

Institute for Law and Policy Planning

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Leon County Phase II Report

Solutions to Jail Overcrowding in Leon County, Florida

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DECEMBER 15, 1987

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U.S. Department of Justice
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December 15, 1987

Members, Jail Planning Committee
Leon County
County Administrator's Office
1st Florida Bank Building
2nd Floor
Tallahassee, FL 32301

Dear Committee Members:

The attached final report sets forth the preferred options for "solving" the problems identified in the Phase I Report, "Causes of Jail Overcrowding." Solutions are each presented in an outline format designed to facilitate Committee decision-making and implementation.

There were far more options presented in the draft than could realistically be implemented. Further, many options overlapped or duplicated others. At the 12/1/87 meeting you chose the best options for Leon County, for now, and postponed or rejected others.

We have finalized this second report, presenting "preferred", "tabled" and "rejected" options in final form.

The Phase III Report will set forth an implementation scheme for the preferred options chosen.

I look forward to meeting with you on January 28, 1988 to discuss a draft of the implementation report. In the meanwhile, happy holidays from all of us.

Thank you for your consideration.

Sincerely yours,

Alan Kalmanoff,
Project Director

AK/ms

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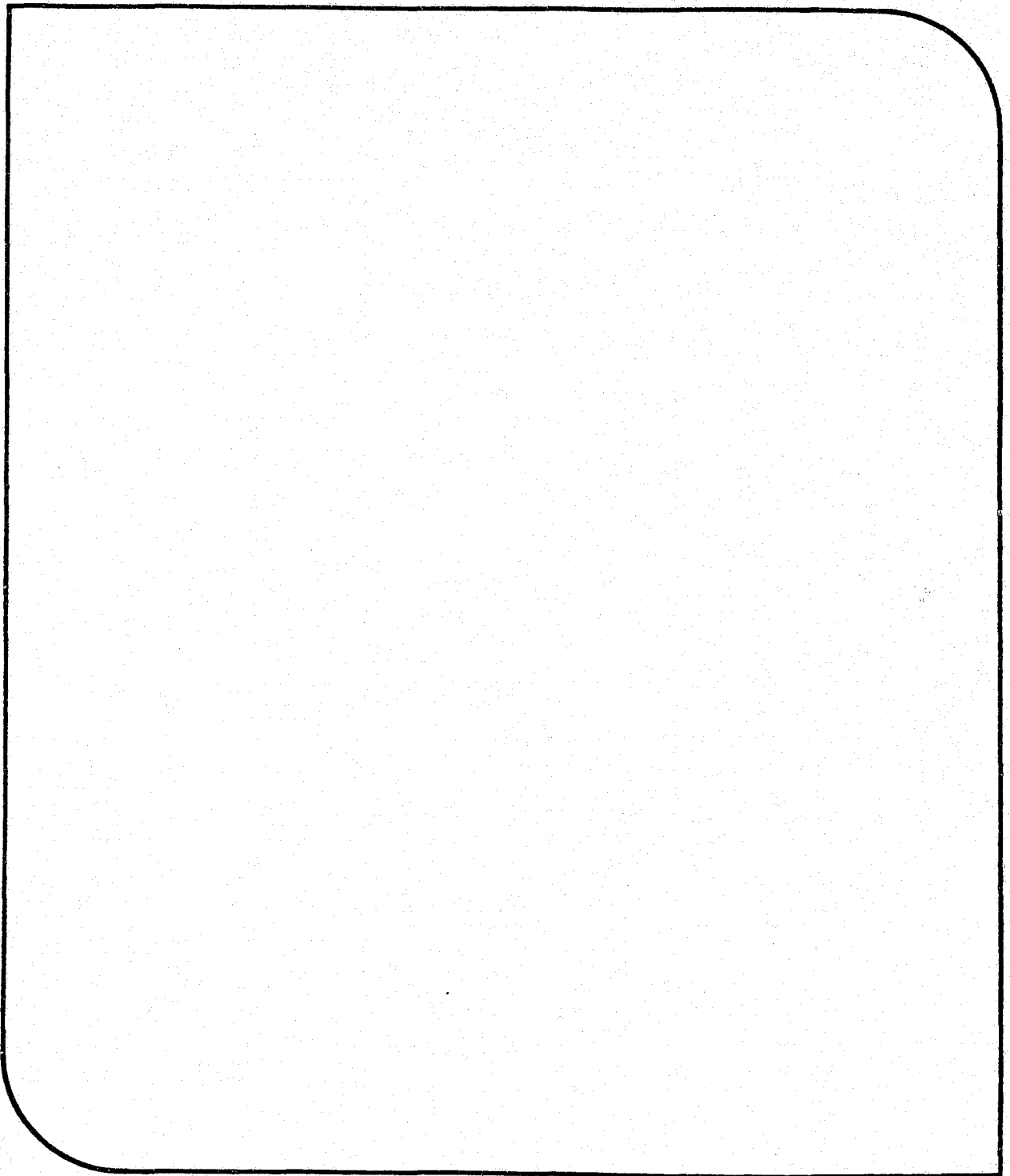
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Introduction



INTRODUCTION

With this Phase II Report on "Solutions to Jail Crowding in Leon County," the Institute for Law and Policy Planning (ILPP) presents a wide range of options. In the Phase I Report on "Causes of Jail Crowding" each stage in the criminal justice process was analyzed. The causes and problems identified in that initial report form the "agenda" for this report. In this report, for each cause or problem identified in the Phase I Report on "causes" of crowding, and at each "leverage point" in the criminal justice system, Consultants have presented options.

The Committee's ranking of the various options proposed in the draft report leads to this final Phase II Report showing "preferred," "tabled" and "rejected" options.

FORMAT OF PROPOSED SOLUTIONS

This report is organized in the same way as the first report; by stages in the system of justice rather than by agency. So, arrest/prosecution and pre-trial are treated first, then the courts stage, and then the sentencing stage. Special populations and facility options are addressed after these stages. **(The order is not by importance, but rather chronologically, by system flow.)** At each stage, there are many outlined options. These options are set forth in a consistent format, as follows. First there is a PROBLEM STATEMENT, followed by one or more OPTION STATEMENTS, which are brief summaries of a proposed policy, program or procedure for reducing crowding. Then, the PROS and CONS of the proposed solution are outlined; and last, there is a brief statement of COSTS and IMPACT to be expected should the proposal be implemented. For some options, the impacts are hard to predict and for others supplementary information is included. Appendix A suggests the possible impact of policy changes on beds needed.

EVALUATION OF THE COMMITTEE DISCUSSION AND CHOICES

There were ten Committee participants who filled out questionnaires ranking the options set out in the draft. Most Committee members expressed a weighted preference, or a simple "table" or "reject" vote on each option. Some

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Committee members expressed only an unweighted preference while still others abstained on many of the questions.

Two scoring systems were used. One assigned positive weights of 1 - 4 points, depending on the strength of the preference; 2.5 points (the average of 4, 3, 2, and 1 points) to unweighted preferences; minus 2.5 points to rejections; and 0 points to both "table" votes and abstentions. The average of these ratios was calculated and is shown as "Average Score."

The second system merely indicated preferred, tabled, or rejected, i.e., the preference weighting was not used. The second system tended to agree with the average score.

All options received at least a 50% approval rating, and no more than two people voted to reject any of them.

The following received the highest scores (over 2.75 points) on the weighted preference scale:

- 1-1 Computer-generated studies of inmate population
- 2-1 High-level commitment to jail population management
- 3-1 Uniform field citation policy
- 7-1 Case screening units for S.A. and Public Defender
- 8-1 Quantifiable pre-trial release criteria
- 18-2 Supervised work program

All of these received at least 90% approval with no rejections:

- 1-1 Computer-generated studies of inmate population
- 2-1 High-level commitment to jail population management
- 3-1 Uniform field citation policy
- 9-7 Increase speed and accountability of information exchange
- 14-1 Expand sheriff's work and community service programs
- 18-2 Supervised work program

Based on the scores shown, and follow-up discussions with a number of Committee members, Consultants "tabled" eight options and "rejected" four others. These tabled and rejected options are set out at the end of this report.

THE NEXT PHASE

In Phase III of the jail overcrowding project, ILPP will present an Implementation Plan for the preferred options. This Implementation Plan will address the specifics of

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implementing changes, including staff and related budget implications, projected bed capacity impacts, and various practical concerns such as the phasing and monitoring of changes in the system.

Leon County (Phase II)
Committee vote on options to relieve overcrowding

| Committee Member | Option 1-1 | Option 2-1 | Option 3-1 | Option 4-1 | Option 5-1 | Option 6-1 | Option 6-2 | Option 7-1 | Option 8-1 |
|------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| A | 4 | 4 | 4 | 4 | 1 | 1 | 1 | 4 | 4 |
| B | 4 | 4 | 1 | -2.5 | 1 | 1 | 0 | 0 | 0 |
| C | 2.5 | 2.5 | 2.5 | -2.5 | -2.5 | -2.5 | 2.5 | 2.5 | 2.5 |
| D | 4 | 4 | 4 | 1 | 4 | 4 | 4 | 4 | 4 |
| E | 4 | 0 | 0 | 0 | 0 | 0 | 3 | 3 | 0 |
| F | 2 | 3 | 3 | 3 | 3 | 2.5 | 3 | 2 | 3 |
| G | 4 | 4 | 4 | 4 | 4 | 2 | 2 | 4 | 4 |
| H | 4 | 4 | 4 | 4 | 3 | 1 | 4 | 4 | 4 |
| I | 4 | 3 | 3 | 3 | 4 | 4 | 2 | 4 | 4 |
| J | 3 | 2.5 | 2 | 2 | -2.5 | 0 | 0 | 0 | 3 |
| Average score | 3.55 | 3.1 | 2.75 | 1.6 | 1.5 | 1.3 | 2.15 | 2.75 | 2.85 |
| Preferences | 100% | 90% | 90% | 70% | 70% | 70% | 80% | 80% | 80% |
| Table/no vote | 0% | 10% | 10% | 10% | 10% | 20% | 20% | 20% | 20% |
| Rejections | 0% | 0% | 0% | 20% | 20% | 10% | 0% | 0% | 0% |

| Committee Member | Option 9-1 | Option 9-2 | Option 9-3 | Option 9-4 | Option 9-5 | Option 9-6 | Option 9-7 | Option 10-1 | Option 11-1 |
|------------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| A | 3 | 1 | 1 | 2 | 2 | 4 | 1 | 3 | 2 |
| B | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| C | -2.5 | -2.5 | 2.5 | -2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| D | 1 | 1 | 4 | 1 | 4 | 4 | 4 | 1 | 4 |
| E | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| F | 2 | -2.5 | 4 | 0 | 3 | 2 | 3 | 3 | 4 |
| G | 2 | 3 | 2 | 2 | 2 | 3 | 3 | 3 | 2 |
| H | 4 | 4 | 4 | 3 | 3 | 4 | 3 | 3 | 3 |
| I | 3 | 4 | 4 | 2 | 4 | 2 | 3 | 2 | 3 |
| J | 2.5 | 2 | 2 | 0 | 0 | 3 | 3 | 2 | 3 |
| Average score | 1.5 | 1 | 2.35 | 0.75 | 2.05 | 2.45 | 2.45 | 1.95 | 2.35 |
| Preferences | 70% | 60% | 80% | 50% | 70% | 80% | 90% | 80% | 80% |
| Table/no vote | 20% | 20% | 20% | 40% | 30% | 20% | 10% | 20% | 20% |
| Rejections | 10% | 20% | 0% | 10% | 0% | 0% | 0% | 0% | 0% |

| Committee Member | Option 13-1 | Option 14-1 | Option 15-1 | Option 16-1 | Option 17-1 | Option 18-1 | Option 18-2 | Option 19-1 | Option 20-1 |
|------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| A | 4 | 4 | 1 | 1 | 2 | 2 | 4 | 2 | 1 |
| B | 0 | 2 | -2.5 | 4 | -2.5 | -2.5 | 4 | 3 | 0 |
| C | -2.5 | 2.5 | -2.5 | 2.5 | -2.5 | 2.5 | 2.5 | -2.5 | 2.5 |
| D | 4 | 1 | 0 | 4 | 4 | 4 | 4 | 1 | 1 |
| E | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 |
| F | 4 | 3 | 0 | 0 | 1 | 3 | 3 | -2.5 | 3 |
| G | 4 | 3 | 2 | 1 | 1 | 2 | 3 | 3 | 1 |
| H | 4 | 4 | 1 | 2 | 4 | 4 | 4 | 4 | 3 |
| I | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 4 | 2 |
| J | 3 | 4 | 2.5 | 0 | 3 | 3 | 4 | 4 | 0 |
| Average score | 2.55 | 2.65 | 0.45 | 1.75 | 1.3 | 2.1 | 3.15 | 1.6 | 1.35 |
| Preferences | 80% | 100% | 60% | 80% | 80% | 90% | 100% | 70% | 70% |
| Table/no vote | 10% | 0% | 20% | 20% | 0% | 0% | 0% | 10% | 30% |
| Rejections | 10% | 0% | 20% | 0% | 20% | 10% | 0% | 20% | 0% |

| Committee Member | Option 21-1 | Option 21-2 | Option 22-1 | Option 23-1 | Option 23-2 | Option 24-1 | Option 25-1 | Option 26-1 | Option 27-1 |
|------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| A | 1 | 1 | 1 | 2 | 2 | 2 | 2 | -2.5 | 2 |
| B | 3 | 2 | 3 | 3 | 2 | 3 | 0 | 4 | 4 |
| C | -2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | -2.5 |
| D | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 1 |
| E | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| F | 2 | 2 | 2 | 3 | 3 | 3 | 3 | 3 | 3 |
| G | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 0 | 2 |
| H | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 3 |
| I | 4 | 4 | 3 | 3 | 3 | 2 | 2 | 3 | 3 |
| J | -2.5 | -2.5 | 0 | 0 | 0 | 0 | 0 | 4 | 0 |
| Average score | 1.4 | 1.8 | 2.05 | 2.35 | 2.25 | 2.15 | 1.85 | 2.2 | 1.55 |
| Preferences | 70% | 80% | 80% | 80% | 80% | 80% | 70% | 70% | 70% |
| Table/no vote | 10% | 10% | 20% | 20% | 20% | 20% | 30% | 20% | 20% |
| Rejections | 20% | 10% | 0% | 0% | 0% | 0% | 0% | 10% | 10% |

No. of participants 10

Key to coding:

Preferences: preference 1--> 4 points
 preference 2--> 3 points
 preference 3--> 2 points
 preference 4--> 1 points
 Unspecified preference ----> 2.5 points
 Table or (not answered) ----> 0 points
 Rejected ----> -2.5 points

General Solutions

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GENERAL SOLUTIONS TO GENERAL CAUSES

The Phase I report on "causes" stressed the need for reliable data on overall criminal justice system flow, and for a high level commitment by all relevant agency heads to jail population management.

PROBLEM 1: THE LACK OF HARD DATA ON THE CAUSES OF CROWDING

While individual Leon County criminal justice agencies collect substantial data on the offender population, the data are scattered among various automated and manual reports; the needs of individual agencies dictate the distribution of information. It is currently difficult, then, to obtain the information needed to monitor and manage the entire system and its flow of offenders from a single source.

OPTION 1-1: COMPUTER-GENERATED STUDIES OF THE INMATE POPULATION AND CRIMINAL JUSTICE SYSTEM

Leon County should enhance its data processing abilities to provide computer-generated inmate tracking and profile, arrest and adjudication practices studies on a monthly basis to all decision makers.

PROS

- a. The studies would provide data necessary to effectively implement and run a Population Management System (PMS).
- b. The Jail Oversight Committee would be better able to develop informed, system-oriented policy decisions regarding the future course of Leon County's criminal justice system.
- c. Individual agencies would better understand the impact of their policy and operational decisions on the entire system. Interagency cooperation would be improved.
- d. Individual criminal justice agencies would have the information needed to effectively justify budget requests. The Chief Administrative Officer and the County Board of Commissioners, as well as the City of Tallahassee, would be better able to rationally allocate

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scarce financial resources to criminal justice programs and agencies.

- e. Were the data needs of the criminal justice system clearly defined, the collection of extraneous data and the generation of unneeded reports could be eliminated. Further, procedures related to inmate and criminal justice system record-keeping could be standardized.

CONS

- a. Computer-generation of the studies would eventually require substantial changes in the programs and types of data which are automated.
- b. Some record-keeping practices would require new forms and training for those responsible for such activities.

COSTS

- a. Personnel - An additional position may be needed to insure the timely input of inmate and/or criminal justice system data; personnel costs may approximate \$20 thousand annually. Substantial data processing time may be needed to perform necessary reprogramming. The County now requires a number of enhancements to existing criminal justice-related programs. Consultants expect that modification of current activities will be needed to meet the information needs of a self-regulating system.
- b. Equipment - Consultants have not studied the need to purchase additional computer hardware to generate the studies.

IMPACT

The immediate impact of this option on Leon County jail overcrowding cannot be determined at present. The number of beds saved depends upon the decisions the Committee, the County Board of Commissioners, and individual agencies make based on the resulting data. But because accurate data are critical to effective crowding control, ILPP expects substantial bed reductions system-wide.

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PROBLEM 2: THE NEED FOR HIGH LEVEL COMMITMENT TO MANAGE JAIL POPULATION

Leon County officials have already faced the need for a high level commitment to jail population management by forming a Jail Oversight Committee and by contracting for an overcrowding study. The study should result in a more institutionalized data-based management process, as described below. The following option, setting forth a committee to manage jail use, is now required by Florida law.

OPTION 2-1: MONTHLY MEETINGS OF THE JAIL OVERSIGHT COMMITTEE TO REVIEW DATA, PROBLEMS AND SOLUTIONS TO MANAGE FLOW

The Jail Oversight Committee should be established as the group to monitor jail crowding and system performance, develop and implement a "jail use policy" and coordinate the system overall. The data reports cited in Option 1-1 should be presented at monthly meetings, and special studies and reports should be commissioned as appropriate.

PROS

- a. The Committee can share responsibility for managing the jail as a scarce resource.
- b. Systemwide coordination should result in broad efficiencies.
- c. Decisions to expand programs and/or new jail beds, will be based on sound data and a consensus of decision-makers.

CONS

- a. An intergovernmental layer will be formed with associated costs and problems.
- b. A management system will arise with only modest legal foundations, sanctions or funding.

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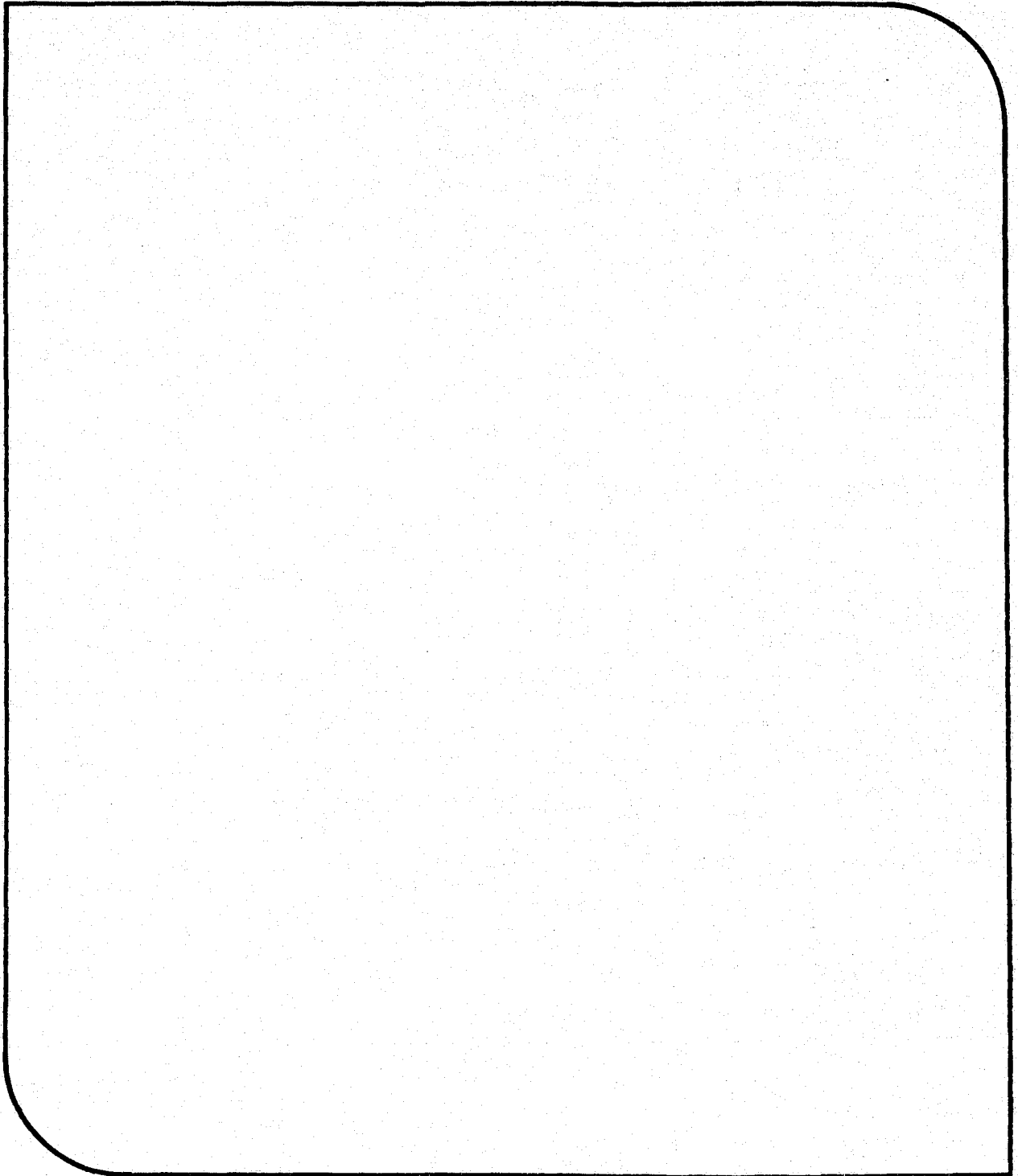
COSTS

- a. No new budget dollars are required to operationalize an ongoing committee of agency heads; but costs for developing data would occur, as noted above.
- b. System-wide checks and balances may be blurred by system-wide coordination.

IMPACT

- a. If the new structure "works," it should result in proper management of existing jail beds, regardless of their number.
- b. Jail planning, including development of new policies, programs, procedures and facilities should find a firmer basis of political, public, and budgetary support.

Arrest, Prosecution, and Pre-trial Options



ARREST, PROSECUTION AND PRE-TRIAL OPTIONS

PROBLEM 3: THE LACK OF A UNIFORM, COUNTY-WIDE FIELD CITATION - IN LIEU OF ARREST PROGRAM

While several law enforcement agencies (most notably the Tallahassee Police Department and the Leon County Sheriff's Office) employ notices to appear (NTA) in lieu of arrest, the Leon County profile and tracking data suggested that the use of field citation is limited and not consistent among law enforcement agencies utilizing the county's jail facilities.

OPTION 3-1: UNIFORM, COUNTY-WIDE FIELD CITATION POLICY

The State of Florida has, by statute, provided for a presumption of non-monetary pre-trial release, allowing individual officers and law enforcement agencies to employ general criteria for determining the appropriateness of field citation of certain alleged offenders in lieu of arrest. Leon County law enforcement agencies should develop objective criteria to guide the arresting officers. The criteria should be codified into a uniform, county-wide policy on the use of field citation. The policy should also include provisions for the justification, by the arresting officer, of decisions to arrest which are in conflict with the policy, such justifications to be reviewed by supervisors.

A recommended approach would hold that, generally, all misdemeanor defendants should be eligible for field citation release unless:

1. The defendant cannot produce satisfactory identification;
2. The defendant is arrested for a continuing or dangerous offense;
3. The defendant presents a significant likelihood for failure to appear;
4. The defendant is unable to care for him/herself;
5. The defendant has outstanding warrants above a stipulated amount;
6. The defendant presents a danger to the community;

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7. There is a reasonable likelihood of continued significant offenses by the defendant; or
8. Prosecution efforts would be jeopardized by the release of the defendant.

Reasons should be stated in writing for cases of non-release.

PROS

- a. Implementation of a uniform field citation policy would reduce limitations and disparities in the use of notices to appear.
- b. For law enforcement agencies, a uniform field citation policy would significantly reduce police and sheriff transport time (and costs) and "out-of-service" time, thereby providing officers with more time to perform actual law enforcement duties.
- c. For the jail, the policy would reduce the number of individuals who must be booked, and screened or processed for pre-trial release (many of whom are released in any event, in only a few days). ILPP anticipates that implementation of the field citation criteria presented will result in a reduction of bed days spent by pre-trial misdemeanants who ultimately are released in any event.

CONS

- a. Implementation of the policy would somewhat reduce the amount of discretion individual officers and law enforcement agencies will be able to exercise in determining who goes to jail on a pre-trial basis.
- b. Possible increases in the rate of failures to appear (FTA's) may occur. In the opinion of Consultants, the likelihood of this occurrence is minimal. In the event of an unacceptable increase in the FTA rate, the criteria could be modified to allow a more conservative application.
- c. Public reaction to an increase in the use of field citation may be negative.

COSTS

Personnel - ILPP estimates that personnel costs associated with the development of the policy are minimal. Effective implementation of the policy would require approximately one hour of training per officer.

Other Costs - While new field citation forms would have to be developed and printed, costs should be modest.

IMPACT

Consultants estimate that implementation of this option could produce a 1% - 10% reduction in the number of misdemeanor bookings. As a result, the county might realize a 1-3 bed reduction in its bed needs, and a decrease of 60 to 600 bookings, yearly.

PROBLEM 4: THE LACK OF A JAIL CITATION POLICY

Most misdemeanor bookings are released via various forms of pre-trial release. However, in the opinion of Consultants, the absence of an explicit, uniform jail citation policy fosters expensive delays and differential application of release criteria in these misdemeanor arrests.

OPTION 4-1: UNIFORM JAIL CITATION POLICY

As in the case of field citation, the State has provided for a presumption of non-monetary release, and authority for the jail to release certain misdemeanants and minor felons. The Leon County Pre-Trial Release Program should develop quantifiable standards (such as a point scale) for objective release criteria. The criteria should be codified into a uniform policy on the use of jail citation. The policy should include provisions for the justification, in writing, of decisions to incarcerate misdemeanants pre-trial, where these bookings are in conflict with the policy.

PROS

- a. Implementation of a uniform jail citation policy would substantially reduce the differential application of the various pre-trial release modes.

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- b. Implementation of the policy would reduce the number of individuals who must be housed pre-trial until appearance. Consultants anticipate that the implementation of the policy would reduce the number of bookings and jail days and, as a result, reduce bed needs.

CONS

- a. Increase in number and percentage of failures to appear (FTA's) may occur. In the opinion of Consultants, the likelihood of this occurrence is minimal. In the event of an increase in the FTA rate, the criteria (i.e., points) could be modified to allow a more conservative application of the release criteria.

COSTS

Personnel - Consultants estimate that personnel costs associated with the development of the policy would be minimal. Effective implementation of the policy would require approximately one hour of training for each officer involved in the booking and release processes.

IMPACT

Consultants estimate that implementation of this option could result in a reduction in misdemeanor intake in a range from 1 to 10 percent. In addition, a reduction in the average length of stay from 1.5 by .5 or 1 day could occur for misdemeanants. As a result, the County could realize a reduction in detention/ corrections bed needs over a range from 1-3 beds, and in bookings.

PROBLEM 5: CHARGING PRACTICES OF LAW ENFORCEMENT AGENCIES AND PROSECUTION OFFICIALS

To a degree which is difficult to document, law enforcement agencies and prosecution officials appear to have inadvertently developed an arrest, complaint, charging, bail and plea-bargaining approach which is somewhat based on overcharging. A significant number of felony cases and charges are dropped.

NOTE: OPTION 5-1 was rejected.

PROBLEM 6: THE NEED FOR CHARGING AND PRE-TRIAL CASE SCREENING

Currently, neither law enforcement nor prosecution takes total responsibility for the screening of arrests and charges; this results in drops and dismissals. The system's ability to effectively screen out cases, especially regarding the appropriateness of charges at arrest, is limited. Data collected by ILPP show a significant percentage of bookings released for lack of further prosecution, and that many felony charges are reduced. Together, the data suggest potential for early pre-arraignment screening by law enforcement and prosecution agencies.

NOTE: All options under PROBLEM 6 were tabled or rejected.

PROBLEM 7: THE NEED FOR CASE SCREENING BY THE PROSECUTION AND DEFENSE

OPTION 7-1: CASE SCREENING UNITS FOR THE STATES ATTORNEY AND PUBLIC DEFENDER

Although case screening might be effectively instituted through a pre-processing screening and intake center, or by rescheduling, another approach could simply rely on speedy screening of all cases by Screening Units in the States Attorney office as well as in the office of the Public Defender.

Structured to mesh with similar screening units in law enforcement agencies, and with various changes in the prioritizing and calendaring of cases in the courts, such screening units would employ senior trial attorneys to screen all new cases for charge as well as for "trialability". Cases would be dropped or charges lowered, and certain cases would be prioritized for speedy trial or plea, career criminal prosecution, special diversion, etc. Through earlier and more systematic evaluation and screening of police arrests and charges, and the dropping or modifying of charges as to trialability, improved and quickened case processing would be sought system-wide.

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PROS

- a. System-wide resources can be better concentrated on the best cases, reducing costs throughout.
- b. Dismissals and dropped charges could improve police arrest and charging practices through clearer and earlier feedback regarding prosecution priorities.
- c. Unnecessary pre-trial custody could be reduced.

CONS

- a. Police arrest and charging decisions would be reviewed and sometimes modified.
- b. Plea-bargaining leverage for the States Attorney may be reduced.

COSTS

Although some increase in administrative staffing for prosecution and defense might be anticipated, improved case processing efficiency overall should result in shifting staff rather than adding staff.

If as many as two new attorneys are required, costs might exceed \$80,000 for new units in both agencies.

IMPACT

Assuming a reduction by 10% in felony charges, with parallel increases in pre-trial release, etc., 10-15 beds might be saved initially, and more subsequently.

PROBLEM 8: THE NEED FOR OBJECTIVE QUANTIFIABLE PRE-TRIAL RELEASE CRITERIA

Interviews and tracking data suggested limits in pre-trial release practices based on varying and subjective release criteria, uncertainty, and delays. As a result, many defendants were delayed in obtaining pre-trial release, others were encouraged to employ cash bail or bond, and high rates of pre-trial custody resulted in crowding. (Although recent changes have occurred, based on ILPP recommendations, these are presented herein as if not yet in place.)

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OPTION 8-1: OBJECTIVE QUANTIFIABLE PRE-TRIAL RELEASE CRITERIA, ADJUSTED TO FAILURE TO APPEAR (FTA) RATES

The County has recently applied a modified version of the Vera Point System Instrument, a set of objective pre-trial release criteria attached to points. This system is applied to third degree felony charges, or lower offenses, resulting in release on OR or reduced bond to those deemed eligible.

The following criteria have recently been employed with different points for information from interviews (INT) and verified (VER) information.

LEON COUNTY PRE-TRIAL RELEASE PROGRAM VERA POINT SCALE RELEASE PROGRAM INSTRUMENT

POINT SCHEDULE

To be recommended for release on his own bond, a defendant needs:

1. Address in the Second Judicial Circuit, where he/she can be reached, and;
2. A total of five (5) points from the following categories.

| <u>INT</u> | <u>VER</u> | <u>PRIOR CRIMINAL RECORD</u> |
|------------|------------|---|
| 3 | 3 | No Convictions. |
| 0 | 0 | No Convictions in the Past Year. |
| -1 | -1 | Misdemeanor Conviction(s) in the Past Year. |
| -2 | -2 | Felony Conviction(s) in the Past 3 Years. |
| -2 | -2 | Incarceration in a Penal Institution in the Past 5 years. |

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| <u>INT</u> | <u>VER</u> | <u>EMPLOYMENT/SCHOOLING</u> |
|------------|------------|--|
| 4 | 4 | Present job one (1) year or more. |
| 3 | 3 | Present job four (4) months, or Present and Prior job six (6) months. |
| 2 | 2 | Present job one (1) month. |
| 1 | 1 | Current job, or Unemployed three (3) months or less with nine (9) months or more on prior job, or Receiving unemployment compensation or welfare, or Supported by family. |

NOTE: Deduct one (1) point from the first three categories
IF:
The job is not steady, or
The job is not salaried, or
The defendant has no investment in it.

| <u>INT</u> | <u>VER</u> | <u>RESIDENCE</u> |
|------------|------------|--|
| 3 | 3 | Present residence one (1) year or more. |
| 2 | 2 | Present residence six (6) months, or Present and prior residence one (1) year. |
| 1 | 1 | Present residence four (4) months, or Present and prior residence six (6) months. |

| <u>INT</u> | <u>VER</u> | <u>FAMILY TIES</u> |
|------------|------------|--|
| 3 | 3 | Lives with spouse, and Has had contact with other family members. |
| 2 | 2 | Lives with spouse and/or parents. |
| 1 | 1 | Lives with family person whom he gives with reference. |

DEFINITIONS: "Spouse" - If unmarried, must have lived
together for two (2) years.

"Contact" - Must see the person at least once a
week.

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INT VER TIME IN THE SECOND JUDICIAL CIRCUIT

2 2 Five (5) years or more.

The County should consider monitoring release activity, in light of the impact on jail crowding and the all important rate of failures to appear (FTA). Changes in the eligible offenders and in the point system should be entertained accordingly.

PROS

- a. Objective quantifiable criteria with verified information from the Pre-Trial Release Program should significantly increase pre-trial releases.
- b. Pre-trial releases should be more consistent, and more susceptible to informed judicial judgement.

CONS

- a. Lower pre-trial custody rates and length of stay will, by definition, somewhat increase failures to appear and some crime on bail.
- b. Increased pre-trial release will limit prosecution leverage in plea-bargaining.
- c. Increased pre-trial release will cause objections from the bail bond industry.

COSTS

Implementation of an objective point system should save funds, allowing a more standardized and efficient release system. No new costs are expected.

IMPACT

Enhanced pre-trial release criteria and procedures appear to have already reduced the jail population by approximately 60-75 beds, a saving that should increase to near 90 beds as early screening cumulatively replaces review of only in-custody cases.

PROBLEM 9: THE NEED FOR IMPROVED PRE-TRIAL RELEASE POLICIES AND PROCEDURES

The Phase I Report on causes of crowding pointed out a number of problems in policy and procedure at the pre-trial stage that combined to limit release and cause crowding. These issues are described below in terms of solutions.

OPTION 9-1: MODIFY RESIDENCY REQUIREMENT TO MAKE ELIGIBLE ANY VERIFIED AND ESTABLISHED PERMANENT RESIDENCE THROUGH WHICH DEFENDANT CAN BE CONTACTED

Instead of automatically excluding out-of- area residences, the County should consider the permanence and accessibility of the listed residence, on a case-by-case basis. (A Miami minister's church address might be eligible whereas a drug dealer with a Miami "mansion" would not be).

PROS

Less arbitrary exclusions and more appropriate early releases would likely occur.

CONS

Certain failures to appear would be beyond the reach of the courts.

COSTS

Long-distance telephone charges for verification.

IMPACT

Increased pre-trial releases based on propensity to appear.

OPTION 9-3: ENHANCE NOTIFICATION TO CONTROL FAILURES TO APPEAR

A certain number of those released pre-trial do not appear as required. (If field and jail citation as well as pre-

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trial release procedures are expanded, even more persons can be expected to not appear). To lower the rate of failures to appear the County would find it cost-effective to contact and remind defendants of appearances, locations, and related requirements (just as doctors and dentists remind their patients with post cards and timely calls).

PROS

- a. Fewer failures to appear should result, lowering jail bed usage and the costs of other elements in the system, (including police re-arrests, new charges and trials, etc.).
- b. Less crime on bail and more control, generally, should result.
- c. Reductions in court delay and related paperwork, and law enforcement work, should occur.

CONS

Some staffing costs and more "paperwork" may result.

COSTS

Staff work and related support costs might total .5 positions, or approximately \$15,000.

IMPACT

Lower pre-trial jail use should result from a lowering in the rate of failures to appear.

OPTION 9-5: PROVIDE ALTERNATIVES TO FEES FOR PRE-TRIAL RELEASE SERVICES

Currently, defendants are charged for drug tests and other aspects of their pre-trial release supervision (over conditions, etc.). Failure to pay is a basis for re-incarceration, a practice that is at odds with the purpose of pre-trial release. While conditions and fees may well support the dual goals of increased likelihood of appearance and reduced danger to the community, alternatives should be developed to provide for work in-lieu-of fees for indigents

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or those unable to pay fees. Similar work alternatives might be offered as options to those who fail conditions, so as to avoid new custody.

PROS

- a. Fewer pre-trial release revocations would occur.
- b. Burdensome resulting procedures for other agencies would be reduced.

CONS

A possible reduction in control of pre-trial defendants in the community might occur.

COSTS

Some loss in fees might result, offset by lowered collection costs and procedures.

IMPACT

Pre-trial release decisions would more likely support improved failure to appear rates, reducing bed needs.

OPTION 9-6: THE PRE-TRIAL RELEASE PROGRAM SHOULD CONTINUE TO REVIEW RELEASES, AND EXPAND THE CATEGORIES OF THOSE CONSIDERED

Currently, if a person is not considered eligible for pre-trial release, the Pre-Trial Release Program does not typically review the case later. The program should review all in-custody cases periodically to insure that new information or events regarding cases do not support for eligibility. If enhanced case screening is employed with aggressive release evaluation, verification and recommendations to the bench, and persistent evaluations of the impact on failures to appear, increased high quality release decisions can be expected.

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PROS

- a. Ongoing screening and evaluation extends the logic and benefits of pre-trial release screening.
- b. The consistency and basis for release decisions could be improved.
- c. The basis for bail setting would be improved.

CONS

- a. There may be objections by the bail bond industry.
- b. Possible increases in failures to appear and crime on bail as more serious release risks are considered.

COSTS

No additional costs are anticipated.

IMPACT

Increased releases should lower jail crowding.

OPTION 9-7: INCREASE THE SPEED AND ACCOUNTABILITY OF INFORMATION EXCHANGES

Frequently pre-trial release and failures to appear are influenced by delays in obtaining information on a defendant. Delays in computer entry and in obtaining information from the Clerk's Office can cause delays in pre-trial release, and in unnecessary custody.

By honoring hard-copy documentation of court decisions, as well as by holding information requests regarding in-custody defendants to accountable deadlines, custody officials could release more quickly.

PROS

- a. Bed-days will be saved where releases that occur in any event, will occur more quickly.

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- b. System efficiency is enhanced with improved information flow.

CONS

Requiring coordination and deadlines may lead to inter-agency friction.

COSTS

Some delays may be due to staffing; improvements may require staffing additions.

IMPACT

Jail crowding should be reduced.

PROBLEM 10: THE NEED FOR CONSISTENT POLICIES FOR REVOCATION HEARINGS

Consistent policies need to be developed for revocation hearings upon violation of pre-trial release conditions. This would eliminate uncertainty regarding handling of such hearings and help reduce paperwork, court hearings and delays.

OPTION 10-1: CONSISTENT REVOCATION HEARINGS POLICIES

PROS

- a. Some court hearings may be avoided.
- b. Minimize use of court resources for revocations when court hearings are deemed unnecessary.

CONS

Individual judges may prefer their own procedures.

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COSTS

The cost of implementation depends upon specific policies adopted. If court hearings are required, costs are associated with scheduling the hearings.

IMPACT

The impact depends upon specific policies that may be adopted.

PROBLEM 11: NEED FOR EVALUATION OF INDIGENCY/ABILITY TO PAY, PRIOR TO IMPOSITION OF FINANCIAL CONDITIONS

Violations of financial conditions are likely when imposed upon an indigent detainee. Evaluation of ability to pay prior to imposition of financial conditions, both for pre-trial release and probation will help eliminate such violations. Consistent policies between State and County will permit centralization of duties and earlier determinations of indigency.

OPTION 11-1: EVALUATION OF INDIGENCY WITH CONSISTENT POLICIES BETWEEN STATE AND COUNTY

- a. Evaluation would help eliminate violations of financial conditions, such as child support, probation, other supervision, drug and alcohol testing and restitution.
- b. There would be a reduction of revocation hearings related to violations of financial conditions.
- c. Consistent policies between State and County would permit an earlier determination of indigency.
- d. Consistent State and County policies would centralize duties for obtaining necessary information in one agency or unit.

CONS

There may be increased paperwork associated with the need to obtain additional information.

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COSTS

Cost will be dependent upon policies that are adopted.

IMPACT

There should be a decrease in the number of persons booked into jail for violation of financial conditions.

Court Options

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COURT OPTIONS

PROBLEM 12: THE LACK OF POLICIES FOR THE IMPLEMENTATION OF DISCOVERY

The lack of policies for the implementation of discovery causes delays related to making and responding to discovery requests and disputes over what materials are discoverable. New policies should include "automatic" exchange of information at arraignment and submission of discovery plans at the pre-trial conference.

NOTE: OPTION 12-1 was tabled.

PROBLEM 13: NEED FOR CENTRALIZATION OF ALL SCHEDULING RESPONSIBILITIES IN THE COURT

The lack of centralization of scheduling responsibilities is responsible for problems inherent in fragmented scheduling. Scheduling responsibilities needing centralization include the development of policies regarding continuances, setting pre-trial hearings or conferences to facilitate case resolution, determining likelihood of cases going to trial for trial-setting purposes, and implementing time limits, such as a 21 day "fast track."

OPTION 13-1: CENTRALIZE ALL SCHEDULING RESPONSIBILITIES IN THE COURT

PROS

- a. Elimination of problems inherent in fragmented scheduling (see b. - d.).
- b. Permits court to control its docket.
- c. Reduces delays related to continuances.
- d. Permits more effective case management.

CONS

Requires firm and consistent application of court policy to ensure attorney cooperation.

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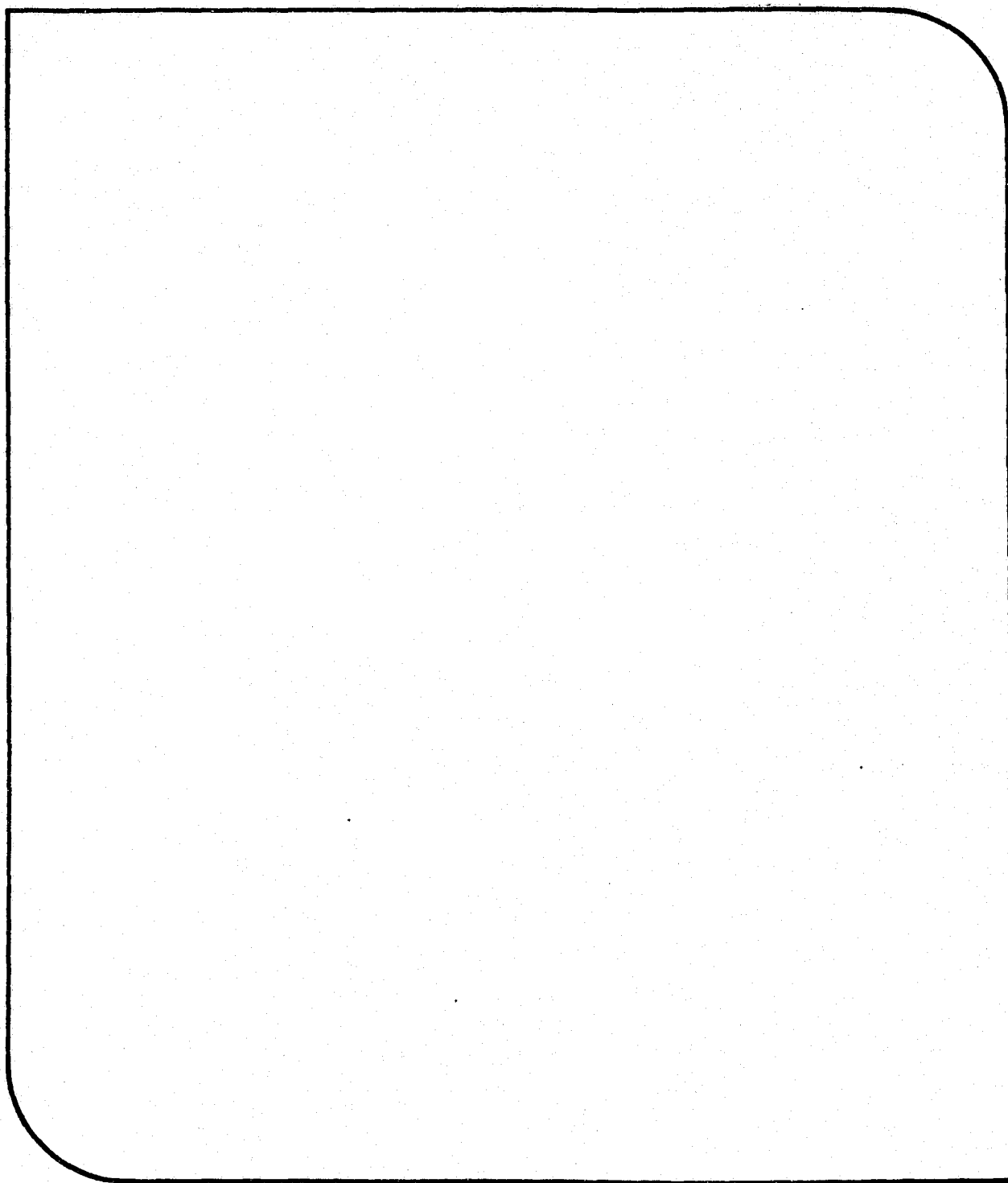
COSTS

Should ultimately save administrative costs; may require funds for staffing, initially.

IMPACT

Will save a substantial number of beds.

Post-sentence Options

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POST-SENTENCE OPTIONS

INTRODUCTION

Although Leon County has a fairly wide range of post-sentence alternatives to secure custody, utilization of most programs is low. Currently, few people actually serve their sentence at the post-sentence stage. Because of problems mainly at the pre-trial and court levels, as outlined earlier in this report, few offenders who would be eligible for such alternatives reach the post-sentence stage. However, the implementation of options outlined in this report will cause larger numbers of persons to be released pre-trial -- to later enter the system after sentencing. There will thus be more offenders eligible for post-sentence alternatives and more need for alternatives. Because the number of beds "saved" post-sentence is largely dependent on pre-trial options selected and the extent to which they are implemented, the impacts of the following options are difficult to predict. The impact may be low at the beginning of implementation and then greatly increase as the impact of pre-trial options is felt.

Program participation at the post-sentence level is also generally hampered by the lack of objective and quantifiable eligibility criteria. In order for these programs to be most effective, a standardized means for deciding eligibility should be instituted.

PROBLEM 14: NEED TO EXPAND POST SENTENCE WORK PROGRAMS IN LIEU OF JAIL

While the Sheriff's Work Program and the Community Service Program seem to have the most impact on jail overcrowding at the post sentence stage, their expansion would further impact overcrowding and at the same time be cost-effective.

OPTION 14-1: EXPAND SHERIFF'S WORK PROGRAM AND COMMUNITY SERVICE PROGRAM

PROS

- a. Reduce number in custody by increasing number on work detail.

[illegible]

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- b. Generates free public work for the County and non-profit agencies.
- c. Improves community support for law enforcement and corrections.
- d. Low cost to run - inmate fees help offset costs.

CONS

- a. Possible "walkaways" and program failures.
- b. Additional staff may be needed for direct supervision and administration.

COSTS

Cost for supervision mostly offset by participant fees.

IMPACT

Consultants estimate 3-10 beds saved with numbers increasing later.

PROBLEM 15: NEED FOR RELEASE MECHANISM

The Sheriff's Department has few means at its disposal to control jail population and to create incentives for sentenced inmates. County Parole would provide such a program. It could also be used to supervise drunk drivers on release with antebuse, help to tailor sentencing, employ supervision programs and conditions, and speed pleas. These techniques can significantly improve sentencing.

NOTE: OPTION 15-1 was rejected.

PROBLEM 16: DESIRE FOR CONTROL OF OFFENDERS WITHOUT LARGE EXPENDITURE OF MONEY

Overcrowding problems force jails to consider the use of alternatives to incarceration for sentenced offenders. However, the community desires that such alternatives maintain public safety, be easily implemented and be cost-effective. An Electronic Monitoring Program (EMP) provides

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such a community-based alternative to incarceration. It could be used as either a pre-trial or post-sentence alternative; however, Consultants believe that it should be utilized just for post-sentence.

OPTION 16-1: INSTITUTE AN ELECTRONIC MONITORING PROGRAM (EMP)

PROS

- a. Cost-effective; offenders can assume some of cost.
- b. Maintains public safety.
- c. Easily implemented.
- d. Provides a sentencing alternative.
- e. Helps alleviate jail overcrowding.

CONS

- a. Fairly new technology; not long track record.
- b. Need to determine eligibility criteria.
- c. Long periods of home confinement (over 120 days) may have an adverse effect on the performance of offenders in the community.
- d. Reliability of equipment.
- e. Some program failures.

COSTS

The cost of equipment varies by type and among manufacturers. Estimates show a range of \$2.86 per day to \$15 per day for each participant when equipment is leased.

In terms of total costs, an EMP used instead of incarceration should provide substantial savings. Palm Beach County, Florida, for instance, saved a total of \$153,000 between November 1984 and September 1986 by supervising, with an EMP, 144 probationers who would have otherwise been committed to the local jail.

IMPACT

Consultants estimate a 20 bed savings.

PROBLEM 17: NEED FOR INCREASED USE OF WEEKEND SENTENCING

At present the Weekend Sentencing Program is underutilized because of overcrowding on weekends. However, with careful planning and scheduling, the use of a weekend sentencing program could help to reduce general overcrowding while providing a sentencing alternative.

NOTE: OPTION 17-1 was tabled.

PROBLEM 18: NEED FOR INCREASED WORK RELEASE OPTIONS FOR INCARCERATED OFFENDERS

Leon County operates a Work Release Program which allows offenders to work up to 60 hours per week at a job away from the jail. However, this program is underutilized. It also does not encompass a program for providing supervised work for other incarcerated inmates who may not have an outside job or who need to work under supervision.

OPTION 18-1: INCREASE USE OF WORK RELEASE

Leon County's Work Release Program helps to maintain offenders' jobs and reduce the jail population during the day which reduces discipline problems and other effects of crowding.

PROS

- a. Reduces jail population during the day.
- b. Helps reduce recidivism by maintaining offenders' jobs, community contact and self respect.
- c. Can be housed inexpensively (barracks-type) when another jail facility is constructed.
- d. Program requires little direct expense; inmates pay for participation.

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CONS

- a. Jail beds still needed at night.
- b. Some program failures.

COSTS

Most costs offset by participant fees which are presently \$7.50 a day per participant.

IMPACT

No actual total bed savings, but reduction of daytime population. Future savings on type of beds to be constructed (inexpensive barracks-type construction.)

OPTION 18-2: IMPLEMENT A SUPERVISED WORK PROGRAM (OR WORK CAMP)

PROS

- a. Provides a sentencing alternative.
- b. Participants provide useful and constructive work for County (road maintenance, parks maintenance, etc.)
- c. Improves community support for law enforcement and corrections.
- d. Provides offenders with an alternative to idleness. May reduce discipline problems.
- e. Inexpensive to administer compared to other forms of incarceration.
- f. Inexpensive to construct and maintain facility if using appropriate barracks-type buildings.

CONS

- a. Some program failures and "walkaways."

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COSTS

Inexpensive to administer and build.

IMPACT

No actual bed savings but impacts upon cost.

PROBLEM 19: RESTRICTIVE PROBATION CONDITIONS

NOTE: OPTION 19-1 was tabled.

PROBLEM 20: LACK OF POST-SENTENCE OPTIONS FOR SPECIAL POPULATIONS

There is a general lack of post sentence options for special populations which include substance abusers, the mentally ill and the mentally retarded. Existing programs for these individuals are generally inadequate and procedures and criteria for placement are inconsistent and unclear.

OPTION 20-1: INCREASE AND IMPLEMENT POST-SENTENCE PROGRAMS FOR SPECIAL POPULATIONS

Because programs for special populations are discussed in the Special Populations Options section, please see that section for specific options relating to this issue.

Special Populations Options

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SPECIAL POPULATIONS

There are many special populations that come in contact with the Leon County criminal justice system. Some may require pre-trial diversion in lieu of incarceration, others need segregated housing once incarcerated and others may be appropriate for post-sentence programs. These special populations tend to take up an inordinate amount of bed space and law enforcement and other criminal justice resources.

PROBLEM 21: NEED FOR USE OF DIVERSION FOR SUBSTANCE ABUSERS

Diversion in lieu of jail occurs for some drug and alcohol abusers. Due to the possible shortage of beds and law enforcement's reluctance to use alternatives (possibly because of delays during intake), individuals are sometimes booked into jail on a related charge.

NOTE: All options under PROBLEM 21 were tabled.

PROBLEM 22: LACK OF POST-SENTENCE ALTERNATIVES FOR SUBSTANCE ABUSERS

Post sentence alternatives for offenders whose primary charge is related to substance abuse are limited in Leon County. Placement in private or state funded residential treatment programs is problematic. Typically, private programs are costly and state run programs have lengthy waiting lists and are located outside of Leon County.

The County and City need to provide additional beds by either expanding established programs or creating new ones.

OPTION 22-1: PROVIDE ADDITIONAL POST SENTENCE ALTERNATIVES FOR SUBSTANCE ABUSERS

PROS

- a. Provides a sentencing alternative.
- b. Helps to treat the problem of substance abuse, thus reducing recidivism and social cost to society.

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- c. Provides an alternative to out of county state run programs and expensive private programs.
- d. Less expensive than secure jail placement, individual may help pay fees.

CONS

May need County and/or City funding to provide additional beds.

COSTS

Cost for additional beds; program costs may be partially offset by participant fees.

IMPACT

Consultants estimate 3-10 beds saved.

PROBLEM 23: DIVERSION OF THE MENTALLY ILL

Florida law holds that the mentally ill cannot be jailed solely for exhibiting mental health problems. The sanctioned procedure is to refer and transport to a mental health care program. However, because of a sometimes lengthy screening time, officers have been opting to take such individuals directly to jail.

Once placed in jail, it is difficult to secure release and special housing and medication is often required. No formal process exists to divert. Currently, upwards of 30 persons in the jail are considered primarily to be mental health problems.

OPTION 23-1: DIVERT INDIVIDUALS ARRESTED FOR BEING MENTALLY ILL

PROS

- a. Proper placement, in accordance with Florida law.

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- b. A more medically sound placement.
- c. Reduces drain on jail resources.

CONS

- a. May require additional law enforcement time for screening and intake.
- b. May require additional beds and program resources.

COSTS

Law enforcement time and possible program costs. May require additional beds.

IMPACT

Consultants estimate 5-20 beds saved.

OPTION 23-2: DIVERT THE MENTALLY ILL FROM THE JAIL

PROS

See Option 23-1 PROS.

CONS

- a. May require additional time for screening and setting up a standard mechanism for release.
- b. May require program expansion.

COSTS

Some personnel costs for screening and diverting. Possible costs for additional program beds.

IMPACT

Dependent upon utilization of Option 23-1.

PROBLEM 24: EMERGENCY TREATMENT OR PLACEMENT OF MENTALLY ILL ARRESTED FOR MORE SERIOUS CHARGES

Individuals arrested on felony charges or who are violent, and also happen to be mentally ill, present serious jail management problems. Securing a court order can be difficult. When no outside placement can be secured, the individual must be segregated.

OPTION 24-1: PROVIDE EMERGENCY TREATMENT AND/OR SPEED AND STANDARDIZE PROCESS FOR PLACEMENT OF MENTALLY ILL

PROS

- a. Medically and psychologically sound placement of the mentally ill.
- b. Less drain of jail resources.
- c. A standard process would save personnel time spent to secure treatment/placement.
- d. Reduction of use on scarce segregation-type beds.
- e. Provides a safer overall jail environment.

CONS

- a. Requires time and cooperation among criminal justice agencies to standardize and speed process for release.
- b. May require financing of secure beds in Tallahassee and deputies to secure them.

COSTS

Personnel time to standardize release format but savings in personnel time after instituted. May require financing secure beds and deputies.

IMPACT

May save 3-6 beds; segregation in each "slammer" ties up 3 beds.

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PROBLEM 25: LACK OF ALTERNATIVE PLACEMENT OR PROCESSING OF MENTALLY RETARDED OFFENDERS*

Because of the lack of a system to deal with the mentally retarded, these individuals tend to stay in jail longer than others charged with similar crimes. Usually they require segregation, straining jail resources and causing crowding in certain jail units.

OPTION 25-1: STANDARDIZE AND SPEED PLACEMENT OR PROCESSING OF MENTALLY RETARDED

PROS

Same as Option 24-1.

CONS

Requires time and cooperation among criminal justice agencies to standardize and speed process for handling the mentally retarded.

COSTS

Personnel time to standardize process but should provide a savings in time once process is instituted.

IMPACT

May save 1-3 beds.

*Mentally retarded to the point of some functional impairment.

PROBLEM 26: LACK OF SPACE FOR SEGREGATING INMATES WITH COMMUNICABLE DISEASES

In October, the jail had between nine and thirteen identified cases of communicable disease. Individuals with communicable diseases, such as AIDS and active TB, must be segregated, intensifying overcrowding of the critical segregation cells.

NOTE: OPTION 26-1 was tabled.

PROBLEM 27: JAIL HOUSES JUVENILES

The jail houses an average of eight to ten juveniles at any given time. Because they must be housed separately from adult detainees it exacerbates overcrowding of the crucial four bed cells (the jail's only segregation resource).

The juvenile facility in Leon County is regional, old and one of the smallest facilities in the State. It is typically overcrowded and often cannot house violent youth.

OPTION 27-1: REDUCE OR ELIMINATE HOUSING OF JUVENILES

PROS

- a. Reduce numbers using crucial segregation units.
- b. Alleviate facility and personnel problem with keeping juveniles separate.
- c. Juveniles do not "belong" in an adult jail setting; better placement for juveniles.

CONS

- a. May be difficult to exclude juveniles; it will require agency cooperation, political problems, etc.
- b. Juvenile facility is inadequate, may require money for funding.

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COSTS

May require funding juvenile facility to add beds and/or personnel to handle juveniles who would otherwise be placed in the adult facility.

IMPACT

Consultants estimate 8-12 beds could be saved.

Facility Options

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FACILITY OPTIONS

In the forthcoming Master Plan stage, Leon County will need to consider facility options for housing and programming jail inmates. In the current overcrowding study, "facilities" are not the primary issue. Nonetheless, the crowding study leads directly to a facility study--and so ILPP has listed below some possible facility solutions that will need to be examined.

1. Remodel, Expand and Improve Current Jail.

The current jail has a small site and severe design limitations. Combined with a camp, however, and used on a more limited basis, the Main Jail may offer at least some beds in a future system. Simply to insure that no cost-effective option is overlooked, the building should be carefully evaluated by a corrections specialist. The Annex has even more potential, and should also be examined. Although limited in terms of expansion, cost factors require examination of the current jail as a remodeling option.

PROBLEM 28: IMPROVEMENT OF CURRENT JAIL

OPTION 28-1: ADD A MODULAR UNIT TO PROVIDE PROGRAM SPACE

The Leon County Jail has almost no required program space. Providing program space through the use of modular units (doublewide trailers) would legalize 50 annex beds; only 100 of the annex's 150 beds are currently Board rated.

PROS

- a. Lowers County liability.
- b. Program space provides access to GED and other programs.
- c. Jail receives money for GED participation.
- d. Modulares could be in place in approximately two weeks.

CONS

- a. Requires additional staffing; jail is experiencing a high staff turnover rate with resulting staff vacancies.

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- b. Cost of modulars and installation.
- c. Siting of modulars must be worked out.

COSTS

Cost of modular unit(s) and staffing costs.

IMPACT

Reduces jail liability and legalizes 50 Annex beds.

2. Build a Separate Camp or Work Farm.

The County, under the leadership of Sheriff Boone and Judge McClure, previously examined the feasibility of a work camp. Such a barracks-type facility might cost \$1,000,000 for 50-100 beds, sited near the current jail, or on a separate site (see Option 18-2).

3. A New Jail.

If the evaluation of the old jail shows that remodeling/reuse is not cost-effective, the County should consider an expanded replacement jail on a new site. Such a facility might be constructed in phases, perhaps beginning with a minimum security work camp, and then subsequent construction of maximum and medium security housing and related spaces.

In the Master Plan stage, these and other questions must be carefully evaluated. For now, it is important to note in a jail overcrowding study that replacement and new beds may well be needed.

In the Introduction of the Phase I Report, Consultants noted that it may cost \$37,500,000 to build a new 500 bed facility. This amount was based on an average of \$75,000 per bed, which was taken from national averages of between \$50-150,000 per bed. Further research and information from the Florida Department of Corrections points to the fact that those figures may be on the high side for Florida. The Hillsborough County Jail, for instance, has planned a 1,344 direct supervision bed facility at an approximate cost of \$60,000,000. This comes out to \$44,643 per bed and \$110 per

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square foot. Other counties in Florida have constructed or renovated facilities at costs ranging from \$10,156 per bed in Manatee County for a work release facility to \$57,143 per bed in Clay County. Polk County constructed a 488 bed facility for \$32,291 per bed.*

*Information came from 12/31/86 Florida Department of Corrections figures (except Hillsborough County - 11/87 figure).

TABLED OPTIONS

OPTION 6-2: EARLIER STATES ATTORNEY SCREENING AND CHARGING DECISIONS THROUGH SCHEDULING

Speed completed law enforcement "work-ups" to the prosecutor for all in-custody defendants.

PROS

Reduction of jail population by earlier reduction of some felony charges to misdemeanors.

CONS

- a. State Attorney (SA) staffing and scheduling problems may occur.
- b. Costs to law enforcement.

COSTS

Cost in SA and law enforcement time should be offset by more efficient case processing.

IMPACT

Consultants estimate 5-15 beds could be saved.

OPTION 9-2: LIMIT PRE-TRIAL RELEASE CONDITIONS TO THOSE RELATED TO APPEARANCE AND DANGER

Currently pre-trial release conditions are so extensive that their violation tends to result in new bookings and, indirectly, in further crowding. Persons who would not be jailed for behavior which is not a crime can be jailed for the same behavior as a violation of their pre-trial release conditions.

Conditions should be limited to those that are directly related to insuring appearance (e.g., being accessible by phone) and/or to community safety, (e.g., antebuse for alleged drunk drivers).

Leon County Overcrowding Study

PROS

- a. Pre-trial release would be more directed to insuring appearance and community safety and less likely to indirectly cause jail crowding.
- b. Fewer pre-trial release failures would occur.

CONS

- a. Somewhat less control would result over the behavior of those released pre-trial; some related incidents would occur.
- b. Police and public dissatisfaction with the above loss of control over those awaiting trial.

COSTS

Costs of supervision would be lower with fewer conditions.

IMPACT

Jail bookings would decline; estimates are hard to come by.

OPTION 12-1: DEVELOPMENT OF POLICIES FOR THE IMPLEMENTATION OF DISCOVERY

PROS

- a. Policies would help eliminate delays related to making and responding to discovery requests.
- b. Disputes over what materials are discoverable would be eliminated.
- c. Identification of time required to prepare a case for trial and the need for court reporters to take depositions would be permitted.
- d. Policies for implementation would permit trial-setting that is based on case activity, speeding trials and avoiding delays, enabling courts to have better case management.

Leon County Overcrowding Study

CONS

- a. Timely transmission of documents between arresting agency and State Attorney's office may be required.
- b. There may be a potential problem regarding attorney's work product privilege, such as discovery of information obtained by defense counsel through its own investigation.

COSTS

Cost savings because of reduced need for depositions.

IMPACT

Bed needs lowered.

OPTION 17-1: INCREASE USE OF WEEKEND SENTENCING

PROS

- a. Relieves overcrowding.
- b. Provides a sentencing alternative.
- c. Maintains community ties and jobs for participants, thus helping to reduce recidivism.

CONS

- a. Increases use of beds on weekends.
- b. Some administrative time involved.

IMPACT

Consultants are unable to estimate impact at this time.

OPTION 19-1: LIMIT CONDITIONS FOR PROBATION

Currently, conditions for probation are so numerous that some on this form of release tend to regularly violate them, leading to renewed jail bookings and further crowding. Many conditions are not directly related to criminal behavior (inability to pay, problems with "checking-in," etc.). These types of conditions may be difficult for certain types of offenders to comply with, resulting in violations. The individual may be unable although not necessarily unwilling, to fulfill probation conditions.

PROS

- a. Insures greater success rate.
- b. Reduces number of individuals booked on non criminal-related probation violations.
- c. Reduces jail crowding.
- d. Reduces law enforcement and probation officer time regarding arrest and processing of probation violators.

CONS

- a. Somewhat less control over those released on probation.
- b. May require probation officers' time to better tailor conditions to the individual and perhaps staff time to notify probationers regarding appointments, etc. (See Option 9-3 for similar option.)

COSTS

Staff work and related support cost may occur.

IMPACT

Consultants estimate 1-3 beds saved.

Leon County Overcrowding Study

OPTION 21-1: DIVERT SUBSTANCE ABUSERS FROM BOOKING

PROS

- a. Proper placement of abusers, in accordance with Florida law.
- b. Reduces drain on resources and beds.
- c. A medically sound placement.

CONS

- a. May require additional law enforcement time for intake at the Detox Center.
- b. Probably requires expansion of Detox Center or City funding of other programs to provide additional beds, if needed.

COSTS

Some cost in law enforcement time. Possible County and/or City costs to provide additional detox beds if needed.

IMPACT

Consultants estimate 2-5 beds saved.

OPTION 21-2: DIVERT SUBSTANCE ABUSERS FROM JAIL

If substance abusers are booked into the jail (assuming Option 21-1 is not instituted), there needs to be a focused means of screening and diverting those eligible for pre-trial release.

PROS

See Option 21-1 PROS.

Leon County Overcrowding Study

CONS

- a. May require additional time for screening and setting up a standard mechanism for release.
- b. May require expansion of Detox Center or City funding of other programs to provide additional beds.

COSTS

Some personnel costs for screening and diverting. Possible County or City costs to provide additional detox beds if needed.

IMPACT

Impact dependent upon whether Option 21-1 is utilized.

OPTION 26-1: PROVIDE SPACE FOR SEGREGATION OF CASES OF COMMUNICABLE DISEASES

Unfortunately, space for segregation does not exist at the jail beyond the use of the few "slammer" units, each containing four beds. Plans should be made to include segregation cells for communicable diseases in the proposed new jail. Since this option cannot be acted upon now, pros, cons, costs and impact have not been broken down.

Rejected Options

A large, empty rectangular box with rounded corners, intended for listing rejected options. The box is defined by a solid black border and occupies the majority of the page below the title. It is currently blank, providing space for handwritten or typed entries.

REJECTED OPTIONS

OPTION 5-1: INTER-AGENCY POLICY ON CHARGING PRACTICES

Appropriate representatives of law enforcement agencies, the State Attorney's office, and the courts should develop uniform guidelines for the filing of charges in order to insure a greater degree of consistency between those charges filed at arrest and the charges on which offenders are ultimately convicted.

PROS

- a. Greater consistency in the filing of charges would result in a reduction in the number of charges and offenders held pre-trial and released without follow-up.
- b. The percentage of drops and dismissals would be reduced, and the percentage of successful prosecutions increased.
- c. The number of individuals eligible for ROR or capable of posting bond would increase, resulting in a reduction in pre-trial bed needs.

CONS

- a. Uniform charging guidelines would reduce the level of discretion available to individual officers and law enforcement agencies in the filing of charges.
- b. The ability of prosecution officials to effectively plea-bargain might be reduced (at least until new "norms" arose between prosecutors and defense counsel).

COSTS

Personnel - Personnel costs associated with the development of uniform charging guidelines are minimal. ILPP estimates that effective implementation of the guidelines would require one to two hours of training for each law enforcement officer, and states attorney involved in criminal prosecution.

IMPACT

Consultants estimate that implementation of this option could result in a significant percent reduction in total annual felony bookings. As a result, Leon County could realize a reduction in its detention/correction bed needs. In addition, implementation of the option could result in substantial operational efficiencies in both law enforcement and prosecution agencies.

OPTION 6-1: ESTABLISHMENT OF A PRE-PROCESSING INTAKE AND SCREENING CENTER

Leon County should establish, at the jail facility, a Pre-Processing Center (PPC) responsible for determining the appropriateness of charges filed at arrest (and the eligibility of some arrestees for pre-trial release modes). In effect, the pre-processing center could become the pre-trial nerve center for the criminal justice system. It would be staffed by police and prosecution agents, perhaps Pre-Trial Release staff, and in communication with a "duty" judge. Each arrest and charge would be screened before booking.

PROS

- a. The Pre-Processing Center would be responsible for the operationalization of citation and pre-trial release policy options discussed in this report. It would insure the uniform application of established criteria on the use of field and jail citations, and the consistency of charges filed at arrest with those filed by prosecuting officials and later resulting in a plea or conviction.
- b. The pre-processing center could reduce the number of arrestees who must be booked into the jail facilities. If the experience in other counties is any indication, such a pre-processing center may reduce the total number of bookings by as much as 10 percent on an annual basis. As a result, the county's pre-trial bed needs would be greatly reduced.
- c. Establishment of a pre-processing center would effectively extend the Pre-Trial Release Program's impact to earlier in the pre-trial flow, beginning at arrest, and also reduce disparities in charging decisions.

CONS

- a. A pre-processing center may, in perception or fact, become another layer of bureaucracy in the criminal justice system.
- b. The operational costs of the center may be substantial. However, those costs would be offset by the savings that would occur through the uniform application of criminal justice system policies regarding charges and pre-trial release, and the reduction in the county's detention/corrections bed needs.

COSTS

Personnel - Two alternatives are available, each providing different staffing levels for the pre-processing center, on a 24-hour basis. Under the first alternative, staffing at the center would be provided by a team consisting of one law enforcement officer, one Deputy State Attorney and one clerical support staff. Assuming a standard shift relief factor of 1.7, personnel costs for a center might approximate:

| | |
|---------------------------------------|------------------|
| Law Enforcement Staff [5 @ \$30,000] | \$150,000.00 |
| Deputy SA Staff [5 @ \$40,000] | 200,000.00 |
| Clerical Support Staff [5 @ \$15,000] | <u>75,000.00</u> |

| | |
|--------------|-------------------|
| TOTAL | 425,000.00 |
|--------------|-------------------|

Please note that the staffing complement recommended and the associated personnel costs do not necessarily reflect "new" personnel. It should be possible to shift personnel from other assignments to the pre-processing center as work loads are expected to be reduced for each element in the system is expected to based on the expected reduced workloads for each element in the system.

Under the second alternative, staffing at the center would be provided by a law enforcement and prosecution team as well as pre-trial release staff. Assuming that existing Pre-Trial Release Program staff would operate the center, and assuming a standard shift relief factor of 1.7, costs for additional personnel would approximate:

| | |
|-----------------------------|-----------|
| PTR Officers [5 @ \$30,000] | \$150,000 |
|-----------------------------|-----------|

Leon County Overcrowding Study

Equipment - Computer terminals, office equipment and supplies, telephones, and office furnishings for a leased trailer, <\$20,000>.

Facilities - The pre-processing center would require office, interviewing, clerical and arrestee holding space of approximately 700 - 1,500 square feet; <\$100,000 for a trailer>.

Total costs should be under \$700,000, annually, and be under \$200,000 in new costs.

IMPACT

Assuming a 10 percent reduction in the total number of felony bookings, establishment of a pre-processing center would reduce Leon County's detention/corrections bed needs by approximately 25-50 beds.

OPTION 9-4: REDUCE RESPONSIBILITIES OF PRE-TRIAL RELEASE PROGRAM FOR COLLATERAL TASKS

Currently the Pre-Trial Release Program supervises pre-trial release conditions, including those attached to bail or bond releases. Program energies are expended on supervising many conditions (covered above) and in quasi-probation services, charging and collecting, etc. An overall re-focusing of program efforts on aggressively evaluating likelihood of appearance and danger to the community, and verification of information would increase the speed of project recommendations for release and reliability, and diminish procedures that result in revocations and violations and in-custody days in cases where the behavior involved is not a serious threat to the community.

PROS

- a. More high quality and timely pre-trial release recommendations would occur.
- b. Refocusing program efforts could lower pre-trial bed usage.
- c. Project efficiencies would result.

Leon County Overcrowding Study

CONS

- a. Some costs transfer to probation and other agencies.
- b. Possible increase in failures to appear and crime on bail.

COSTS

- a. Costs associated with pre-trial release should decline.
- b. Costs to other agencies might increase slightly.

IMPACT

Increased number of pre-trial releases, and some reductions in jail crowding.

OPTION 15-1: IMPLEMENT COUNTY PAROLE

PROS

- a. Flexible.
- b. Adds supervision without custody, after jail time.
- c. May help to speed pleas and tailor sentencing.
- d. Creates incentives for sentenced inmates.
- e. Tool for controlling crowding.
- f. Saves beds.

CONS

- a. Requires some staffing.
- b. Some program failures.

COSTS

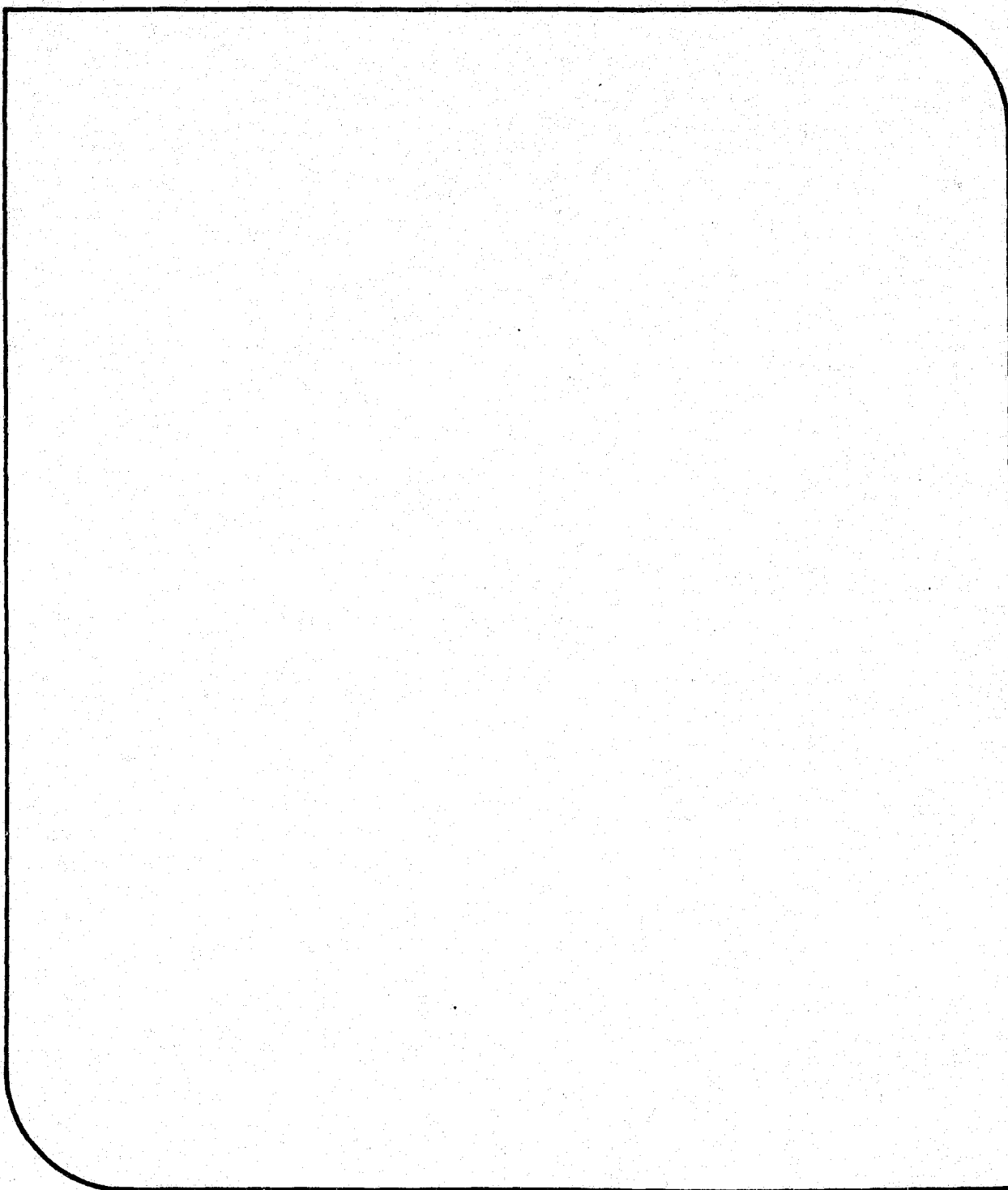
Staff time.

Leon County Overcrowding Study

IMPACT

Consultants estimate 5-10 beds saved with more saved in the future.

Appendices



APPENDIX A

SIMULATING THE IMPACT OF POLICY CHANGE

An illustrative calculation may be made to show the effect on average daily population (ADP) of changing various detention parameters. ILPP endowed the model with some modicum of "reality" by taking the average daily population (ADP) and felon/misdemeanant ratio from the profile in Report I, the 3-month average booking rate as of July 1987, and modifying the release rates and average length of stay (ALS) of the tracking study slightly to reflect increased populations.

The model is shown in part A of the attached table. The inmates are divided into four groups: felony and misdemeanor detainees, and those released pre-trial or transferred post-trial. For each of these groups ILPP has estimated an average daily booking and average ALS.

The model gives an equilibrium ADP of 400 inmates. Several types of change are possible. A higher percentage can be released pre-trial, through various mechanisms. Most of the arrestees are released in any event; 68% of the felonies and 85% of the misdemeanors in the tracking study, both slightly higher than in the model.

Figures C and D show the effect of small increases in the release percentages. In another scenario, the ALS can be reduced. In this case, the changes to the inmates who are released pre-trial anyway are limited and those serving sentences, etc. are excluded. Thus, the effect illustrated is merely that of improving the release mechanism without relaxing the release criteria. This is shown in Figures E and F.

Finally, Consultants have observed a sample in which 15% of felony charges at arrest were reduced to misdemeanors at or before adjudication. If a way were found to book at the level which is ultimately adopted, there would be a decrease in felonies and an equal increase in misdemeanors, but since the ALS for the latter is substantially lower, there would be a reduction in ADP. Figure G shows the effect of such reduced booking levels.

The figures illustrate the strong effects of single changes on ADP. What is not obvious, and not easy to present in a two-dimensional figure, is how a combination of small changes can have a large effect. Table B illustrates the effect of very modest changes in all of the above parameters. None of the postulated changes is at all unreasonable in view of the data gathered in the tracking

study, yet their combined effect is to reduce ADP by more than 100 beds. It is thus through a combination of small improvements that desired goals can be most easily attained.

All of the above calculations are meant to illustrate the effects of various changes on jail population. No recommendations are made at this point as to what specific policies should be implemented or modified in order to attain these reductions. The decisions on these are properly left to the Committee. When such decisions are made, Consultants will be able to predict their quantitative bed space impact with some precision.

A. Model for Phase II Projections (based on Phase I profile and tracking study)

| | Daily bookings | Percent of total bookings | Overall ALS (days) | ADP | -----Pretrial----- | | | | -----Posttrial----- | | |
|--------------|----------------|---------------------------|--------------------|-------|--------------------|-----------------|------------|----------------|---------------------|------------|----------------|
| | | | | | Percent released | Number released | ALS (days) | Portion of ADP | Number of transfers | ALS (days) | Portion of ADP |
| Felonies | 8.8 | 39.0% | 38.85 | 342.0 | 57.4% | 5.1 | 18.89 | 95.4 | 3.7 | 65.75 | 246.5 |
| Misdemeanors | 13.8 | 61.0% | 4.21 | 58.0 | 82.0% | 11.3 | 1.74 | 19.6 | 2.5 | 15.47 | 38.3 |
| TOTAL | 22.6 | 100.0% | 17.72 | 400.0 | 78.5% | 17.7 | 6.50 | 115.1 | 4.9 | 58.58 | 284.9 |

B. The overall effect of a combination of small changes

| Change | old | new |
|---------------------------------------|-------|------------|
| Felony release rate | 57.4% | 65.0% |
| Misdemeanor release rate | 82.0% | 90.0% |
| Pretrial felony ALS | 18.89 | 15.00 days |
| Pretrial misdemeanor ALS | 1.74 | 1.00 days |
| Reduce charges (felony -> misden.) by | 10.0% | |

| | Daily bookings | Percent of total bookings | Overall ALS (days) | ADP | -----Pretrial----- | | | | -----Posttrial----- | | |
|--------------|----------------|---------------------------|--------------------|-------|--------------------|-----------------|------------|----------------|---------------------|------------|----------------|
| | | | | | Percent released | Number released | ALS (days) | Portion of ADP | Number of transfers | ALS (days) | Portion of ADP |
| Felonies | 7.9 | 35.1% | 32.76 | 259.5 | 65.0% | 5.1 | 15.00 | 77.2 | 2.8 | 65.75 | 182.3 |
| Misdemeanors | 14.6 | 64.9% | 2.45 | 35.8 | 90.0% | 13.2 | 1.00 | 13.2 | 1.5 | 15.47 | 22.7 |
| TOTAL | 22.6 | 100.0% | 13.09 | 295.4 | 81.2% | 18.3 | 4.93 | 90.4 | 4.2 | 48.37 | 205.0 |

Figure C

Effect of Increasing Pretrial Releases

Felonies; Misdemeanors Constant

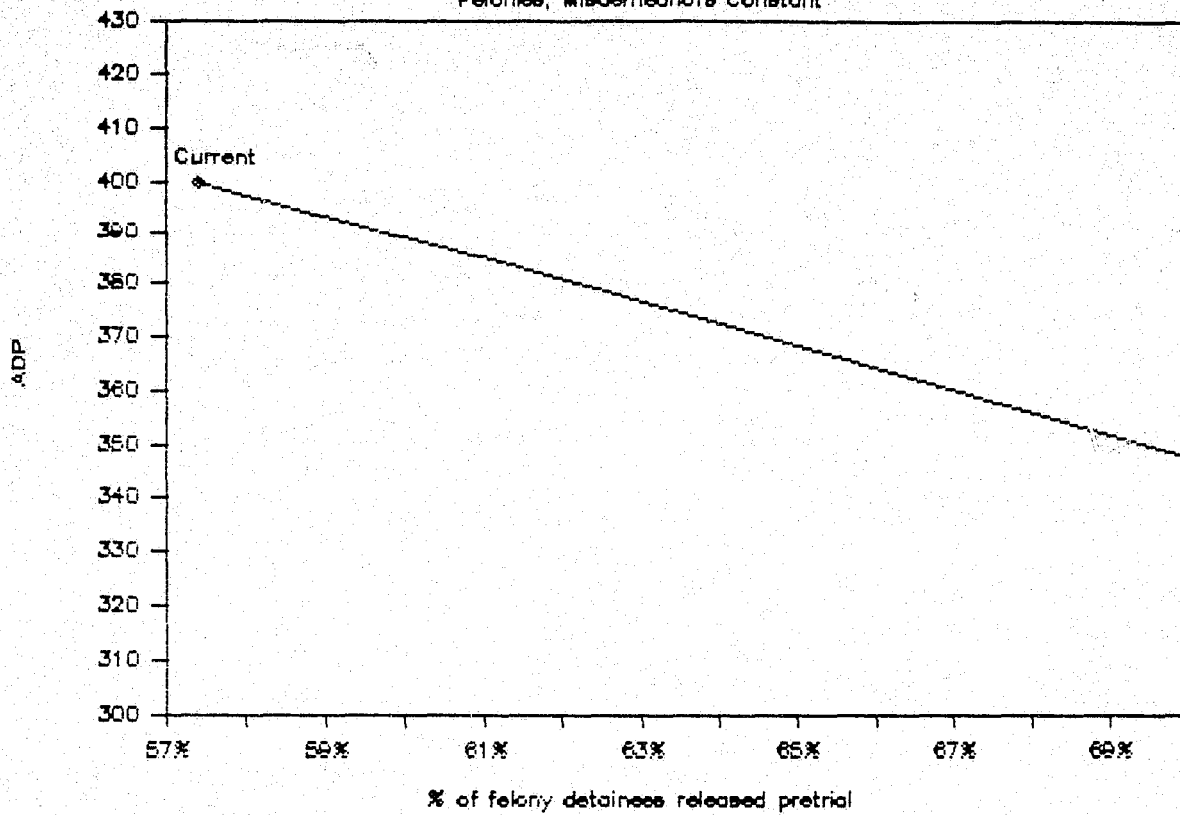


Figure D

Effect of Increasing Pretrial Releases

Misdemeanors; Felonies Constant

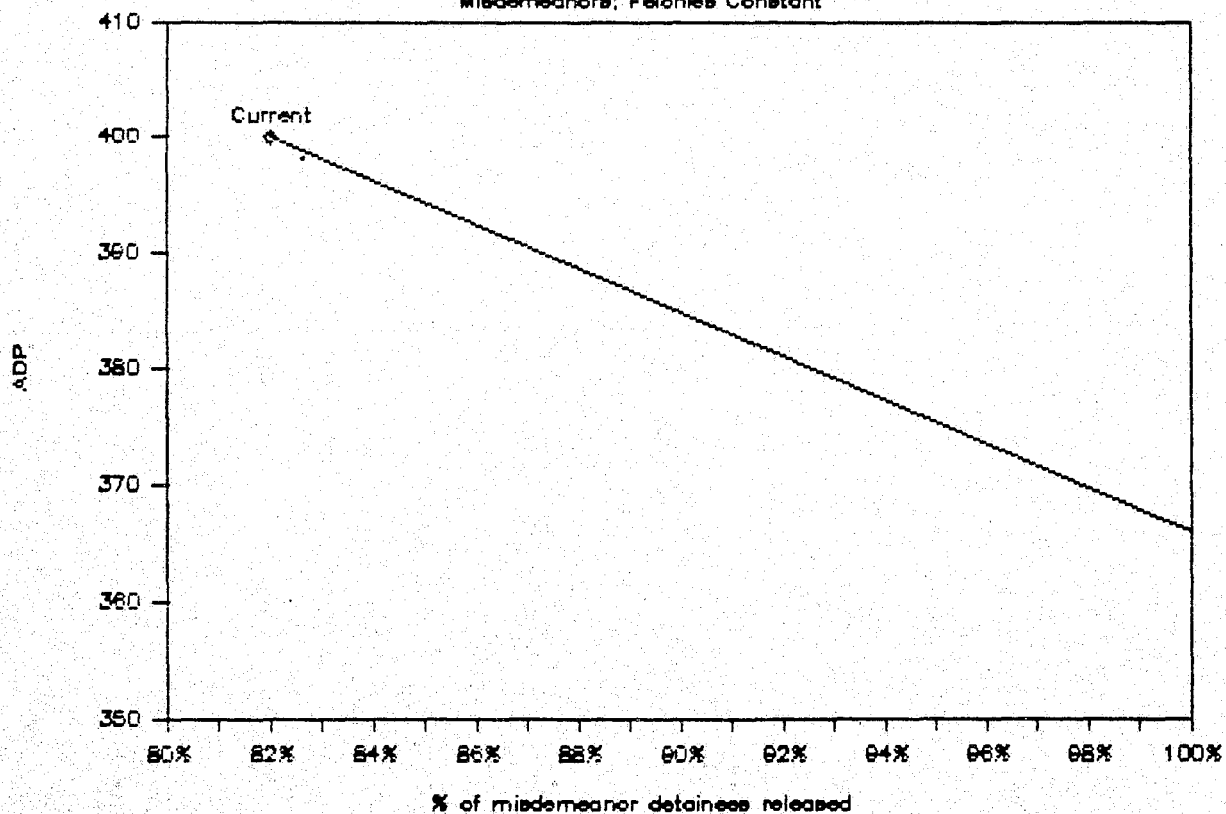


Figure E

Effect of Decreased ALS

Felonies; Misdemeanors Constant

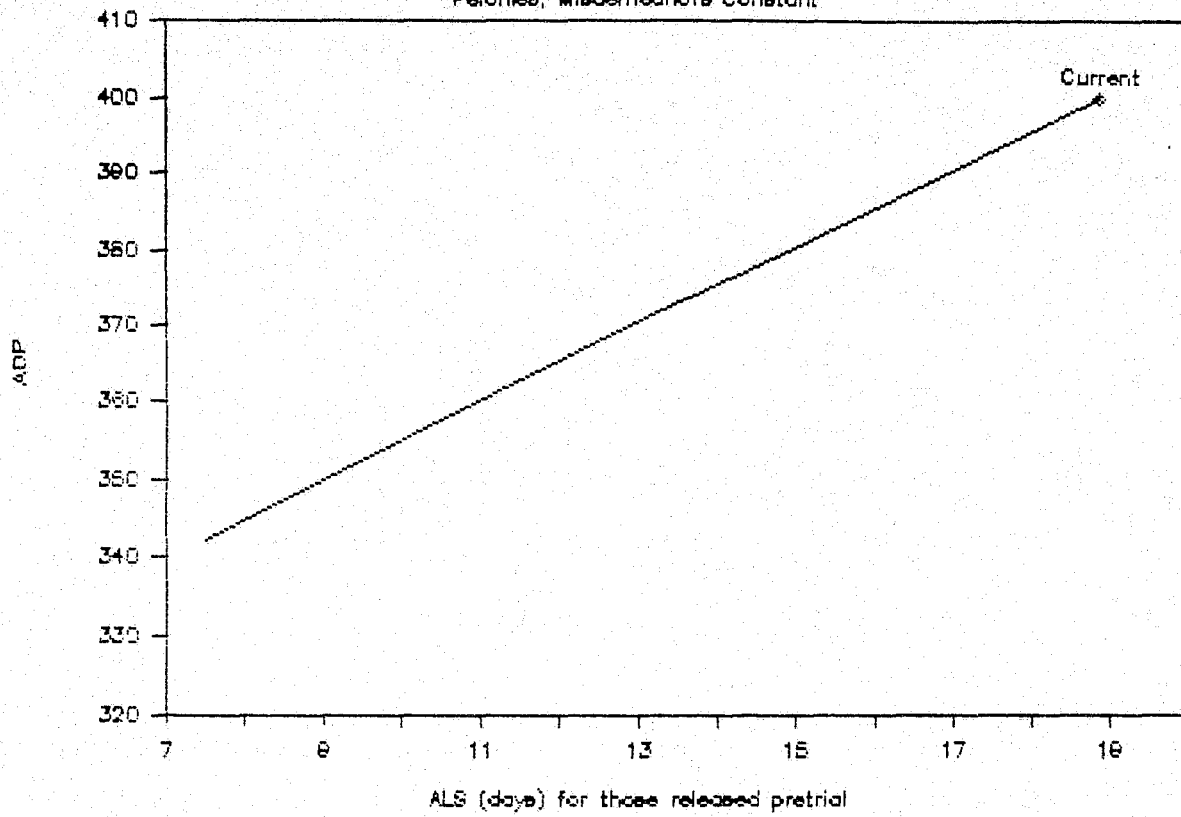


Figure F

Effect of Decreased ALS

Misdemeanors; Felonies Constant

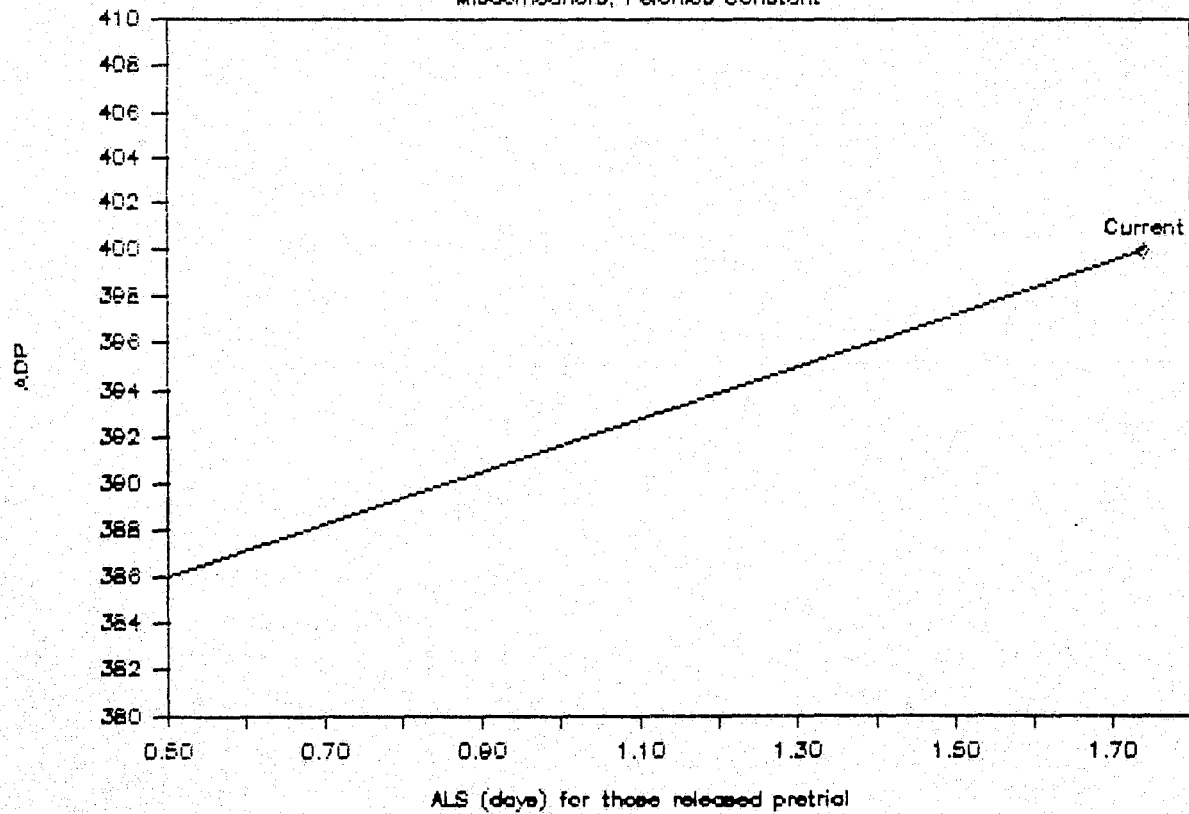
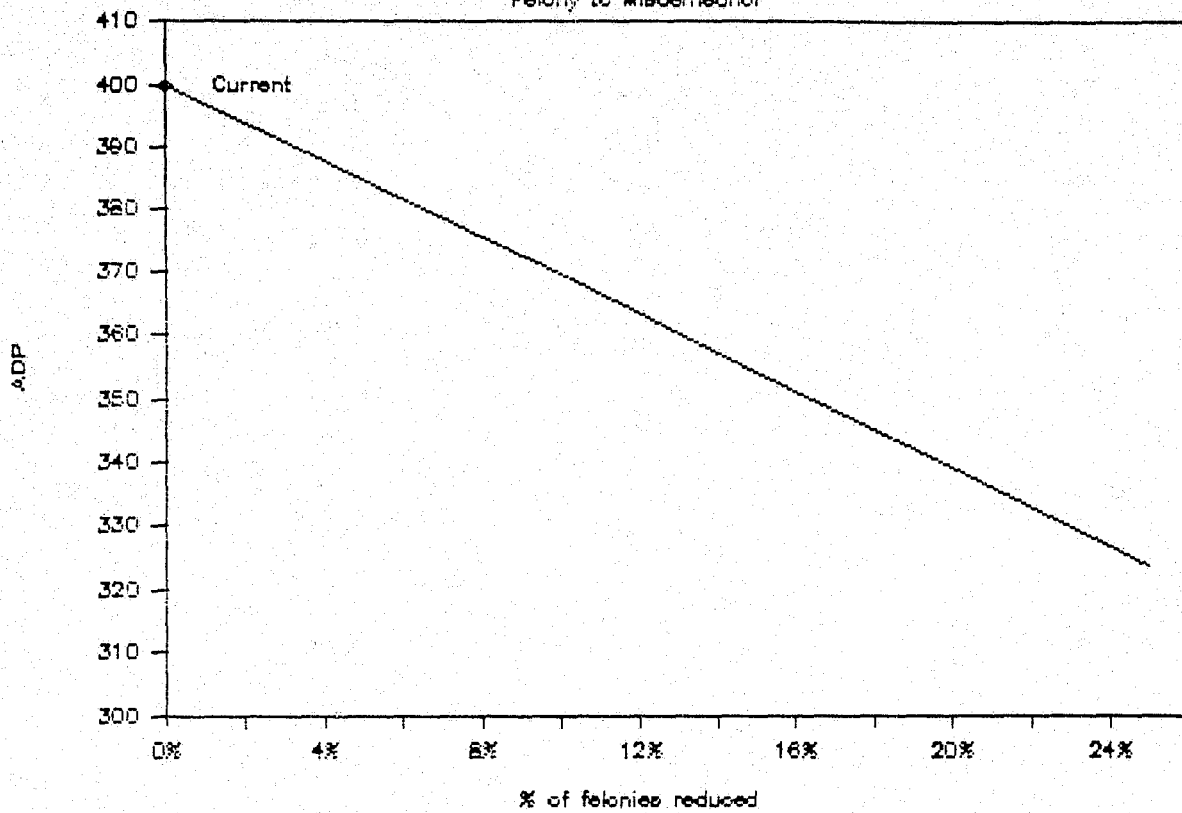


Figure G

Effect of Reducing Charges

Felony to Misdemeanor



APPENDIX B

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- d. _____. to Alan C. Sundberg, Chief Justice, re: jail overcrowding in Leon County, May 3, 1982.

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- OPTION 2-1: The Need for High Level Commitment to Manage Jail Population
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- OPTION 4-1: Uniform Jail Citation Policy
- OPTION 5-1: Inter-Agency Policy on Charging Practices
- OPTION 6-1: Establishment of a Pre-Processing Intake and Screening Center
- OPTION 6-2: Earlier States Attorney Screening and Charging Decisions through Scheduling
- OPTION 7-1: Case Screening Units for the States Attorney and Public Defender
- OPTION 8-1: Objective Quantifiable Pre-Trial Release Criteria, Adjusted to Failure to Appear (FTA) Rates
- OPTION 9-1: Modify Residency Requirement to Make Eligible Any Verified and Established Permanent Residence through which Defendant Can Be Contacted
- OPTION 9-2: Limit Pre-Trial Release Conditions to Those Related to Appearance and Danger
- OPTION 9-3: Enhance Notification to Control Failures to Appear
- OPTION 9-4: Reduce Responsibilities of Pre-Trial Release Program for Collateral Tasks
- OPTION 9-5: Provide Alternatives to Fees for Pre-Trial Release Services
- OPTION 9-6: The Pre-Trial Release Program Should Continue to Review Releases, and Expand the Categories of Those Considered
- OPTION 9-7: Increase the Speed and Accountability of Information Exchanges

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- OPTION 11-1: Evaluation of Indigency with Consistent Policies between State and County
- OPTION 12-1: Development of Policies for the Implementation of Discovery
- OPTION 13-1: Centralize All Scheduling Responsibilities in the Court
- OPTION 14-1: Expand Sheriff's Work Program and Community Service Program
- OPTION 15-1: Implement County Parole
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- OPTION 17-1: Increase Use of Weekend Sentencing
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- OPTION 26-1: Provide Space for Segregation of Cases of Communicable Diseases
- OPTION 27-1: Reduce or Eliminate Housing of Juveniles
- OPTION 28-1: Add a Modular Unit to Provide Program Space