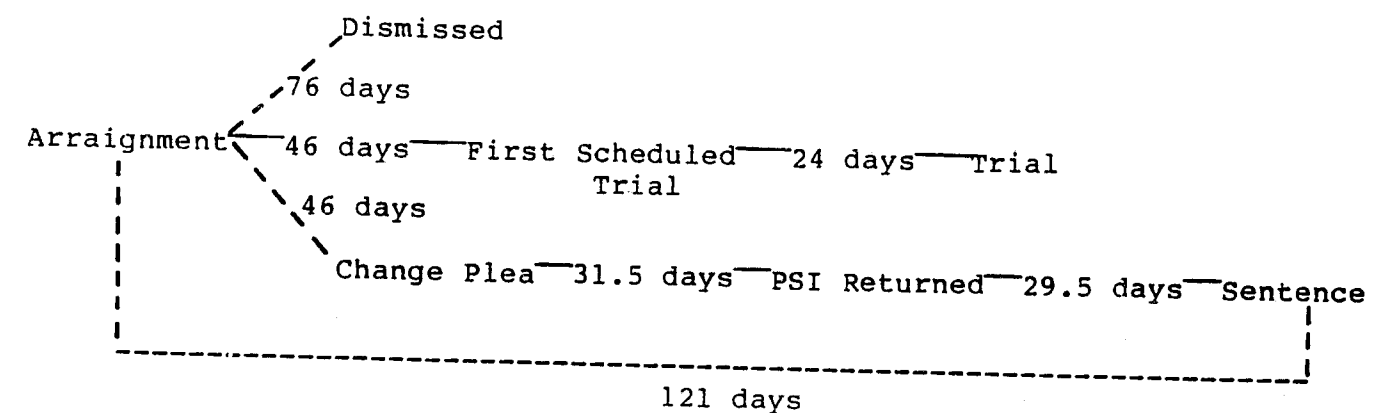
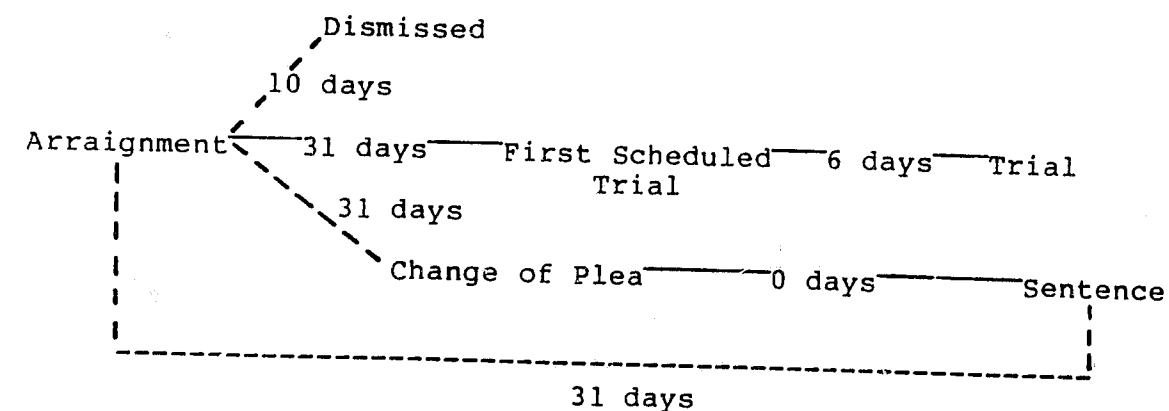


Figure F

Arraignment to Disposition Timeframe

MISDEMEANOR CASES*



* does not include those defendants who plead guilty and were sentenced at first appearance or arraignment - 61.7% of all defendants who plead guilty to a misdemeanor were sentenced immediately.

The figures on the preceding page show the median length of time between arraignment and sentencing was 121 days for felonies and 31 days for misdemeanors. Approximately one-third of the felony cases reached sentencing within 90 days of arraignment while over 25% took longer than 180 days. Over 64 percent of misdemeanor cases reached sentencing in less than two weeks while only 10% took in excess of 60 days. For those defendants in custody, 42.4% of the felony cases and 95.8% of the misdemeanor cases took less than 90 days to reach the sentencing stage from arraignment. Ninety percent of the misdemeanor cases took less than 30 days.

Within the overall time frame, there are sub-time frames that more accurately depict this processing stage:

- Arraignment to dismissal,
- Arraignment to first scheduled trial date and
- Arraignment to change of plea

Table 43

Time Frame - Arraignment to Dismissal

<u>Number of Days</u>	<u>Felony</u>	<u>Misdemeanor</u>
0 - 30	21.3%	67.6%
31 - 60	14.9%	8.1%
61 - 90	23.4%	5.4%
91 or more	40.4%	18.9%

Table 43 indicates that in over 40 percent of the felony cases, the decision to dismiss was made in excess of 90 days from arraignment while the decision was made in 30 days or less in

two-thirds of the misdemeanor cases. The custody status of the defendant did not affect the amount of time between arraignment and dismissal.

Table 44

Time Frame - Arraignment to First Trial Date

<u>Number of Days</u>	<u>Felony</u>	<u>Misdemeanor</u>
0 - 30	9.7%	41.7%
31 - 60	41.8%	45.8%
61 - 90	34.3%	10.4%
90 or more	14.2%	2.1%

Table 44 reveals that the large majority of felony trials are set more than 30 days from arraignment (90.3%) while most misdemeanor trials are set within 60 days of the arraignment (87.5%). There was no significant difference in the length of time from arraignment to the first trial date for defendants in custody or in pretrial release.

Table 45

Time Frame - Arraignment to Change of Plea

<u>Number of Days</u>	<u>Felony</u>	<u>Misdemeanor</u>
0 - 30	13.3%	50.0%
31 - 60	38.5%	23.5%
61 - 90	16.9%	11.8%
90 or more	31.3%	14.7%

In Monroe County, as will be reported later, a significant percentage of those defendants who originally plead not guilty change their plea to guilty. Figure E and F (pg. 62) indicated

that the median number of days from arraignment to change of plea corresponded closely to the length of time between arraignment and the first scheduled trial date. Table 45 shows that, for felony cases, defendants most often change their plea one to two months after arraignment with a relatively large percentage waiting more than 90 days. In misdemeanor cases, the change of plea most often occurred within 30 days of arraignment. Again, the custody status of the defendant did not appear to significantly influence when the defendant chose to change his/her plea.

During the arraignment to disposition stage there are three points, where major decisions occur:

- Arraignment
- Pre-trial Actions
- Trial

The first of these, arraignment, is provided to inform the defendant of the nature of the charges against him and to record the defendant's plea. An additional purpose of arraignment, in misdemeanor cases, is to sentence those who plead guilty.

Table 46

Nature of Defendant's Original Plea at Arraignment

<u>Type of Plea</u>	<u>Felony</u>	<u>Misdemeanor</u>
Not Guilty	89.0%	32.5%
Guilty/Nolo to Original Charge(s)	5.5%	65.0%
Guilty/Nolo to Lesser Charge(s)	5.5%	2.0%
Other	0.0%	0.4%

It is readily apparent, from Table 46, that the arraignment is a very different hearing for felony and misdemeanor cases. For felony defendants, an overwhelming majority plead not guilty and a trial date was set. Felony defendants in custody were more likely to plea guilty at arraignment than those on pretrial release. For a large portion of the misdemeanor defendants, the arraignment was the concluding event in the adjudication process. Over two-thirds plead guilty and the judge immediately sentenced more than half of those. Similar to felony defendants, misdemeanants in custody were more likely to plea guilty than those on pretrial release.

Of the felony defendants who plead guilty at arraignment, 75 percent were the result of a plea bargaining agreement with 90 percent of the guilty plea's of felony defendants in custody involving a plea bargaining agreement. On the contrary, only 7.6 percent of the misdemeanor defendants plead guilty as a result of a plea bargaining agreement. But, as was the case for felony defendants, those who were in custody were much more likely to plea guilty pursuant to a plea bargaining agreement.

Because over 75 percent of the misdemeanor cases were disposed of before or at arraignment, most of the analysis of actions taken between arraignment and the trial related to disposition of felony cases. Moreover, most of the actions taken during this time period evolve around the plea bargaining process.

Table 47

Disposition of Defendants' Cases Who Plead Not Guilty at Arraignment

<u>Disposition</u>	<u>Felony</u>	<u>Misdemeanor</u>
Change Plea	63.1%	53.1%
Nolle Prosequi	33.8%	32.8%
Trial	3.1%	14.1%

Table 47 indicates that 63.1 percent of those felony defendants who plead not guilty at arraignment, changed their plea to guilty; 33.8 percent had their cases nolle prosequi; and 3.1 percent went to trial. For misdemeanor defendants, a little over half changed their plea to guilty; slightly less than one-third had their cases dropped; and a surprising 14.1 percent went to trial. Ninety-two percent of the felony defendants and 85.7 percent of the misdemeanor defendants changed their plea to guilty as a result of a plea bargaining agreement. While almost 50 percent of the felony defendants plead guilty to a lesser charge, less than 30 percent of the misdemeanor defendants plead guilty to a lesser charge.

Table 48

When Decision to Change Plea Occurred

<u>Relationship to Trial Date</u>	<u>Felony</u>	<u>Misdemeanor</u>
On Day of Trial	39.5%	66.7%
1 - 7 Days Before Trial	39.5%	15.2%
8 - 14 Days Before Trial	3.7%	6.1%
15 or More Days Before Trial	17.3%	12.1%

According to Table 48, a large percentage of defendants waited until the actual day of trial before making a final decision to change their plea to guilty. The custody status of felony and misdemeanor defendants did not significantly impact on their decision to change their plea.

The final point within the arraignment to disposition stage where major decisions occur is the trial. Because of the extremely small percentage of cases that reached the trial stage, we were unable to obtain a large enough sample to make valid and useful comparisons. Only 4 felony cases out of 203 and 9 misdemeanor cases out of 261 went to trial. All four of the felony cases involved a jury trial with 3 trials ending in a conviction and 1 trial resulting in an acquittal. With regards to the misdemeanor trials, 4 were jury trials and 5 were bench trials. In 5 of these cases, the defendants were convicted, 3 defendants were acquitted and one case resulted in a mistrial.

There were two series of events related to the trial on which valid information was obtained. First of all, it appears that continuances are granted in a relatively small percentage of cases. In felony cases, a continuance was granted to the defense in 32.5 percent of the cases; to the State Attorney in 9.3 percent of the cases and the judge continued the case on his own motion in 6.6 percent of the cases. In 25 percent of the misdemeanor cases, the defense was granted a continuance. The State Attorney received a continuance in 7.1 percent of the cases and the judge continued the case on his own motion in 7.5 percent of the cases. In approximately two-thirds of the felony cases that

were continued the continuances were granted for 10 days or less. When a continuance was granted in a misdemeanor case, almost three-fourths were for 10 days or less. Defendants in custody were just as likely to have their case continued as those on pretrial release.

Aside from continuance motions, a number of felony and misdemeanor cases involved other motions such as motions to suppress evidence or testimony, take depositions or dismiss the case. Such motions were filed in 34.1 percent of the felony cases and 4.7 percent of the misdemeanor cases. Felony defendants on pretrial release were more likely to file motions than those in custody.

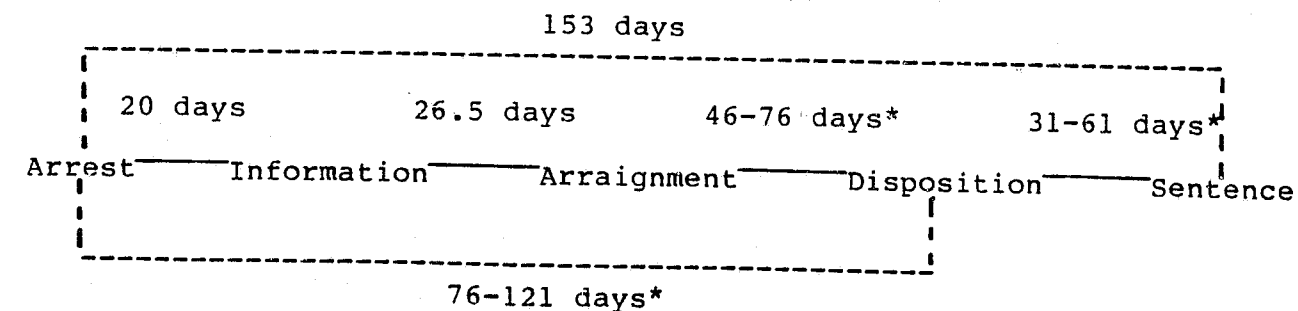
Table 49 summarizes the actions taken to dispose of cases in Monroe County. Fifty percent of the felony cases resulted in guilty pleas while 47.4 percent were dismissed/nolle prosequi. Only 2.1 percent were disposed of via a trial. Almost 70 percent of the misdemeanor cases resulted in a guilty plea with 25.9 percent being dismissed/nolle prosequi. Three percent of the misdemeanor cases resulted in a trial. For felony defendants, the custody status appeared to have no significant affect on the final disposition of the case. However, misdemeanor defendants in custody were significantly more likely to plea guilty and less likely to have their case dropped or go to trial than those on pretrial release.

Table 49

<u>Nature of Disposition</u>		
<u>Disposition Type</u>	<u>Felony</u>	<u>Misdemeanor</u>
Dismissed-No Info Filed	23.4%	18.8%
Nolle Prosequi	24.0%	7.1%
Plead Guilty/Nolo to Original Charge	26.0%	63.3%
Plead Guilty/Nolo to Lesser Charge	24.0%	5.8%
Convicted at Trial	1.6%	2.1%
Acquitted at Trial	0.5%	1.2%
Other		

Figures G through J summarize the decision process for felony and misdemeanor cases in Monroe County.

Figure G

FELONY CASE PROCESSINGTime Frame: Arrest to Disposition

*This indicates the range of median time frames for the various types of dispositions.

Figure H

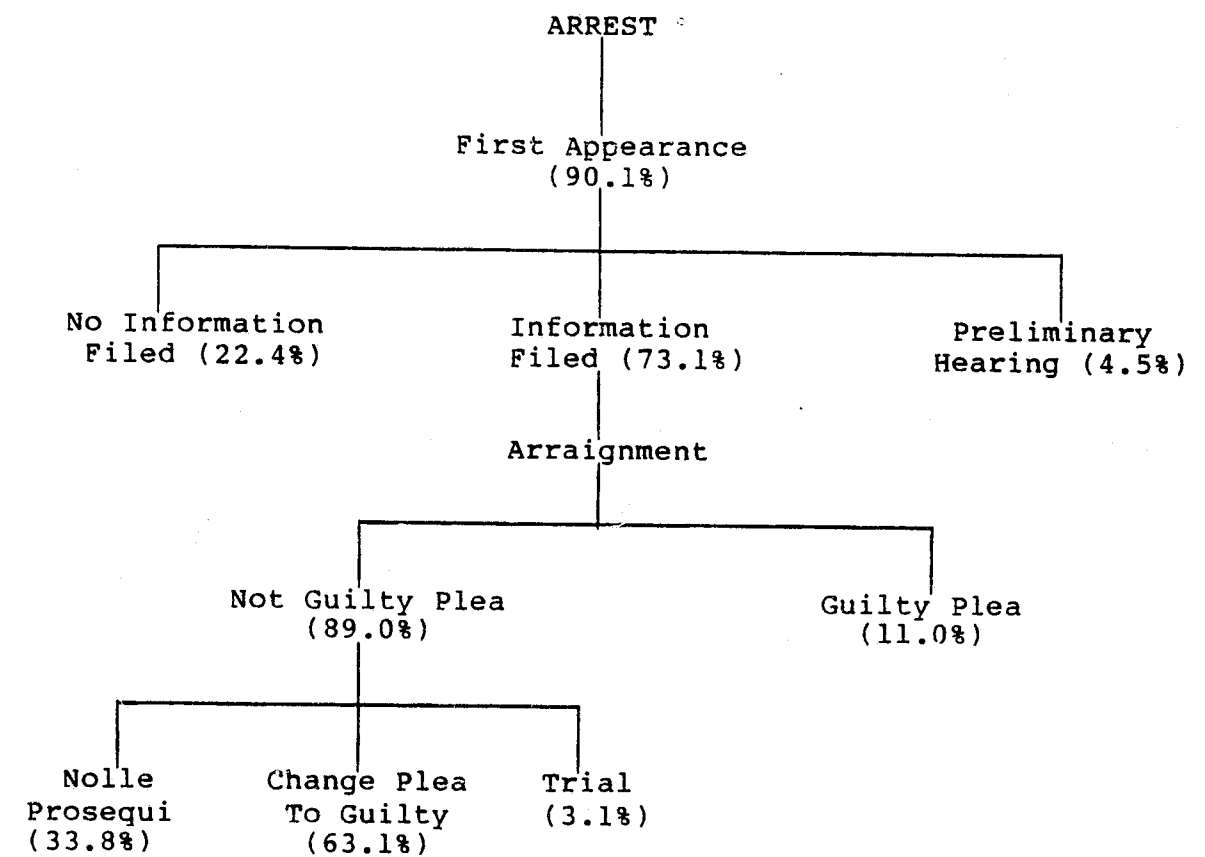
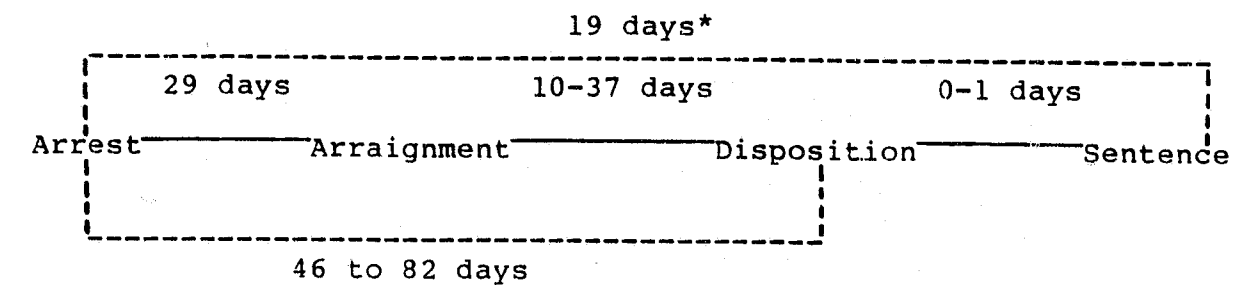
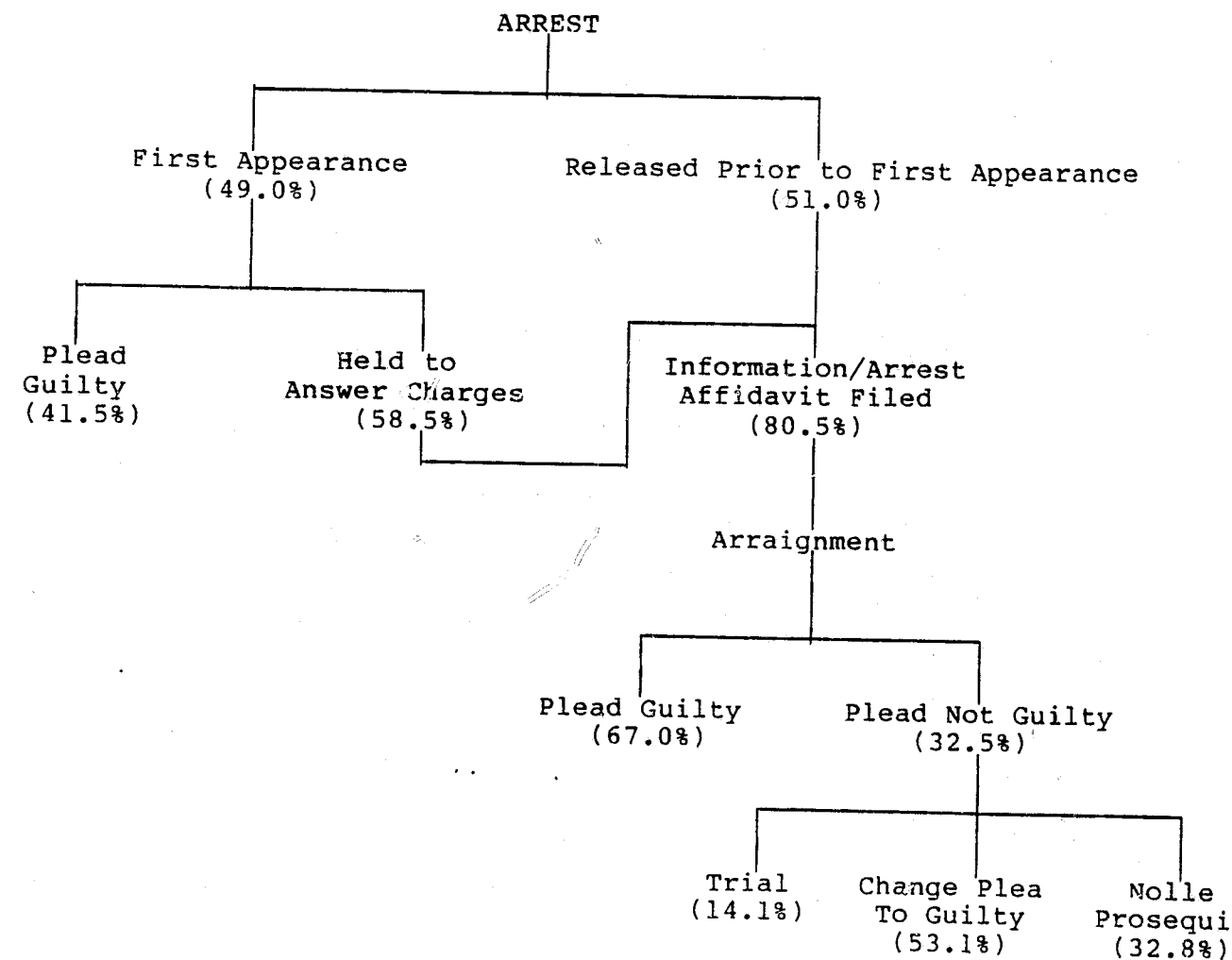
FELONY CASE PROCESSING

Figure I

MISDEMEANOR CASE PROCESSINGTime Frame: Arrest to Disposition

*includes those individuals who plead guilty at 1st appearance and arraignment.

Figure J
MISDEMEANOR CASE PROCESSING



c. Post-Disposition Stage

Sentencing information reveals 43% of those felons adjudicated guilty are sentenced to an average term of 33 months of supervised probation. The probationary term may impose additional conditions but does not impose any time of incarceration beyond that previously served pretrial. Three percent of the felons convicted are sentenced to fine or restitution. Eleven

percent of the felons convicted are sentenced to an average sentence of 133 days in the county jail. We failed to find out how much of this time is "credit for time served". However, conversation with Monroe County officials indicate most of the sentence imposed is reduced significantly by this credit. Approximately 22% of the felons were sentenced to serve terms in the state prison system and the average term was of 9.2 years.

Table 50
Type of Sentence

<u>Sentence</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Probation	12.8%	27.6%	4.2%
Probation, Fine	5.3%	3.1%	6.5%
Probation, Restitution	4.5%	7.1%	3.0%
Probation, Fine, Restitution	1.1%	3.1%	-
Probation, Community Service	8.3%	1.0%	0.6%
Probation, Restitution & CS	0.4%	1.0%	-
Probation, Time Served	0.4%	-	0.6%
Time Served*	3.0%	-	4.8%
Fine	22.6%	2.0%	34.5%
Restitution	0.8%	1.0%	0.6%
Fine, License Suspended	0.4%	-	0.6%
Community Service, Lic. Sus.	0.8%	-	1.2%
Incarceration County Jail	11.3%	3.1%	16.1%
Incarceration Cnty. Jail, Fine	1.5%	-	2.4%
Incarceration C.J., Restn.	0.4%	1.0%	-

*This figure is probably too low due to our failure to pick-up how much of the time which defendants were sentenced to serve in the county jail was "credit for time served".

Table 50 (Continued)

<u>Sentence</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Incarceration C.J., Rest., Prob.	0.4%	1.0%	-
Incarceration C.J. Prob., Fine	3.0%	-	4.8%
Incarceration C.J., Prob., CS	2.6%	1.0%	3.6%
Incarceration C.J. Probation	12.4%	5.1%	16.7%
Incarceration State Prison	8.3%	22.4%	-

Table 51

<u>Probation Term Imposed</u>			
<u>Months Probation</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 6	39.5%	2.8%	83.1%
7 - 12	12.4%	10.0%	15.3%
13 - 24	19.4%	34.3%	1.7%
25 - 36	17.9%	32.8%	-
37 - 48	2.4%	4.3%	-
49 - 60	7.7%	14.3%	-
97 - 108	0.7%	1.4%	-
Mean	20.4	33.186	5.153
Median	12.3	35.091	3.400
Range	1-108	3-108	1-24

Table 52

<u>Type of Probation</u>			
<u>Type of Probation</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Supervised	74%	93%	51%
Unsupervised	26%	7%	49%

Table 53

<u>Days Sentenced County Jail</u>			
<u>Days Sentenced</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 5	42.3%	10%	46.7%
6 - 10	10.7%	-	11.9%
11 - 15	10.7%	-	12.1%
16 - 20	3.5%	-	4.0%
21 - 25	6.0%	-	6.7%
26 - 30	8.2%	20%	6.7%
31 - 60	4.8%	10%	5.2%
61 - 90	3.6%	10%	2.6%
91 - 120	2.4%	-	2.7%
121 - 150	1.2%	10%	-
151 - 180	1.2%	10%	-
181 - 210	1.2%	10%	-
241 - 270	1.2%	10%	-
360 - up	2.4%	10%	1.3%
Mean	33.8	132.9	20.7
Median	10.1	91.0	9.0
Range	1-364	2-364	1-364

Table 54

<u>Years Sentenced State Prison</u>		<u>Felons</u>
<u>Years</u>	<u>Sentenced</u>	
	2	13.6%
	3	27.3%
	4	9.1%

Table 54 (Continued)

<u>Years Sentenced</u>	<u>Felons</u>
6	4.5%
7	4.5%
8	4.5%
10	22.7%
20	4.5%
75	4.5%
Mean	9.2
Median	4.5
Range	2-75

The sentencing data also indicates approximately 15% of those misdemeanants adjudicated guilty were sentenced to an average term of 5 months probation without incarceration. There was a fifty-fifty chance that probation was unsupervised. Forty-two percent of the convicted misdemeanants were sentenced to either time served, a fine, restitution, community service, license suspended or a combination thereof. The remaining 43% of the convicted misdemeanants were sentenced to an average of 21 days in the county jail.

There were significant differences in the sentences imposed on felony and misdemeanor defendants who were in custody versus on pretrial release. For felony defendants, over 80 percent of those on pretrial release did not receive any jail or prison time, while almost two-thirds of those who were in custody received a sentence that included jail or prison time.

For misdemeanor defendants, the difference was even more pronounced. While only 22 percent of the defendants on pretrial release were sentenced to jail, 100 percent of the defendants in custody got jail sentences.

Summary

The following is a summary of the most significant findings related to judicial processing.

- In over 93 percent of the cases in which defendants were booked into the jail, the defendants were brought to a first appearance hearing within 24 hours. The specific reasons why 7 percent took 2 days or longer was not known.
- Overall, the median number of days between arrest and the filing of an information was less than the required 21 days. However, the average number of days for both felons and misdemeanants was 24. A significant percentage of the felony (42%) and misdemeanor (50%) cases took longer than 21 days. However, only 27 percent of the felony cases and 29 percent of misdemeanor cases took longer than 30 days. Looking at those defendants who remained in custody reveals that 67 percent of the felony and 46 percent of the misdemeanor cases had informations filed within 21 days.
- The median number of days between the filing of an information and arraignment was 26 days. However, over 40 percent of the felony cases and 35 percent of the misdemeanor cases took longer than 30 days. When we examined the cases of those defendants in custody, we saw that over 75 percent of felons and 90 percent of misdemeanants went from information to arraignment in less than 30 days.

- A public defender was appointed in 75 percent of all felony cases and 33 percent of all misdemeanor cases. Eighty-six percent of the felons who remained in custody were represented by a public defender. The public defender was officially appointed at the first appearance in 75 percent of all the cases.
- The State Attorney made a decision to file an information against 73 percent of all felony defendants. He also pursued prosecution of misdemeanants via an information (28%) or arrest affidavit (52%) in over 80 percent of the cases. Interestingly, the 21 day time limit set for making the formal charging decision was exceeded in over 40 percent of the felony cases. However, only 4.5 percent of these felony defendants (or their legal counsel) demanded an adversarial preliminary hearing.
- Over 75 percent of all misdemeanor cases were disposed of before or at arraignment.
- The median time frame between arraignment and sentencing was 121 days for felony cases and 31 days for misdemeanor cases. While less than 7 percent of all misdemeanor cases took longer than 90 days from arraignment to disposition, we noted that 96 percent of those misdemeanants in custody had their cases disposed of within 90 days (90% within 30 days). Only 26 percent of all the felony cases took longer than 180 days from arraignment to sentencing. There was virtually no difference in the length of time

from arraignment to sentencing between those felons in custody and those who were on pretrial release.

- The decision to dismiss a case took longer than 90 days from the date of arraignment in over 40 percent of the felony cases. The custody status of the defendant did not appear to have any influence on the length of time it took to make the decision to dismiss.
- Felony defendants plead not guilty at arraignment in 89 percent of the cases compared to only 32 percent of misdemeanants.
- Misdemeanants plead guilty or nolo contendere at or before arraignment 67 percent of the time. Both felons and misdemeanants who remained in custody were more likely to plead guilty.
- Of those defendants who plead not guilty at arraignment, 63 percent of the felons and 53 percent of the misdemeanants changed their plea to guilty or nolo contendere; 34 percent of the felons and 33 percent of the misdemeanants were nolle prosequi and only 3 percent of felons and 14 percent of misdemeanants had their cases disposed of by trial.
- Of those defendants who changed their initial plea of not guilty to guilty, 50 percent of the misdemeanants did so within 30 days (73% with 60 days) of arraignment and 51 percent of the felons did so within 60 days. However, more than 30 percent of the felony cases and almost 15

percent of the misdemeanor cases took longer than 90 days from arraignment before a change of plea was entered.

- Ninety-two percent of the felons and 86 percent of the misdemeanants who changed their plea did so as a result of plea bargaining. Almost 50 percent of the felons and 30 percent of misdemeanants who change their plea plead guilty to a lesser charge.
- The decision to change the plea came within 7 days of the scheduled trial in 80 percent of the felony cases and 82 percent of the misdemeanor cases.
- Only 2 percent of the felony and 4 percent of the misdemeanor cases in the sample actually went to trial.
- Overall case dispositions revealed that 50 percent of all felony cases resulted in guilty pleas and 47 percent were either dismissed (23%) or nolle prosequi (24%). Almost 70 percent of the misdemeanor cases resulted in guilty pleas with 26 percent being either dismissed (19%) or nolle prosequi (7%).
- Motions for continuances were granted to the defense in 32 percent of the felony cases and in 25 percent of the misdemeanor cases. However, in approximately 66 percent of the felony cases and 73 percent of the misdemeanor cases the continuance was granted for 10 days or less.
- Probation (43%), state prison terms (22%) and county jail (11%) were the most common sentences given to felons. Fines (34%), county jail time (16%) and county jail plus

probation (17%) were the most common sentences for misdemeanants. Overall, misdemeanants were sentenced to serve some time in county jail as a single sentence or in addition to another type of sentence in 44 percent of the cases.

- The average length of probation for misdemeanants was 5 months with approximately half of the probation sentences being supervised probation. The average probation length for felons was 33 months and approximately 93 percent of these were supervised probation.
- The average length of time to which misdemeanants were sentenced to serve in the county jail was 21 days, with over 70 percent being 15 days or less. The mean number of county jail days that felons were sentenced to was 91 with 10 percent being sentenced to 364 days.
- The average length of time to which felons were sentenced to the state prison system was 9 years. The two most common prison terms were 3 years (27%) and 10 years (23%). The median term was 4.5 years.
- There were significant relationships between a defendant's pretrial status (i.e., whether he remained in custody or was released) and the type of sentence received. Over 80 percent of the felony defendants who were on pretrial release did not receive any jail or prison time while almost two-thirds who were in custody awaiting trial did. Only 22 percent of the misdemeanor

defendants who were on pretrial release were sentenced to jail while 100 percent of those misdemeanants in pretrial custody were sentenced to jail.

- Lastly, in terms of the time frames between critical decision points within the judicial process, it appears that defendants in pretrial custody are being processed through the system faster than defendants released pretrial but only up to the arraignment stage. Past arraignment, there does not appear to be any difference in the celerity with which defendants in custody and those on pretrial release are processed.

4. Jail Inmate Profile

As was stated earlier, the problems confronting county jails in Florida have steadily increased in number and intensity over the past several years. No less can be said for the Monroe County jail. The Florida Department of Corrections stated in its October 1981 Inspection Report that the following areas are of deep concern to the proper operation of the Monroe County facility:

- Shortage of staff,
- Lack of sufficient policy and procedures,
- Overcrowding and
- Sanitation

Each of these concerns can be and generally are functions of each other. Shortage of staff serves to reduce administrative ability to produce and implement consistent policy. When there is a shortage of staff, routine but invaluable jobs don't get done. As a result, the administration is limited by necessity to a more reactive as opposed to a proactive posture.

Overcrowding exacerbates staff shortage, accelerating the inmate/staff ratio to the point staff can provide only the absolute minimum in terms of management, records, inmate services, sanitation and security.

CONTINUED

1 OF 3

The following pages will attempt to "profile" the 1981 inmate population of the Monroe County jail utilizing the most frequently occurring defendant characteristic gleaned from our sample data as an indicator of the "average inmate". Median time frames are used to typify "average time frames"... The inmate population is discussed in terms of who were in jail; why they were in jail; what happened to them; and how long they were in jail.

a. Who Were In Jail?

As indicated earlier, the Monroe County jail has or has had one of the highest per capita jail populations in the state. During the course of calendar year 1981, 1257 felons and 1243 misdemeanors were booked into the Monroe County jail. Sixty-three percent of the felons and 59 percent of the misdemeanants were booked into the jail between the hours of noon and midnight. The felons were most often booked between noon and 6 p.m. while the peak time for misdemeanor bookings occurred between 6 p.m. and midnight.

Table 55
1981 Monroe County Jail Bookings

Month	Total	Felons	Misdemeanants
January	216	102	114
February	159	86	73
March	151	80	71
April	187	116	71
May	203	106	97
June	188	100	88

Table 55 (Continued)

Month	Total	Felons	Misdemeanants
July	167	58	109
August	225	119	106
September	211	103	108
October	271	108	163
November	241	133	108
December	281	146	135
Total	2500	1257	1253
Mean	208	105	103

Table 56

Time of Booking

Time of Day	Total	Felons	Misdemeanants
12 to 6 a.m.	20%	19%	20%
6 to Noon	19%	18%	21%
12 to 6 p.m.	34%	40%	28%
6 to Midnight	27%	23%	31%

The average daily population (ADP) of the County Jail ranged from a low of 141 in March 1981 to a high of 179 in August 1981. The ADP for the year was 159. We were unable to determine the ADP for felons and misdemeanants due to our failure to acquire some of the data elements necessary for determining them. The main facility averaged approximately 119 inmates per day. The Stock Island Annex averaged approximately 26 inmates per day while the Plantation and Marathon Key holding facilities averaged approximately 7 inmates per day each.

Table 57
1981 Average Daily Population

Month	ADP Total	ADP Felons	ADP Misdemeanants
January	157	*	*
February	150	*	*
March	141	*	*
April	149	*	*
May	168	*	*
June	165	*	*
July	171	*	*
August	179	*	*
September	162	*	*
October	157	*	*
November	170	*	*
December	150	*	*
Mean	159**	*	*

*Monthly figures not available - **extrapolated

The typical suspect in the county was a white/male, age 19-24, who resided in the county if he was a felon. If the suspect was a misdemeanor he was most likely a resident of some other Florida county. The suspect may or may not have been employed but depended on a job as his primary means of subsistence. If employed, he was likely to be either a fisherman or laborer.

If the suspect was a felon, odds are, he had been arrested before. However, it is very likely that he had not been arrested for nor convicted of violent criminal behavior. If he was a

misdemeanant it was probable that he had not been arrested before. However, if he did have a prior arrest history it very likely did not include arrest nor conviction for violent behavior.

b. Why Were They In Jail?

The suspect was probably arrested by the sheriff's office and charged with either aggravated assault, drug violations, property theft, or burglary if he was a felon. If the suspect was a misdemeanor, he was typically arrested by the police department and charged with either simple assault, an ordinance violation, shoplifting/petit theft, trespass, or a public offense. If the offense was a felony it was typically classified as a non-violent, 3rd degree felony. If the offense was a misdemeanor it was most commonly classified as a non-violent, 2nd degree misdemeanor.

c. What Happened To Them?

The first thing that happened was the suspect was transported to the county jail. This effectively reduces the number of law enforcement personnel available for other duties. In 1981, twenty-five hundred suspects were booked into the Monroe County jail. At the time the suspect was booked, the booking officer ensured his detention was legal; fingerprinted and photographed him; a morass of information was collected about him; and he was typically held for first appearance if he was a felon. If the suspect was a misdemeanor he was usually released prior to first appearance on a cash bond. However, a significant percentage of the misdemeanants were held for first appearance.

Within 24 hours, the defendant had a first appearance and probable cause was determined. If he had not retained private counsel and was declared indigent a public defender was "officially" appointed to represent him.

If he was held to first appearance he was probably released at that point on some type of monetary bond. If he was released pretrial, he went about his way and awaited further action. If he was not released, he sat idly in jail waiting and cost the county more money. In 1981, approximately 1600 individuals spent at least one night in jail prior to their first appearance hearing and almost half were charged with a misdemeanor.

At a minimum the jailed defendant was clothed, sheltered, fed, medically treated and watched. If staff shortages did not prevent it, other services were provided such as mail service, telephone service, visitation, religious services, library services, recreation, exercise, commissary and counseling. Hopefully, some of those personal problems such as alcohol or drug dependency which may have been the root of his abnormal behavior were recognized and appropriate county social services were provided when he left the jail.

In approximately one-half of the cases an information was filed on the defendant, as required, within 21 days of the time the defendant was arrested. The vast majority of the informations were filed within 45 days of arrest. Approximately 30 days after an information was filed the defendant was arraigned. Although in most of the cases the defendant was officially appointed a public defender at first appearance, the public

defender did not typically get actively involved in the case until arraignment. In essence, the public defender waited until the state attorney made a decision to prosecute before committing his scarce resources to any new case.

At arraignment, the defendant was informed of the nature of the charges against him and he entered his probable pleas of not guilty if he was a felon and guilty if he was a misdemeanor. By that time the typical misdemeanor defendant's case was over with and he had been sentenced to a term of probation, ordered to pay a fine or sentenced to an average term of 21 days in jail, most of which, if not all, was cancelled out by credit for time served.

Approximately 46 days after pleading not guilty at arraignment most felony defendants changed their plea to guilty, most often on the day the defendant's trial was to begin or very shortly before. That change of plea was generally the direct result of plea bargaining between the state attorney and the public defender. Most misdemeanor defendants who plead not guilty at arraignment changed their minds approximately 31 days later and entered a plea of guilty.

Those felons who changed their plea to guilty typically had to wait for the return of a Presentence Investigation Report (PSI) before they could be sentenced. The PSI was returned approximately 31 days after it was ordered. Thirty days after the PSI was returned the felon was typically sentenced to either an average term of 33 months supervised probation or an average term of 133 days in the county jail. We were unable to determine

how much of that time was cancelled by credit for time served pretrial. Approximately one-fifth of the felony defendants sentenced were sent to the state prison.

d. How Long Were They In Jail?

Analysis of system and jail information indicated approximately 69% of the felony defendants and 81% of the misdemeanor defendants obtained pretrial release. Twenty-nine percent of the felons and 19% of the misdemeanants were not released pretrial due to their inability to post bond (see Table 27).

Examination of the length of time between the date of arrest and the date of pretrial release indicated approximately 63% of the felons released pretrial were released within one day of their arrest. Approximately 11% were released from 2 to 5 days of arrest. Almost 20% of the misdemeanants were released within one day of arrest. The average length of stay for felons who were released pretrial was 7.7 days while misdemeanants booked who were released pretrial spent an average of one day in jail.

Table 58

<u>Defendant Days in Jail Prior to Release</u>			
<u>Days in Jail Prior To Pretrial Release</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Released Day of Booking	45.9%	26.7%	67.0%
1	29.7%	36.2%	22.6%
2	7.2%	10.3%	3.8%

Table 58 (Continued)

<u>Days in Jail Prior To Pretrial Release</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
3	3.2%	3.4%	2.8%
4	-	-	-
5	0.9%	1.7%	-
6 - 10	4.7%	6.9%	1.8%
11 - 15	2.4%	3.5%	-
16 - 20	0.9%	0.9%	0.9%
21 - 25	-	-	-
26 - 30	1.0%	1.8%	-
31 - 45	2.7%	4.3%	0.9%
46 - 60	-	-	-
61 - 75	0.9%	1.7%	-
121 - 150	0.5%	0.9%	-
211 - 240	0.5%	0.9%	-
Mean	4.5	7.7	1.0
Median	0.6	1.1	0.3
Range	0-211	0-211	0-31

Although 69% of the felony defendants and 81% of the misdemeanor defendants were released pretrial, 31% of the felons and 19% of the misdemeanants spent the entire time it took to process them through the criminal justice system in jail. Basically, those individuals either had their cases dismissed, nolle prosequi or diverted or they were adjudicated. Those adjudicated either changed their plea to guilty or were eventually brought to trial.

Examination of the time frame from arrest to dismissal/nolle prosequi for felons reveals it took an average of 74.2 days for the case to be dismissed. That translated to approximately 74 days in the county jail for those felony defendants whose cases were ultimately not prosecuted. Using the same analysis for misdemeanants indicated the average length of stay of 51.4 days for misdemeanants whose cases were ultimately dismissed, diverted or nolle prosequi.

Examination of the time frame from arrest to sentencing for those felons who changed their plea to guilty and who were not released pretrial, reveals the typical defendant spent approximately 150 days in jail. Misdemeanants booked, who were not released pretrial, who were ultimately sentenced, spent an average of 23.2 days in jail.

Summary

The following is a summary of the most significant findings related to the jail inmate profile:

- The Monroe County jail had one of the highest per capita inmate populations in the state in 1981.
- During 1981, 1257 felons and 1243 misdemeanants were booked into the Monroe County jail. The average daily population was 159 inmates.
- The "typical" inmate booked into the Monroe County jail in 1981 was a white/male, age 19-24 who resided in the county if he was a felon or resided in another Florida county if he was a misdemeanant. If he was arrested for a felony it was usually a 3rd degree felony and he typically had a prior arrest record but no conviction record. If he was arrested for a misdemeanor, it was usually a 2nd degree misdemeanor and he typically had no prior arrest or conviction record.
- Over 75 percent of all suspects booked into the jail were released pretrial within 2 days. The felony defendant that was released on pretrial status was typically released on a money bond an average of 7.7 days after booking. A misdemeanant released pretrial usually posted a money bond and spent an average of 1 day in jail.
- Felons who were not released pretrial whose cases were ultimately not prosecuted spent an average of 74 days in jail prior to release while misdemeanants with the same characteristics spent an average of 51 days in jail.

- Felons who were not released who were ultimately sentenced spent approximately 150 days in jail while misdemeanants with these characteristics spent an average of 23 days in jail.
- The typical defendant who plead guilty or was found guilty for whom a presentence investigation report (PSI) was ordered, typically had to wait 31 days before it was returned and then an additional 30 days before he was sentenced.

5. Inmate Detention Costs

The final descriptive section of this chapter has been reserved for highlighting information that synthesizes defendant demographics, pretrial status, average length of stay, county jail bookings, average daily population and holding costs.

Much of the information had to be extrapolated using several different sets of data. As a result the cost figures should be interpreted conservatively. Nevertheless, the figures will serve their purpose of baseline data for future planning and putting our recommendations/alternatives in their proper perspective.

The following process and formulas were utilized to determine holding costs for those defendants who were not released pretrial but whose cases were ultimately disposed of by a method other than plea or trial.

Total bookings x percentage of defendants not released pretrial
= number of inmates not released pretrial

Number of inmates not released pretrial x percentage of
defendants with other dispositions = number of
inmates not released pretrial with other
dispositions

Number of inmates not released pretrial with other dispositions
x number of days from arrest to disposition by method
other than plea or trial = number of jail
days consumed

Total corrections expenditures ÷ total number of jail days
consumed = average cost per jail day consumed

Average cost per jail day consumed x number of jail days consumed by defendants not released pretrial with other dispositions = holding costs for those defendants not released pretrial whose cases are ultimately diverted, dismissed, or nolle prosequi

A corollary process and set of formulas were used to determine the holding costs for those not released pretrial but who were ultimately sentenced. Information regarding those who were released pretrial was obtained in much the same way.

The Monroe County Sheriff's Office estimated total correctional expenditures of \$1,412,850 in FY 80-81, September 1980 through August 1981. The jail also booked 1257 felons and 1243 misdemeanants from January 1981 through December 1981. If we divide the total expenditures by the total number of bookings, the cost associated with booking and detaining a suspect was \$565 per inmate.

Table 59

Monroe County FY 81 Corrections Expenditures

<u>Budget Category</u>	<u>Approximate Expenditure</u>
Salaries-----	\$ 790,000
Food-----	\$ 206,266
Medical Services-----	\$ 148,000
Personal Maintenance Items-----	\$ 7,300
Utilities-----	\$ 147,738
Jail Supplies-----	\$ 25,456
Jail Maintenance-----	\$ 9,687
Jail Equipment-----	\$ 3,403
Contingencies-----	\$ 50,000
Miscellaneous-----	\$ 25,000
Total-----	\$1,412,850

Average Cost Per Inmate Provided Direct Medical Services-----	\$ 224.24
Average Cost Per Inmate Booked-----	\$ 565.14
Average Cost Per Meal Served-----	\$ 1.65
Average Cost Per Jail Day Consumed-----	\$ 24.34
(Average daily population x 365 - total budget)	

Analysis of average lengths of stay for various categories of pretrial inmates reveals felons booked then released pretrial consumed 6,676 jail days which cost the county \$162,494. Misdemeanants booked then released pretrial consumed 1007 jail days at a cost of \$24,510. All defendants released pretrial consumed 7,683 jail days at a cost of \$187,004.

Table 60

Felons Booked Released Pretrial Holding Costs

<u>Felons Booked Released Pretrial</u>	<u>Average(Median) Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
867	7.7 days	6,676	\$162,491

Table 61

Misdemeanants Booked Released Pretrial Holding Costs

<u>Misdemeanants Booked Released Pretrial</u>	<u>Average(Median) Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
1007	1.0 days	1,007	\$24,510

We indicated earlier that felons booked who were not released pretrial whose cases were ultimately dismissed or nolle prosequi spent an average of 74.2 days in the county jail. These defendants consumed 13,727 jail days at an average cost of \$24.34 per day for a total expenditure of \$334,115. We also stated misdemeanants who were booked and not released pretrial, whose cases

were ultimately diverted, dismissed or nolle prosequi spent an average of 51.4 days in jail and consumed 3,392 jail days at a cost of \$82,561. Total jail days consumed by defendants not released pretrial whose cases were not prosecuted equaled 17,119 jail days which cost \$416,676; approximately thirty percent of the county corrections budget.

Table 62

Felons Booked/Not Release with Other Dispositions Holding Costs

<u>Felons Booked Not Released with Other Dispositions</u>	<u>Average(Median) Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
185	74.2 days	13,727	\$334,115

Table 63

Misdemeanants Booked Not Released With Other Dispositions Holding Costs

<u>Misdemeanants Booked Not Released With Other Dispositions</u>	<u>Average(Median) Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
54	51.4 days	3,392	\$82,561

Felons booked, who were not released pretrial, who were eventually adjudicated, spent an average of 150.1 days in jail and consumed 30,770 jail days at a cost of \$748,942. Misdemeanants booked, who were not released pretrial, who were ultimately adjudicated, spent an average of 23.2 days in jail for a total of 4,176 jail days which cost \$101,644. All defendants who were not released pretrial and ultimately adjudicated consumed 34,946 jail days at a cost of \$850,586. This figure was approximately 58% of the county jail budget.

Table 64

Felons Booked Not Released Ultimately Adjudicated Holding Costs

<u>Felons Booked Not Released Ultimately Sentenced</u>	<u>Average(Median) Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
205	150.1 days	30,770	\$748,942

Table 65

Misdemeanants Booked Not Released Ultimately Adjudicated Holding Costs

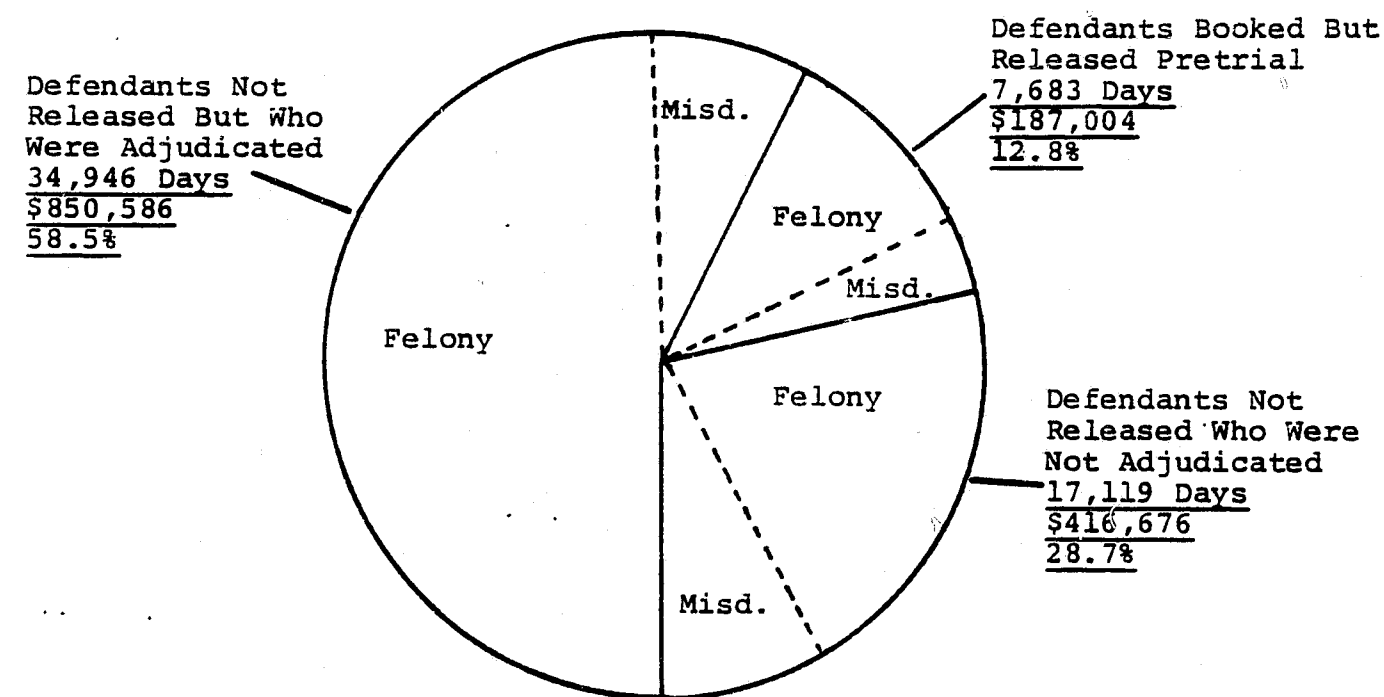
<u>Misdemeanants Booked Not Released Ultimately Adjudicated</u>	<u>Average(Median) Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
180	23.2 days	4,176	\$101,644

While these figures do not represent the actual expenditures which an accountant might find acceptable, they do represent gross approximations of the number of jail days consumed by the identified "groups" of defendants and the money expended by the Monroe County taxpayers to detain them. Again, they serve the purpose of baseline data for future planning and putting our recommendations/alternatives in their proper perspective.

The following pie chart represents a summary look at who were detained in the Monroe County jail in 1981 and approximately how much it cost based upon a per inmate per day cost of \$24.34.

Figure K

Pie Chart of Number and Cost of Jail Days Consumed



NUMBER OF JAIL DAYS CONSUMED - 59,748 *
COST OF DETENTION - \$1,454,266 *

* These figures are approximately 3 percent higher than previously reported figures on jail days consumed (58,035) and the total budget (\$1,412,850). The difference can be attributed to the margin of error resulting from extrapolations from our sample.

CHAPTER III
RECOMMENDATIONS
AND
SUGGESTED POINTS FOR DISCUSSION

The following recommendations were formulated by staff based on staff analysis of the data collected in Monroe County. Our general recommendation is that the members of the Local Corrections Advisory Board and other interested parties critically review the findings of the report and the conclusions drawn by research staff.

As stated throughout this project, the key ingredients for realizing meaningful and prudent change are reliable, comprehensive information and the utilization of that information in a spirit of cooperation, coordination and consideration. Criminal justice system policies formulated according to such ingredients will result in a more effective, efficient and cost-effective criminal justice system in Monroe County. These policies should, in turn, allow Monroe County criminal justice officials to exercise greater control over the criminal justice system in the 16th Judicial Circuit, particularly as it relates to the size and nature of the jail population.

The necessary catalyst for change is the willingness of those involved to be self-critical. The officials of Monroe County have already demonstrated their willingness to accept and utilize critical analysis. Indeed, the Local Corrections Advisory Board began examining and improving their respective offices as well as the collective system upon the advent of the Local Correctional Assistance Project. The specific changes made to date as well as future plans of the individual criminal justice system agencies and the Monroe County Corrections Advisory Board will be presented as an afterward in the final report.

Based on the research data, project staff proposes the following recommendations and issues for discussion by the Monroe County Corrections Advisory Board.

A. DUE TO THE HIGH DISMISSAL RATE AND THE NATURE OF THE INMATE POPULATION, LAW ENFORCEMENT AGENCIES SHOULD REVIEW AND COORDINATE THEIR ARREST POLICIES IN CONJUNCTION WITH THE STATE ATTORNEY.

Suggested points of discussion are:

1. Development and implementation of a structured arrest criteria program.
2. Law enforcement administrators and the State Attorney should meet regularly to identify and discuss those factors which lead to the dismissal of charges against defendants.
3. Continuing in-service training of law enforcement officers related to the elements of criminal offenses including those factors of dismissal identified by the State Attorney.
4. Institute procedures which permit the booking officer to issue a Notice to Appear pursuant to Rule 3.125, Rules of Criminal Procedure for selected misdemeanor and municipal/county ordinance violations, in lieu of holding the accused for first appearance hearings.

B. DUE TO THE SIGNIFICANT NUMBER AND TYPE OF INDIVIDUALS NOT RELEASED PRETRIAL AS WELL AS THE LACK OF NON-FINANCIAL RELEASE ALTERNATIVES, THE MONROE COUNTY CORRECTIONS ADVISORY BOARD SHOULD REASSESS THE COUNTY'S PRETRIAL RELEASE POLICIES.

Among the alternatives the Board may wish to discuss are:

1. Institute an automatic weekly review of the case status for those defendants in pretrial custody by a panel consisting of the Chief Circuit Judge or his designant, a representative of the State Attorney, a representative of the Public Defender and the Jail Administrator. In conducting this view the panel should:

- Re-examine the amount of bond set and recommend to the court modification of the bond if deemed appropriate.
- Review the status of incarcerated defendants and their cases and recommend steps to expedite their disposition.

2. Establish a Pretrial Services Unit under the supervision of the Advisory Board, court or Sheriff to perform the following functions:

- Screen, investigate and interview all persons charged with a felony or misdemeanor who have not obtained pretrial release prior to or at first appearance and report findings to the previously mentioned review panel.
- Make recommendations to the magistrate and/or review panel regarding appropriate conditions of release for pretrial defendants who remain in custody beyond first appearance.

- Supervise as ordered by the court all persons released on personal recognizance.
 - Develop and implement a defendant notification procedure, in which defendants released pretrial are regularly reminded of scheduled court dates and provide the assistance necessary to ensure the appearance of those defendants.
 - Begin collecting the necessary information elements for potential presentence investigation reports at the time of booking in cooperation with the Department of Corrections Probation and Parole Office.
 - Monitor the processing of defendants from arrest to disposition and report the findings to the Advisory Board on a quarterly basis. The monitoring system should be designed to capture many of the information elements contained in this report.
 - Develop and supervise a community service diversion/alternative sentencing program.
3. A 10% public bond system should be considered for all defendants charged with 3rd degree felonys, 1st or 2nd degree misdemeanors and ordinance violations. Defendants charged with 2nd degree felonies or higher should be permitted to apply in writing to the court for access to the 10% bond and the court with good cause may authorize the application.

4. The 16th Judicial Circuit Administrative Order 79-13 should be amended and reorganized to both simplify its presentation and incorporate a schedule of bonds for 3rd degree felony defendants and all misdemeanor and ordinance violation defendants. Furthermore, the recommendation concerning the 10% public bond system should be included within the Administrative Order.
- C. DUE TO THE PRESENCE OF SIGNIFICANT DELAY IN THE PROCESSING OF DEFENDANTS THROUGH THE MONROE COUNTY CRIMINAL JUSTICE SYSTEM, PARTICULARLY INCARCERATED DEFENDANTS, THE MONROE COUNTY CORRECTIONS ADVISORY BOARD SHOULD MONITOR THE ADHERENCE OF ALL PARTIES TO THE TIME LIMITATION STANDARDS ENUNCIATED IN THE 16TH JUDICIAL CIRCUIT ORDER 82-1 WITH THESE AMENDMENTS:
1. The State Attorney should be required to file an information within 14 days on those defendants who are not released pretrial.
 2. The Public Defender should be required to meet with defendants who remain in pretrial custody within 24 hours after filing of the information to discuss the defendants' case and options at arraignment.
 3. The Public Defender should ensure a motion for an adversary preliminary hearing is filed for all his cases for which an information is not filed within 21 days.

D. DUE TO THE SIGNIFICANT PERCENTAGE OF CASES WHICH ARE ULTIMATELY DISMISSED OR NOLLE PROSEQUI AND THE SIGNIFICANT NUMBER OF CASES IN WHICH INFORMATIONS ARE FILED IN EXCESS OF 21 DAYS, THE STATE ATTORNEY SHOULD ESTABLISH A CASE SCREENING UNIT FOR THE PURPOSE OF EXPEDITING THE FORMAL CHARGING DECISION. PARTICULAR ATTENTION SHOULD BE DIRECTED TO THOSE CASES IN WHICH THE DEFENDANT REMAINS IN PRETRIAL CUSTODY.

E. DUE TO THE INADEQUATE STAFFING OF THE MONROE COUNTY JAIL ADDITIONAL CORRECTIONAL STAFF SHOULD BE PROVIDED TO SUPERVISE INMATES.

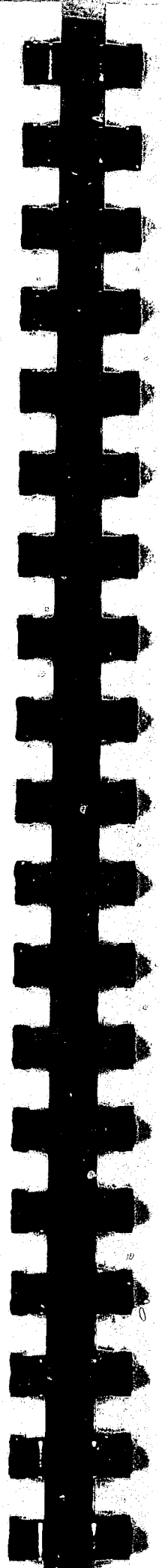
In addition, the jail administration should:

1. Institute an inmate tracking system that includes a list of inmates detailing the date and time of booking, offense charged, arresting agency/officer, time incarcerated to date, and processing status which should be provided to the jail administrator daily. The length of stay should be calculated for each pretrial and sentenced inmate and an aggregate report issued to the Board each month.
2. Information should be routinely collected and records maintained on the average daily populations of pretrial and sentenced inmates by sex, age and ethnic distribution.

F. RECOGNIZING THAT INFORMATION AND COORDINATION ARE THE TWO MOST IMPORTANT FACTORS IN INCREASING THE EFFICIENCY OF THE CRIMINAL JUSTICE SYSTEM THE MONROE COUNTY ADVISORY BOARD SHOULD MEET AT LEAST MONTHLY TO REVIEW AND DISCUSS IDENTIFIED PROBLEMS AND POTENTIAL AREAS OF CONCERN.

In addition, the Board should:

1. Discuss proposed policies of member agencies which have system implications, particularly as they relate to increases or decreases in the jail population.
2. Designate an Executive Director whose function would be to set agendas, ensure the timely flow of reliable information and to monitor and assist in the implementation of Advisory Board recommendations.



AFTERWARD

Improvements in the Monroe County
Criminal Justice System

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As we stated earlier in this report, the leaders of the Monroe County Criminal Justice System began to critically evaluate and institute changes prior to the advent of the Local Correctional Assistance Project. Indeed, it is this spirit of progressiveness and cooperation which led to the success of this project and the improvements underway in Monroe County.

A sampling of cases by the Sixteenth Judicial Circuit Court Administrator's Office indicates that Monroe County has made significant progress in reducing the time frames associated with processing a defendant through their Criminal Justice System. A random sample of 45 felony cases were selected by the Court Administrator for each of three time periods: January-March, 1981; January-March, 1982; and June-August, 1982. The periods sampled were chosen for the reason that each includes time frames prior to and after which remedial actions were taken to expedite caseflow.

Analysis of the data indicated that the average (mean) number of days from the date of arrest (DOA) to the date an information was filed during the base period January-March, 1981 equaled 29.9 days. The average elapsed time between DOA and arraignment was 56.2 days while the time between DOA and the first trial date averaged 132.7 days. The length of time between the date of arrest and the final disposition averaged 127.8 days during the base period.

TABLE 66

MEAN DAYS BETWEEN ARREST AND PROCESS EVENTSJANUARY - MARCH 1981*

	<u>DOA- Information</u>	<u>DOA- Arraignment</u>	<u>DOA- 1st Trial Date</u>	<u>DOA- Disposition</u>
Mean Days	21.2 (29.9**)	56.2	132.7	108.4 (127.8***)

(*) This time frame was selected as the base period against which to measure the impact of future actions.

(**) DOA-Information. The first score represents mean days from arrest to filing. It includes those cases where a defendant was arrested on the basis of a capias. Since a capias is only issued following the filing of an information or indictment, the score in those instances was recorded as zero days. The score in parenthesis represents mean days from arrest to filing with zero day scores factored out. It is believed that this latter score better reflects the performance of the system in responding from the point of intake.

(***) DOA-Disposition. The first score represents mean days from arrest to disposition. The score in parenthesis was derived by factoring out the incidence of cases disposed by nolle and decline and is therefore generally representative of performance of the system in disposing felony cases by trial or plea.

A sample of cases for the period January to March 1982 indicated the mean number of days between date and arrest and the date an information was filed had decreased by five days. The average time between DOA and arraignment dropped approximately eight days while the time between arrest and the first trial date decreased 10.4 days. The average length of processing time between arrest and final disposition decreased approximately thirty-two days. Performance improvements over the base period are believed to be at least partially due to the assignment of third degree felony cases to county court judges effective October 1, 1981.

TABLE 67

MEAN DAYS BETWEEN ARREST AND PROCESS EVENTSJANUARY - MARCH 1982

	<u>DOA- Information</u>	<u>DOA- Arraignment</u>	<u>DOA- 1st Trial Date</u>	<u>DOA- Disposition</u>
Mean Days	18.2 (24.9**)	48.1	92.3	88.2 (95.7***)

The sampling of cases for the period June to August 1982 indicated additional decreases in the time frames examined. The time between the date of arrest and the date an information was filed decreased an additional eleven days. Overall, this interval dropped from an average of 29.9 days to 13.9 days a total decrease of 16 days from the base period. The elapsed time between the date of arrest and arraignment decreased an additional 16.7 days. Overall, this interval decreased a total of 34.3 days from the base average of 56.2 days. The average time between the date of arrest and the first scheduled trial date was reduced from 132.7 days to 85.8 days, a decrease of approximately 47 days.

TABLE 68

MEAN DAYS BETWEEN ARREST AND PROCESS EVENTSJUNE-AUGUST 1982

	<u>DOA- Information</u>	<u>DOA- Arraignment</u>	<u>DOA- 1st Trial Date</u>	<u>DOA- Disposition</u>
Mean Days	8.3 (13.9**)	21.5	85.8	****

***Insufficient disposition figures were available at the time of study to suggest an arrest to disposition time frame.

The decrease in the time taken to process defendants through the Monroe County Criminal Justice System can be directly attributed to (1) substantial procedural changes in scheduling felony cases for arraignment and trial as provided for in Administrative Order Number 82-1, Uniform Criminal Procedures, Sixteenth Judicial Circuit; (2) the assignment of third class felony cases to county judges; and (3) improvements within the State Attorney's office resulting in a substantially faster decision to file formal charges.

In addition to the actions already taken, other measures contemplated or implemented in Monroe County which should serve to reduce processing time or generally improve the Monroe County Criminal Justice System include:

- The 1982 Florida Legislature created an additional circuit court position for this jurisdiction which became effective November 22, 1982. It is expected that his assignment will further relieve docket congestion in the Criminal Division.
- Chief Judge Lester will call a meeting of the Monroe County Jail Overcrowding and Pretrial Detainee Council in the near future to discuss the Bureau's final report. Participating agencies will be expected to critically evaluate their impact on key decision points and on interdepartmental communications in light of the conclusions developed in the report.
- The Public Defender has proposed a plan to facilitate first appearance hearings by providing the magistrate with information relevant to the release decision. This proposal will be considered at the council's upcoming meeting.
- The Court Administrator's Office has continued to monitor the status of inmates in the County Jail. Weekly reports are provided to judges, prosecutors, defense counsel, clerks and probation staff.
- The Monroe County Sheriff's Department recently automated its jail records thereby providing a more accurate and timely report on inmate population.

- The Second Judicial Circuit has established a Jail Oversight Committee which meets once a week to review inmate status. The Honorable Charles E. Miner, Jr., Circuit Judge, Second Judicial Circuit, had developed procedures for operation of the Committee. Chief Judge Lester plans to implement a similar program in this jurisdiction.

Although it is too early to accurately assess the impact which these improvements will have on the size and nature of the Monroe County Jail population, one can be optimistic that they will lead to either a reduction in the average daily population or a decrease in its rate of growth.

APPENDIX I
AN ASSESSMENT OF
THE MONROE COUNTY CRIMINAL JUSTICE SYSTEM
QUESTIONS AND INFORMATION

ARRESTS

MONROE COUNTY CRIME STATISTICS - 1981

OFFENSE	OFFENSE DATA	ARREST TOTALS
<u>Part I</u>		
Murder	14	16
Forcible Rape	56	9
Robbery	151	49
Aggravated Assault	436	229
B & E - Burglary	1,796	156
Larceny	3,241	410
Motor Vehicle Theft	504	25
Manslaughter		9
Total	6,198	903
Crime Rate/100,000 Population	9,659.0	
% Cleared	9.1	
% Rate Change 1981/1980	-10.7	
<u>Part II</u>		
Other Assaults - Not Aggravated		43
Arson		4
Forgery & Counterfeiting		12
Fraud		36
Worthless Checks		26
Embezzlement		0
Stolen Property		44
Vandalism		11
Weapons: Carrying, Possession, etc.		77
Prostitution & Commercial Vice		0
Sex Offenses		43
Narcotic Drug Laws - Sale		30
Narcotic Drug Laws - Possession		307
Gambling		0
Offenses Against Family & Children		8
DUI		500
Liquor Laws		2
Disorderly Intoxication		219
Disorderly Conduct		57
Vagrancy		1
All Other		2,105
Curfew & Loitering Laws		0
Runaways		0
Total		3,525
Arrest Rate/100,000 Population		6,900.6
% Change 1981/1980		-2.7
Total Adult		4,334
Total Juvenile		94

1. What percentage of arrests are made by each agency?
Felonies? Misdemeanors?

<u>Agency</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Sheriff	35%	59%	16%
Police	50%	35%	61%
Highway Patrol	2%	3%	2%
Marine Patrol	11%	0%	19%
Other	2%	3%	2%
Sample Size	445	197	248

2. What is the ethnic distribution of those arrested?
Felonies? Misdemeanors?

<u>Category</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
White	71%	67%	74%
Black	11%	15%	8%
Hispanic	17%	18%	17%
Haitian	1%	-	1%
Sample Size	461	201	260

3. What is the sex of those arrested? Felonies? Misdemeanors?

<u>Category</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Male	89%	90%	88%
Female	11%	10%	12%
Sample Size	462	202	260

4. What is the age distribution of those arrested? Felonies?
Misdemeanors?

<u>Age</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
16-17	1%	1%	1%
18	3%	4%	3%
19-24	34%	35%	33%
25-29	17%	18%	15%
30-39	30%	30%	31%
40-up	15%	12%	17%
Sample Size	427	191	236

5. What is the primary residence of those arrested? Felonies?
Misdemeanors?

<u>Residence</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Monroe County	36%	61%	16%
Other County	51%	36%	62%
Other State	2%	3%	2%
Other Country	11%	-	19%
Sample Size	435	191	244

6. What percentage of those arrested are U.S. Citizens?
Felonies? Misdemeanors?

<u>Citizen</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	87%	87%	87%
No	13%	13%	13%
Sample Size	392	172	220

7. What is the marital status of those arrested? Felonies?
Misdemeanors?

<u>Marital Status</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Single	67%	67%	69%
Married	20%	20%	19%
Divorced/Separated	13%	13%	12%
Sample Size	268	165	103

8. What is the employment status of those arrested? Felonies?
Misdemeanors?

<u>Employment Status</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Unemployed	47%	42%	54%
Employed	53%	58%	46%
Sample Size	271	164	107

9. What is the primary means of subsistence for those arrested?
Felonies? Misdemeanors?

<u>Means</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Job	74%	73%	77%
Welfare	7%	3%	17%
Family	5%	6%	2%
None Apparent	14%	18%	4%
Sample Size	222	158	64

10. What are the occupations of those arrested? Felonies?
Misdemeanors?

<u>Occupation</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Accountant	0.3%	-	0.5%
Computer Specialist	0.3%	0.6%	-
Doctor	0.3%	-	0.5%
Nurse	0.3%	-	0.5%
Teacher	0.3%	0.6%	-
Salesman	1.4%	1.2%	1.6%
Clerical	1.4%	1.8%	1.1%
Craftsman	15.1%	19.1%	11.6%
Mechanic	2.2%	1.8%	2.6%
Operator	3.9%	3.0%	4.8%

10. (Continued)

<u>Occupation</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Laborer	16.2%	20.2%	12.7%
Manager	0.9%	0.6%	1.0%
Postal Worker	5.3%	3.6%	6.9%
Fisherman	26.1%	22.0%	29.6%
Government Worker	0.6%	1.2%	-
Military	2.8%	2.4%	3.2%
Retired	2.0%	1.8%	2.1%
Housewife	0.8%	1.8%	-
Student	2.2%	2.4%	2.1%
Unemployed	7.3%	4.8%	9.5%
Incarcerated	0.8%	0.6%	1.1%
Other	9.5%	10.7%	8.5%
Sample Size	357	168	189

11. At what time of day are most suspects arrested? Felonies? Misdemeanors?

<u>Time of Day</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
12 to 6 a.m.	18%	21%	16%
6 to noon	20%	19%	21%
12 to 6 p.m.	37%	37%	38%
6 to midnight	25%	23%	25%
Sample Size	367	165	202
Mean Time	4p.m.	4p.m.	4p.m.
Median Time	5p.m.	5p.m.	5p.m.

12. What is the legal status of those arrested immediately prior to the time they are arrested? Felonies? Misdemeanors?

<u>Legal Status</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Free-No restrictions	94.5%	87.5%	98.5%
Free-Pretrial Release	0.5%	1.4%	-
Probation	1.0%	2.8%	-
Parole	0.7%	2.1%	-
Fugitive	1.0%	2.1%	0.4%
Incarcerated	2.2%	4.2%	1.2%
Sample Size	403	144	259

13. What offense is the suspect charged with at the time of arrest? Felonies? Misdemeanors?

<u>Primary Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Assault	17%	22%	12%
Drugs	11%	22%	-
Marine Violations	10%	-	18%
Property Theft	8%	17%	-
Ordinance	7%	-	12%

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13. (Continued)

<u>Primary Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Shoplifting/Petit Theft	7%	-	12%
Trespass	6%	-	10%
Public Offense	6%	-	10%
Burglary	5%	10%	-
Weapons Violation	4%	5%	3%
Obstructing Justice	4%	4%	4%
Traffic Violations	4%	-	6%
Robbery	3%	7%	-
Fraud	2%	1%	-
Indecent Exposure	2%	-	4%
Corrections Code	3%	3%	-
Forgery/Checks	3%	3%	-
Arson	1%	1%	-
Child Abuse	0.4%	1%	-
Sample Size	462	203	259

14. What type of offense by degree is the suspect charged with at the time of arrest? Felonies? Misdemeanors?

<u>Degree</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1st Degree Felony	4.6%	11%	-
2nd Degree Felony	12.0%	28%	-
3rd Degree Felony	26.7%	60%	-
1st Degree Misdem.	19.1%	-	34%
2nd Degree Misdem.	26.7%	-	48%
Ordinance	7.4%	-	13%
Probation/Parole	0.4%	1%	-
Special Punishment (DUI)	3.0%	-	5%
Sample Size	460	202	258

15. What is the distribution of primary offenses at arrest by type of offense? Felonies? Misdemeanors?

<u>Type of Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Municipal Ordinance	6.9%	-	12.4%
Property	27.9%	29.6%	26.6%
Person	25.1%	36.5%	16.2%
Drug	21.8%	21.7%	2.3%
Other	29.2%	12.3%	42.5%
Sample Size	462	203	259

16. What Percentage of the suspects were charged with only one offense at the time of arrest? Felonies? Misdemeanors?

<u>Number of Charges</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1	68%	57%	76%
2	21%	27%	16%
3 or more	11%	16%	8%
Sample Size	462	203	259

17. What is the difference between the number of charges filed at arrest and the number of charges for which the defendant was convicted? Felonies? Misdemeanors?

<u>Difference</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
-1 to -2	1%	2%	-
0	76%	54%	89%
+1	14%	26%	8%
+2 to +6	9%	18%	3%
Sample Size	271	101	170

18. What percentage of those arrested had prior arrests? Felonies? Misdemeanors?

<u>Prior Arrest</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	48%	58%	31%
No	52%	42%	69%
Sample Size	242	160	82

19. What percentage of those arrested had no prior arrest for an offense against the person? Felonies? Misdemeanors?

<u>Number Prior Arrests</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	84%	74%	88%
1	9%	13%	9%
2 - up	7%	13%	3%
Sample Size	217	152	65

20. What percentage of those arrested had no prior arrest for an offense against property? Felonies? Misdemeanors?

<u>Number Prior Arrests</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	77%	71%	89%
1 - 2	16%	20%	8%
3 - up	7%	9%	3%
Sample Size	217	152	65

21. What percentage of those arrested had no prior arrest for an offense concerning drugs? Felonies? Misdemeanors?

<u>Number Prior Arrests</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	84%	82%	89%
1	9%	9%	8%
2 - up	7%	9%	3%
Sample Size	217	152	65

22. What percentage of those arrested had no prior misdemeanor arrests? Felonies? Misdemeanors?

<u>Number Prior Arrests</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	73%	68%	83%
1	10%	11%	8%
2 - up	17%	21%	9%
Sample Size	217	152	65

23. What percentage of those arrested had no prior convictions for an offense against the person? Felonies? Misdemeanors?

<u>Number Prior Convictions</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	93%	89%	100%
1	5%	7%	-
2 - up	2%	4%	-
Sample Size	216	151	65

24. What percentage of those arrested had no prior convictions for an offense concerning property? Felonies? Misdemeanors?

<u>Number Prior Convictions</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	91%	88%	97%
1	6%	7%	2%
2 - up	3%	5%	1%
Sample Size	216	151	65

25. What percentage of those arrested had no prior convictions for an offense concerning drugs? Felonies? Misdemeanors?

<u>Number Prior Convictions</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	96%	95%	98%
1	3%	4%	2%
2 - up	1%	1%	-
Sample Size	217	152	65

26. What percentage of those arrested had no prior convictions for a misdemeanor violation? Felonies? Misdemeanors?

<u>Number Prior Convictions</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	87%	95%	95%
1	6%	4%	2%
2 - up	7%	1%	3%
Sample Size	217	152	65

27. What is the length of time between the date of arrest and the date of first appearance? Felonies? Misdemeanors?

<u>Time in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	35.9%	32.7%	40.3%
1	57.8%	60.1%	54.6%
2	3.5%	3.0%	4.2%
4	0.3%	-	0.8%
5	0.3%	0.6%	-
6	0.3%	0.6%	-
12	1.0%	1.8%	-
18	0.3%	0.6%	-
22	0.3%	0.6%	-
Sample Size	287	168	119
Mean	1.0	1.2	0.7
Median	0.7	0.8	0.7
Range	0-22	0-22	0-4

28. What is the length of time between arrest and filing of information? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	3.0%	2.9%	3.1%
1 - 15	29.5%	29.0%	29.8%
16 - 30	40.4%	41.1%	37.6%
31 - 45	15.8%	15.9%	15.6%
46 - 60	6.4%	4.3%	10.9%
61 - 75	3.0%	3.6%	1.6%
76 - 90	1.0%	0.7%	1.6%
91 - 120	1.0%	1.4%	-
121 - 150	0.5%	0.7%	-
Sample Size	202	138	64
Mean	23.797	23.725	23.953
Median	20.300	20.038	21.500
Range	0-121	0-121	0-76

29. What is the length of time between the date of arrest and the date of arraignment? Felonies? Misdemeanors?

<u>Time in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0 - 21	23.0%	4.9%	38.0%
22 - 30	11.9%	7.7%	14.0%
31 - 45	28.1%	35.2%	21.7%
46 - 60	20.2%	26.2%	14.6%
61 - 75	8.9%	11.7%	6.4%
76 - 90	4.3%	6.2%	2.5%
91 - 120	2.0%	2.8%	1.3%
121 - 150	1.3%	2.8%	-
151 - 180	0.7%	0.7%	0.6%
181 - 210	0.3%	-	0.6%
Sample Size	302	145	157
Mean	36.4	45.0	28.5
Median	31.1	45.5	29.1
Range	0-181	10-151	0-181

30. What is the length of time between the date of arrest and the date of disposition by a method other than plea or trial? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	2.5%	2.2%	2.9%
1 - 5	2.4%	2.2%	2.9%
6 - 10	3.0%	2.2%	4.3%
11 - 15	8.1%	5.5%	11.4%
16 - 20	6.3%	5.5%	7.2%
21 - 25	7.4%	4.4%	11.4%
26 - 30	0.6%	1.1%	-
31 - 45	10.6%	12.1%	8.6%
46 - 60	11.8%	6.6%	18.6%
61 - 75	6.8%	7.7%	5.7%
76 - 90	5.0%	6.6%	2.9%
91 - 120	9.3%	11.0%	7.1%
121 - 150	5.0%	8.8%	-
151 - 180	6.8%	8.8%	4.3%
181 - 210	6.2%	8.8%	2.9%
211 - 240	3.7%	3.3%	4.3%
271 - 300	0.6%	1.1%	-
301 - 330	1.2%	1.1%	1.4%
331 - 360	0.6%	-	1.4%
361 - up	1.9%	1.1%	2.9%
Sample Size	161	91	70
Mean	79.1	86.8	69.2
Median	46.3	75.9	45.6
Range	0-361	0-361	0-361

31. What is the length of time between the date of arrest and the date of original plea? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	5.3%	-	9.3%
1 - 5	20.5%	0.7%	26.0%
6 - 10	3.6%	1.4%	5.1%
11 - 15	4.2%	2.1%	5.7%
16 - 20	5.1%	2.8%	6.7%
21 - 25	6.0%	7.7%	4.6%
26 - 30	7.2%	6.3%	7.9%
31 - 45	22.2%	33.1%	14.0%
46 - 60	15.4%	22.8%	9.8%
61 - 75	8.3%	11.0%	6.2%
76 - 90	3.3%	5.5%	1.6%
91 - 120	1.5%	2.1%	1.0%
121 - 150	1.2%	2.8%	-
151 - 180	0.9%	1.4%	0.5%
181 - 210	0.3%	-	0.5%
271 - 300	0.3%	0.7%	-
361 - up	0.6%	-	1.0%
Sample Size	338	145	193
Mean	34.5	45.3	26.4
Median	30.7	31.4	18.8
Range	0-361	1-271	0-361

32. What is the length of time between the date of arrest and the date the defendant entered a change of plea? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
16	0.9%	1.2%	-
18	0.9%	-	2.9%
27	0.9%	1.2%	-
31 - 45	3.4%	1.2%	8.8%
46 - 60	11.1%	8.4%	17.6%
61 - 75	10.3%	7.2%	17.6%
76 - 90	9.4%	6.0%	17.6%
91 - 120	26.5%	28.9%	20.6%
121 - 150	17.9%	22.9%	5.9%
151 - 180	7.7%	9.6%	2.9%
181 - 210	5.1%	7.2%	-
211 - 240	1.7%	2.4%	-
271 - 300	2.6%	2.4%	2.9%
301 - up	1.7%	1.2%	2.9%
Sample Size	117	83	34
Mean	102.5	110.7	82.7
Median	91.0	92.4	71.7
Range	16-301	16-301	18-301

33. What is the length of time between the date of arrest and the first scheduled trial date? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
31 - 45	2.2%	-	8.3%
46 - 60	6.1%	3.8%	12.5%
61 - 75	11.1%	6.8%	22.9%
76 - 90	16.7%	13.6%	25.0%
91 - 120	38.3%	46.2%	16.7%
121 - 150	18.9%	22.7%	8.3%
151 - 180	5.0%	6.1%	2.1%
181 - 210	0.6%	0.8%	-
211 - 240	1.1%	-	4.2%
Sample Size	180	132	48
Mean	91.6	96.3	78.5
Median	88.9	91.9	72.3
Range	31-211	46-181	31-211

34. What is the length of time between the date of arrest and the date of trial for those defendants brought to trial? Felonies? Misdemeanors?

<u>Time in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
46 - 60	7.1%	-	11.1%
76 - 90	28.6%	-	44.4%
91 - 120	35.7%	40%	33.3%
121 - 150	7.1%	20%	-
181 - 210	7.1%	-	-
241 - 270	7.1%	20%	-
301 - 330	7.1%	20%	-
Sample Size	14	5	9
Mean	117.8	169.0	89.3
Median	89.5	121.0	81.6
Range	46-301	91-301	46-181

35. What is the length of time between the date of arrest and the date the trial ended for those defendants brought to trial? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
46 - 60	7.1%	-	11.1%
76 - 90	28.6%	-	44.4%
91 - 120	35.7%	40.0%	33.3%
121 - 150	7.1%	20.0%	-
181 - 210	7.1%	-	11.1%
241 - 270	7.1%	20.0%	-
301 - 330	7.1%	20.0%	-
Sample Size	14	5	9
Mean	117.8	169.0	89.3
Median	89.5	121.0	81.6
Range	46-301	91-301	46-181

36. What is the length of time between the date of arrest and the date a presentence investigation report is ordered?
Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
25 - 30	2.6%	2.8%	-
31 - 45	5.3%	5.6%	-
46 - 60	14.7%	14.1%	25%
61 - 75	8.0%	8.5%	-
76 - 90	1.3%	1.4%	75%
91 - 120	26.7%	23.9%	-
121 - 150	18.7%	19.7%	-
151 - 180	6.7%	7.0%	-
181 - 210	8.0%	8.5%	-
241 - 270	1.3%	1.4%	-
271 - 300	4.0%	4.2%	-
301 - 330	1.3%	1.4%	-
361 - up	1.3%	1.4%	-
Sample Size	75	71	4
Mean	109.3	110.9	79.8
Median	91.3	91.5	83.5
Range	25-361	25-361	46-91

37. What is the length of time between the date of arrest and the date a presentence investigation report is returned?
Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
61 - 75	1.7%	1.8%	-
76 - 90	3.4%	3.6%	-
91 - 120	22.4%	18.2%	100%
121 - 150	20.7%	21.8%	-
151 - 180	15.5%	16.4%	-
181 - 210	13.8%	14.5%	-
211 - 240	12.1%	12.7%	-
241 - 270	1.7%	1.8%	-
301 - 330	1.7%	1.8%	-
331 - 360	5.2%	5.5%	-
361 - up	1.7%	1.8%	-
Sample Size	58	55	3
Mean	155.7	159.2	91.0
Median	145.2	147.7	91.0
Range	62-361	61-361	91

38. What is the length of time between the date of arrest and the date of sentencing for those defendants sentenced?
Felonies? Misdemeanors?

<u>Time in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	6.7%	-	10.7%
1 - 5	26.3%	-	26.1%
6 - 10	2.6%	-	4.2%
11 - 15	3.3%	-	5.4%
16 - 20	2.9%	-	4.8%
21 - 25	2.5%	-	4.2%
26 - 30	4.8%	-	7.8%
31 - 45	5.6%	1.0%	8.3%
46 - 60	6.7%	4.0%	8.3%
61 - 75	3.7%	2.0%	4.7%
76 - 90	4.1%	5.0%	3.6%
91 - 120	8.9%	10.0%	8.3%
121 - 150	7.4%	18.0%	1.2%
151 - 180	6.7%	16.0%	1.2%
181 - 210	4.5%	12.0%	-
211 - 240	2.2%	6.0%	-
241 - 270	4.8%	13.0%	-
271 - 300	3.0%	7.0%	0.6%
301 - 330	0.7%	1.0%	0.6%
331 - 360	0.4%	1.0%	-
361 - up	1.9%	4.0%	0.6%
Sample Size	269	100	169
Mean	83.5	167.7	33.7
Median	46.3	152.9	19.0
Range	0-361	31-361	0-361

BOOKING AND JAIL DATA

1. How many suspects were booked into the county jail during calender year 1981? Felonies? Misdemeanors?

<u>Month</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
January	216	102	114
February	159	86	73
March	151	80	71
April	187	116	71
May	203	106	97
June	188	100	88
July	167	58	109
August	225	119	106
September	211	103	108
October	271	108	163
November	241	133	108
December	281	146	135
Total	2500	1257	1253
Mean	208	105	103

2. What was the attitude of those arrested at the time of booking? Felonies? Misdemeanors?

<u>Attitude</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Cooperative	85%	89%	78%
Violent	9%	8%	12%
Other	6%	3%	10%
Sample Size	209	132	77

3. What time of day are those suspects arrested booked into the county jail? Felonies? Misdemeanors?

<u>Time of Day</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
12 to 6 a.m.	20%	19%	20%
6 to Noon	19%	18%	21%
12 to 6 p.m.	34%	40%	28%
6 to Midnight	27%	23%	31%
Sample Size	291	151	140

4. What time of day are most defendants released from the county jail? Felonies? Misdemeanors?

<u>Time of Day</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
12 - 6 a.m.	5%	2%	7%
6 - Noon	22%	26%	17%
12 - 6 p.m.	52%	56%	48%
6 - Midnight	22%	16%	28%
Sample Size	172	89	83

5. What is the time of pretrial release from booking express in increments of quarter/days and days? Felonies? Misdemeanors?

<u>Time of Release</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Released at Booking	21.5%	8.7%	42.0%
1st Quarter	16.9%	7.5%	32.0%
2nd Quarter	10.0%	10.0%	10.0%
3rd Quarter	8.5%	12.5%	2.0%
4th Quarter	16.9%	21.2%	10.0%
5th Quarter	0.8%	1.2%	-
6th Quarter	2.3%	3.7%	-
7th Quarter	2.3%	3.7%	-
8th Quarter	1.5%	1.2%	-
3rd Day	3.1%	5.0%	-
4th Day	0.8%	1.2%	-
7th Day	3.1%	3.7%	2.0%
9th Day	0.8%	1.2%	-
10-14th Day	3.1%	5.0%	-
15-19th Day	1.5%	0.5%	-
20-29th Day	0.8%	1.2%	-
30 Days - Up	6.2%	10.0%	-
Sample Size	130	80	50

6. How many days did those defendants who were booked into jail stay in jail before obtaining pretrial release? Felonies? Misdemeanors?

<u>Time in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Released Day of Booking	45.9%	26.7%	67.0%
1	29.7%	36.2%	22.6%
2	7.2%	10.3%	3.8%
3	3.2%	3.4%	2.8%
4	-	-	-
5	0.9%	1.7%	-
6 - 10	4.7%	6.9%	1.8%
11 - 15	2.4%	3.5%	-
16 - 20	0.9%	0.9%	0.9%
21 - 25	-	-	-
26 - 30	1.0%	1.8%	-
31 - 45	2.7%	4.3%	0.9%
46 - 60	-	-	-
61 - 75	0.9%	1.7%	-
121 - 150	0.5%	0.9%	-
211 - 240	0.5%	0.9%	-
Sample Size	222	116	106
Mean	4.5	7.7	1.0
Median	0.6	1.1	0.3
Range	0-211	0-211	0-31

7. What was the average daily population of the Monroe County Jail during calendar year 1981? Felonies? Misdemeanors?

Month	Total	Felons	Misdemeanants
January	157	*	*
February	150	*	*
March	141	*	*
April	149	*	*
May	168	*	*
June	165	*	*
July	171	*	*
August	179	*	*
September	162	*	*
October	157	*	*
November	170	*	*
December	150	*	*
Mean	159**		

*Monthly figures not available **extrapolated

8. How many inmates were provided direct medical services during calendar year 1981?

Month	Total	Hospital	Doctor	Nurse	Health Dept.
January	108	25	52	31	0
February	21	12	5	2	2
March	85	9	47	26	3
April	30	12	0	14	4
May	114	73	40	1	0
June	79	8	37	31	3
July	20	13	6	0	1
August	14	12	1	1	0
September	74	12	22	40	0
October	36	16	5	14	1
November	41	22	9	8	2
December	38	12	2	21	3
Year Total	660	226	226	189	19
Mean	55.0	18.8	18.8	15.8	1.6

9. To what extent does the total numbers of jail days consumed in the Monroe County Jail facility exceed the total number of available jail days based on the Department of Correction's factored capacity?

Month	Jail Days Consumed	Jail Days Available	Difference	Percent Difference
January	3534	1891	1643	87%
February	3024	1708	1316	77%
March	3100	1891	1209	77%
April	3210	1830	1380	75%
May	3813	1891	1922	101%

9. (Continued)

Month	Jail Days Consumed	Jail Days Available	Difference	Percent Difference
June	3630	1830	1800	98%
July	3906	1891	2015	107%
August	4061	1891	2170	115%
September	3540	1830	1710	93%
October	3534	1891	1643	87%
November	3750	1830	1920	105%
December	3348	1891	1457	77%
Mean	3537	1855	1682	91%

10. What was the average number of correctional officers on each shift at the main facility during calendar year 1981?

Month	7 - 3	3 - 11	11 - 7
January	3M/1F	3M/1F	3M/1F
February	3M/1F	3M/1F	2M/1F
March	3M/1F	3M/1F	3M/1F
April	3M/1F	2M/1F	3M/1F
May	3M/1F	3M/1F	3M/1F
June	3M/1F	3M/1F	2M/1F
July	3M/1F	3M/1F	3M/1F
August	3M/1F	3M/1F	3M/1F
September	3M/1F	3M/1F	3M/1F
October	3M/1F	3M/1F	3M/1F
November	3M/1F	3M/1F	3M/1F
December	3M/1F	3M/1F	3M/1F

11. How many meals were served on each shift during calendar year 1981?

Month	Total	7 - 3	3 - 11
January	8064	5005	3059
February	9207	6069	3138
March	8737	5665	3072
April	9687	6442	3245
May	11567	7506	4061
June	11337	7559	3778
July	11821	7883	3938
August	11994	7922	4072
September	10617	7121	3526
October	10693	7138	3555
November	11200	7469	3731
December	10146	6764	3382
Total	125100	82543	42557
Mean (Monthly)	10425	6878	3547
Mean (Daily)	342	226	116

12. How much money was expended on the maintenance and operation of the Monroe County Jail during Fiscal Year 1980-1981?

<u>Budget Category</u>	<u>Approximate Expenditure</u>
Salaries-----	\$ 790,000
Food-----	\$ 206,266
Medical Services-----	\$ 148,000
Personal Maintenance Items-----	\$ 7,300
Utilities-----	\$ 147,738
Jail Supplies-----	\$ 25,456
Jail Maintenance-----	\$ 9,687
Jail Equipment-----	\$ 3,403
Contingencies-----	\$ 50,000
Miscellaneous-----	\$ 25,000
Total-----	\$1,412,850

Average Cost Per Inmate Provided Direct Medical Services-----	\$ 224.24
Average Cost Per Inmate Booked-----	\$ 565.14
Average Cost Per Meal Served-----	\$ 1.65
Average Cost Per Jail Day Consumed-----	\$ 24.34

13. How many and what type of unusual incidents occurred in the Monroe County Jail during calendar year 1981?

<u>Incident</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Tot</u>
Assault on Inmate	17	1	6	4	3	5	3	6	3	1	1	1	52
Assault on C.O.	4	2	3	1	5	6	1	4	3	0	0	1	30
Fight	4	0	0	0	0	0	0	0	0	0	0	0	4
Attempted Suicide	2	0	5	1	0	2	0	1	0	0	0	0	11
Medical Emergency	7	1	10	4	8	5	2	5	2	1	5	1	51
Fire	1	0	0	0	0	0	0	0	0	0	0	0	1
Property Destruction	4	0	6	5	3	5	0	1	0	2	1	2	29
Total	39	4	30	16	19	23	6	18	7	4	7	5	178

14. How many jail days were consumed by those defendants who were released prior to trial and how much did it cost to detain them? Felons? Misdemeanants?

<u>Felons Booked Released Pretrial</u>	<u>Average Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
867	7.7 days	6,676	\$162,491

<u>Misdemeanants Booked Released Pretrial</u>	<u>Average Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
1007	1.0 days	1,007	\$ 24,510

15. How many jail days were consumed by those defendants who were not released pretrial whose cases were ultimately disposed of by a method other than plea or trial and how much did it cost to detain them? Felons? Misdemeanants?

<u>Felons Booked Not Released With Other Dispositions</u>	<u>Average Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
185	74.2 days	13,727	\$334,115

<u>Misdemeanants Booked Not Released With Other Dispositions</u>	<u>Average Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
54	51.4 days	3,392	\$82,561

16. How many jail days were consumed by those defendants not released pretrial who were ultimately adjudicated and how much did it cost? Felons? Misdemeanants?

<u>Felons Booked Not Released Ultimately Sentenced</u>	<u>Average Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
205	150.1 days	30,770	\$748,942

<u>Misdemeanants Booked Not Released Ultimately Sentenced</u>	<u>Average Length of Stay</u>	<u>Jail Days Consumed</u>	<u>Holding Costs</u>
180	23.2 days	4,176	\$101,644

PRETRIAL RELEASE

1. What percentage of those arrested were released prior to trial? Felonies? Misdemeanors?

<u>Released/Not Released</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Pretrial Release	75%	69%	81%
Denied Bail	1%	2%	-
Unable to Post Bond	24%	29%	19%
Sample Size	411	198	213

2. What was the method of release for those arrested who were released prior to trial? Felonies? Misdemeanors?

<u>Method of Release</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Release on Recognizance	15%	23%	9%
Personal Signature Bond	1%	2%	-
Surety Bond	33%	62%	10%
Citation/Summons	20%	-	36%
Cash Bail	29%	11%	44%
Other	1%	2%	1%
Sample Size	311	138	173

3. What is the amount of bond required to be posted by the defendants to obtain pretrial release? Felonies? Misdemeanors?

<u>Dollar Bond Value</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0 - 200	25%	1%	59%
201 - 500	13%	3%	28%
501 - 1000	6%	7%	6%
1001 - 2500	26%	39%	7%
2501 - 5000	15%	25%	-
5001 - 10000	7%	11%	-
10001 - 25000	4%	7%	-
25001 - 50000	4%	6%	-
50001 - up	0.4%	1%	-
Sample Size	276	162	114

4. What percentage of the pretrial release decisions were made on the basis of a bond schedule? Felonies? Misdemeanors?

<u>Bond Schedule Decision</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	23%	1%	51%
No	77%	99%	49%
Sample Size	297	166	131

5. At what point in the criminal justice process is the pretrial release decision made? Felonies? Misdemeanors?

<u>Decision Point</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Prior to First Appearance	39%	7%	65%
At First Appearance	61%	90%	35%
After First Appearance	1%	3%	-
Sample Size	401	192	209

6. Who made the release decision? Felonies? Misdemeanors?

<u>Decision Maker</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Judge	66%	98%	36%
Law Enforcement Officer	16%	1%	29%
Booking Officer	18%	1%	35%
Sample Size	402	192	210

7. What percentage of those defendants released prior to trial failed to appear? Felonies? Misdemeanors?

<u>Failed To Appear</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	10%	6%	14%
No	90%	94%	86%
Sample Size	325	155	170

8. What is the length of time between first appearance and pretrial release? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	59.4%	53.7%	77.2%
1	14.7%	16.7%	8.6%
2	4.9%	5.6%	2.9%
3	-	-	-
4	-	-	-
5	1.4%	0.9%	2.9%
6 - 10	6.3%	7.3%	2.9%
11 - 15	2.8%	3.6%	-
16 - 20	1.4%	0.9%	2.9%
21 - 25	-	-	-
26 - 30	2.1%	2.8%	-
31 - 45	4.2%	4.6%	2.9%
46 - 60	0.7%	0.9%	-
61 - 75	0.7%	0.9%	-
76 - 90	0.7%	0.9%	-
211 - 240	0.7%	0.9%	-
Sample Size	143	108	35
Mean	5.853	7.176	1.771
Median	0.335	0.429	0.135
Range	0-211	0-211	0-31

LEGAL REPRESENTATION

1. What type of legal representation is provided to the defendants? Felonies? Misdemeanors?

<u>Legal Representative</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Public Defender	50%	75%	33%
Private Counsel	14%	22%	14%
Self-Representation	35%	3%	58%
Sample Size	429	180	249

2. At what point in the criminal justice process is the Public Defender appointed? Felonies? Misdemeanors?

<u>Decision Point</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Prior to First Appearance	1%	2%	-
At First Appearance	75%	81%	63%
After First Appearance			
But Before Arraignment	8%	7%	11%
At Arraignment	14%	10%	21%
After Arraignment	2%	-	5%
Sample Size	220	138	82

3. What is the length of time between the date of arrest and the date the Public Defender is appointed? Felonies? Misdemeanors?

<u>Time In Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	25.2%	28.1%	20.3%
1	45.0%	48.4%	39.2%
2	3.5%	2.3%	5.4%
3	1.0%	-	2.7%
4	1.0%	0.8%	1.4%
5	0.5%	0.8%	-
6 - 10	2.5%	3.1%	1.4%
11 - 15	1.0%	0.8%	1.4%
16 - 20	1.0%	1.6%	-
21 - 25	1.5%	1.6%	1.4%
26 - 30	2.5%	2.4%	2.8%
31 - 45	7.9%	7.0%	9.5%
46 - 60	2.5%	2.3%	2.7%
61 - 75	2.0%	-	5.4%
76 - 90	2.0%	0.8%	4.1%
151 - 180	0.5%	-	1.4%
181 - 210	0.5%	-	1.4%
Sample Size	202	128	74
Mean	10.1	6.1	17.0
Median	1.0	1.0	1.3
Range	0-181	0-76	0-181

FIRST APPEARANCE

1. What is the length of time between booking and first appearance? Felonies? Misdemeanors?

<u>Length In Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	37.2%	34.4%	41.0%
1	56.3%	58.1%	53.8%
2	3.6%	3.1%	4.3%
3	-	-	-
4	0.4%	-	0.9%
5	0.4%	-	0.9%
6 - 10	0.4%	0.6%	-
11 - 15	1.1%	1.9%	-
16 - 20	0.4%	0.6%	-
21 - 25	0.4%	-	0.6%
Sample Size	277	160	117
Mean	0.964	1.168	0.658
Median	0.728	0.769	0.667
Range	0-22	0-22	0-4

2. In what percentage of the cases was probable cause found at first appearance? Felonies? Misdemeanors?

<u>Probable Cause Found</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	93%	88%	99%
No	7%	12%	1%
Sample Size	286	168	118

3. In what percentage of the cases was a guilty plea entered at first appearance? Felonies? Misdemeanors?

<u>Guilty Plea</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	18%	-	43%
No	82%	100%	57%
Sample Size	289	168	118

4. In what percentage of the cases was the defendant sentenced at first appearance? Felonies? Misdemeanors?

<u>Sentenced</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	18%	-	42%
No	82%	100%	58%
Sample Size	286	168	118

5. In what percentage of the cases was the first appearance continued? Felonies? Misdemeanors?

<u>Continued</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	1%	1%	2%
No	99%	99%	98%
Sample Size	285	167	118

155

6. What is the length of time between first appearance and filing of information? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	1.3%	0.8%	3.4%
1	-	-	-
2	-	-	-
3	0.7%	-	3.4%
4	0.7%	0.8%	-
5	0.7%	0.8%	-
6 - 10	15.4%	16.7%	10.2%
11 - 15	15.4%	15.0%	17.1%
16 - 20	21.5%	24.2%	10.3%
21 - 25	13.3%	13.4%	13.7%
26 - 30	3.4%	1.7%	10.2%
31 - 45	16.8%	16.7%	17.2%
46 - 60	6.0%	4.2%	13.8%
61 - 75	2.7%	3.3%	-
76 - 90	0.7%	0.8%	-
91 - 120	0.7%	0.8%	-
121 - 150	0.7%	0.8%	-
Sample Size	149	120	29
Mean	22.953	22.917	23.103
Median	19.429	19.214	23.000
Range	0-121	0-121	0-46

ARRAIGNMENT

1. What is the length of time between filing of information and arraignment: Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	2.4%	1.4%	4.4%
1 - 5	3.4%	2.8%	4.4%
6 - 10	7.2%	6.4%	8.8%
11 - 15	12.1%	10.7%	14.7%
16 - 20	9.5%	7.7%	13.3%
21 - 25	14.8%	13.5%	11.7%
26 - 30	18.3%	22.8%	14.7%
31 - 45	19.2%	22.1%	13.2%
46 - 60	2.4%	0.7%	5.9%
61 - 75	2.9%	3.6%	1.5%
76 - 90	1.9%	1.4%	2.9%
91 - 120	2.9%	2.9%	2.9%
121 - 150	2.4%	2.9%	1.5%
151 - 180	0.5%	0.7%	-
Sample Size	208	140	68
Mean	29.163	30.443	26.529
Median	25.667	26.500	22.000
Range	0-151	0-151	0-121

2. What is the length of time between first appearance and arraignment? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 5	3.4%	-	11.6%
6 - 10	3.5%	0.8%	9.5%
11 - 15	2.9%	1.6%	5.7%
16 - 20	5.5%	1.6%	11.4%
21 - 25	6.2%	7.1%	3.8%
26 - 30	9.5%	8.7%	11.4%
31 - 45	30.7%	36.2%	17.3%
46 - 60	18.4%	19.7%	15.4%
61 - 75	12.3%	13.4%	9.6%
76 - 90	5.0%	7.1%	-
91 - 120	1.7%	1.6%	1.9%
121 - 150	1.7%	2.4%	-
181 - 210	0.6%	-	1.9%
Sample Size	179	127	52
Mean	39.475	42.717	31.558
Median	31.164	31.337	28.500
Range	3-181	9-121	3-181

3. What are the primary offenses charged at arraignment?
Felonies? Misdemeanors?

<u>Primary Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Drugs	15%	25%	5%
Assaults	14%	21%	8%
Marine Violations	14%	-	27%
Shoplifting/Petit Theft	8%	-	15%
Property Theft	7%	14%	-
Public Offenses	6%	-	11%
Burglary	5%	11%	-
Robbery	4%	9%	-
Traffic Violations	4%	1%	7%
Trespass	4%	-	7%
Weapons	3%	4%	3%
Ordinances	3%	-	6%
Obstructing Justice	3%	3%	3%
Forgery/Checks	2%	4%	1%
Indecent Exposure	2%	-	3%
Corrections Code	2%	4%	-
Fraud	1.3%	2%	1%
Criminal Mischief	0.7%	-	1%
Arson	0.7%	1.3%	-
Child Abuse	0.3%	0.7%	-
Threats	0.3%	-	1%
Gambling	0.7%	-	1%
Sample Size	306	147	159

4. What is the distribution of primary offenses at arraignment by degree? Felonies? Misdemeanors?

<u>Degree</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1st Degree Felony	4.6%	10%	-
2nd Degree Felony	12.5%	26%	-
3rd Degree Felony	30.2%	62%	-
1st Degree Misdemeanor	17.7%	-	34%
2nd Degree Misdemeanor	27.9%	-	54%
Life Felony	0.3%	1%	-
Ordinance	3.3%	-	6%
Probation/Parole Violation	0.3%	1%	-
Special Punishment (DUI)	3.3%	-	6%
Sample Size	305	146	159

5. What is the distribution of primary offenses at arraignment by type of offense? Felonies? Misdemeanors?

<u>Type of Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Municipal Ordinance	2.9%	-	5.7%
Property	25.8%	27.9%	23.9%
Person	22.2%	34.0%	11.3%
Drug	14.7%	25.2%	5.0%
Other	34.4%	13.0%	54.1%
Sample Size	306	147	159

6. What percentage of the defendants were charged with only one offense at the time of arraignment? Felonies? Misdemeanors?

<u>Number of Charges</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1	67%	59%	74%
2	21%	24%	18%
3 - up	12%	17%	8%
Sample Size	308	148	160

7. In what percentage of the cases were the number of charges filed at arrest the same as the number of charges at arraignment? Felonies? Misdemeanors?

<u>Difference</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
-4 to -2	1%	2%	-
-1	5%	9%	1%
0	83%	71%	93%
+1	8%	13%	4%
+2 to +6	3%	5%	2%
Sample Size	310	150	160

8. What percentage of the defendants entered a plea at arraignment? Felonies? Misdemeanors?

<u>Plea Entered</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	90%	95%	85%
No	10%	5%	15%
Sample Size	308	147	161

9. What percentage of the defendants entered an original plea of not guilty? Felonies? Misdemeanors?

<u>Type of Original Plea</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Not Guilty	57%	89%	33%
Nolo Contendre to Orig.Ch.	3%	-	5%
Guilty to Original Charge	37%	5%	60%
Guilty to Lesser Charge	3%	6%	2%
Sample Size	343	146	197

10. What percentage of the defendants were sentenced at arraignment? Felonies? Misdemeanors?

<u>Sentenced</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	23%	1%	42%
No	77%	99%	58%
Sample Size	308	147	161

11. In what percentage of the cases was the defendant's bond modified at arraignment? Felonies? Misdemeanors?

<u>Bond Modified</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	2%	3%	2%
No	98%	97%	98%
Sample Size	308	147	161

12. In what percentage of the cases was the arraignment continued? Felonies? Misdemeanors?

<u>Arraignment Continued</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	10%	2%	17%
No	90%	98%	83%
Sample Size	302	141	161

CHANGE OF PLEA AND PLEA BARGAINING

1. What is the length of time between arraignment and original plea? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	97.6%	98.6%	95.7%
1 - 15	1.2%	-	2.1%
16 - 30	0.8%	-	1.4%
91 - 120	0.4%	0.7%	-
211 - 240	0.4%	0.7%	-
361 - up	0.4%	-	0.7%
Sample Size	283	143	140
Mean	1.509	0.392	2.650
Median	0.000	0.000	0.011
Range	0-361	0-211	0-361

2. What percentage of the original guilty pleas were the result of plea bargaining? Felonies? Misdemeanors?

<u>Plea Bargain</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	15%	86%	8%
No	85%	14%	92%
Sample Size	145	14	131

3. What percentage of the defendants changed their original plea of not guilty to guilty or nolo contendere? Felonies? Misdemeanors?

<u>Change of Plea</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	59%	62%	53%
No	41%	38%	47%
Sample Size	196	132	64

4. What is the length of time between arraignment and change of plea? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	1.7%	-	5.9%
1 - 15	8.0%	6.0%	10.7%
16 - 30	15.6%	8.4%	32.1%
31 - 45	13.7%	13.3%	14.7%
46 - 60	20.5%	25.3%	8.8%
61 - 75	9.4%	9.6%	8.8%
76 - 90	5.1%	6.0%	2.9%
91 - 120	13.7%	15.7%	8.8%
121 - 150	6.0%	7.2%	2.9%
151 - 180	2.6%	3.6%	-
181 - 210	1.7%	2.4%	-
241 - 270	2.6%	2.4%	-
Sample Size	117	83	34
Mean	60.273	66.855	44.206
Median	6.063	46.381	30.500
Range	0-241	1-241	0-241

5. What is the length of time between original plea and change of plea? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 15	9.7%	6.0%	17.5%
16 - 30	14.9%	7.2%	32.1%
31 - 45	14.5%	14.5%	14.7%
46 - 60	19.7%	24.1%	8.8%
61 - 75	10.3% ¹	10.8%	8.8%
76 - 90	5.1%	6.0%	2.2%
91 - 120	13.7%	15.7%	8.8%
121 - 150	6.0%	7.2%	2.9%
151 - 180	0.9%	1.2%	-
181 - 210	3.4%	4.8%	-
241 - 270	2.6%	2.4%	2.9%
Sample Size	117	83	34
Mean	61.120	67.904	44.559
Median	46.087	46.425	30.500
Range	1-241	1.241	6-241

6. If the defendant entered a change of plea what was it changed to? Felonies? Misdemeanors?

<u>Nature of Change</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Guilty to Original Charge	51%	47%	59%
Guilty to Lesser Charge	41%	48%	26%
Nolo Contendre to Orig. Ch.	7%	5%	12%
Nolo Contendre to Lesser Ch.	1%	-	3%
Sample Size	114	80	34

7. If the defendant entered a change of plea was the change a result of plea bargaining? Felonies? Misdemeanors?

<u>Plea Bargain</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	90%	92%	86%
No	10%	8%	14%
Sample Size	114	79	35

8. If the defendant entered a change of plea when was it entered in relation to the trial date? Felonies? Misdemeanors?

<u>Time in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Day of Trial	47%	40%	67%
1 - 7 Days Before Trial	33%	39%	15%
8 - 14 Days Before Trial	4%	4%	6%
15 or More Days Before Trial	16%	17%	12%
Sample Size	114	81	33

9. What is the length of time between change of plea and sentencing? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	40.0%	25.6%	75.8%
1 - 15	7.0%	3.6%	15.0%
16 - 30	2.7%	2.4%	3.0%
31 - 45	3.5%	4.9%	-
46 - 60	8.7%	11.0%	3.0%
61 - 75	9.6%	12.2%	3.0%
76 - 90	8.7%	12.2%	-
91 - 120	13.0%	18.3%	-
121 - 150	5.2%	7.3%	-
151 - 180	1.7%	2.4%	-
Sample Size	115	82	33
Mean	39.191	52.988	4.909
Median	30.625	60.700	0.160
Range	0-151	0-151	0-61

CONTINUANCES AND MOTIONS TO TAKE DEPOSITION

1. What is the length of time between arraignment and first scheduled trial date? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 15	3.2%	1.4%	8.4%
16 - 30	13.8%	8.0%	33.5%
31 - 45	21.4%	20.1%	25.0%
46 - 60	21.4%	21.6%	20.8%
61 - 75	22.0%	26.9%	8.3%
76 - 90	6.0%	7.5%	2.1%
91 - 120	8.2%	11.2%	-
121 - 150	2.7%	3.0%	2.1%
Sample Size	182	134	48
Mean	49.390	54.328	35.604
Median	45.987	46.431	30.833
Range	8-121	8-121	8-121

2. What percentage of the cases had a request for continuance initiated by the state attorney? Felonies? Misdemeanors?

<u>Number of Continuances</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	91%	91%	93%
1	7%	7%	7%
2 or more	2%	2%	-
Sample Size	207	151	56

3. What percentage of the cases had a request for continuance initiated by the defense counsel? Felonies? Misdemeanors?

<u>Number of Continuances</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	70%	68%	75%
1	25%	26%	23%
2 or more	5%	6%	2%
Sample Size	208	151	56

4. What percentage of the cases had a request for continuance initiated by the judge? Felonies? Misdemeanors?

<u>Number of Continuances</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	90%	93%	83%
1	9%	6%	17%
2 or more	1%	1%	-
Sample Size	208	151	57

5. In what percentage of the cases were there motions to take depositions? Felonies? Misdemeanors?

<u>Number of Depositions</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	75%	66%	95%
1 - 5	16%	22%	2%
6 - 10	6%	8%	1%
10 or more	13%	4%	1%
Sample Size	270	185	85

6. How many days were initial trial starting dates delayed as a result of request for continuance? Felonies? Misdemeanors?

<u>Days Trial Delayed</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0 - 10	68%	66%	73%
11 - 30	8%	8%	6%
31 - 60	7%	7%	10%
61 - 90	7%	7%	6%
91 - 120	4%	4%	4%
121 - up	6%	7%	2%
Sample Size	201	149	52

DISPOSITION BY METHOD OTHER THAN PLEA OR TRIAL

1. What types of disposition are associated with those cases which were disposed by a method other than plea or trial? Felonies? Misdemeanors?

<u>Disposition</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Dismissed Before Information	48%	44%	53%
Diverted	1%	-	3%
Nolle Prosequi	37%	50%	22%
Lack of Probable Cause	4%	4%	3%
Pending	1%	1%	1%
Other	9%	1%	19%
Sample Size	176	95	81

2. What is the length of time between filing of information and disposition by a method other than plea or trial? Felons? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	1.4%	1.9%	-
1 - 15	4.2%	1.9%	10.6%
16 - 30	8.4%	9.5%	10.6%
31 - 45	8.3%	3.8%	21.1%
46 - 60	6.9%	5.7%	10.5%
61 - 75	5.6%	7.5%	-
76 - 90	11.1%	9.4%	15.8%
91 - 120	9.7%	11.3%	5.3%
121 - 150	9.7%	7.5%	15.8%
151 - 180	20.8%	26.4%	5.3%
181 - 210	4.2%	5.7%	-
211 - 240	1.4%	1.9%	-
241 - 270	1.4%	1.9%	-
271 - 300	2.8%	3.8%	-
301 - 330	1.4%	1.9%	5.3%
361 - up	1.4%	1.9%	-
Sample Size	72	53	19
Mean	102.889	112.698	75.526
Median	90.786	91.417	46.250
Range	0-361	9-361	12-301

3. What is the length of time between arraignment and disposition by a method other than plea or trial? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	16.7%	4.2%	32.4%
1 - 15	14.4%	10.6%	18.9%
16 - 30	10.8%	6.3%	13.5%
31 - 45	7.1%	10.6%	2.7%
46 - 60	4.8%	4.3%	5.4%
61 - 75	7.1%	10.6%	2.7%
76 - 90	8.3%	12.8%	2.7%

3. (Continued)

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
91 - 120	8.3%	8.5%	8.1%
121 - 150	9.5%	17.0%	-
151 - 180	3.6%	6.4%	-
181 - 210	1.2%	2.1%	-
211 - 240	1.2%	2.1%	-
241 - 270	1.2%	2.1%	-
301 - 330	1.2%	-	2.7%
331 - 360	1.2%	2.1%	-
361 - up	3.6%	-	8.1%
Sample Size	84	47	37
Mean	70.524	81.383	56.730
Median	45.750	75.750	10.000
Range	0-361	0-331	9-361

TRIAL

1. What type of trial was held in those cases that went to trial? Felonies? Misdemeanors?

<u>Type of Trial</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Jury	62%	100%	44%
Bench	38%	-	56%
Sample Size	13	4	9

2. What is the length of time between the first scheduled trial date and the beginning of trial? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	35.7%	-	55.6%
1 - 15	14.2%	40%	22.2%
16 - 30	28.5%	20%	11.1%
91 - 120	7.1%	-	11.1%
121 - 150	7.1%	20%	-
181 - 210	7.1%	20%	-
Sample Size	14	5	9
Mean	35.143	68.800	16.444
Median	12.500	24.000	5.600
Range	0-181	7-181	0-91

3. What is the length of time between beginning of trial and end of trial? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	85.7%	80.0%	88.9%
1	7.1%	20.0%	-
2	7.1%	-	11.1%
Sample Size	14	5	9
Mean	0.214	0.200	0.222
Median	0.083	0.125	0.125
Range	0-2	0-1	0-2

4. What was the result of those cases that went to trial? Felonies? Misdemeanors?

<u>Result</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Convicted	61%	75%	56%
Acquitted	31%	25%	33%
Mistrial	8%	-	11%
Sample Size	13	4	9

5. What was the length of time between end of trial and date of sentencing? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	25.0%	-	40%
1	25.0%	33.3%	20%
25	25.0%	-	40%
31 - 45	12.5%	33.3%	-
151 - 180	12.5%	33.3%	-
Sample Size	8	3	5
Mean	29.250	61.000	10.200
Median	1.500	31.000	1.000
Range	0-151	1-151	0-25

CONTINUED

2 OF 3

DISPOSITION BY CONVICTION

1. What types of dispositions are associated with the cases?
Felonies? Misdemeanors?

Type of Disposition	Total	Felons	Misdemeanants
Dismissed	20.8%	23.4%	18.9%
Diverted	0.6%	-	0.8%
Nolle Prosequi	14.7%	24.0%	7.2%
Guilty/Nolo Contendre			
To Original Charge	46.9%	26.0%	63.4%
To Lesser Charge	13.9%	24.5%	5.8%
Convicted all Charges	1.9%	1.6%	2.2%
Acquitted	0.9%	0.5%	1.3%
Mistrial	0.3%	-	0.4%
Sample Size	432	192	240

2. In what percentage of the cases were the number of charges
filed at arraignment the same as the number of charges at
conviction? Felonies? Misdemeanors?

Difference	Total	Felons	Misdemeanants
-1	1%	1%	-
0	77%	62%	90%
+1	14%	21%	8%
+2 to +5	8%	16%	2%
Sample Size	212	96	116

3. What percentage of those convicted were convicted of only
one charge? Felonies? Misdemeanors?

Number of Charges	Total	Felons	Misdemeanants
1	86%	89%	85%
2	10%	8%	11%
3 or more	4%	3%	4%
Sample Size	270	100	170

4. What was the primary offense at the time of conviction?
Felonies? Misdemeanors?

Primary Offense	Total	Felons	Misdemeanants
Marine Violations	14%	-	23%
Drugs	14%	31%	5%
Ordinance	10%	-	15%
Shoplifting/Petit Theft	8%	-	13%
Assault	7%	14%	4%
Trespass	7%	-	11%
Public Offense	6%	-	9%
Robbery	5%	13%	-
Traffic Violations	4%	1%	7%
Property Theft	4%	11%	-

4. (Continued)

<u>Primary Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Obstructing Justice	4%	5%	3%
Burglary	4%	11%	-
Indecent Exposure	3%	-	5%
Weapons	3%	3%	2%
Fraud	2%	1%	2%
Corrections Code	2%	4%	-
Criminal Mischief	1%	1%	1%
Forgery/Checks	1%	2%	-
Child Abuse	0.4%	1%	-
Arson	0.4%	1%	-
Lewd Conduct	0.4%	1%	-
Sample Size	272	102	170

5. What was the primary offense at conviction by degree?
Felonies? Misdemeanors?

<u>Degree</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1st Degree Felony	4.8%	13%	-
2nd Degree Felony	8.1%	25%	-
3rd Degree Felony	21.9%	61%	-
1st Degree Misdemeanor	20.7%	-	32%
2nd Degree Misdemeanor	30.4%	-	47%
Ordinance	10.0%	-	15%
Probation/Parole Vio.	0.4%	1%	-
Special Punishment (DUI)	3.7%	-	6%
Sample Size	270	99	171

6. What is the distribution of primary offenses at conviction
by type of offense? Felonies? Misdemeanors?

<u>Type of Offense</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Municipal Ordinance	9.5%	-	15.3%
Property	26.0%	24.8%	27.1%
Person	16.8%	33.7%	7.1%
Drug	14.3%	30.7%	4.7%
Other	18.8%	10.9%	45.9%
Sample Size	273	101	170

PRESENTENCE INVESTIGATION REPORT

1. What percentage of those cases which ended in an adjudication of guilt was a presentence investigation (PSI) report requested? Felonies? Misdemeanors?

<u>PSI Requested</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	28%	71%	2%
No	72%	29%	98%
Sample Size	272	101	171

2. What was the length of time between the date a PSI was ordered and the date the PSI was returned?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 15	7.2%	5.7%	33.3%
16 - 30	17.8%	15.1%	66.7%
31 - 45	28.1%	29.6%	-
46 - 60	19.3%	20.4%	-
61 - 75	10.5%	11.1%	-
76 - 90	8.8%	9.3%	-
91 - 120	8.8%	9.3%	-
Sample Size	57	54	3
Mean	43.298	44.722	17.667
Median	31.406	31.500	18.250
Range	7-91	7-91	13-20

SENTENCING

1. What is the length of time between original plea and sentencing? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	47.0%	3.0%	73.2%
1 - 15	3.5%	2.0%	4.2%
16 - 30	8.0%	5.0%	9.6%
31 - 45	4.1%	6.0%	3.0%
46 - 60	3.7%	5.0%	3.0%
61 - 75	1.9%	4.0%	0.6%
76 - 90	5.2%	11.0%	1.8%
91 - 120	6.0%	11.0%	3.0%
121 - 150	7.1%	17.0%	1.2%
151 - 180	3.7%	10.0%	-
181 - 210	3.0%	8.0%	-
211 - 240	4.1%	11.0%	-
241 - 270	1.9%	4.0%	0.6%
271 - 300	0.4%	1.0%	-
361 - up	0.7%	2.0%	-
Sample Size	268	100	168
Mean	52.157	119.200	12.250
Median	13.500	120.353	0.183
Range	0-361	0-361	0-241

2. What is the length of time between arraignment and sentencing? Felonies? Misdemeanors?

<u>Length in Days</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
0	34.3%	2.0%	61.7%
1 - 15	3.2%	2.0%	4.4%
16 - 30	10.4%	5.0%	14.9%
31 - 45	5.2%	5.1%	5.2%
46 - 60	4.7%	6.1%	3.5%
61 - 75	1.9%	3.1%	0.9%
76 - 90	6.1%	10.2%	2.6%
91 - 120	7.5%	11.2%	4.3%
121 - 150	9.4%	18.4%	1.7%
151 - 180	4.7%	10.2%	-
181 - 210	3.8%	8.2%	-
211 - 240	5.6%	12.2%	-
241 - 270	1.4%	2.0%	0.9%
271 - 300	0.9%	2.0%	-
361 - up	0.9%	2.0%	-
Sample Size	213	98	115
Mean	64.216	118.541	17.922
Median	30.909	120.556	0.310
Range	0-361	0-361	0-241

3. What types of sentence were ordered for those defendants adjudicated guilty? Felonies? Misdemeanors?

<u>Sentence</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Probation	12.8%	27.6%	4.2%
Probation, Fine	5.3%	3.1%	6.5%
Probation, Restitution	4.5%	7.1%	3.0%
Probation, Fine, Restitution	1.1%	3.1%	-
Probation, Community Service	8.3%	1.0%	0.6%
Probation, Restitution & CS	0.4%	1.0%	-
Probation, Time Served	0.4%	-	0.6%
Time Served	3.0%	-	4.8%
Fine	22.6%	2.0%	34.5%
Restitution	0.8%	1.0%	0.6%
Fine, License Suspended	0.4%	-	0.6%
Community Service, Lic. Sus.	0.8%	-	1.2%
Incarceration County Jail	11.3%	3.1%	16.1%
Incarceration Cnty. Jail, Fine	1.5%	-	2.4%
Incarceration C.J., Restn.	0.4%	1.0%	-
Incarceration C.J., Rest., Prob.	0.4%	1.0%	-
Incarceration C.J., Prob., Fine	3.0%	-	4.8%
Incarceration C.J., Prob., CS	2.6%	1.0%	3.6%
Incarceration C.J. Probation	12.4%	5.1%	16.7%
Incarceration State Prison	8.3%	22.4%	-
Sample Size	266	98	168

4. What percentage of those defendants sentenced had all or part of their sentence suspended? Felonies? Misdemeanors?

<u>Sentence Suspended</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
All	0.4%	-	0.6%
Part	10.9%	1.1%	15.9%
None	88.7%	98.9%	83.5%
Sample Size	258	88	170

5. In what percentage of the cases was adjudication withheld? Felonies? Misdemeanors?

<u>Adjudication Withheld</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Yes	25%	44%	15%
No	75%	56%	85%
Sample Size	263	93	170

6. How many months were those defendants sentenced to a term of probation required to serve? Felonies? Misdemeanors?

<u>Months Probation</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 6	39.5%	2.8%	83.1%
7 - 12	12.4%	10.0%	15.3%
13 - 24	19.4%	34.3%	1.7%
25 - 36	17.9%	32.8%	-
37 - 48	2.4%	4.3%	-
49 - 60	7.7%	14.3%	-
97 - 108	0.7%	1.4%	-
Sample Size	129	70	59
Mean	20.4	33.186	5.153
Median	12.3	35.091	3.400
Range	1-108	3-108	1-24

7. What type of probation are those sentenced to a term of probation required to serve? Felonies? Misdemeanors?

<u>Type of Probation</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
Suspended	74%	93%	51%
Unsupervised	26%	7%	49%
Sample Size	127	70	57

8. How many days were those defendants sentenced to the county jail required to serve? Felonies? Misdemeanors?

<u>Days Sentenced</u>	<u>Total</u>	<u>Felons</u>	<u>Misdemeanants</u>
1 - 5	42.3%	10%	46.7%
6 - 10	10.7%	-	11.9%
11 - 15	10.7%	-	12.1%
16 - 20	3.5%	-	4.0%
21 - 25	6.0%	-	6.7%
26 - 30	8.2%	20%	6.7%
31 - 60	4.8%	10%	5.2%
61 - 90	3.6%	10%	2.6%
91 - 120	2.4%	-	2.7%
121 - 150	1.2%	10%	-
151 - 180	1.2%	10%	-
181 - 210	1.2%	10%	-
241 - 270	1.2%	10%	-
360 - up	85	10	75
Mean	33.8	132.9	20.7
Median	10.1	91.0	9.0
Range	1-364	2-364	1-364

9. How many years were those defendants sentenced to the state prison ordered to serve?

<u>Years Sentenced</u>	<u>Felons</u>
2	13.6%
3	27.3%
4	9.1%
5	4.5%
6	4.5%
7	4.5%
8	4.5%
10	22.7%
20	4.5%
75	4.5%
Sample Size	22
Mean	9.2
Median	4.5
Range	2-75

APPENDIX II

G U I D E L I N E S

For the Preparation of a
JAIL POPULATION MANAGEMENT PLAN

Prepared by
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C O N T E N T S

- I. WHAT IS A JAIL POPULATION MANAGEMENT PLAN
- II. WHAT IS THE PURPOSE OF A JAIL POPULATION MANAGEMENT PLAN
- III. WHAT A JAIL POPULATION MANAGEMENT PLAN SHOULD CONTAIN
- IV. GLOSSARY

I. WHAT IS A JAIL POPULATION MANAGEMENT PLAN

A JAIL POPULATION MANAGEMENT PLAN is a document prepared at the direction of and approved by a jurisdiction's Jail Overcrowding Advisory Board (or similar body) containing the following:

- 1) the salient findings resulting from a formal comprehensive examination of the numbers and characteristics of persons detained upon arrest, factors determining the duration of pretrial detention, and the circumstances associated with release;
- 2) a series of specific objectives to be pursued in a coordinated effort to minimize unnecessary bookings, hasten the screening and release of suitable detainees, and expedite criminal justice processing of those not released;
- 3) a series of recommendations for action to be implemented in pursuit of stated quantified objectives for population reductions which are targeted upon specified subgroups of the jail's intake and/or population;
- 4) a cost analysis, comparing alternative program costs with jail costs, showing anticipated savings;
- 5) a schedule of priorities and start up dates for proposed action programs and the assignment of responsibility for their execution;
- 6) a description of the process by which the findings and recommendations were developed; and
- 7) a description of the process by which the actions taken pursuant to the recommendations are to be monitored and the relative attainment of each objective evaluated.

II. WHAT IS THE PURPOSE OF A JAIL POPULATION MANAGEMENT PLAN

The purpose of a JAIL POPULATION MANAGEMENT PLAN is to provide a data-based action agenda for the individual and collective use of criminal justice and political officials in controlling the size and makeup of the pretrial population of their jurisdiction's jail.

III. WHAT A JAIL POPULATION MANAGEMENT PLAN SHOULD CONTAIN

A JAIL POPULATION MANAGEMENT PLAN should include a TABLE OF CONTENTS and subject matter organized under the following section headings:*

- INTRODUCTION
- GENERAL INFORMATION ON THE JAIL(S) AND ITS (THEIR) POPULATION(S)
- DESCRIPTION OF THE CRIMINAL JUSTICE PROCESS
- PHASE I PROJECT DESIGN
- DATA ANALYSIS AND FINDINGS
- IDENTIFICATION OF TARGETS FOR ACTION PROGRAMMING
- PROGRAM/POLICY OPTIONS
- PROGRAMS AND POLICY OPTIONS SELECTED FOR IMPLEMENTAION
- PROGRAM IMPLEMENTATION PRIORITIES, RESPONSIBILITIES, AND SCHEDULE
- PROCESS MONITORING AND IMPACT EVALUATION
- PROVISIONS FOR HANDLING EMERGENCY SITUATIONS
- FUNDING SOURCES
- TECHNICAL ASSISTANCE NEEDS

INTRODUCTION

It is not likely that a comprehensive Jail Population Management Plan will be implemented in total at one time. More likely, individual recommendations will be acted on pursuant to a schedule as funds and other resources become available, changes occur in the political climate, and new statutes, standards, and federal court orders take effect. A Jail Population Management Plan, then, may outlive the tenure of office of many of those individuals who created it.

*These are suggested topical areas and headings. Management Plan authors should adapt and modify any or all of them to accommodate local circumstances. However, all the subject material suggested in the following pages should be covered somewhere in the Plan.

It is important therefore, for continuity, that the Plan be introduced with a brief discussion of the history of its development. The Plan's authors should discuss why, when, and how jail overcrowding became an important enough issue to precipitate the planning effort. If suits or court orders were involved, they should be cited and summarized. If there were any officials who were particularly involved in initiating the planning process, their role(s) should be described.

As LEAA's Jail Overcrowding and Pretrial Detainee Program was the stimulus for developing the Plan, the introduction should relate how the county learned of the Program's Phase I availability, how the decision was made to participate, and who initiated the application for Phase I funding.

The Introduction should include a description of the origin of the Jail Overcrowding Advisory Board (JOAB) and its role in planning the data collection effort and in examining the data once it was collected, analyzed, and received for review and action. The membership of the Jail Overcrowding Advisory Board and Phase I project staff may be listed and credited as appropriate.

The scope of the Plan should be defined. If the problem analysis effort and recommendations also focus on the sentenced prisoner population and the facilities used for their incarceration, this should be stated. If there appears to be a need for it, certain terms used in the Plan should be defined or a brief glossary included as an appendix.

GENERAL INFORMATION ON THE JAIL(S) AND ITS (THEIR) POPULATION(S)

This section should constitute an overview of the jurisdiction's adult detention system. All detention facilities*, including

*Facilities used for sentenced prisoners should be omitted only if they are not now or will not in the future be used for housing pretrial prisoners.

police lockups, should be listed by their official name. The following information should be included for each facility:

- year initially constructed
- year(s) of significant enlargement and/or renovation affecting capacity and use
- the current capacity and the rating authority
- the major classes of prisoners held (e.g., pretrial, sentenced, misdemeanor, women, juveniles, work releasees, weekenders, etc.) and a reasonable approximation of the members in each class typically detained
- the average daily population and the range (low to high population) for at least a two year period
- the characteristics, extent, and year(s) rated capacity was exceeded (overcrowding)
- any litigation or court orders outstanding impacting utilization
- a description of any ceiling or other feature which limit usage to special populations (e.g., infirmary, juveniles, inebriates, disciplinary, work release) and effectively modifies the amount of space available for general use.

A clear picture should emerge as to what resources the jurisdiction has for handling pretrial detainees and the level of usage these facilities receive.

The information required for this section of the Plan is not dependent upon a special data collection effort. Therefore, this section can and should be written as early as possible so that it can serve as resource information to the Jail Overcrowding Advisory Board. It is especially important that the JOAB be cognizant of the fact that "rated capacity" figures do not translate at all times into "beds available".

DESCRIPTION OF THE CRIMINAL JUSTICE PROCESS

This section should be built around a flow chart of the jurisdiction's criminal justice with an accompanying narrative. A step-by-step description of jail intake procedures should be set forth.

Included should be all procedures for citation release, booking, ROR interviews, determining eligibility for defense counsel, prosecutorial screening and review, and the recording of information in manual or automated information systems.

Copies of key forms and any point scales used in decision-making should be included, and their use described.

As in the preceding section describing the jail(s), this section should contain information which could prove useful to the JOAB as it undertakes its examination of the findings of the data analysis. This section, then, should also be prepared as early as possible and made available to the JOAB membership.

PHASE I PROJECT DESIGN

It is expected that this subject should be discussed in two parts. The first part would summarize how Phase I activities were organized; the second part would detail the design of the data collection and analysis program.

In the first part, the names and titles of all JOAB members should be listed, if not previously done in the Introduction. This listing should be followed by a description of how the JOAB was created and how it organized itself for the Phase I effort. The role and responsibilities assumed by the Board should be described.

Next should be a description of the staff employed for or assigned to Phase I work and the source of funding which supported the staff. If the staff members received any training or technical assistance to prepare them for Phase I work, this training or assistance should be noted.

The second part of this section should consist of a detailed description of the research design employed in Phase I. Hypotheses considered by the JOAB or staff, sample size and period, data

elements, source documents, and analytical techniques used should all be discussed. These items all bear upon and are critical to the quality of the findings discussed in the succeeding section.

DATA ANALYSIS AND FINDINGS

This section contains the results and conclusions drawn from the data collection effort. The material should be discussed in four subsections.

A. General Jail Population Description

Under this heading the present jail population is described in terms of age, sex, race, charge, average length of stay (including persons who gain pretrial release) and any other factors selected for study. The use of cross-tabulation tables for some or all of these factors may provide additional useful information.

B. Analysis of Pretrial Release Practices and Population

Here two populations, 1) persons released pretrial and 2) persons detained pretrial, are described and compared. For example, the two groups (or subgroups of each) may be compared on the basis of charge, community ties (or other pretrial release criteria), bail amounts for those not released on recognizance, and prior arrests and court dispositions. In addition, it may be useful to compare releases by the kind of release obtained.

Failure-to-appear and re-arrest information should be broken down for each kind of release (e.g., citation, ROR, conditional, third party, 10% bail, full cash bail, etc.).*

Court dispositions for released and detained groups might also be compared in this subsection.

*This data may reveal some level of failure-to-appear -- for persons detained pretrial -- due to errors in scheduling, transportation, etc.

C. Case Processing

Information is provided concerning caseflow through the system, particularly average time between decision points and decision rates (frequency of use of available options). One effective way to present this information is use of a "disposition tree". This technique can also be effective in highlighting the number of cases that are pending at any cut off time (e.g., 90 days, 120 days, 150 days, etc.).

D. Defense and Prosecution Case Activity

This subsection should discuss when defense counsel and prosecutors begin exercising their responsibilities. Study data may reveal that case work does not begin in earnest until relatively late in the flow of cases to trial. Also, this subsection should contain findings about the length of time required for eligibility for defense counsel services to be established, and for counsel to actually begin representation.

This section might also be used to compare existing defense counsel eligibility criteria and prosecutorial screening times with national standards.

IDENTIFICATION OF TARGETS FOR ACTION PROGRAMMING

As the JOAB examines the data analyses generated by Phase I efforts, two kinds of targets for action will emerge. One target would consist of subgroups in the jail population that, on the basis of available evidence, can be handled by the criminal justice system with little pretrial detention within risk levels acceptable to the community. The other target consists of existing policies and procedures which govern current detention practices and which must be modified if the target populations are to be handled in other ways. Each type of target needs to be discussed in this section of the Jail Population Management Plan.

Target Subpopulations

Under this heading every subpopulation of the jail which the JOAB decides should be dealt with in a manner involving less jail must be defined, described, and quantified. The populations should be described using as many characteristics as possible, including but not limited to age, race, sex, community ties, prior arrest/convictions, detention and court dispositions, etc. This description should also include characteristics of current processing histories (e.g., detained less than four hours prior to release on recognizance, detained due to inability to gain release on bail under \$100).

Program/Policy Targets

This subsection should consist of a list of problem statements alluding to program policies, rules, and procedures which govern existing handling of the target populations identified by the data. The program problem statements might include but not be limited to the following:

- restrictive release criteria
- docketing or scheduling procedural issues
- restrictive bail schedules
- absence of accessible bail alternatives (e.g., 10% bail)
- restrictive defense eligibility criteria
- case flow management (e.g., policies regarding continuances)
- problems of accessing data sources

The identification of population and program procedure targets is the major work of the JOAB. It is the prerequisite for designing a population control plan and deciding upon implementation strategies.

PROGRAM/POLICY OPTIONS

In the preceding section, population subgroups and operational policies and procedures are identified as potential targets for special attention and programming in the interest of better management of the jail population. In this section, optional approaches for addressing each target should be stated and discussed in terms of their relative benefits and costs. In identifying and assessing these options, the JOAB may wish to use technical assistance resources.

It is suggested that options be categorized to whether they involve cost or no cost. An example of a no-cost option would be an effort to adjust or modify an existing point scale used for screening misdemeanor arrestees. Another example would be the assignment of a deputy probation, public defender, or prosecutor position to strengthen an existing screening unit. A discussion of the benefits and drawbacks which would be expected to attend the use of each option can be very helpful to the JOAB in its selection of the elements to be included in the Plan.

Each target subpopulation identified should be assessed in terms of its suitability for the following kinds of alternatives-to-incarceration program options:

- field citation release
- stationhouse citation release
- release on recognizance
- conditional release
- supervised release
- third party release
- 10% bail
- full cash bail
- pretrial work release

Whether or not any of these program options should be selected for a particular target group will depend on whether or not the target group is large enough so that the benefits derived from employing

the program strategy would outweigh costs, and the risks involved are deemed worth taking.

PROGRAM(S) AND POLICY OPTION(S) SELECTED FOR IMPLEMENTATION

This section is extracted from the preceding two sections. If program and policy options have been well identified and explored as to their costs and benefits, then those options recommended for implementation and the goals sought by their implementation need only to be presented in this section. The formulation of reasonable goals for selected options is a process which may be facilitated by the use of technical assistance.

PROGRAM IMPLEMENTATION PRIORITIES, RESPONSIBILITIES, AND SCHEDULE

This section can take the form of a chart which indicates for each option to be programmed the priority assigned for its implementation, the person or persons responsible for bringing the program into being, and the schedule to be followed for its initiation and development. In other words, an "Action Agenda" should be prepared for each option selected to become part of the Jail Population Management Plan.

PROCESS MONITORING AND IMPACT EVALUATION

In this section of the Plan, it is desirable to set forth specific measures in the form of an "Action Agenda" to be employed over time to systematically review how well the Plan is being implemented as a whole and what the impact of the recommendations, individually and collectively, are. A process for revising the Plan in response to information gained from monitoring and evaluation should also be stated.

This section should also provide some indication of the extent Phase I data will be employed as a baseline for measuring change.

MEASURES FOR HANDLING EMERGENCY SITUATIONS

Underlying this section are two assumptions: 1) the measures included in the Jail Population Management Plan, if implemented as proposed, will, under most circumstances, keep the jail population within its limits set by the JOAB, State Standards, Court orders or other authority, and 2) even in the best managed jail population program, totally unforeseen circumstances will arise occasionally for which special provisions should exist.

In order that the jurisdiction be prepared in advance for coping with these exceptional and emergency situations, measures should be set forth, related to subpopulations of the jail, which can be invoked when needed.

The inclusion of contingency measures in the Jail Population Management Plan should be viewed as a precaution against inviting suits and contempt orders.

FUNDING SOURCES

This is the "ways and means" section of the Plan. For each strategy recommended which requires funding to implement, the estimated cost and sources of funds should be included. Ideally, maximum dollar amounts, deadlines for application, persons to be contacted, matching requirement, and other strategy information should be supplied for each program recommended for implementation.

TECHNICAL ASSISTANCE NEEDS

This section pinpoints any substantive and/or methodological areas where the acquisition of technical assistance appears desirable or necessary to implement recommended changes. AJI may be cited as a resource for obtaining such technical assistance.

IV. GLOSSARY

JAIL OVERCROWDING ADVISORY BOARD (COMMITTEE);

JAIL OVERCROWDING POLICY BOARD (COMMITTEE);

JAIL ADVISORY (POLICY) BOARD (COMMITTEE);

ADVISORY BOARD (COMMITTEE): Any formally constituted body exercising a commission to systematically examine the extent, causes, and remedies of jail overcrowding and, on the basis of its findings, to prepare a Jail Population Management Plan. The Board or Committee should include (1) decision-making level officials of local/state criminal justice agencies whose areas of responsibility include determining which arrestees enter jail, how long they stay, and/or the circumstances of their release, (2) representatives of the legislative and executive bodies of local government whose areas of responsibility include funding the construction and/or operation of jails, and alternatives to incarceration programs, and (3) representatives of community action groups with an established interest in local detention practices.

COMPETENT DATA BASE: A comprehensive body of information derived from the collection and analysis of the characteristics and processing history of a representative sample of jail admissions -- information which is accepted by the Jail Overcrowding Advisory Board as valid, reliable, and suitable for its use in deriving findings, formulating recommendations, and setting implementation priorities.

PROJECT COORDINATOR: That person who serves the Jail Overcrowding Advisory Board as its chief staff person and who has the overall responsibility for the development, analysis, and presentation to the Advisory Board for its use of project findings. The Project Coordinator may exercise part of his responsibility through a Project Director.

PROJECT DIRECTOR: That person who, in the absence of a Project Coordinator position, serves as the principal staff person to the Jail Overcrowding Advisory Board or, in those situations where there is a position of Project Coordinator, conducts the day-to-day management of the project subject to direction and supervision of the Project Coordinator.

DATA COLLECTOR: Any person subject to the supervision of the Project Coordinator (or Project Director) who independently, or as a member of a team, retrieves and records information from source documents required for the development of a competent data base.

DATA ANALYSIS: A formal process whereby data amassed pursuant to a data collection plan is examined to yield information which describes and relates the characteristics of persons arrested and detained to the disposition options and the time intervals occurring between dispositional options.

DATA COLLECTION PLAN: A formal strategy developed to guide the construction of a competent data base.

FINDINGS: Formal conclusions derived from the data analysis and used by the Advisory Board to formulate recommendations, choose between alternative courses of action, and assign priorities for the deployment of resources.

EVALUATION: A formal process to determine the relative attainment of specific quantified objectives.

JAIL: As used in this document, the term "jail" includes all local detention facilities used for the intake and pretrial detention of arrestees or for the incarceration of sentenced misdemeanants and persons convicted of felony charges who are either not sentenced to a state prison, or if sentenced to a state prison, are awaiting transportation to a prison or to another jurisdiction for trial.

APPENDIX III
CRIMINAL JUSTICE CENTRAL INTAKE PROGRAM
EXECUTIVE SUMMARY

.Prepared By
The American Justice Institute
Sacramento, California

Sacramento, California
April 28, 1978

Criminal Justice Central Intake Program

Executive Summary

Over the past four years, funded by grants from LEAA, the American Justice Institute has been studying and preparing reports on a wide range of pre- and post-trial alternatives to jail incarceration. The most recent of these is a monograph on the concept of centralized criminal justice intake policies and services. What follows is a summary of the highlights of this report.

* * * * *

Arrest and commitment to jail are among the most upsetting experiences a person might undergo. The degree of fear, confusion, or humiliation involved varies with individuals and with circumstances surrounding the arrest. But there is always some measure of indignity and threat, or at least uncertainty. The defendant is caught in a web whose strands are held by several principals, each with power over his liberty, reputation, property, or immediate well-being. These include the arresting officer and his superiors, the jailer, the prosecutor, the judges, the professional bondsmen at times, and quite often his fellow prisoners. The more formidable these actors appear to him, the more helpless he feels and the more prone to despondency, fright, and rage and their attendant self defeating behavior.

These are among the considerations which occasion concern about the process of "intake" into the criminal justice system. Basically, the questions posed relate to the reach of criminal law: What acts should be subject to penal sanctions? Under what circumstances should available sanctions be used? How should intake decisions be made and under what constraints? How can we assure that the health, safety, property, and other rights of suspects will be protected as they undergo the intake process, especially where this involves incarceration?

A wide range and a great variety of sanctions and alternatives have evolved in the course of penal law development and criminal justice practice. Goals, standards, legal constraints, and criteria to guide the use of these vary widely in clarity and precision. Policing the observance of law and policy tends to be haphazard rather than systematic.

Although framed by statutory law, criminal justice practices may be the invention of courts or executive branch agencies. Within the often broad or ambiguous provisions of statutes, specific policies evolve which are likely to be internal to particular agencies, or may be only those of each separate judge in a multibench court. Moreover, it is not unusual for agency or court policies to be other than explicit. Knowledgeable persons may be able to predict probable use of particular measures in given circumstances, but specific written standards or regulations do not exist.

Whether policies are explicit or not, how faithfully they are observed, and what accounts for deviations are matters frequently not known with any accuracy, even within the agency which established them. Monitoring hour-to-hour transactions throughout the system and generating management information reports calls for more comprehensive and advanced data collections and processing procedures than are currently employed in most criminal justice jurisdictions.

In the absence of explicit policies, adequately monitored, criminal justice agencies and officials operate with a questionable high level of discretion. Public accountability tends to be limited to occasional notorious or especially controversial cases. What happens to run-of-the-mill defendants inadvertently becomes akin to the private business of agency functionaries and individual officials. Too often no one has a grasp of overall criminal justice policies in a jurisdiction, as these are reflected in day-to-day practice.

Need for Coordination

Discretion is by no means total, of course. The system has built-in checks and balances. Decisions made at one point in the criminal justice process may be rejected or modified at a later point. The defendant may have the benefit of counsel to safeguard his rights and to assure consideration of his unique characteristics and circumstances. Indeed, the affluent, well-connected

person--whether reputable or a career criminal--may, with aid of counsel, exploit the complexities of the system to his own good advantage.

The chief hazards of oversights, injustices, or sloppy practices are related to the processing of less serious cases involving unsophisticated defendants with limited or no means to employ counsel. The risks are likely to be greater at earlier stages in the process, since the indigent defendant may acquire assigned counsel as he approaches trial or sentence. But early decisions are not only important in their own right; they either obviate or may unduly affect the nature of later ones as well.

The administration of criminal justice entails reconciling diverse goals in the application of law to particular situations. Defendants may be treated fairly. Community standards must be upheld. Victims or potential victims need to be protected. Limited resources must be used frugally. Yet processing is expected to move along swiftly.

All this calls for a level of coordination rarely found and most difficult to achieve. The chief actors not only serve different sectors of government, but many are also elected officials--constrained by but not beholden to one another.

It is in this context--the need for fairness, consistency, and coordination vis-a-vis the situation of less serious and less sophisticated defendants--that this discussion of the central criminal justice intake process will proceed. Concern is not with

coordination for the sake of coordination, but rather as a better guarantor of appropriate treatment of persons accused or convicted of crime; more purposive use of resources; and enhanced accountability of the system to the public.

One of the measures proposed to assure more orderly and fairer administration of local criminal justice is the central intake program. The term has been used to refer to rather different sets of activities and types of organizations. No single definition or program prescription has so far emerged. The purpose of the publication summarized here was to explore the issues and to set forth optional arrangements and services appearing to justify the "central intake" label.

It is essential that the concept be presented not in isolation, but as one of several elements which, together, aim at producing a better rationalized and more open criminal justice system. The foremost program element is joint policy planning among key actors--whether they are independent officials (e.g., judges or county supervisors), agency heads, or heads of agency divisions. The capacity for joint policy planning is evidenced by:

- Existence of a mechanism to assure regular, face-to-face, candid discussion of significant criminal justice issues in the jurisdiction, with some capacity by the participants to commit those they represent to agreements.
- Some common, explicit agreement on criminal justice purposes and present priorities in the jurisdiction (that is, evidence of the effectiveness of the policy planning mechanism).

An essential element in support of planning is the capacity to monitor implementation of policy agreements and program plans. Goals, priorities, and procedural changes may be genuinely agreed to by people with the ostensible authority to see that they are brought about as scheduled. Change will only occur, however, to the extent that many persons, not firsthand participants in the planning, proceed to change their purposes, priorities, or methods.

A monitoring system can provide the joint policy group with feedback on the extent to which its agreements and plans are being implemented. It may indicate a need to reconsider goals and raise or lower them, or to change time frames for particular accomplishments. Or it may provide clues as to where some sort of corrective action may be in order to bring about greater awareness or clearer understanding of a policy.

Another key element in local criminal justice program development is an effective mechanism for mobilizing community support and specific resources needed in order to implement practices and programs successfully. Specific resources include jobs or job placement services, education and training, medical services, counseling, and shelter. This capacity may be dispersed, with each of several criminal justice agencies seeking resources independently for its clientele. Or, by joint agreement, a major part of resource mobilization might be handled by one agency for all others--either an existing criminal justice agency, an existing private community agency, or some new entity created for this purpose.

Central Intake

A final element is the central intake service. This is a program designed to facilitate prompt but sound decision making in the individual case, and also to recognize and take appropriate action as to immediate service needs of defendants who face problems they cannot cope with unaided. The two functions are interrelated, since often the practicality of choosing a disposition may hinge on the availability of a particular service (for example, a temporary job or some material assistance for a homeless, financially strapped person who is otherwise qualified for release on recognizance).

Central intake activity is broadly identifiable as "social service" in nature. Thus, it is distinct from yet complements the law enforcement, legal, and custodial services of police, prosecutor, defense counsel, judge, and jailer. It assists these other agents of criminal justice to take into account the social assets and needs of defendants, as well as the resources which are available to them.

The service can only function optimally in the context of interagency agreements and intra-agency policies on intake. A central purpose of the program is to encourage and facilitate employment of the least interventionary measures available, consistent with requirements of justice and community protection. Closely associated with this purpose is a commitment to early identification and efforts at resolution of emergency problems

experienced by people as a result of arrest or jailing. Further aims are to promote optimal use of criminal justice and other community resources through improved communication and cooperation and elimination of unnecessary duplication of responsibilities.

Intake services call for a staff with responsibility for reviewing and evaluating cases preliminary to prosecutorial, custody, and penalty decisions, that is, decisions which are made by several different officials: police, prosecutor, magistrates, sentencing judges, paroling authorities, and correctional managers.

Integral to case evaluation is identification of and capacity to make successful referrals to sources of material assistance, professional help, or other services defendants may need, either to make a particular course of action feasible (e.g., release to community) or to assure lawful, humane treatment of the individual.

Need for Program

Criminal justice and other local officials should consider some adaptation of the central intake concept when there is concern about excessive jail population associated with processing delays and/or inconsistency, possible unfairness, or infrequency in the use of alternatives to traditional criminal justice measures (arrest, prosecution, incarceration). These conditions often are associated with spotty arrangements for informing decision makers and assisting them in devising and implementing options. Some judges, prosecutors, or police agencies in the jurisdiction may be

reasonably well served in relation to particular categories of decisions, while they and others may have no assistance in making other pre- or post-trial dispositions.

A goal of the central intake concept is to consolidate available resources in order to assure maximum effective coverage of persons accused of crime at the earliest feasible point following receipt of a complaint or arrest of the suspect. Such an achievement will foster prompt, fair, sound case decisions which, in turn, can help to limit the practice of pretrial detention to the minimum necessary to assure orderly justice in the jurisdiction. Such an intake program should provide for screening and appropriate evaluation and emergency services for all persons coming into the criminal justice system at (a) designated decision point(s). It should be a 24-hour, seven-day operation. This refers not only to screening, evaluation and emergency services but to arrangements for prompt prosecutorial and, especially, custody decisions. The latter necessitates either delegation of authority to make pretrial release decisions to central intake and/or jail staff--availability of duty judges nights and week-ends--or some combination of these.

The thrust of a central intake program should be to reduce jail use not only by optimal employment of alternatives to pretrial detention but by reducing time in custody through expedited processing. Prosecutorial decisions on charging and diversion should occur promptly after arrest, as should initial court appearance for

those detained and arrangements for indigent defense services, where these are in order. Prompt completion of prosecutive investigation, especially in detained cases, should also be a part of the total effort to improve criminal justice intake operations.

The expression "consolidate resources" has obvious implications for existing service arrangements in a jurisdiction. Intake services may presently be provided by several independent agencies concerned with pretrial release, diversion, jail classification, treatment of particular conditions (e.g., alcoholism, drug dependency), and presentence investigation. Yet, among them, the agencies may provide inadequate--or no--coverage during peak arrest periods; they may miss a significant number of cases entirely and provide grossly insufficient services in others; and several may be asking the same questions of still other individuals and verifying the same information.

Planning Decisions

The kind of situation described above can be remedied in various ways, and central intake planning will have to select the most workable approach in each situation. Choices include:

- Create a new, unitary central intake agency, staffing it with personnel presently handling intake duties in the several independent agencies.
- Create such a new agency to perform intake services in the pretrial stage and arrange for appropriate information sharing with the probation agency, which would continue to handle presentence investigations.
- Do not consolidate agencies, but prevail upon them to arrive at agreements designed to maximize cooperation, eliminate duplication, and assure maximum feasible coverage of persons coming into the system.

Further organizational decisions will arise out of the choice made among such options as these. Briefly, these include the following:

- What categories of decisions will be aided by centralized (or coordinated) intake services--police diversion and/or citation in lieu of arrest? recognizance release? bail reduction? conditional pretrial release? pretrial diversion by prosecutor or court? sentencing options? jail classification?
- What will be the extent of coverage in terms of hours, days, and sites?
- If a new intake agency is planned, where will it fit administratively? If no major reorganization is planned but reliance will be on coordination, who will be responsible for coordination and how will it be maintained?
- Can an adequate intake service be provided out of existing resources (whether through consolidation or coordination) or will new resources be needed? what kind? how much? how will they be financed?
- How will on-going inter-agency policy planning on criminal justice intake be maintained and supported? who will be responsible for collection and analysis of data needed to monitor operations and assess results?
- Will centralized community resources mobilization be provided and who will be responsible for this?

In this brief summary it is possible only to call attention to such questions. These and related matters are addressed in greater depth in the monograph.

APPENDIX IV

16th JUDICIAL CIRCUIT OF THE STATE OF FLORIDA
IN AND FOR MONROE COUNTY
ADMINISTRATIVE ORDER NO. 82-1

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

16TH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO. 82-1

IN RE: UNIFORM CRIMINAL PROCEDURES)

WHEREAS, recent reports prepared independently by the Office of the State Attorney and the Court Executive documented a systemic problem with delay extant in felony case processing generally, but of greater concern, in processing of defendants incarcerated in the Monroe County Jail; and

WHEREAS, remedial action was taken by this Court effective October 1, 1981, with the assignment of county judges to the Circuit Court for the trial of cases initiated thereafter and wherein the prevailing charge is a felony of the third degree (Ref. Administrative Order No. 81-4, as amended) and with the assignment of all circuit judges to the trial of pending felony cases; and

WHEREAS, Monroe County was recently awarded a technical assistance grant by the Law Enforcement Assistance Administration and has elected to participate in the nationally recognized Jail Overcrowding Program in order to evaluate pretrial release alternatives and to improve criminal case procedures; and

WHEREAS, implementation of the standards outlined below is intended to expedite the disposition of criminal charges against all persons arrested in Monroe County, particularly those defendants who are incarcerated; and

WHEREAS, said standards are implemented with the knowledge and expressed cooperation of the Offices of State Attorney, Public Defender, County Clerk, County Sheriff, and Key West Police Department; and

WHEREAS, Rule 2.050(b)3, Fla. R. Jud. Admin., requires the Chief Judge to develop an administrative plan for the efficient and proper administration of all courts within this circuit; it is, therefore:

ORDERED that the following procedures, relative to the processing of criminal cases, be established in the Circuit and County Courts:

A. Intake Procedure. In addition to the requirements of Rule 3.111(c), RCrP, Duty of the Booking Officer, the Sheriff shall have the following responsibilities:

(1) Magistrate Number. Every person who is arrested and placed into custody, whether for violation of a state law, municipal or county ordinance, or administrative regulation, shall be assigned a unique and uniform magistrate, or booking number. This number shall be generated and assigned by the Sheriff centrally and sequentially and shall include a prefix identifying it as a magistrate number. It is intended that this number will be distinct from the Uniform Case Number and will facilitate tracking each defendant who is in custody through the case process thereby expediting the disposition of charges and insuring against protracted confinement.

(2) Court File. As a function of the booking process, the Sheriff shall initiate the court file for all cases. Case jackets shall be provided by the Clerk for this purpose and may be prenumbered. The file shall include the completed complaint affidavit, arrest form, warrant, and/or capias and shall be presented to the committing magistrate at First Appearance. The Clerk is directed to provide instructions to the Sheriff to facilitate the arranging of paperwork consistent with case definitions established pursuant to Administrative Order of the Supreme Court of Florida, January 13, 1977.

(3) Notice of Arraignment. At the time a defendant is committed to custody, the Sheriff shall provide notice of arraignment. Copies shall be promptly issued to the State Attorney, defense counsel, and surety, if any. This section creates a continuing responsibility to provide notice of arraignment to the surety in the event the defendant is released subsequent to booking but prior to arraignment. Notice shall be completed on a form furnished by the Clerk which shall specify the time, date, and location of arraignment, and identify the arraignment judge; shall be personally served on the defendant; and shall include the defendant's signature acknowledging service and receipt. Notice shall further provide space for the defendant to certify his current mailing address and advice to the defendant that he is responsible for notifying the clerk in writing of any charges during the pendency of the charges against him.

(4) Magistrate Action. The Court Executive is directed to publish a schedule assigning circuit and county judges to act as committing magistrates. First appearance hearings shall be held by county judges who are headquartered in Key West at 1:30 P.M. each workday. First appearance hearings in the branch courthouses shall be held by the circuit or county judge assigned to the respective facility at a time designated by him. Publication of the assignments shall be directed to the Sheriff, State Attorney, and Public Defender.

Magistrate action at first appearance shall be recorded on a form which has been developed for the purpose. An action form shall be completed on each defendant who is brought before a judicial officer pursuant to Rule 3.130(b), RCrP, First Appearance. At conclusion of the hearing, the magistrate shall present the form and court file to the Sheriff. Thereafter, the Sheriff shall promptly route the court file to the clerk and make distribution of file copies to prosecution and defense counsel.

B. Emergency Motions Pending Arraignment. The detaining magistrate shall have responsibility for considering emergency matters, including applications for bail or reduction of bail, between first appearance and arraignment. In his absence or unavailability, such matters may be presented to the scheduled arraignment judge.

C. Arraignment. In addition to the requirements of Rule 3.160(a), RCrP, Arraignment, the following procedures and responsibilities are created:

(1) Calendar. Judicial responsibility for the arraignment hearing shall be established by the arraignment calendar with the assignment determined in the following manner

(a) If the prevailing charge at booking is a felony, the arraignment hearing will be set centrally in Key West. The Court Executive shall prepare a master arraignment calendar so that the assignment of each judge who is headquartered in Key West will be equitably distributed, as nearly as possible; that arraignments will be scheduled for 8:30 A.M. each Monday, Wednesday, and Friday, except observed holidays; that arraignment dates will be scheduled at the Court Executive's discretion, but not to exceed 21 calendar days following arrest; and that the calendar of dates and assignments will be furnished to the Sheriff as the sole basis for his issuing notice of arraignment pursuant to Sec. A(3), above.

The arraignment date for defendants placed into custody on the issuance of a capias will be expedited to the first available arraignment date which is 72 hours following arrest

The controlling factor for use of this section in setting arraignment dates is the presence of the felony charge at booking. The defendant will be arraigned on all other criminal charges at that time, regardless of a reduction in the prevailing charge in the information.

(b) If the prevailing charge at booking is less than a felony, the arraignment hearing will be set in the courthouse or branch courthouse serving the geographic area of Monroe County wherein the offense was alleged to have occurred and before a county court judge using applicable assignment criteria. The Court Executive is directed to furnish the Sheriff the individual calendar of dates, times, and courthouse locations during which county judges will be available for arraignment hearings and for which notice shall be issued pursuant to Sec. A(3), above.

(2) Judicial Action. The arraigning judge shall arraign the Defendant on all criminal charges and shall further:

(a) Accept pleas, set trial dates consistent with Sec. E (1), below, and in his discretion, grant deadlines for filing motions, for all felonies and misdemeanors arising out of the same circumstances as a felony which is also charged;

(b) Accept pleas, set trial dates before the appropriate County Court Judge consistent with the approved court calendar, and in his discretion grant deadlines for filing motions for all misdemeanors and criminal traffic offenses which are within the exclusive jurisdiction of the County Court;

(c) Set the case for trial before the assigned trial judge and notice of same shall be issued by the Clerk. In addition to the assignment criteria contained in Administrative Order No. 79-3, Circuit Court Judges; Division Assignments; Official Headquarters and Administrative Order No. 81-4 as amended,

County Judges; Special Assignment (Criminal Justice Division) the following criteria shall be considered:

(i) When a defendant has more than one case pending, all cases will be reassigned to the trial judge handling the oldest case.

(ii) When a defendant is on probation and is charged with a violation of probation, the case will be assigned to the sentencing judge.

(3) Automatic Discovery. The requirements of Rule 3.220, RCrP, notwithstanding, the State Attorney and defense counsel are requested to expedite the discovery process. The prosecution is requested to have available at arraignment, such information and material in its possession and or control which are within the scope of Rule 3.220(a), RCrP. Disclosure shall be made to defense after request or demand.

(4) Arraignment Continuance. Continuance of the initial arraignment may be granted for a period not to exceed seven days unless special circumstances are shown to exist. It is intended that the judge continue the arraignment to a date during which he has been scheduled. Alternatively, the arraignment may be rescheduled before the next scheduled judge.

(5) Advice to Court. Following arraignment, the Clerk shall promptly advise the assigned trial judge of cases which have been set before him in accordance with Sec. C(1) above.

D. Pretrial Motions. All pretrial motions must be placed on the court calendar by the movant with proper service upon and notice to opposing counsel. Pending motions will not be heard unless and until placed on the calendar except when this requirement is waived by the Court for good cause shown. All pretrial motions will be disposed prior to setting the case for trial. Judges are requested to designate and reserve sufficient time on their calendars for this purpose.

E. Disposition Conference. The trial judge shall set a case disposition conference for felony charges not later than ten days prior to the trial date. It is intended that the disposition conference will expedite the trial of the defendant and establish a date for concluding plea negotiations. Preliminary discovery proceedings shall have been completed by this conference enabling the parties to present the following to the Court:

(1) A statement whether or not counsel has entered into plea negotiations and the proposed plea, if one has been agreed to;

(2) The estimated time required to be ready for trial and the status of pending motions;

(3) The estimated trial time and suggested trial date if special consideration is required.

F. Trials. Trials will be held, as nearly as possible, in the geographic area of Monroe County where the offense occurred. This is consistent with established practice of this Court.

(1) Calendar. The Court Executive is directed to publish a court calendar designating those dates and courthouse locations at which each judge will be available to commence his respective trial docket. Felony cases will be set for trial on the date commencing the first trial session which is forty five days from arraignment. Cases where the prevailing charge is a misdemeanor will be set on the date commencing the first trial session which is thirty five days from arraignment. Unless and until modified by the Chief Judge, the monthly start sequence shall conform to the following guidelines:

- (a) Monroe County Courthouse Annex, Key West:
 - (i) Judge Chappell, first and fourth Monday (felony).
 - (ii) Judge Esquinaldo, first Monday (misdemeanor) and Wednesday of fourth trial week (felony).
 - (iii) Judge Payne, second Monday (felony and misdemeanor).
- (b) Branch Courthouse, Marathon:
 - (i) Judge Chappell, second Monday (felony).
 - (ii) Judge Kirwan, Thursday of second trial week (felony and misdemeanor).
 - (iii) Judge Payne, Friday of second trial week (felony and misdemeanor).
- (c) Branch Courthouse, Plantation Key:
 - (i) Judge Chappell, third Monday (felony).
 - (ii) Judge Kirwan, second Monday (felony misdemeanor).

(2) Expedited Cases. The trial judge shall advance on his trial calendar those cases for which a demand pursuant to Rule 3.191, RCrP, has been made and those cases where the defendant is in custody.

(3) Continuance. The trial may be continued for a period not to exceed thirty calendar days and shall be reset for a specific trial week.

G. Sentencing. When a presentence investigation is ordered, the Court shall schedule the sentencing for a date not to exceed thirty one days from the finding of guilt, except that the sentencing shall be expedited for defendants in custody. The Department of Corrections shall file with the Clerk a form indicating the date of service of its report to the Court. When no presentence investigation is ordered, the Court shall schedule the sentencing for a date not to exceed fifteen calendar days from acceptance of the plea or finding of guilt. This section applies only to cases pending in the Circuit Court.

H. Filing of Case Instruments. All accusatory instruments charging a felony shall be filed in the County Courthouse at Key West. Following arraignment, the Clerk shall promptly transmit the file to the branch courthouse serving the geographic area of Monroe County where the offense(s) was alleged to have occurred when the prevailing charge is a felony of the third degree. All other case files shall remain in the County Courthouse. Instruments filed subsequent to arraignment shall be filed in the courthouse location

where the file reposes. Sec. A(2), Administrative Order No. 79-5, Filing in The Circuit and County Courts, as amended November 17, 1981, shall be made to conform accordingly.

I. Electronic Recording. The provisions of Administrative Order No. 80-4, as amended, In Re: Electronic Recording of Judicial Proceedings shall be applicable to the reporting of proceedings held by County Court Judges under the scope and authority of this Order, except that such provisions shall not apply to trial by jury.

J. Sections E and F, Administrative Order No. 81-4, as amended, which relate to felony arraignments, are hereby rescinded as to felony charges initiated on and after the effective date of this Order.

K. Assignment of County Judges. The Honorable Paul E. Esquinaldo and Richard G. Payne, both judges of the County Court of Monroe County, Florida, are hereby temporarily assigned to the Circuit Court, Criminal Justice Division, to hear, try, conduct, determine, and dispose of all matters presented to them pursuant to Section B and C(1), above. Under and by virtue of the authority hereof, each judge is hereby vested with all and singular the powers and prerogatives conferred by the Constitution and Laws of the State of Florida upon a judge of the Circuit Court. This section is supplemental to assignment provisions of Section A, Administrative Order No. 81-4, County Judges; Special Assignment (Criminal Justice Division), as amended October 13, 1981, wherein

all county judges of Monroe County were assigned to the trial of cases in which the prevailing charge cited on the initiating instrument is a felony of the third degree.

L. Assignment of Circuit Judges. The Honorable M. Ignatius Lester, Bill G. Chappell, and Helio Gomez, all judges of the Circuit Court of the Sixteenth Judicial Circuit of the State of Florida, are hereby temporarily assigned to the County Court to hear, try, conduct, determine, and dispose of all matters presented to them pursuant to Sec. C(1)(b), above. Under and by virtue of the authority hereof, each is hereby vested with all and singular the powers and prerogatives conferred by the Constitution and Laws of the State of Florida upon a judge of the County Court.

M. Effective Date. This Order shall become affective at 12:01 A.M., May 1, 1982, and shall apply to all criminal prosecutions initiated on and after that date.

DONE AND ORDERED at Key West, Monroe County, Florida, this _____ day of April, 1982.

M. IGNATIUS LESTER
CHIEF JUDGE

END