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# Hillsborough County Corrections Population and Policy Research Study

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ACQUISITIONS

Submitted to  
**Hillsborough County Board  
of Commissioners**

153122

U.S. Department of Justice  
National Institute of Justice

July 15, 1993

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July 15, 1993

Pat Bean  
Assistant CAO  
County Administrator's Office  
419 Pierce Street, Room 204  
Tampa, FL 33602

Dear Ms. Bean:

ILPP's examination of Hillsborough County's jail population shows that many beds could be saved if the county pursues new policies, programs and practices in its operation of the criminal justice system.


This report identifies several "targets of opportunity" for addressing some procedures that would have the most direct impact on improving efficiency of jail bed use. These targets derive from study of the jail population alone, however; a broader review of the overall criminal justice system is still very much needed. From such a system review, the county could discover many more avenues of improving system operation and also address the best means of implementation.

In this final report we have modified our projections upwards slightly, based on the Sheriff's Office input, and downward based on expected action by the County Public Safety Coordinating Council.

The cooperation of the Sheriff's Office, the courts and all other agencies was excellent during this jail population study. We would like to express our thanks to all the individuals who enthusiastically assisted on the project; specifically we cannot overemphasize the enthusiasm and commitment of the Sheriff's Office toward making sure this report reflects accurate information.

The challenge the county faces in meeting the needs of its criminal justice system is made more bearable by the clear spirit of consensus among local leaders.

Sincerely,

  
Alan Kalmanoff  
Executive Director

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# **Hillsborough County Corrections Population and Policy Research Study**

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**Submitted to  
Hillsborough County Board  
of Commissioners**

**July 15, 1993**

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Sheriff Cal Henderson  
Richard Ake, Clerk of Circuit Court  
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## ABBREVIATIONS

ADP	Average Daily Population
ALS	Average Length of Stay
CB	Cash Bond
CPSCC	County Public Safety Coordinating Council
DUI	Driving under the Influence
DWLS	Driving while License Suspended
FTA	Failure to Appear for a Court Date
NIC	National Institute of Corrections
NTA	Notice to Appear
ROR	Release on Own Recognizance
RAWOV	Resisting Arrest Without Violence
RAWV	Resisting Arrest With Violence
SA	State Attorney
SB	Surety Bond
SO	Sheriff's Office
SRS	Summary Reporting System
VOP	Violation of Parole or Probation

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# EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

### PROJECT SCOPE AND PURPOSE

The Institute for Law & Policy Planning was retained to perform a jail population and policy study. The need for this study arose from the county's desire to seek a means of complying with a state lawsuit on Hillsborough County jail crowding, other than initiating massive new construction.

Because of time constraints, the current study focused specifically on examination of the jail population versus a comprehensive, system-wide review of criminal justice functions, or development of an overall criminal justice plan.

This study comprised four main tasks:

- Inmate Profile & Classification Analysis - Sampling of inmates on a given day to characterize jail use and identify optimal classification levels.
- Inmate Tracking Analysis - Sampling of inmates studied from booking to release to identify efficiency of release and adjudication mechanisms.
- Inmate Population Projections - Projections of the inmate population through 2010 and assessment of historical projections for comparison.
- Targets of Opportunity - Based on the findings of the above, targets of opportunity for improving flow and efficiency are identified and described with initial impacts.

## INMATE PROFILE ANALYSIS

### Demographics

- 85% of sampled inmates are Hillsborough County residents.
- Over half the sample are African American (versus 13% for the general county population).
- 85% of the women and 65% of the men are unemployed.

### Primary Charge

For both men and women, the jail contains mainly persons facing felonies:

Figure 1 Primary Charge Breakdown for Men, Profile Sample

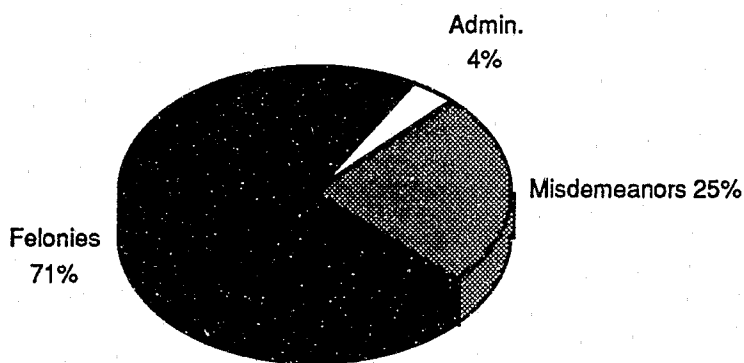


Figure 2 Primary Charge Breakdown for Women, Profile Sample

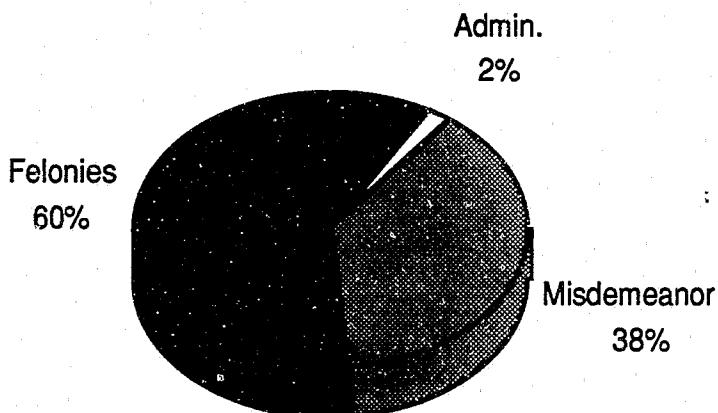


Figure 3 Felony Breakdown by Men and Women

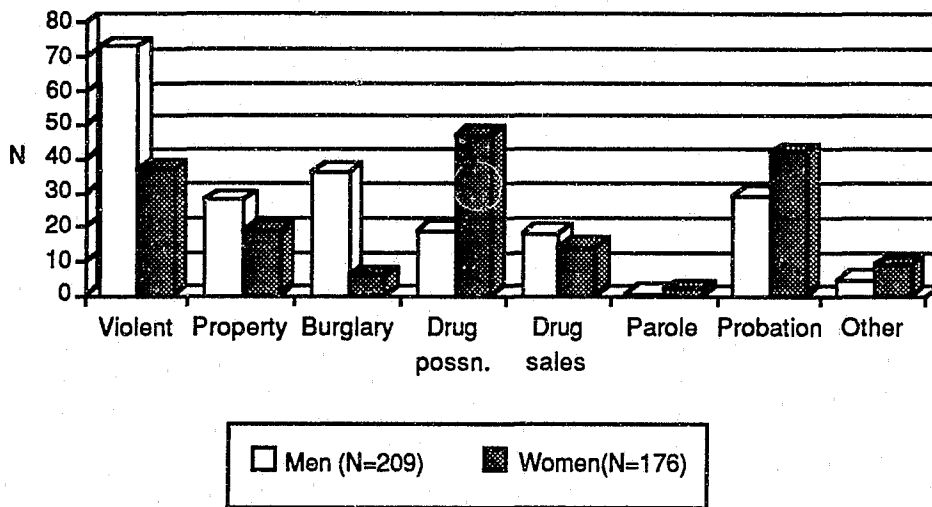
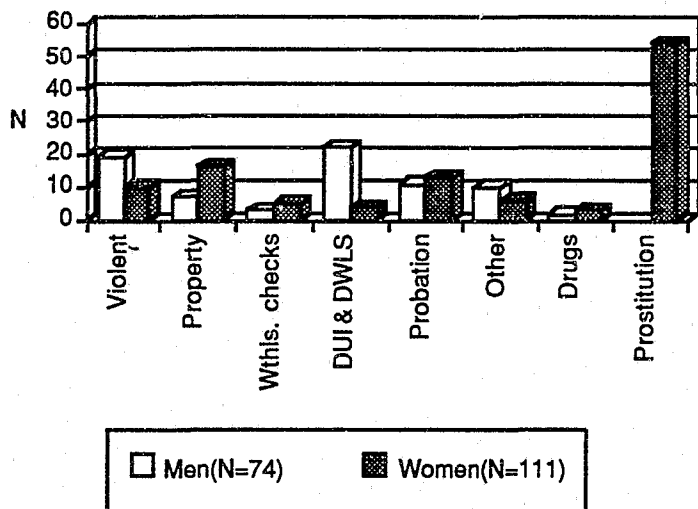


Figure 4 Misdemeanor Breakdown by Men and Women



Violent crime and drug possession offenses predominate among felonies; traffic offenses and domestic violence predominate among misdemeanors.

### Other Charge Information

- Violation of probation (VOP) rates are high among the profile group: 37% of the overall group are in jail for some kind of probation violation, either as a technical offense or as part of a new offense.

- 32% of all VOPs are drug-related; 30% of VOPs among men are misdemeanors, and 24% of VOPs among women are misdemeanor violations.
- Bond is typically denied in VOP cases, regardless of whether the violation is technical or the commission of a new crime, accounting for the high percentage of the population in jail for this offense.

### Adjudication Status and Length of Stay

- Less than half of women are unsentenced (43%); over half of the men are unsentenced (54%).
- After a first appearance hearing, many inmates have no action taken on their cases for lengthy periods of time.

### Classification

- Hillsborough County uses the NIC classification system consistently. The NIC system, however, provides for only three degrees of security: maximum, medium and minimum; there are no further breakdowns of sub-classifications (e.g., low-minimum).
- 65% of the men have one or more prior felony convictions; 59% of the women have one or more prior felony convictions.

Figure 5 Classification for Men

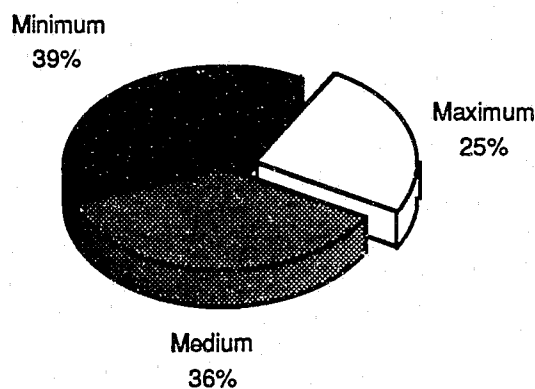
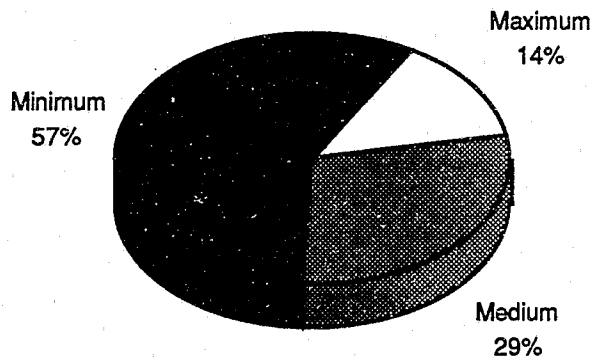


Figure 6 Classification for Women



## INMATE TRACKING ANALYSIS

### Pretrial Release

- 60% of inmates tracked through the system qualify for pretrial release according to a standard set of guidelines: low severity of charges, no failures to appear in court, no outstanding warrants or holds and no serious violations of probation.
- Surety bond is the most frequently used mechanism for both misdemeanors and felonies, although Hillsborough uses five types of pretrial release.
- Surety and cash bond are also very speedy releases; 78% of people who post a surety bond are released within 24 hours. This is true for 82% of people who post a cash bond.
- ROR releases take an average of four days to process for misdemeanors and 11 days for felonies. ROR is rarely used for misdemeanors (5%) and not very often for felonies (14%).

### Traffic Offenses, FTAs and VOPs

- Misdemeanor traffic offenses are a serious issue in the county: 40% of all misdemeanor bookings into the jail are traffic-related. While a large percentage are eventually released pretrial, a significant number of DUI, DWLS and other traffic offenders remain in jail until their cases are disposed.
- Failures to appear (FTAs) do not preclude pretrial release in

Hillsborough County as in many counties, but they do seriously affect the length of time it takes to get released. Typically, having an FTA increases the processing time for pretrial release anywhere from 16 to 30 hours.

- Violating probation jeopardizes one's chance for pretrial release and also extends the processing time for those who do obtain pretrial release. For felony VOPs only 20% are released pretrial; slightly over one-third of misdemeanor violators are released pretrial.
- For misdemeanors, obtaining release by posting a surety bond takes twice as long if the individual has a probation violation.

## TARGETS OF OPPORTUNITY

### Pretrial Release

1. *Increase pretrial release options./Increase use of non-bond PTR.*
2. *Establish a pretrial release agency.*
3. *End the practice of booking persons arrested only on ordinances or revise criteria to make ordinance arrests eligible for release by administrative order.*
4. *Establish uniform criteria for determining use of bond increases or no-bond orders.*
5. *Implement improved notification procedures to prevent unintentional failures to appear.*
6. *Clarify the administrative order process for pretrial releases.*

### Adjudication

1. *Reduce the amount of time required to effect transfers of inmates to a state prison facility.*
2. *Reduce State Attorney review time for filing.*
3. *Review policies for continuances of court hearings and reasons for requests of continuance.*

### Drug Offenses

1. *Implement policies to identify persons arrested on drug possession offenses to determine eligibility for drug court or drug programs earlier in the process.*
2. *Expand drug court to allow the participation of persons with one prior conviction for drug possession.*



3. *Identify alternatives to continued detention of persons sentenced to probation and non-secure (drug) programs.*

### Probation Violations

1. *Evaluate policies to ensure that notices to appear or orders to show cause are routinely used before an arrest warrant for a technical probation violation is issued.*

### Classification

1. *Increase the number and use of minimum security alternatives to traditional detention of Hillsborough County inmates.*
2. *Release to electronic bracelet or supervised pretrial/post-sentence release, all "low-minimum" security inmates.*

### Targets of Opportunity

The following two tables show the impact on bed savings by pursuing various identified targets of opportunity. Although ILPP believes many more bed savings will result from a careful system assessment and plan, the following summaries may overstate possible bed savings in that there are overlaps, i.e., different changes may affect the same inmate.

Table 7 Possible Bed Savings Based on Targets of Opportunity Identified Thus Far

<b>A. Procedural Targets</b>									
Group	Action	Note	Current Bookings	Percent affected	Number affected	Current ALS	Potential ALS	Bed Savings	Cumulative beds saved
Felons now ROR	Accelerate ROR	1	116	100%	116	11.13	2.00	50	50
Misdem now ROR	Accelerate ROR	1	68	100%	68	3.16	2.00	4	54
All Felons, 3rd degree	Expand ROR	2	681	16%	109	18.09	2.00	84	138
Ordinance	Do not book	3	21	100%	21	3.25	0.00	3	141
Felony VOP	Allow to post bond	4	185	25%	46	14.95	3.83	24	165
Misdemeanor VOP	Allow to post bond	4	116	25%	29	8.55	0.86	11	176
Surety bond w/ FTA	Notification -> no FTA	5	136	50%	68	2.48	1.80	2	178
Felony no files	Early screening	6	17	100%	17	19.71	14.00	5	183
Felonies	Reduce continuances	7	186	27%	50	20.63	14.00	16	199
Felony drug poss.	Identify for drug program	8	132	80%	106	8.75	2.00	34	233
Misdemnr drug poss.	Identify for drug program	8	34	100%	34	8.57	2.00	11	243
Felony VOP	Notification -> no arrest	9	185	25%	46	14.95	0.00	33	276
Misdemnr VOP	Notification -> no arrest	9	116	25%	29	8.55	0.00	12	288
Prison transfers	Reduce transfer time	10	92	100%	92	24.52	19.28	23	311
<b>B. Custody Level Targets</b>									
Group	Action	Note	Total	% min	Total Min	% Low Min		Savings	
Low minimum men	Transfer out	11	1,894	39%	739	52%		384	384
Low minimum women	Transfer out	11	287	58%	166	51%		85	469

Table 8 Possible Bed Savings Based on Maximum Use of Targets of Opportunity Identified Thus Far

<b>A. Procedural Targets</b>									
Group	Action	Note	Current Bookings	Percent affected	Number affected	Current ALS	Potential ALS	Bed Savings	Cumulative beds saved
Felons now ROR	Accelerate ROR	1	116	100%	116	11.13	2.00	50	50
Misdem now ROR	Accelerate ROR	1A	68	100%	68	3.16	1.00	7	57
All Felons, 3rd degree	Expand ROR	2A	681	22%	150	18.09	2.00	115	172
Ordinance	Do not book	3	21	100%	21	3.25	0.00	3	175
Felony VOP	Allow to post bond	4A	185	33%	61	14.95	3.83	32	205
Misdemeanor VOP	Allow to post bond	4A	116	33%	38	8.55	0.86	14	219
Surety bond w/ FTA	Notification -> no FTA	5A	136	75%	102	2.48	1.80	3	222
Felony no files	Early screening	6	17	100%	17	19.71	14.00	5	227
Felonies	Reduce continuances	7	186	27%	50	20.63	14.00	16	242
Felony drug poss.	Identify for drug program	8A	132	90%	119	8.75	2.00	38	281
Misdemnr drug poss.	Identify for drug program	8	34	100%	34	8.57	2.00	11	291
Felony VOP	Notification -> no arrest	9A	185	33%	61	14.95	0.00	43	335
Misdemnr VOP	Notification -> no arrest	9A	116	33%	38	8.55	0.00	16	350
Prison transfers	Reduce transfer time	10A	92	100%	92	24.52	12.59	52	403
<b>B. Custody Level Targets</b>									
Group	Action	Note	Total	% min	Total Min	% Min Out	% Low Min	Savings	
Low minimum women	Transfer out	11A	1,894	39%	739	25%	52%	569	569
Low minimum women	Transfer out	11A	287	58%	166	25%	51%	127	695

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# INTRODUCTION

## INTRODUCTION

### BACKGROUND

Hillsborough County is not unlike other large counties in Florida. It possesses a large jail overcrowding problem, has too little money to build its way out, but has been ordered by a court to take some action. In this case, the county is facing the possibility of having to construct the first 1,024-bed phase of its corrections master plan on a county-owned site, or find effective alternatives.

The current study arose from the increasing pressure the county is experiencing to comply with a circuit court order to go forward and complete Phase I and prepare to construct a total of 4,096 beds by 2010. The failure of a bond issue that could support jail construction has highlighted the financial strain that this master plan would impose. In light of this, county leaders are seeking ways to improve the actual management of the jail population to make the most efficient use of space and other resources.

In this invigorated focus on jail population management techniques, Hillsborough County places itself in a statewide and national context. The age of "building out" of jail problems appears to be coming to an end as counties and states everywhere can no longer afford an approach that has not realized the expected return in crime control equal to the considerable investment. Crime in the county is fluctuating up and down - neither increasing nor decreasing drastically. Yet jail population has mushroomed over the years.

In January 1992, the Florida Advisory Council on Intergovernmental Relations, acknowledging the jail crowding burden faced by local governments, wrote that, "the rate and incidence of crime account for only a small part of the rapid jail population growth experienced by Florida counties in recent years. Instead policies and procedures...in funding [the] criminal justice system...and in processing criminal defendants from arrest through case disposition have the most substantial impact upon the size of local jail populations." (ACIR,

*Project Update : Study of the Finance & Management of Local Jails and Proposed Pretrial Release and Detention Legislation, 1992, p. 8)*

Hillsborough's leaders are responding to this problem with a fairly new criminal justice consensus: A new sheriff, state attorney, public defender and commissioners have recently joined the other criminal justice gatekeepers to examine the state of the county's past direction and develop a plan to improve efficiency. The new state attorney has also sponsored the creation of a large criminal justice commission as forum for these issues.

It should also be noted that the framework and tradition for maximizing effective use of incarceration alternatives is solidly in place in Hillsborough County. Prior to court orders and ensuing administrative orders limiting jail crowding, the Hillsborough Sheriff's Office was an acknowledged leader in use of work release and other alternatives.

## SCOPE

Hillsborough County retained the Institute for Law & Policy Planning (ILPP) to perform a focused jail population research and policy study in a good faith effort to examine alternatives to jail construction. As a result of this effort the court has granted a delay in the scheduled start dates of the master plan to allow this study to occur.

Because of the resource and time limits imposed, the scope of this study was limited to a review of the jail population alone, although all of the agencies in the criminal justice system and in county government play a critical role in the management of a jail population.

The result of the project is this report on the nature of the existing population, projections of the future jail population and a discussion of possible *targets of opportunity* that can help streamline processing of inmates and operation of jail facilities.

This report expressly excludes discussion of detailed system-wide recommendations and implementation strategies as these cannot be reliably concluded without a review of the criminal justice system, in addition to the present focused jail population study.

## REPORT OUTLINE

The jail population and policy research study comprises three main

sub-studies. The goal of these studies is to provide a reasonably detailed understanding of who is in jail and how the jail is being used. This information provides the county with initial findings to make informed decisions about building facilities and modifying current practices.

The first sub-study is the inmate profile and classification analysis. A profile takes a "snapshot" of the jail's population revealing information about demographics, severity of crimes and how long inmates remain in jail for different types of offenses. This analysis sheds light on the usage of scarce beds, specifically by assessing what type of classification the inmate population falls into - how "bad" are the county's inmates? This aids housing and population management decisions.

The second sub-study is the inmate tracking analysis. ILPP tracked all inmates booked in a three week period from arrest to release noting data about the time it takes to process a booking, determine eligibility for pretrial release, and arrange for court appearances. Tracking provides a sense of the flow of the system and the efficiency of the release points. Taken together, the profile and tracking studies are like two views of the same jail system creating a three dimensional perspective of the jail population.

The third sub-study is the assessment of inmate population growth. In addition to developing independent projections, ILPP reviewed all available projections of the inmate population for Hillsborough County. Projections have been revised based on re-examination of available data and extensive discussion with sheriff's office personnel.

Based on the products of these tasks, ILPP has developed over a dozen targets of opportunity that the county could pursue to lower the demand for jail beds and the need for new construction<sup>1</sup>. Because this is not a criminal justice assessment or system plan, further work will be required by the county to implement changes, develop proposals for additional targets, and create non-custody resources and programs in the community. Nonetheless, this initial study shows a sizable number of targets of opportunity, and a large number of potential bed savings, available to the county as an alternative to taking on major new construction and operating costs.

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<sup>1</sup> Following submission of a draft of this report, Hillsborough County's Public Safety Coordinating Council reviewed and delegated evaluation of these alternatives as viable and effective options.

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# PROFILE & CLASSIFICATION ANALYSIS

## INMATE PROFILE AND CLASSIFICATION ANALYSIS

### INTRODUCTION

Consultants profiled a large sampling of inmates in the Hillsborough County correctional system mainly to determine levels of classification for the overall inmate population. This in turn can be useful to planners in the decision to provide an appropriate type of space as cost effectively as possible.

The profile analysis of inmates has a second purpose. Combined with the inmate tracking study, it provides a complementary source of information that allows policy makers to thoroughly understand their jail population. While the tracking creates a sense of the speed of the flow through the jail system, the profile is a cross-section of who is in the jail at a given time. Taken together these analyses can be powerful tools in planning for correctional needs.

For the Hillsborough County profile, a representative sample of men and all women in jail on March 18, 1993 were studied. Revising the sample to exclude invalid cases, the study included a total of 296 men and 293 women. In several cases throughout this review, number totals may not add up to 100 percent. There are two reasons for this occurrence: rounding error and exclusion of insignificant categories. Tables of all charts are provided in the appendix to this report for comparison.

*"589 men and women in custody in March 1993 were included in the profile study."*

For the most part, women and men are compared separately in this analysis as they are housed separately, and their breakdown of housing levels and the types of crime they commit are generally different from each other.

### DEMOGRAPHICS

Race and residency demographics are virtually identical for men and women: Both groups comprise 85 percent Hillsborough County residents. Race is recorded as black or white: in both samples blacks made up 52 percent of the group, with 46 percent white in the women's sample and 43 percent white in the men's sample. The women's sample

*"Slightly over half of both male and female inmates in the sample are African American."*



contains three juveniles; the men's 22.

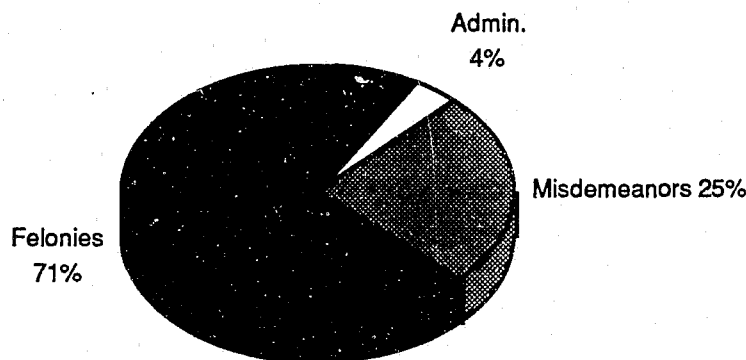
The women's profile sample tends to be older than the men's: 29 percent are in the age range 30 to 35 years (mode), followed by ages 25 to 29 with 25 percent. In the men's sample, the mode age range is 18 to 24 (26% of the sample); 23 percent are in the age range 30 to 35.

Unemployment appears to be a significant problem: Only 15 percent of the women and 35 percent of the men were employed at the time of booking.<sup>1</sup>

## PRIMARY CHARGE

There are significant differences in primary charge breakdown between the two samples. While persons detained on felony charges dominate both samples, this figure is 60 percent for the women, compared to 71 percent for the men. As a result, the women's sample contains a larger proportion of misdemeanor charges at 38 percent; such charges, for men, make up only one quarter of the population. The remaining

Figure 2.1 Men's Primary Charge Breakdown



*"Felonies make up the majority of charge types: 71% of the men and 60% of the women."*

Figure 2.2 Women's Primary Charge Breakdown

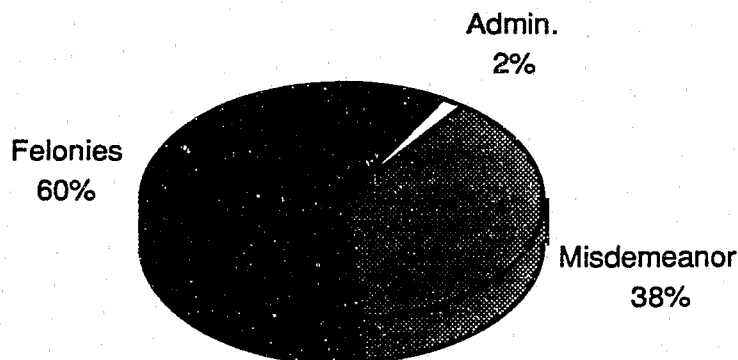
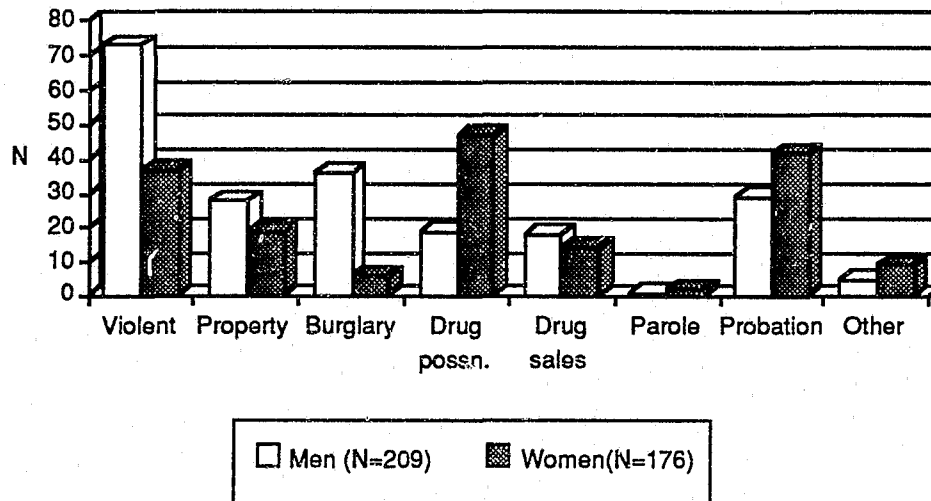
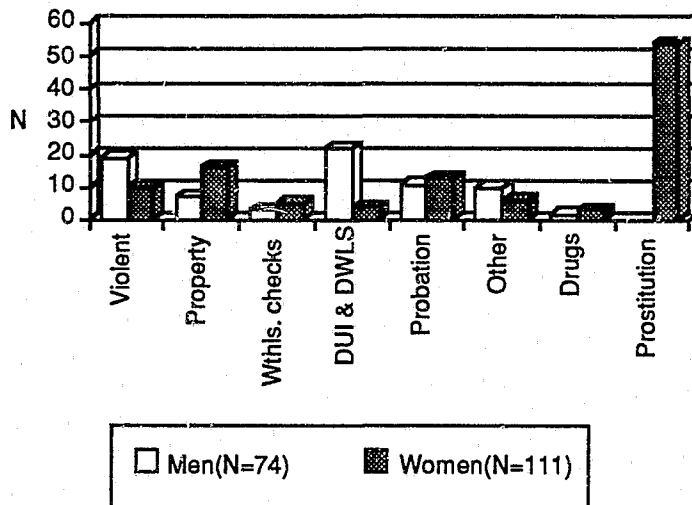


Figure 2.3 Felony Breakdown by Men and Women



*"Violent crime and drug possession predominate in felony offenses among men."*

Figure 2.4 Misdemeanor Breakdown by Men and Women



*"Traffic offenses account for a third of the male misdemeanor jail population. Violent crime (mainly domestic abuse) accounts for 20%."*

charges for the samples are administrative, such as writs, contempt of court and holds for other states.

For felonies among men, the largest proportion of charges involve violence against other persons. These charges include murder, rape, kidnap, aggravated assault or battery, robbery and sex offenses. The next largest category is drug offenses, which are almost equally divided between drug possession and drug sales. Burglary charges are also significant.

For misdemeanors among men, the largest block of charges are traffic offenses, which account for 35 percent of all misdemeanor charges. Violent crime is the largest single category. Most of the violent misdemeanor offenses involve domestic battery.

Felony drug offenses are the largest category of felony charges in the women's profile, accounting for 35 percent of all felony charges. Of the drug offenses, 77 percent are for possession. The next largest category of felony offenses is probation violations, which is nearly one-fourth of all felonies (24%). Violent offenses (21%) are unusually high for a women's sample.

Prostitution is by far the most dominant misdemeanor charge for women, 49 percent. The sample may be inflated in this charge category because a prostitution sting had taken place the night before the sample was taken. Property and probation violations are the other major categories of misdemeanor offenses, 14 percent and 12 percent, respectively.

## VIOLATIONS OF PROBATION

Probation violations are a significant problem in both samples. Overall, arrests on probation violations alone accounted for 14 percent of the men's sample and 19 percent of the women's sample. When underlying probation violations are included, the proportion of each sample with probation or parole violations increases dramatically. For the men's sample, the total proportion is 35 percent with probation violations, either as a primary charge or underlying offense, and for the women's sample, 39 percent. Of the probation violations, less than one-third (30%) in the men's sample involved misdemeanors. For women, the proportion is even smaller (24%). Parole violations, either as the primary charge or underlying hold, make up seven percent of the men's sample and four percent of the women's. When both parole and probation violations are combined, close to one-half of each sample have such violations: 42 percent for the men and 43 percent for the women.

*"Over a third of men and women studied are in jail partly or totally for violating probation. This high proportion is partly due to the fact that bond is often denied for these types of cases."*

Table 2.1 Probation Violations and Use of Bond

Type of VOP:	MALES (N=40)		FEMALES (N=55)	
	% No-Bond	% Zero Bond	% No-Bond	% Zero Bond
Felony	66%	31%	64%	29%
Misdemeanor	18%	64%	23%	69%

The high proportion of zero bond for males and females with misdemeanor probation violations probably reflects the fact that persons with such probation violations have been sentenced. Zero bond technically indicates someone who has been sentenced, although staff occasionally mistakenly enter this designation for pretrial people who are denied bond (no-bond).

The preceding table also only includes persons booked on probation violations as the primary charge. In general, such probation violations are based on technical violations, since the person had not been arrested on a new offense. The data indicate that most judges are including no-bond orders on misdemeanor probation violation warrants for technical violations; a more uniform practice to review the nature of the technical violation before imposing a no-bond order could reduce the number of persons required to stay in jail on technical probation violations.

*"The practice of denying bond for probation violations is also used for technical violations where there is no actual crime committed."*

Overall (combining both the men's and women's samples), 37 percent of the profile samples had been arrested on a probation violation, either as the primary charge or as an add-on. Significantly, nearly one-third (32%) of all such probation violations were drug-related, i.e., the crime that resulted in probation was a drug offense.

### FTAS, HOLDS AND BOND

Overall, failures to appear (FTA) do not appear to be a significant factor in the detention of people in the profile: 84 percent of women and 85 percent of men, respectively, have no FTAs, either as the primary offense or underlying the primary charge. There is no significant correlation between FTA and primary charge, with the possible exception of misdemeanor property offenses for women, in which the proportion with an FTA is 44 percent.

Very few persons in either sample were arrested only on an FTA *capias* (4% of the women's sample and 2% of the men's sample). A significant proportion of both samples, however, have a combination of an FTA and probation violation: 25 percent of women and 19 percent of men.

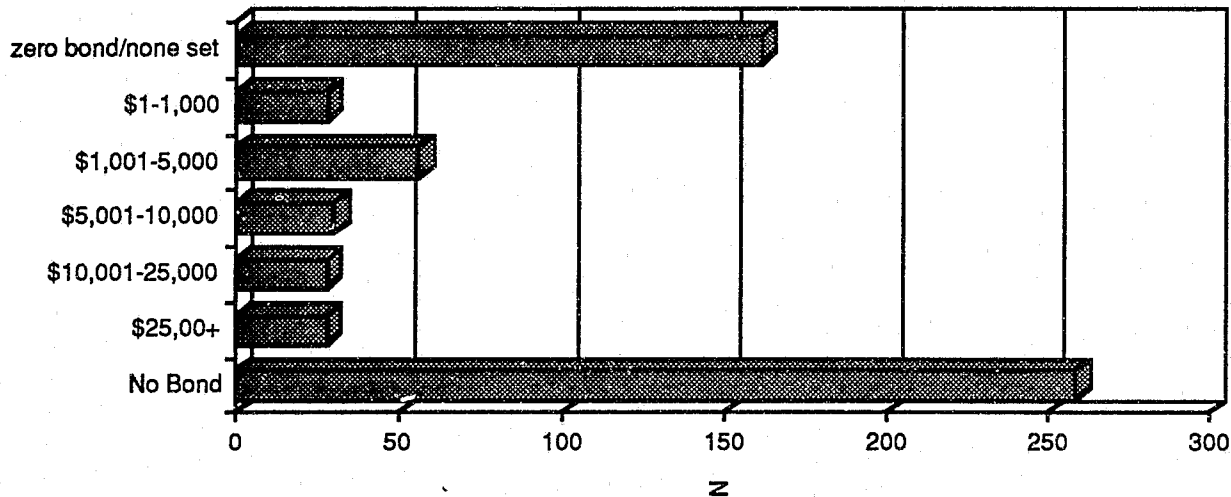
*"In the profile analysis, the rate of failing to appear in court is not very high."*

In the women's sample, 78 percent have no holds; most of the holds are either Department of Corrections (6% of the total sample) and out of county (12%). In the men's sample, 70 percent have no holds, with nine percent having DOC holds and seven percent out of county holds. Holds for space in the jail drug program or DACCO are also notable:

five percent of the women's sample and four percent of the men's sample.

*"5% of women and 4% of men were in jail awaiting transfer to drug programs."*

Figure 2.5 Bond Amount for Overall Sample



The impact of probation violations - the most common reason to be denied bond - can be seen from the large proportions of both samples with no-bond orders: 41 percent of women and 47 percent of men were denied bond. Where bond is set, the largest proportion of the women's sample falls into the range of \$2500 to \$5000 (9%); 15 percent of the women's sample have bond set between \$2500 and \$10,000. The same bond range is seen most frequently in the men's profile: six percent had bond set between \$2500 and \$5000. In contrast to the women's profile, however, the bond covered a broader range: \$2500 to \$50,000 for 21 percent of the sample.

### OTHER CHARGE INFORMATION

Most inmates, men and women, have more than one charge: This is true for 61 percent of women and 74 percent of men. The additional charges tend to be felonies (23% of the women's sample, and 46% of the men's sample).

While felony offenses are the primary charges in both samples, most of the felonies are second or third degree: 45 percent of all felony charges are third degree and 30 percent second degree in the men's sample; 57

percent are third degree and 27 percent second degree in the women's sample. Given the high proportion of violent felony offenses in the men's sample, it is not surprising that 19 percent of the felonies are felony life, capital or life without the possibility of parole; this proportion is much smaller in the women's sample (9% of all felony charges).

## ADJUDICATION STATUS

43 percent of women are unsentenced, 42 percent are sentenced and approximately nine percent are sentenced on some charges but have additional charges pending. The proportion of unsentenced inmates in the men's sample is much larger (54 %). One-third had been sentenced on all charges (33%) with six percent sentenced on some charges with others pending. The higher proportion of unsentenced males can be attributed to the higher proportion of felony offenses (71% compared to 59% of all charges for women), the more time needed to adjudicate them, and the lower sentenced rate for misdemeanors among males.

*"43% of women and 54% of men studied are not sentenced."*

Table 2.2 Adjudication Status by Offense Category

Offense Category	MALES (T=296)		FEMALES (T=294)	
	N	% pending <sup>2</sup>	N	% pending
Felonies	209	72%	174	71%
Misdemeanors	87	33%	120	25%

The proportion of felony charges that were still pending at the time of data collection is identical for both samples, but only one-fourth of the misdemeanor cases in the women's sample were awaiting to be adjudicated, compared to one-third for the men's profile sample. The higher proportion of sentenced misdemeanants in the women's sample can be attributed to the early sentencing of most prostitution charges: only 13 percent of such charges had not been adjudicated.<sup>3</sup>

*"Unlike the tracking sample, only 2% of the profile group were awaiting transfer to another facility."*

Transfers to another facility or jurisdiction are not significant among men or women: Less than two percent of the samples, respectively, are awaiting transfer.

Based on average length of stay (ALS), when correlated with adjudication status, probation violations have both the shortest ALS for each of their respective offense categories and the lowest pending adjudication rate, meaning they are handled quickly and efficiently.

*"Probation violations, although they are kept in jail with no bond, are nonetheless processed fairly quickly."*

Not surprisingly, the longest ALS is for felonies involving violence

Figure 2.6 Felony ALS by Adjudication Status

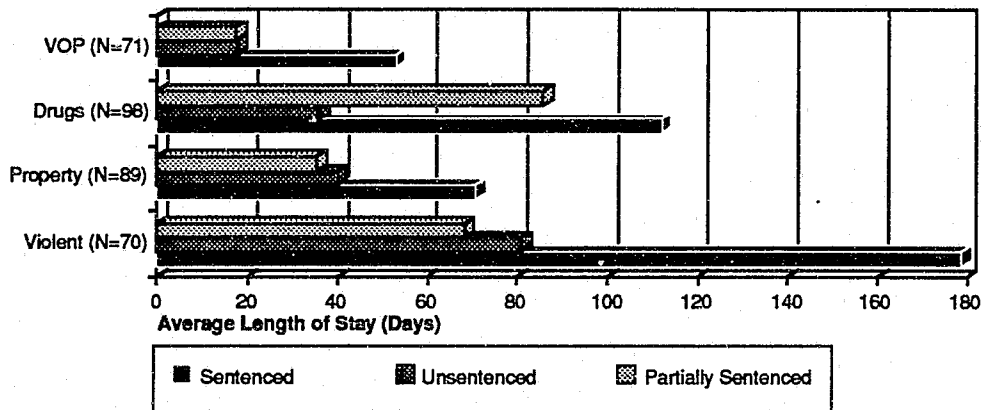


Figure 2.7 Misdemeanor ALS by Adjudication Status

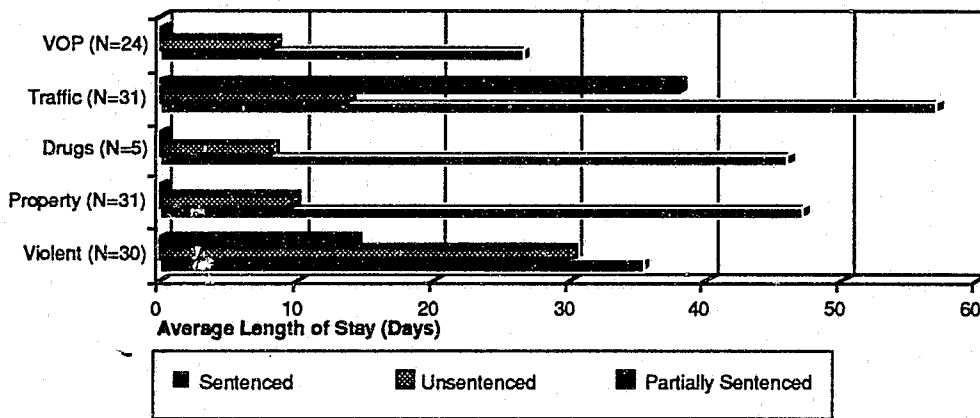
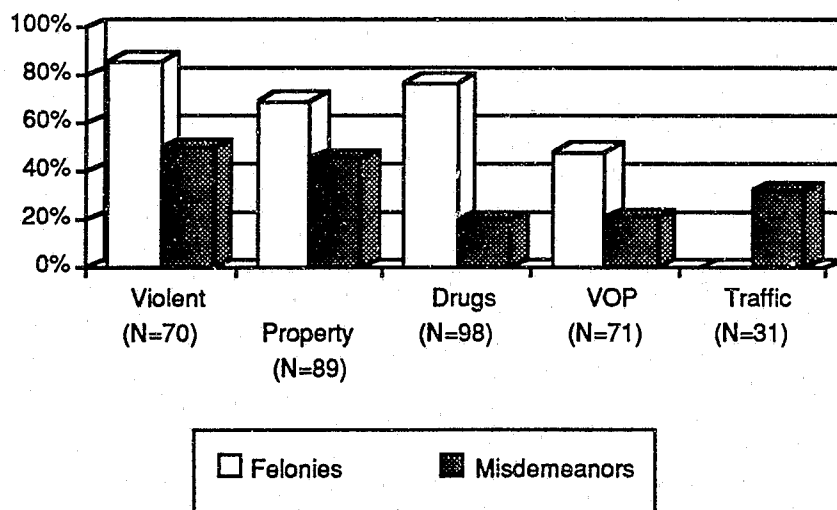


Figure 2.8 Percentage Pending Sentencing



against other persons, which include murder, rape, kidnap and robbery. These can be not only complex cases, but involve potentially serious penalties. What is significant, however, is that the ALS for felony drug offenses, which are primarily for possession, approach the same time frame as for these violent felony crimes.

*"Felony drug possession is often treated as harshly as violent felony crime."*

## ADJUDICATION TIME FRAMES

The profile samples provide some information regarding adjudication time frames. These time frames indicate how long the adjudication process takes for persons detained in the Hillsborough County jail from booking until sentence. In order to obtain meaningful data, the men's and women's profile sample are combined for analysis.<sup>4</sup>

Average length of stay (ALS) correlated to last and next court proceedings provides the time frames from booking to last court hearing; booking to next scheduled court hearing; and last court hearing to next scheduled court hearing.<sup>5</sup>

### Time Frame from Booking to Last Court Proceeding

The last court proceeding for one-third of the combined profile sample is first appearance or preliminary presentation. The overall ALS from booking to first appearance is nearly six days, but this figure includes cases where there are add-on charges.<sup>6</sup> The first appearance for most persons in the sample is within one day of booking. The add-on charges, based on ALS, are primarily made in felony bookings.

*"Getting inmates to a first appearance hearing occurs well within a 24 hour time frame in Hillsborough County."*

Overall, 42 percent of the sample are still in the preliminary stages of adjudication (either arraigned - 9% - or awaiting arraignment); 33 percent are sentenced; 12 percent are awaiting other pretrial proceedings; eight percent are to appear or have appeared at probation revocation hearings; and three percent have been set for trial. The ALS from booking to arraignment ranges from five to 31 days for misdemeanors and 22 to 64 days for felonies. The ALS from booking to a probation hearing is very short for misdemeanor violations of probation, five to eight days; the ALS for felony probation violation hearings ranges from 18 to 40 days.



### Time Frame from Booking to Next Court Proceeding

The most frequent entry for next court proceeding is "to be set" (TBS), which meant that no future court date had been set after the last hearing (approximately one-fifth of all cases in sample). This entry occurred most often after first appearance, which means that arraignment, the next hearing, is left unset, apparently until after the State Attorney has filed an information. TBS also can represent a continuance of the last hearing.

*"To be set" court dates, meaning no scheduled advancement of disposition, are quite common among the profile group indicating possible unnecessary waiting time in and use of jail space."*

Approximately seven percent of the cases involved continuances of the last hearing; 11 percent are set for probation revocation hearings; and 14 percent are set for pretrial conferences. For felony probation violations, the ALS ranged from 20 to 58 days. The ALS for pretrial conferences from the time of booking ranged from 60 to 118 days for felonies.

### Time Frame from Last Court Proceeding to Next Scheduled Hearing

The time frame from the last court proceeding to the next hearing provides information regarding when the next hearing is scheduled. The time frame from booking to last court hearing provides information regarding when a scheduled hearing actually occurred. Both of these time frames, reviewed together, provide some information about continuances and delays.

Arraignments are generally scheduled within 8 to 10 days of first appearance for misdemeanors and 10 to 16 days for felonies. The data indicate, however, that arraignments actually occurred much later for felonies: Based on the time frame from booking to last court proceeding, most felony arraignments (16 out of 28) occurred within 22 to 33 days. The data indicate that there can be a delay of up to two weeks before an arraignment actually occurs.

### CLASSIFICATION

The Hillsborough County jail staff, which participated in the National Institute of Corrections (NIC) pilot program for jail classification, uses the same classification system as ILPP consultants. Overall, the NIC criteria and standards are consistently followed for classification of jail detainees and inmates.<sup>7</sup>

*"Hillsborough County uses a nationally developed classification system and participated in the pilot program to develop and monitor it."*

Under the NIC system, initial custody levels are determined on the

basis of points assigned to various criteria. The initial evaluation is based upon three criteria: severity of current charges, serious offense history and escape history. If the score is seven or higher after the initial evaluation, the inmate is assigned to maximum custody; this score is called the "maximum custody score." For inmates whose score is less than seven after the initial evaluation, four additional classification criteria are considered: institutional disciplinary history, prior felony convictions, alcohol/drug abuse and stability factors. This final score is called the "comprehensive custody score." If the comprehensive custody score is five or less, the inmate is recommended for minimum security custody housing. Inmates with a score between six and ten points or five or fewer points with a detainer are assigned to medium security housing. Inmates with a score of eleven or greater are recommended for maximum security housing.

In the Hillsborough County jail, classification is used primarily to determine job assignments, since a direct supervision jail allows a mix of differently classified inmates.<sup>8</sup> For example, inmates with a minimum security classification would be eligible to work as trustees.

### Classification of Men's Profile

In terms of severity of the primary or current offense, the largest proportion of the men's profile sample had been booked on an offense of moderate severity (39%); 29 percent had been booked on offenses categorized as low severity; 22 percent on high severity offenses and 11 percent on highest severity.

Low severity offenses include drug possession, technical probation violations and property offenses under \$1000. Moderate severity offenses include burglary, theft, weapons and drug sales. High severity offenses include manslaughter and robbery. Highest severity offenses include murder, rape, kidnapping and assault and battery with a dangerous weapon.

Approximately one-third (32%) of the men profile have no criminal history or a history of low serious offense level. About two-fifths (40%) have a moderate serious offense history; 21 percent have a high serious offense history and five percent have a highest serious offense history. (The serious offense history corresponds to the same categories for low, moderate, high and highest for the severity of current offense.)

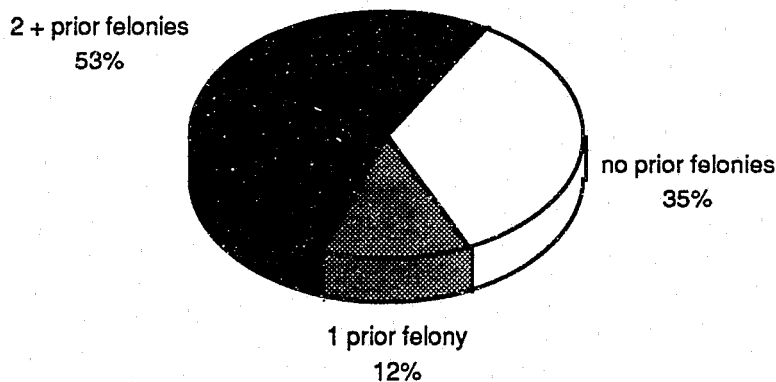
*"Nearly one-third of the men have no criminal history or a history of only minor offenses."*

Nearly 95 percent of the men have no history of prior escapes; three percent of the sample have a history of escape from a medium or maximum security setting.

Based on these three variables, 23 percent of the men's profile required housing in maximum security. There is no significant change in this proportion after calculation of the comprehensive custody score.

Most of the men's sample has no history of institutional disciplinary problems (98%). Over one third of men (35%) have no history of prior felony convictions; of the remaining sample, 12 percent have one prior felony conviction and 53 percent have two or more. Consistent with the proportion of drug offenses and drug-related probation violations in the sample, 39 percent have a history of drug or alcohol abuse.

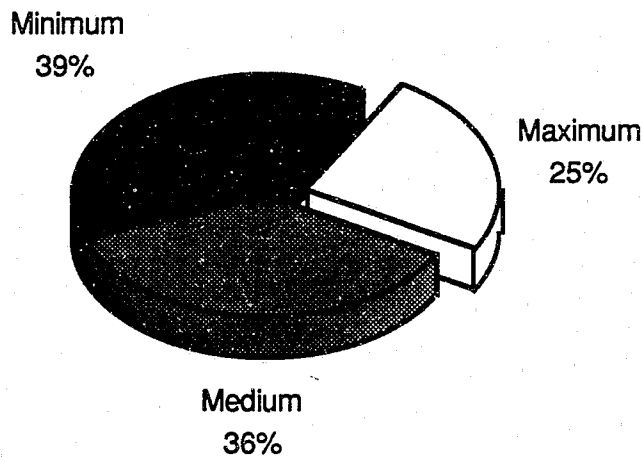
Figure 2.9 Men's Prior Convictions Breakdown



After calculation of both the maximum custody score and comprehensive custody score, the classification analysis indicates that 25 percent of the men's profile require housing in maximum security; 36 percent in medium security and 39 percent in minimum security. Half of the minimum group are sub-classified as "low-minimum", i.e. ideal for community custody.

*"39% of men are minimum security."*

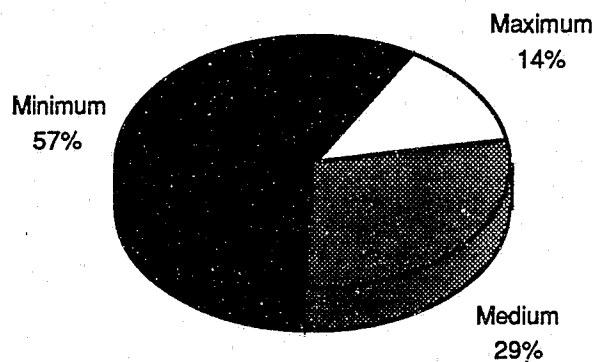
Figure 2.10 Men's Housing Classification



### Classification of Women's Profile Sample

The classification analysis shows that the women's profile sample is predominantly classified as minimum security (58%), which probably reflects the significant proportions of arrests for probation violation, drug offenses and prostitution. (Half score so low on the scale that they are considered "low-minimum".) Only 14 percent are classified as requiring maximum security housing and the remainder (29%), medium security.

Figure 2.11 Women's Housing Classification



*"Over half of the women had only one or no prior felony convictions."*

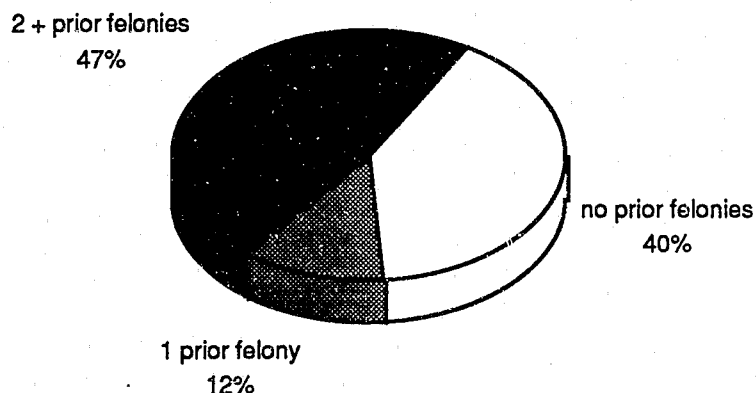
These scores are based on the same variables as those used to calculate the maximum custody and comprehensive scores for the men's profile: 46 percent of the sample were arrested for low severity offenses; 38 percent moderate; ten percent high and six percent highest. For serious offense history, 37 percent have none or low; 42 percent moderate; 17

percent high and two percent highest. Only two percent of the sample have a history of escape from a medium or maximum security setting.

After calculation of the maximum custody score variables, 12 percent of the profile sample require housing in maximum security.

Less than one percent of the women has any history of institutional discipline. Two-fifths of the sample have no prior felony convictions; 12 percent have one prior felony conviction and 47 percent have at least two prior felony convictions. Nearly one-half of the women's profile sample (46%) had a history of drug or alcohol abuse.

Figure 2.12 Women's Prior Convictions Breakdown



## Notes

- 1 Of the 23 juveniles in both samples, only 7 were listed as students on the booking sheets.
- 2 This category includes persons who have been sentenced on some charges but have others pending.
- 3 The high sentenced rate for prostitution cases is due to the fact that most persons arrested on these charges plead guilty at first appearance and accept the plea offer of 30 days in jail.
- 4 The analysis is based on the assumption that there are no significant differences in the adjudication process for men or women.
- 5 Because court hearings or dates were not available for all cases in the profile samples, the total sub-samples for these three time frames will vary in size.
- 6 Although a person may have already had a first appearance on the primary charge, there will be another first appearance for other charges when they are added.
- 7 Classification information was missing in some cases and there were occasional scoring inconsistencies, such as a score showing a moderate to severe felony offense history, but no history of prior felony convictions.
- 8 In general, inmates actually requiring maximum security housing are housed at the Morgan Street (West) facility.

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# TRACKING ANALYSIS

## INMATE TRACKING ANALYSIS

### INTRODUCTION

An inmate tracking analysis follows the flow of detainees and inmates through the jail to evaluate the efficiency of the flow and to identify points or areas in the criminal justice system where delays lead to jail crowding. The tracking analysis begins with the premise that jail overcrowding is a consequence of actions throughout the criminal justice system. Evaluating population flow through the jail from the time of booking until release can highlight points in the *system process* that impact crowding.

The tracking sample contains all bookings into the Hillsborough County jail between 1/24/93 and 2/14/93. The final tracking sample consisted of 2,591 cases, adjusted to exclude persons still in custody (as of the date data was collected in March, 1993) and invalid data.

The following analysis presents first a general description of the jail population and its release patterns. From this overview, various factors were further evaluated as areas where current practices or policies have contributed to delays in population flow through the jail. Specifically, use of bond, prevalence of traffic offenses among the jail population and the impact of FTAs and VOPs emerged as key areas. Because pretrial release offers the greatest potential for maximizing control over jail population management, the analysis focuses on pretrial release patterns and problems.

In the tracking analysis it should be noted that length of stay information is biased downwards. This is because while data was collected for all bookings, analyses were not performed on inmates who were still in custody at the time of the study. Length of stay information in this context is most relevant not in understanding how long the average person stays in jail for the average crime, but for persons who are or could be eventually released pretrial, how fast are they getting out and, if there are delays, what is causing them?

*"The impact of bond, traffic offenses, failures to appear in court (FTAs) and violations of probation (VOP) were identified as major flow issues."*

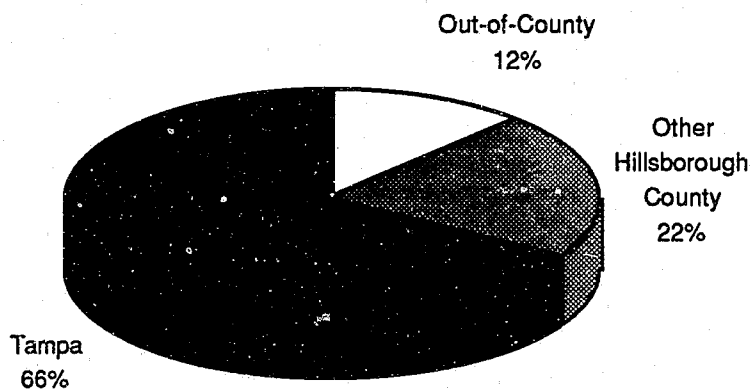
*"Because pretrial release has the greatest potential of affecting efficiency of population flow and crowding, this area formed a major focus of the tracking analysis."*

## DEMOGRAPHICS

### Residency

The Hillsborough County jail houses primarily county residents: 88 percent of the sample are residents of Hillsborough County. Of the Hillsborough County residents, 76 percent are from Tampa (66% of the overall sample).

Figure 3.1 Residence Breakdown of Inmates

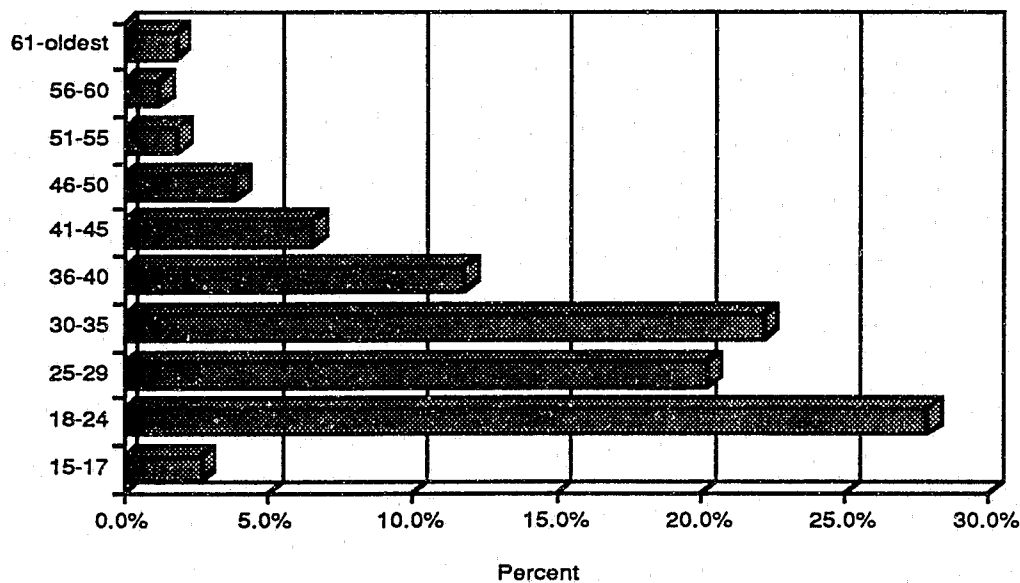


### Age

Although the mean age is 30.7 years, nearly one-half (48%) are within two age groups, 18 - 24 (28%) and 25 - 29 (20%). The age group 18 - 24 is also the mode (721 cases), or most common age group. Juveniles (15

*"Predictably, the age group 18-24 is the most well-represented group among the jail population."*

Figure 3.2 Age Range Frequencies

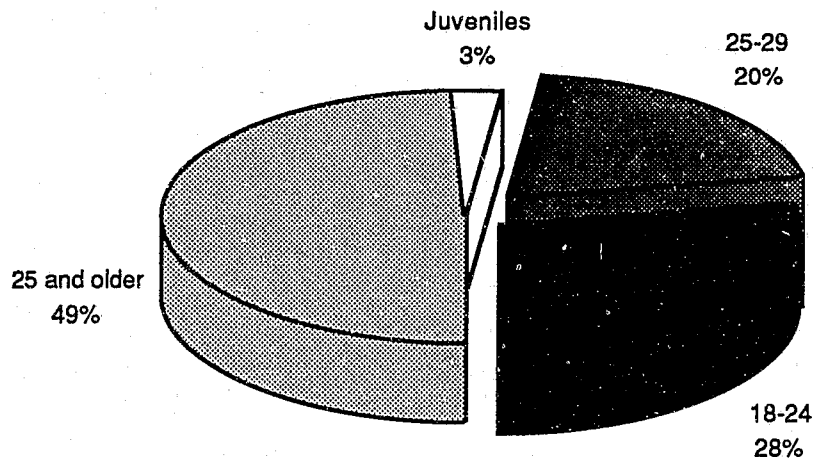




- 17) account for three percent of the sample.

Age ranges from 15 to 81, which explains the high mean age.<sup>1</sup>

Figure 3.3 Age Breakdown by Major Groups



### Race

Race is limited to "black" and "white" in data available from county sources. Determining the population size of Hispanics is impossible as it is often not recorded. (Where Hispanic and Asian ethnicity are entered, these categories account for less than 1% of the sample.) Based on this data, the tracking sample is 34 percent African American and 66 percent white or other.

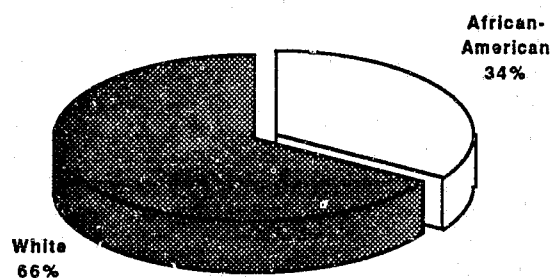
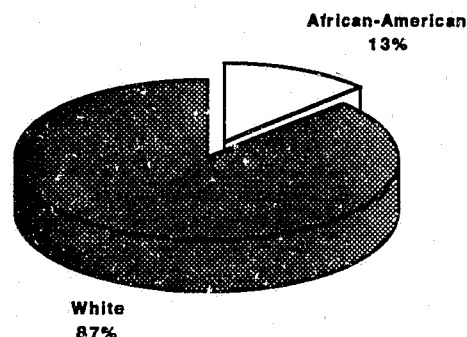


Figure 3.4 Race Breakdown Among Inmates

Figure 3.5 Race Breakdown Among County Population



## Gender

The sample is 19 percent female and 81 percent male. The mean age for the women is 25.4 years, ranging from 16 to 71 years with the mode at 27 years, considerably higher than the mode age for men (22 years).

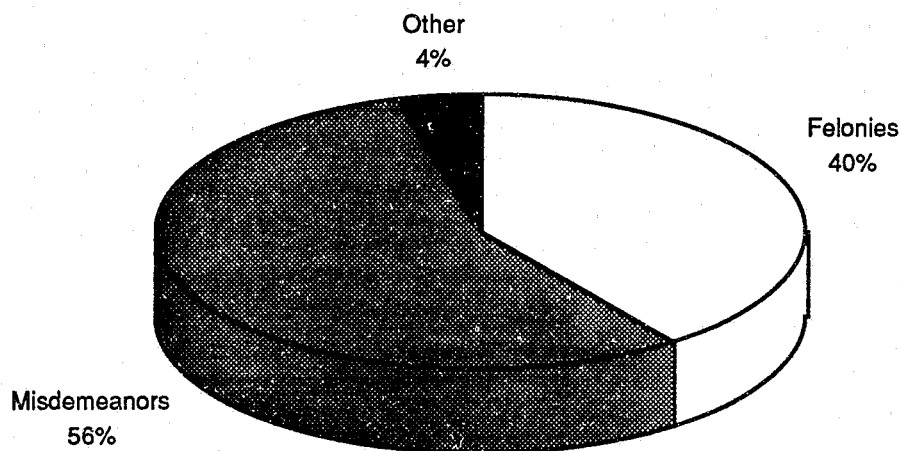
Mean age for the men is 30.9 years.

## CHARGE SEVERITY

### Primary Charges

To evaluate the nature and types of charges for persons booked into the jail, Consultants evaluated an individual's primary charge and charge category. The primary charge is the most serious offense if a person was charged with more than one crime. Categories are based upon Florida penal statutes and National Institute of Corrections (NIC) categories.

Figure 3.6 Breakdown of Misdemeanors and Felonies



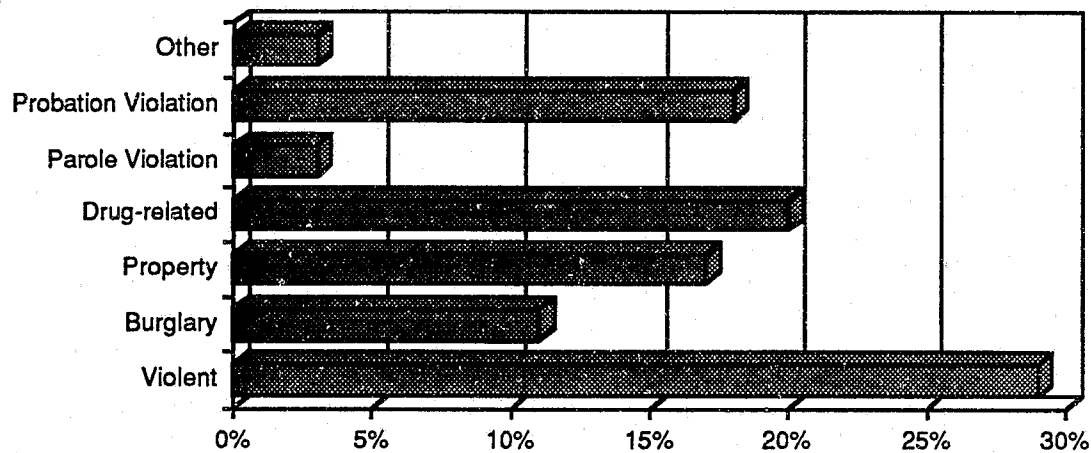
Looking at primary charges, felony charges account for 40 percent of all bookings and misdemeanor charges for 56 percent of all bookings. (The remaining 4% represents a third category of charges, which included local ordinances, writs, administrative holds, escape, FTA and federal prisoners.)<sup>2</sup>

*"Among the sample group, 40% of all bookings were for felonies and 56% were for misdemeanors."*

Among the felony charges, the largest category is for offenses involving violence against other persons. This includes murder (includes attempted murder and manslaughter), rape, kidnap, sex crimes, robbery, aggravated assault and battery, and battery against a police officer (RAWV).

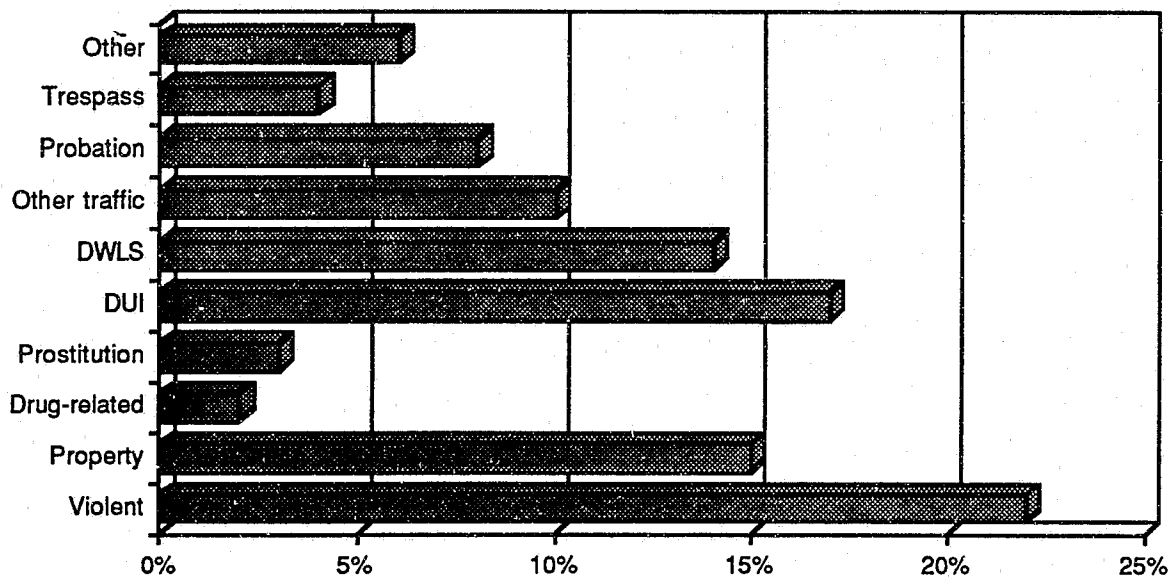
*"Violence, drug possession probation violations and property crimes are the most common crimes among felonies."*

Figure 3.7 Felony Charges by Offense Type



The other significant categories of felony bookings are drug offenses, (64% for drug possession, mainly cocaine), probation violations and property offenses. Aggravated assault or battery accounts for 51 percent of all the offenses involving violence.<sup>3</sup>

Figure 3.8 Misdemeanor Charges by Offense Type



As with felony bookings, the largest category of misdemeanor offenses are crimes involving violence, which account for 22 percent of the misdemeanor subsample. Of this category, 56 percent involve domestic violence. Property offenses include worthless checks, which make up

37 percent of all misdemeanor property offenses in the study. With the exception of one case, all of the drug offenses are for possession. DUI bookings are the second largest category of misdemeanor offenses, but combined with all other types of criminal traffic offenses account for 41 percent of all misdemeanor bookings.

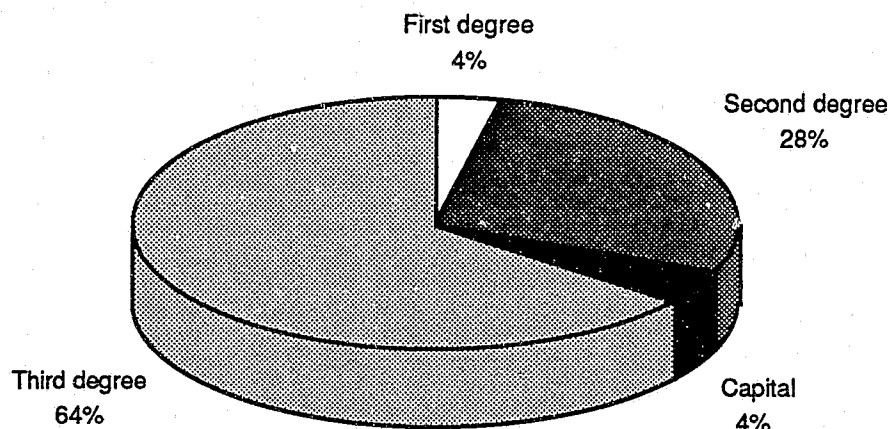
### Charge Category

"Charge category" is the seriousness or degree of the primary offense as defined by the Florida penal code. This variable identifies the composition and size of groups that are most eligible for nonfinancial pretrial release, specifically, release on own recognizance (ROR). Based on practices in other Florida jurisdictions, these groups typically include nearly all misdemeanors and third degree felonies. To the extent that certain second degree felonies are included, the potential nonfinancial pretrial release population could be even larger.

Figure 3.9 displays the breakdown among bookings of types of felony charges by degree. Third degree felonies, combined with second degree bookings, account for 92% of all felony bookings.<sup>4</sup>

*"For misdemeanors, violence and traffic offenses are the most frequently observed charges, with traffic crimes alone accounting for 41% of all misdemeanor bookings."*

Figure 3.9 Felony Levels Among Inmate Sample

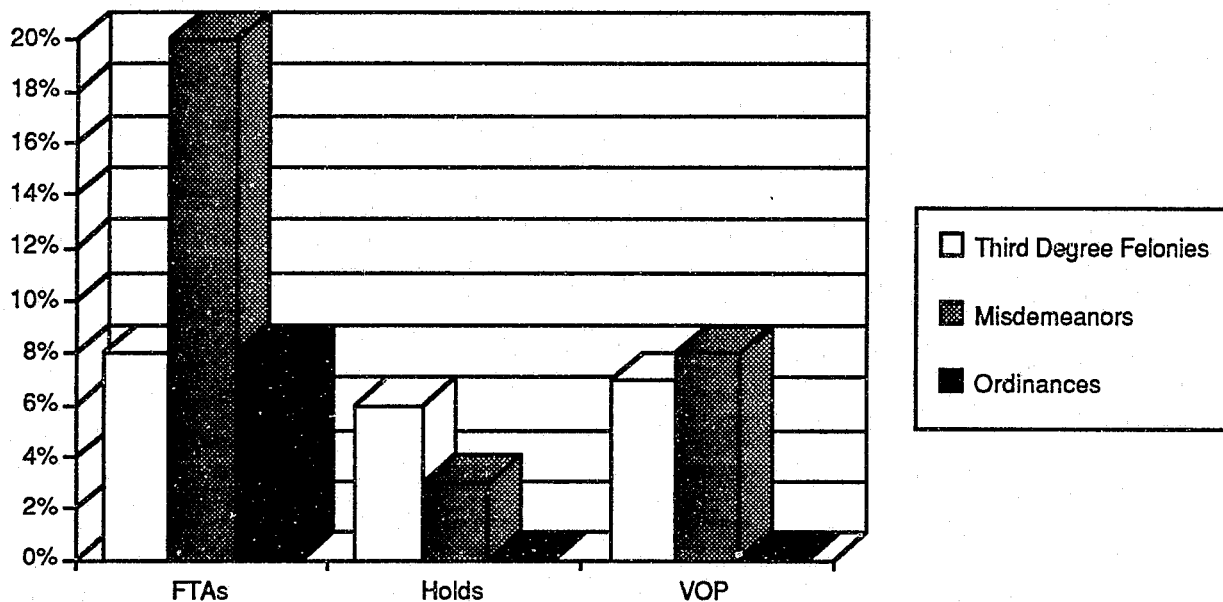


Based on charges alone, those that comprise a low risk group eligible for pretrial release include persons facing misdemeanor charges of all degrees, and some inmates accused of third degree felony offenses. Extrapolating from the tracking sample, this group currently makes up 85 percent of those booked into the Hillsborough County jail.

However, pretrial release potential must also filter out factors in addition to charge, such as likelihood of appearing in court, lack of any holds and a history clear of certain probation or parole violations. This provides a better picture of the size and type of group that could be eligible for ROR in Hillsborough County. Removing inmates who violate any of these criteria narrows the size of the potentially releasable group that is currently in the county's jail to a still substantial 60 percent of the overall sample. Overlaps among these factors could raise this population to a still higher level.

*"After weeding out people who have committed serious crimes, violated probation, failed to appear in court, or who are currently facing outstanding holds, 60% of the tracking group could be eligible for pretrial release."*

Figure 3.10 FTAs, Holds and VOPs among Releasable Groups

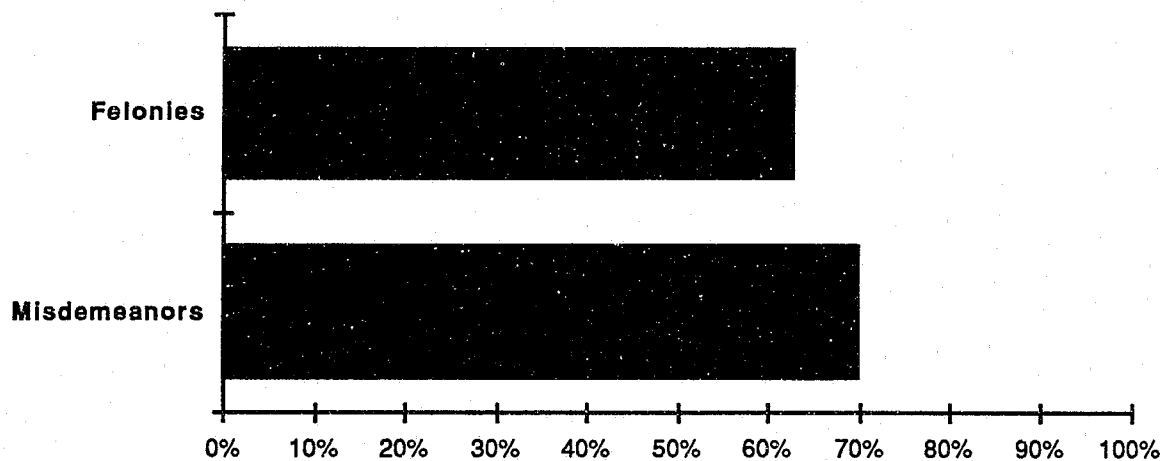


## RELEASE AND LENGTH OF STAY

Hillsborough County uses five forms of pretrial release: administrative pretrial, cash bond, surety bond, letter of release and release on own recognizance (ROR). The remaining forms of release are post-adjudication since partial or total adjudication of the primary charge is required before release.<sup>5</sup>

*"Post-adjudication releases are means of leaving the jail once one's case has been addressed or disposed, e.g., completing a sentence, entering probation, being found innocent at trial."*

Figure 3.11 Pretrial Release Rates for Felonies and Misdemeanors



Overall, 63 percent of people booked on felonies are released pretrial; 70 percent of people booked for misdemeanors are released pretrial. In both cases, a surety bond is by far the most frequent means of release. The felony pretrial release patterns show that persons booked for drug sales are the least likely to be released pretrial, followed by rape, robbery and burglary. For misdemeanor bookings, those arrested for prostitution, trespass, drug possession and property offenses are least likely to be released pretrial.

For post adjudication release, felonies are held for slightly over 18 days and misdemeanors for just under two weeks (13 days). The relatively minor difference between the amount of time that misdemeanants and felons spend in jail before a post-adjudication release diverges from most Florida jurisdictions. The low ALS for felonies likely reflects the fact that adjudication of felonies (including probation violations) occurs very quickly in Hillsborough County. This in turn suggests that only a small number are going to trial and most are plead out.

This comports with a review of several years of court caseload data reported to the state under the summary reporting system program (SRS). The SRS reports indicate the number of accused persons in the system and breaks down how cases are disposed of, showing that the overwhelming majority are plead prior to trial.

Cash bond and surety bond are clearly the predominant modes used to obtain pretrial release. By posting bond, persons booked on misdemeanor charges obtain release in less than one day. Persons booked on felony charges spend a little over two days in jail before release via cash bond and almost four days in jail before release via surety bond.

*"Bond is the most common and one of the most rapid means of effecting a pretrial release. ROR is the slowest means overall of obtaining pretrial release."*

Figure 3.12 Pretrial Release Rates for Misdemeanors and Felonies

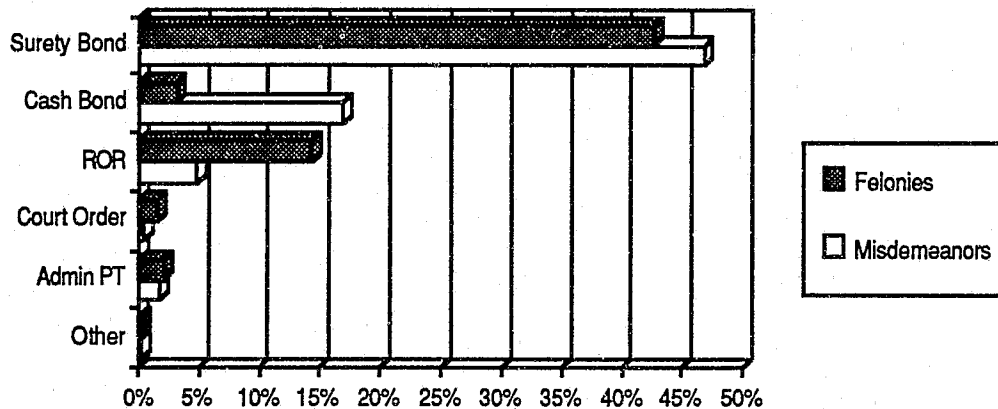
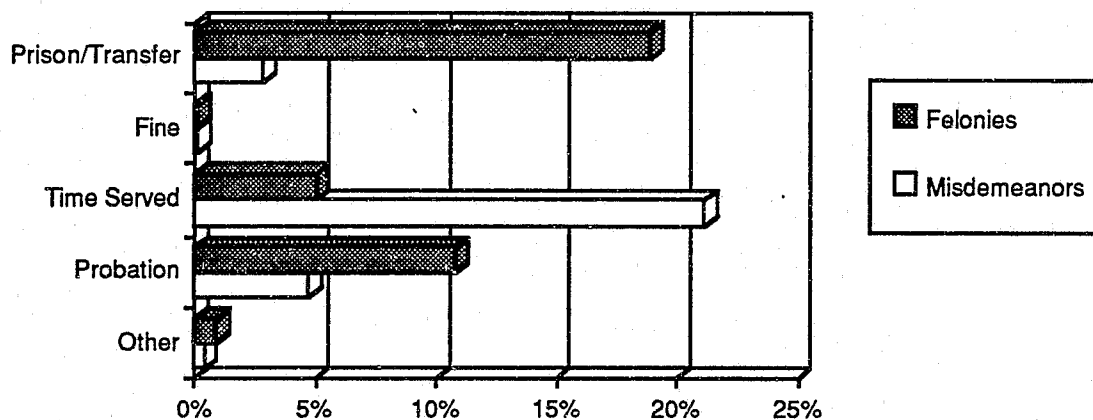


Figure 3.13 Post-Adjudication Release Rates for Felonies and Misdemeanors



The slowest form of pretrial release is ROR, which has an ALS of almost four days for misdemeanor bookings and 11 days for felony bookings. Only 37 percent of ROR releases are granted at first appearance or preliminary presentation. In contrast, at least three-fourths of all the other forms of pretrial release occur within 24 hours or less: administrative pretrial (80%), cash bond (82%), and surety bond (78%). It is not until after 14 days that ROR releases reach the three-quarters mark.

The lengthy ALS for ROR releases also reflects use of RORs at the request of the State Attorney's Office which generally takes longer. The State Attorney is authorized to order an ROR when no information will be filed on an individual. The SA has 21 days to make this decision thus making SA ROR a generally time consuming release mode.

Figure 3.14 Post-Adjudication vs. Pretrial Release Use for Felonies

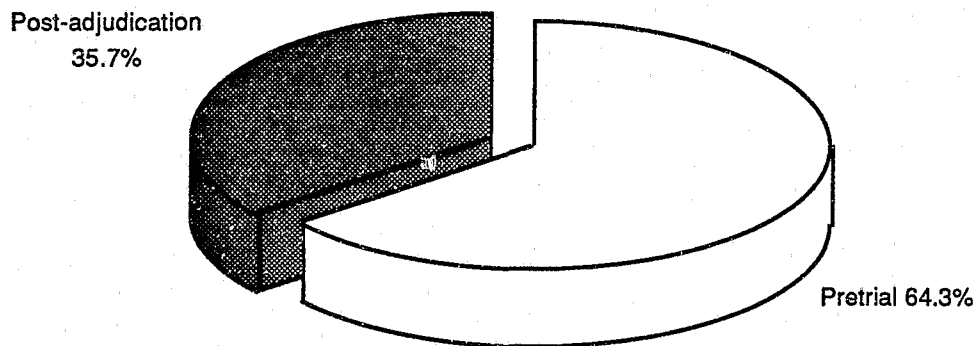
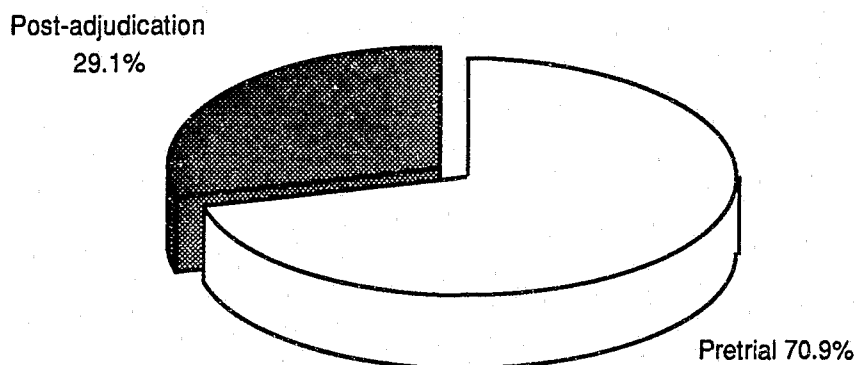


Figure 3.15 Post-Adjudication vs. Pretrial Release Use for Misdemeanors



State Attorney releases are not distinguished by a separate code on the booking sheet, but are identified simply as an ROR release. Although there were 14 ROR (State Attorney) releases during the sample period, all of these cases involve persons who were booked into the jail prior to 1/24/93, the beginning of the sample period. ILPP consultants reviewed these cases to identify booking dates and primary charges. Based on original booking date, the ALS for an ROR approved by the State Attorney is almost 20 days.

The number of aggravated battery/assault and drug possession cases suggest that law enforcement agencies may be overcharging which can contribute to delays in pretrial release, since persons initially arrested on violent crimes or drug offenses, which are later reduced, are not eligible for ROR.

*"Overcharging can impact jail crowding by either inflating one's bond or by precluding release based on the nature of certain charges, even though these charges are eventually dropped or reduced by the State Attorney."*



There is virtually no difference between the proportion of felony and misdemeanor bookings that are released after completion of court proceedings. For felony bookings, approximately 27 percent are released to probation after time served, or transferred to state prison. For misdemeanor bookings, 21 percent are released after time served and five percent are released to probation.

Transfers to other jurisdictions or facilities are relatively slow. Excluding state prison commitments, the overall transfer ALS for felonies is nearly 11 days and is a full week for misdemeanors. The ALS for transfers may be inflated by the length of time required for transfers to one of the state hospitals and includes time required to dispose of local charges.

*Transfers from county jail to other facilities occur fairly slowly."*

There are some significant and unexpected differences between release patterns for felony bookings and misdemeanor bookings: ROR is more likely to be used for felony bookings than for misdemeanor bookings (14% to 5% overall).

ROR accounted for nearly one-fourth (23%) of all felony pretrial releases, but only seven percent of misdemeanor pretrial releases. When the number of pretrial releases for both cash and surety bond are combined in the misdemeanor booking subsample, the proportion rises to 91 percent.

*"ROR is used more often for felonies than for misdemeanors, which is the reverse of what would be expected."*

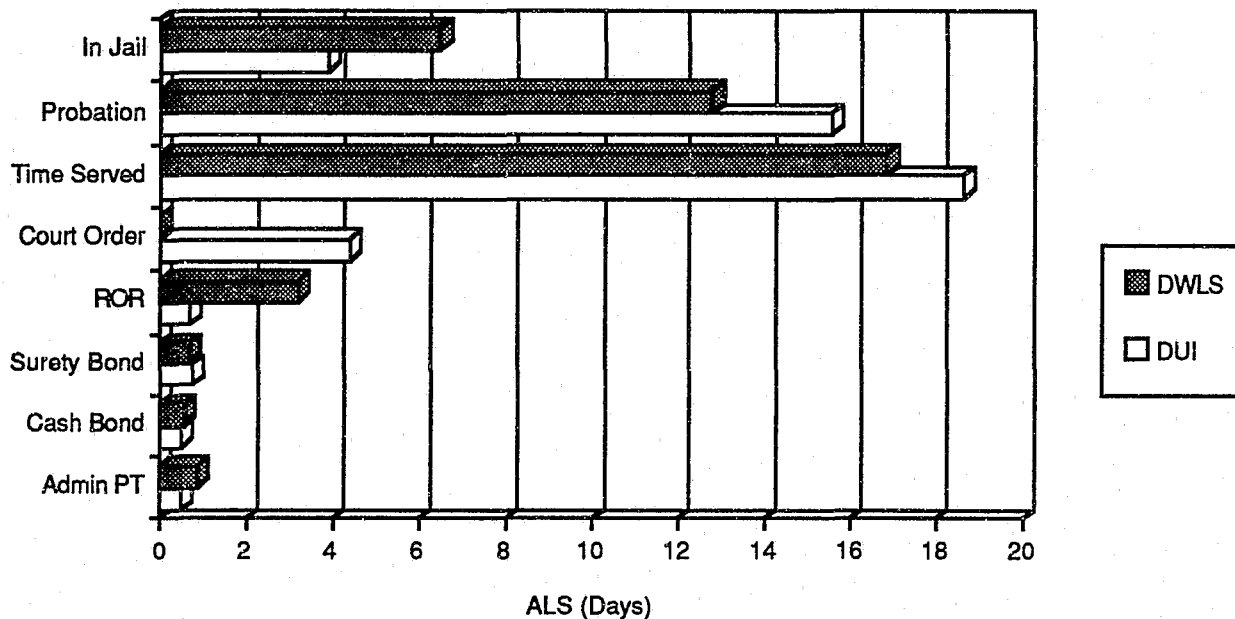
### MISDEMEANOR TRAFFIC OFFENSES

Because misdemeanor traffic offenses account for 40 percent of all misdemeanor bookings, these charges were isolated for further analysis.

As with the total sample, cash and surety bond releases dominate the traffic offense subsample. Moreover, the data also show that one-fifth of all the DWLS and other traffic bookings are found ineligible for pretrial release and are required to remain in jail until time served. When the disposition "probation" (adjudicated but released to probation) is included for other traffic bookings, the proportion of persons required to remain in jail until case disposition increases to nearly one-fourth.

*"25% of misdemeanor traffic offenders stay in jail until adjudication of their charges."*

Figure 3.16 Length of Stay for Misdemeanor Traffic Offense Releases



As a subgroup, traffic bookings account for 38 percent of all FTAs in the tracking sample. (Overall, 19% of the tracking sample had an FTA.) Both DWLS and other traffic bookings had pretrial release rates that were lower than for DUI bookings, which may reflect the impact of FTAs for DWLS bookings and underlying probation violations for other traffic bookings. The FTA rates for persons booked on DWLS and other traffic offenses are very high: about one-fifth of all DWLS bookings and one-third of all other traffic bookings. The use of ROR among all traffic offenses, however, was identical at three percent for each category. The higher pretrial release rate for DUI bookings was due to the greater use of cash and surety bond overall.

*"Almost 40% of all FTAs are attributable to traffic offenders."*

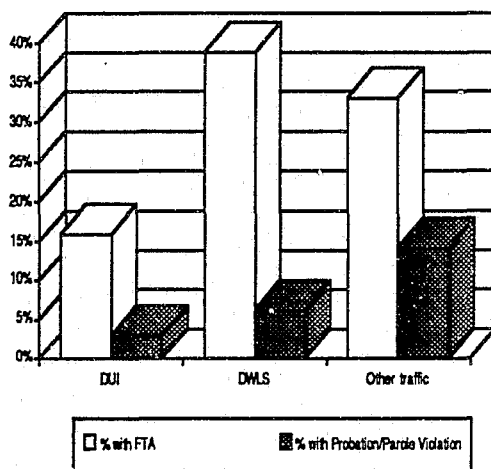
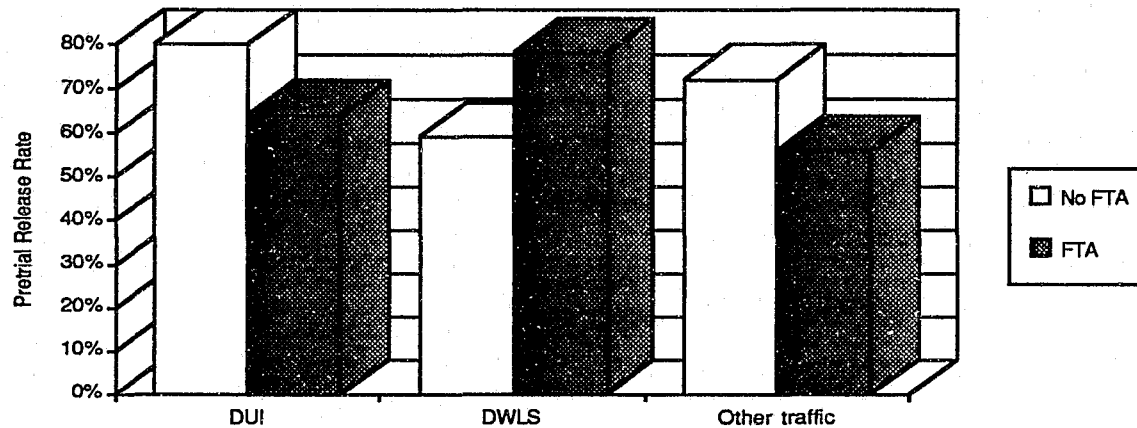


Figure 3.17 Traffic Offenders with VOPs or FTAs

A person is less likely to be released pretrial if he or she has an FTA for all traffic offenses except DWLS. Furthermore, it is likely that a person will not be released from jail at all until charges have been adjudicated.

Figure 3.18 Pretrial Release Rates for Traffic Offenders with and without FTAs



The proportions of persons required to remain in jail until case disposition are consistent with the FTA rates for each of the categories of traffic offenses: DUI (16%), DWLS (34%) and other traffic (33%).

Administrative pretrial release, which is essentially Sheriff's ROR, offers the potential for effecting releases very quickly. Such releases are effected in a half-day for DUI bookings, which is consistent with state law requirements that such bookings remain in jail for a minimum of eight hours. For other traffic offenses, the ALS under this form of release is only eight hours. Very few persons are released via regular ROR for traffic offenses. Moreover, the ALS for regular ROR releases is very long, ranging from four days to nearly six days. These averages may be not be good indicators of actual ALS, since the numbers involved are so low and may involve persons who have underlying FTAs and probation violations.

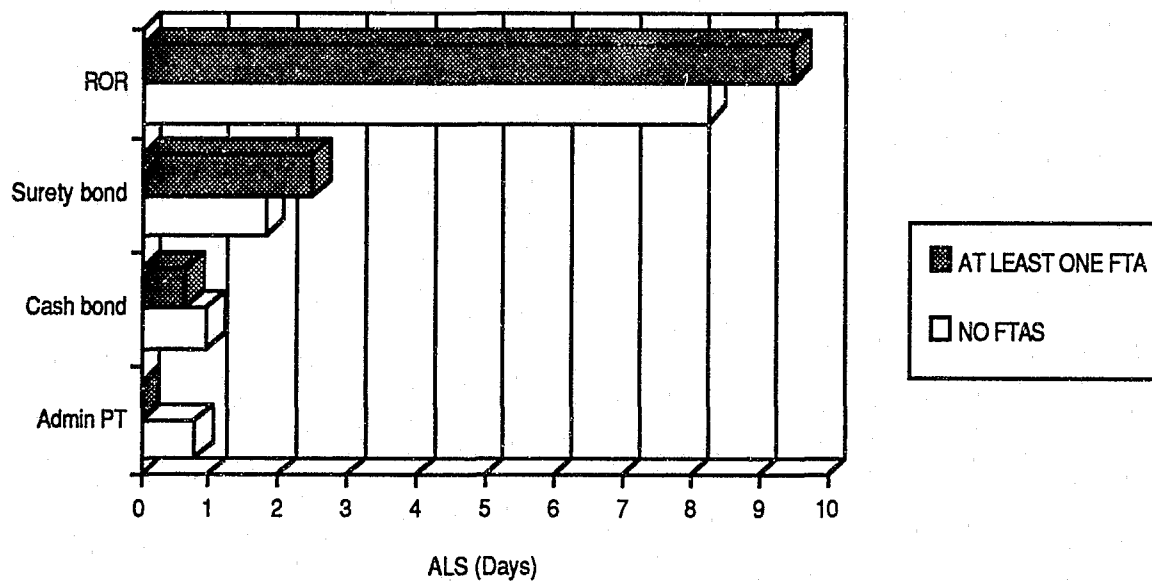
### FAILURES-TO-APPEAR AND PROBATION VIOLATIONS

With the exception of traffic offenses, there is no correlation between FTA and pretrial release. There are also no differences in the proportion of either of these groups released after time served or to probation.

The real impact of an FTA, however, is not on getting released at all, but on how long it takes to get released.

*"FTAs do not preclude pretrial release, but they seriously clog the time it takes to effect a pretrial release."*

Figure 3.19 Pretrial Release ALS for Persons with FTAs



Having an FTA increases length of stay for all pretrial release types, except for people released via a cash bond. The length of the increase ranges from 16 to 30 hours.

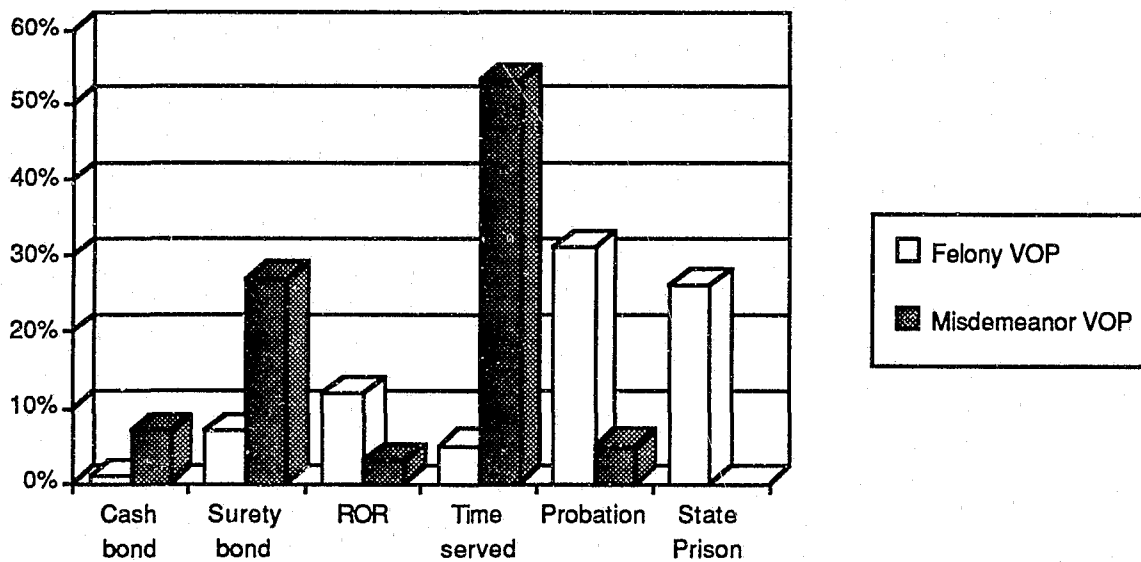
In contrast to FTAs, probation violations do have a significant impact on both the possibility of and the processing time for pretrial release. Persons booked on felony probation violations have a pretrial release rate of only 20 percent; persons booked on misdemeanor probation violations have a slightly higher pretrial release rate of 37 percent.

*"For VOPs, pretrial release is less likely and also slower than for other types of offenses booked into jail."*

Persons booked on probation violations not only have a lower pretrial release rate than persons booked on other offenses, but the ALS for felony probation violation as the main charge is significantly longer.

The ALS for persons charged with technical probation violations who are sentenced to state prison is 26.6 days. Because all the persons have very similar charges (felony probation violations not including an arrest on a new offense), this ALS provides valuable information regarding the length of time for transfers to state prison. Both the release categories, "probation" (return to probation) and "timeserved" represent adjudication times for probation violations; these are 10.6 days and 17.3 days, respectively. Based on these average adjudication times, the data indicates that transfers to state prison can require between 9.4 days and 16.1 days.

Figure 3.20 Pretrial Release Rates for Persons with VOPs



The increase in ALS for persons booked on misdemeanor probation violations is not as great, but the ALS for surety bond, which is the primary form of pretrial release for misdemeanor probation violations, as well as for the general sample, is approximately two times the ALS for other misdemeanor offenses. The increase in ALS for probation violations can be attributed almost entirely to no-bond orders on the arrest warrant or affidavit: 91 percent of those booked on felony probation violations had either no-bond or zero bond; this proportion with no-bond/zero bond in the misdemeanor probation violation group was 63 percent.

*"While use of bond is not uncommon for misdemeanor VOPs, it takes twice as long to effect them compared with other misdemeanor offenses."*

The courts apparently also treat misdemeanor probation violations as a serious offense: 53 percent are not released until after time served and only five percent are released back to probation. Although nearly one-third of those booked on felony probation violations are returned to probation, 26 percent (not shown) are sentenced to state prison.

## BOND

If the goal of a no-bond order is to ensure the detainee remains in jail until charges have been adjudicated, that goal is being realized. Overall, 14 percent of the tracking sample had no bond orders at the time of booking. (46% were either no bond or had no bond set.) Of the 370 cases with no-bond orders, only two percent were released pretrial, and all of these had lengthy ALS before release: surety bond, 20 days and ROR, 19 days.

*"Being denied bond is tantamount to being denied any form of pretrial release."*

When bond amount was correlated with release mode, the data showed that cash bond was the primary form of pretrial release for bond amounts up to \$250. For bond set for more than \$250, surety bond became the primary form of release. The inability of persons booked into the jail to post cash bond, which is the fastest form of pretrial release, may be related to the high unemployment rate among this group.

The impact of bond on pretrial release is well-illustrated by bond patterns for drug offenses. As discussed earlier, one-fifth of the persons booked on felony charges were arrested on drug offenses, of which 64 percent were for possession.

*"The majority of felony drug offenses were for possession."*

For persons booked on drug offenses, arrests often include a combination of delivery and possession charges. Theoretically, such charges could be based on use of cocaine (possession) and passing the drug to another person for his or her use (delivery). Where such a combination of charges is made at the time of arrest, the result is often a doubling or trebling of the amount of bond.<sup>6</sup>

*"Incarceration on felony drug possession and delivery may be the result of bond inflation due to oversharing at arrest."*

For felony drug possession bookings, the cash bond average is higher than all other charges of similar severity, with the exception of burglary, and higher than the cash bond average for robbery, which is in a more severe offense category. Felony drug possession average surety bond is also higher than all other offenses of similar severity, with the exception of drug sales. Misdemeanor drug possession bookings also have a higher average for surety bond than misdemeanor property offenses, which have the same magnitude of severity. Misdemeanor drug possessions also average higher bonds than for domestic battery or robbery, which are more serious offenses.

*"Drug possession averages a higher bond than for crimes of similar and even higher seriousness, like robbery."*

Figure 3.21 Overall Bond Amount Averages for Selected Offense

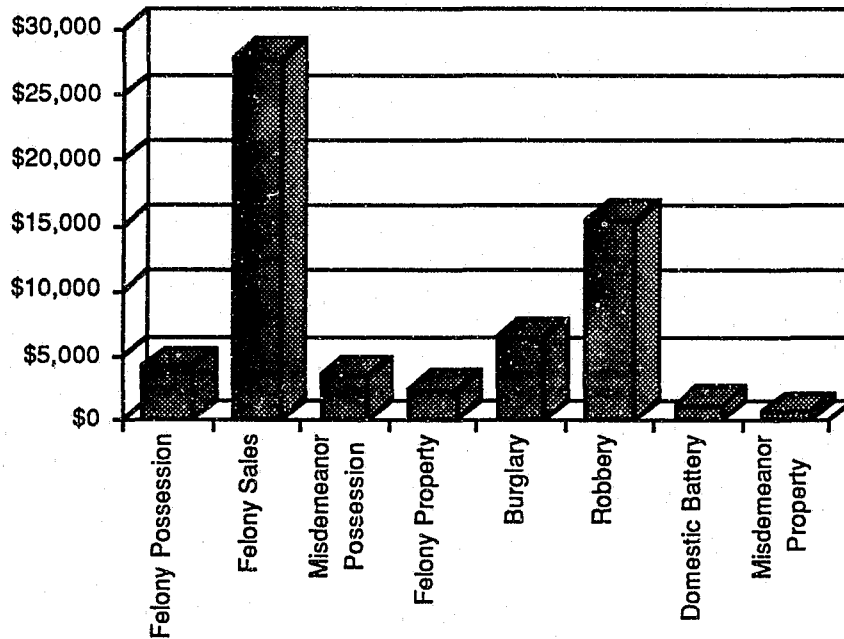
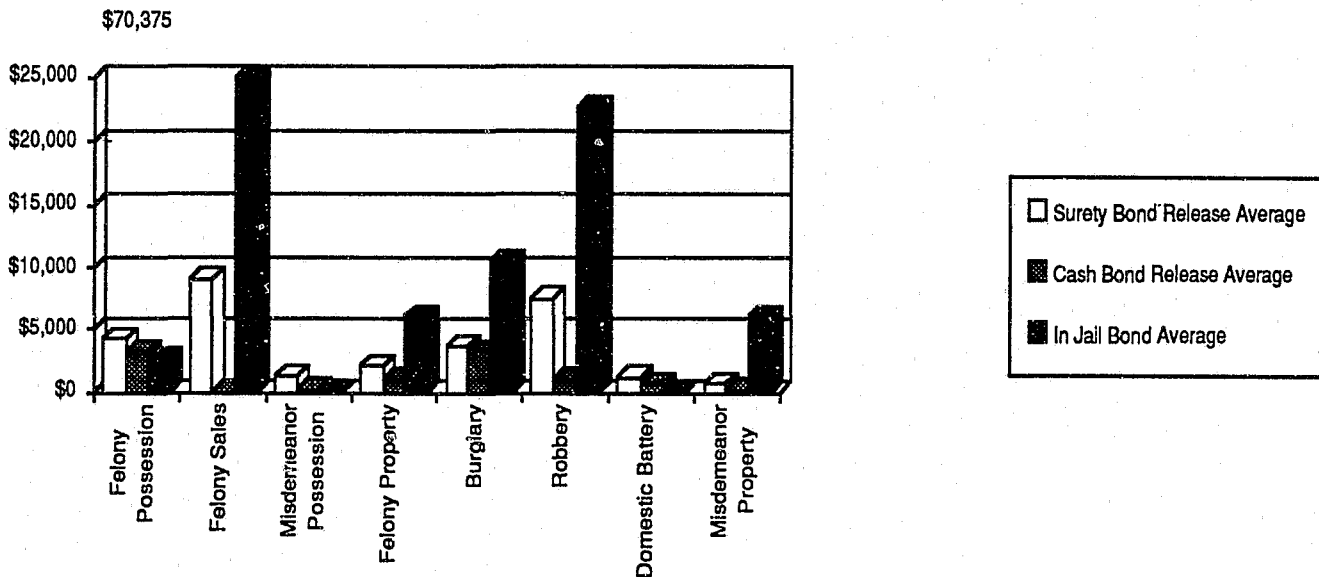


Figure 3.22 Bond Averages by Release Status and Offense



### IMPACT OF BOND ON PRETRIAL RELEASE

Although the overall ALS before pretrial release by posting cash or surety bond is under one day for misdemeanor bookings and between two to four days for felony bookings, there are actually significant delays associated with this release method when releases are analyzed by race.

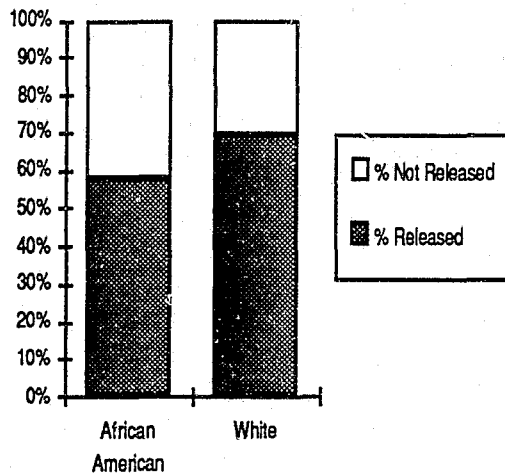


Figure 3.23 Pretrial Release Rates  
by Race

African-Americans not only have a lower pretrial release rate than others, but have significantly longer ALS before pretrial release for virtually every form of pretrial release, particularly where the person is booked on a misdemeanor. The ALS for African-Americans who post bond on a misdemeanor is approximately 10 hours longer than for others; the ALS for ROR for African-Americans is over twice as long, 5.72 days to 2.60 days. The increased ALS for felony bookings is not as prevalent, with the exception of surety bond, where African-Americans have an ALS that is nearly twice as long.

*"The lower pretrial release rate for African-Americans is due to some extent to the fact that proportionally more African Americans are charged with felonies than others."*

The delay in obtaining pretrial release through bond for African-Americans may be due to financial reasons. This factor is suggested by the ROR rate for African-Americans, which is almost twice as great as that for others, seven percent to four percent for misdemeanors.

There are also some significant differences between the two subgroups for post-adjudication releases: a greater proportion of African-Americans charged with misdemeanors are required to remain in jail until time served (61% more). The proportion of African-Americans sentenced to state prison is also two times greater.



Figure 3.24 Release Rates by Race and Type

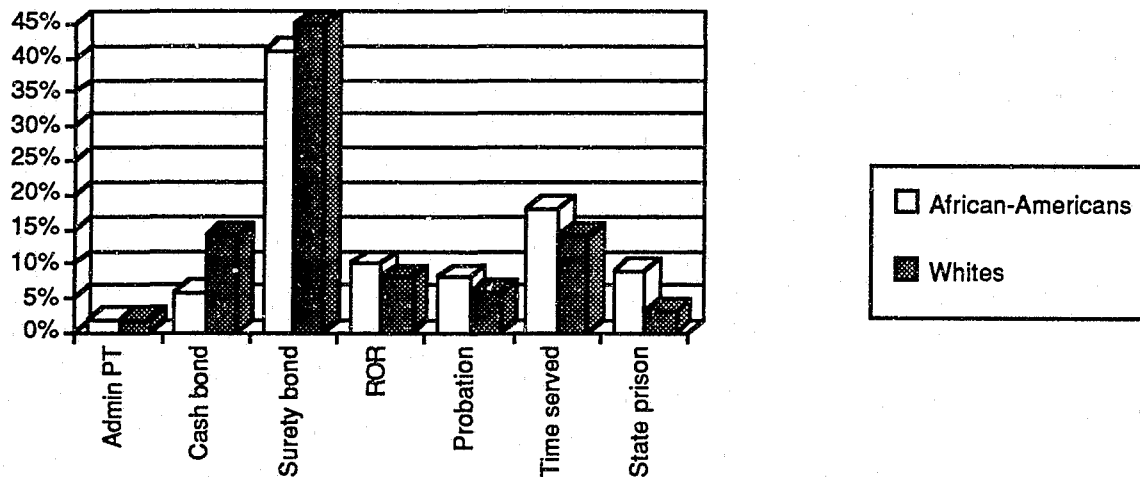
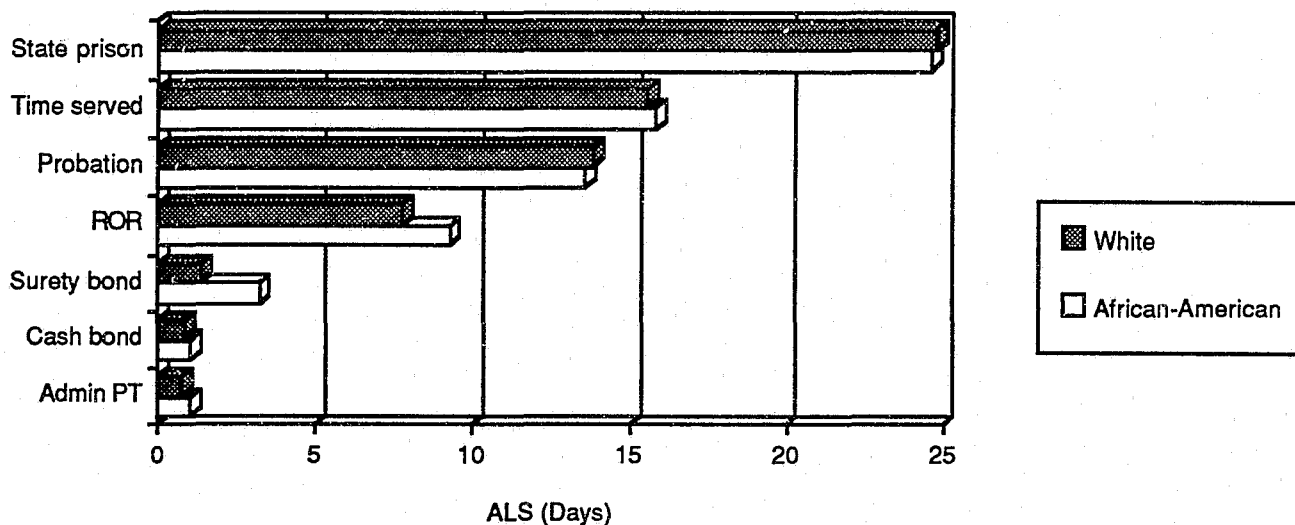


Figure 3.25 Length of Stay by Release Type and Race



### JAIL POPULATION CHANGES SINCE JULY 1986

In March 1988, the National Institute of Corrections Jail Center prepared a tracking analysis based on a total sample of 797 detainees and inmates at the Hillsborough County jail. A comparison of some of that report with the current study shows that there have been significant changes in demographics and the use of pretrial release methods.

In 1986, the mean age for men was 32.4 years and 30.6 years for women. These mean ages were apparently consistent with a national trend of increases in the average age of jail inmates. The current study, however, shows that the jail population has become significantly younger, with a mean age of 25.4 years for women and 30.9 years for men. There have been no changes, however, in the racial composition of the jail population or in the proportion of Tampa residents booked into the jail.

The more significant changes are in the use of pretrial release modes, particularly ROR. In 1986, one-third of all releases from the jail were ROR, just behind bond at 38 percent. In the current sample, ROR releases made up only eight percent of all releases while bond (both cash and surety) accounted for 56 percent of all releases. There have been no changes in the overall proportion of persons released after time served (15%), released to probation (7%) or transferred to state prison (5%).

*"In 1986, ROR releases accounted for one-third of all jail releases, a major difference from usage today."*

## Notes

- 1 The proportion of juveniles booked into the Orient Road jail will probably decrease in the future. Since April 1993, all juveniles are being booked at a new facility and will only be transferred to the Orient Road facility when they are filed on as adults.
- 2 The ordinances included both Hillsborough County and Tampa statutes; the number of persons booked for violation of local ordinances is underestimated because many persons were brought in for "loitering for prostitution" which was coded as prostitution, and "open containers in public", which was coded as public alcohol. As a result, the proportion of bookings related to local ordinances only as the primary charge is probably closer to two percent of the total sample, rather than 0.2 percent. In the future, there will probably be no arrests for loitering for prostitution, since such ordinances have been overturned as vague and ambiguous by the Florida Supreme Court.
- 3 Many of the bookings for aggravated assault and battery were related to domestic violence. As a result, the large proportion of bookings for aggravated assault and battery probably reflects a change in arrest practices towards domestic violence, and indicates the extent of the domestic violence problem.
- 4 The proportion of felonies in the charge category is greater than the proportion of felonies identified as primary charges because this category includes the charge category for inmates held on writs and parole holds. In general, such inmates had already been adjudicated, and their original charges were not relevant for purposes of this study.
- 5 For persons held on out of county charges only, the release mode used was generally "transfer" or "telex", which is release after receiving approval by telex from the controlling jurisdiction. Such releases, for purposes of this analysis, were

not treated as pretrial releases, since transfers generally were not made until after local charges, if any, were adjudicated.

- 6 The most extreme example of high bond as a result of such a combination was \$10,000 for "possession" and "delivery" of two grams of cocaine (two charges).

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# **INMATE POPULATION PROJECTIONS**

## JAIL POPULATION PROJECTIONS

### SUMMARY

The number of beds to be constructed in a jail is one of the most critical parameters in the planning and management of both the jail and the overall justice system, and represents a major policy decision in itself. In this section ILPP makes projections of the county's correctional bed needs until the year 2010 and compares them with earlier projections presented in the county's 1992 proposal for the Hillsborough County East Facility. ILPP's projections are for the system in essentially its present form with regard to inmate flow and alternatives, i.e. with no significant changes in population management policy, procedures, and programs.

ILPP projects figures for the year 2010 to span a range from 2,700 to 4,600. It is not possible to predict exactly what the population will be, but the highest value assumes a rate of change of system characteristics which is unlikely to continue for this length of time. An intermediate value of 3,500 seems the most realistic. By comparison, the projection of 5,100 used in the East Facility Master Plan (1992) appears indefensibly high.

*"Hillsborough County's  
jail population is  
projected to reach 3,500  
in 2010."*

The Sheriff's Department was concerned upon reading the first draft of this report that the original draft projections might be too low. Consultants very much appreciate the helpful discussions with Inspector Dennis Williams and his suggestions which were used to refine the projections estimates and produce those given here.

Consultants have elsewhere discussed a set of "targets of opportunity" which are points in the criminal justice system where there is a potential of achieving substantial bed savings through policy and procedural changes. Estimates of the potential savings ranged from 14 to 32 percent of the projected populations. These would delay by a number of years any need for the number of beds called for by the master plan.

## PROJECTION METHODOLOGY

Jail population is determined by two processes: how many people are admitted (average daily bookings) and how long they stay (ALS, average length of stay). Unless there is a population cap in effect, the decisions on whether to book and when to release are relatively independent of each other. Thus it becomes possible to consider and project each of these factors separately. The projections of bookings and of length of stay are multiplied together to give a population figure.

The Hillsborough County Sheriff's Department is well aware of the need for realistic projections, and was of great assistance in locating and providing data on population and monthly bookings for the period from January 1985 through June 1993, and descriptions of all other efforts at population projection over the last decade. Historical population figures were broken down by sex and by adjudication status (pretrial or sentenced), but for bookings only total numbers were available. Each month's population figure was divided by the corresponding number of bookings to give the average length of stay. ADP figures going back to 1973 were also available, but not the corresponding bookings, so that ALS could not be calculated for the earlier years.

Figures 4.1 - 4.3 show the average daily population and the number of bookings for each month during this period. ADP has risen fairly steadily, though it has clearly leveled off since the middle of 1992. The chart of annual population since 1973 shows that the most rapid growth occurred between 1984 and 1989. From 1974 to 1984 the jail population was nearly flat (Fig. 4.2). Bookings (Fig. 4.3) peaked in late 1989 and have fallen off slightly since that time. Figure 4.4 shows the average length of stay for all inmates. It is notable that ALS has risen from about 12 to about 18.5 days over the period studied, an increase of over 50 percent in a relatively short time, though it too may be leveling off. The dashed line is a regression of the trend over this period.

*"Length of stay in county jails has increased 50% over less than ten years."*

The county does not retain the type of summary data that would allow explaining why ALS has changed so sharply. It might be related to an increase in the mix of pretrial and sentenced inmates. Figure 4.5 shows that the percentage of sentenced inmates in the population has grown from about 17 percent to 29 percent. Sentenced inmates tend to remain in custody longer than pretrial, so this could account for some of the rise in ALS, but it does not exclude the possibility that ALS for either group may have risen as well. The rise in ALS might also represent a change in the ratio of felons to misdemeanants; again the data are not available.

Figure 4.1 Average Monthly Jail Population, 1985-1993

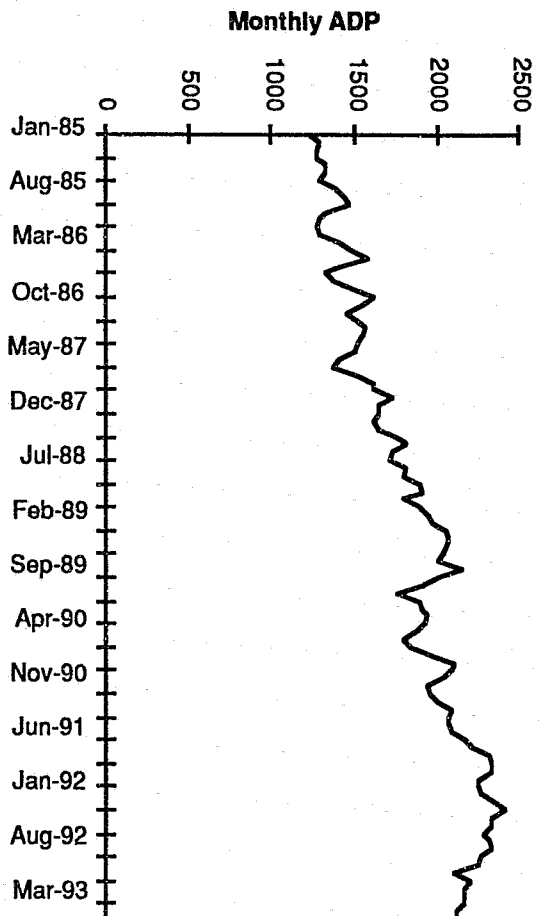


Figure 4.2 Average Annual Jail Population, 1973-1993

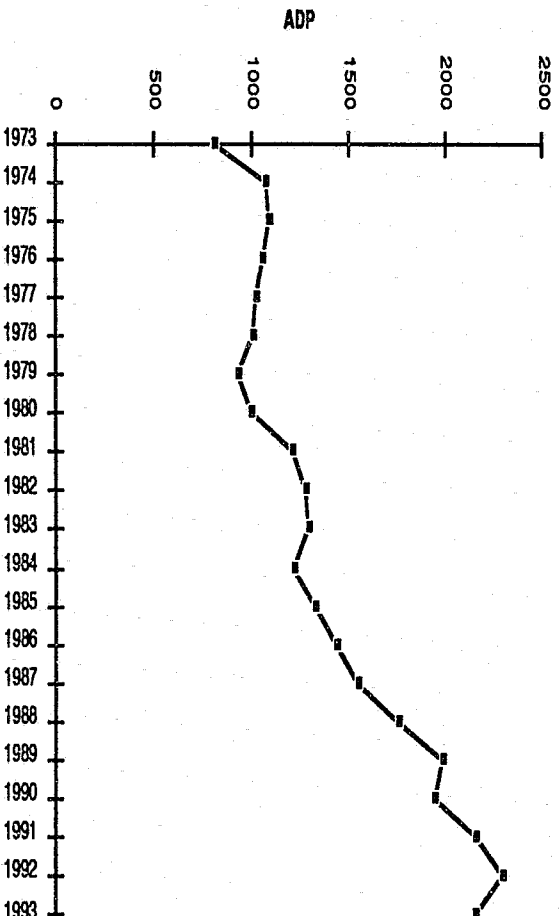


Figure 4.3 Bookings History, 1985-1993

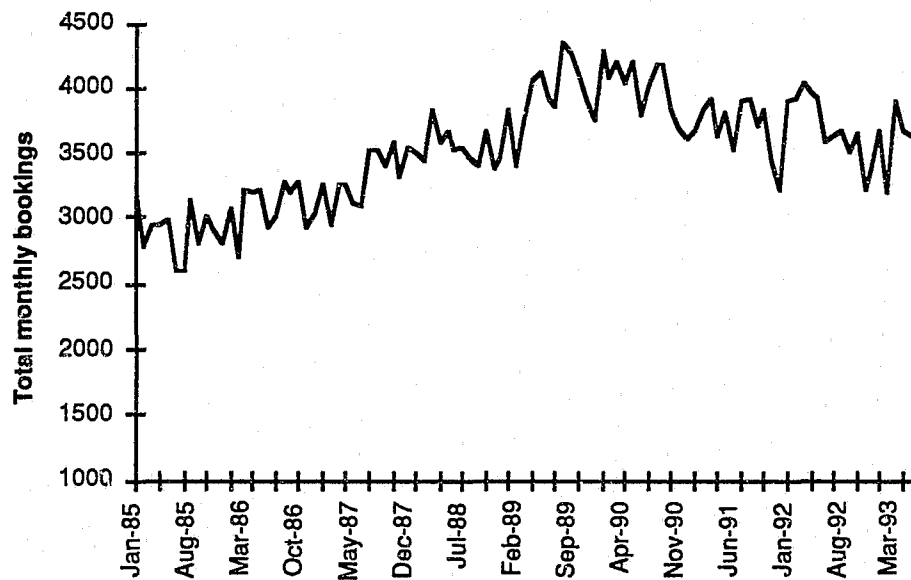


Figure 4.4 Change in Average Length of Stay, 1985-1993

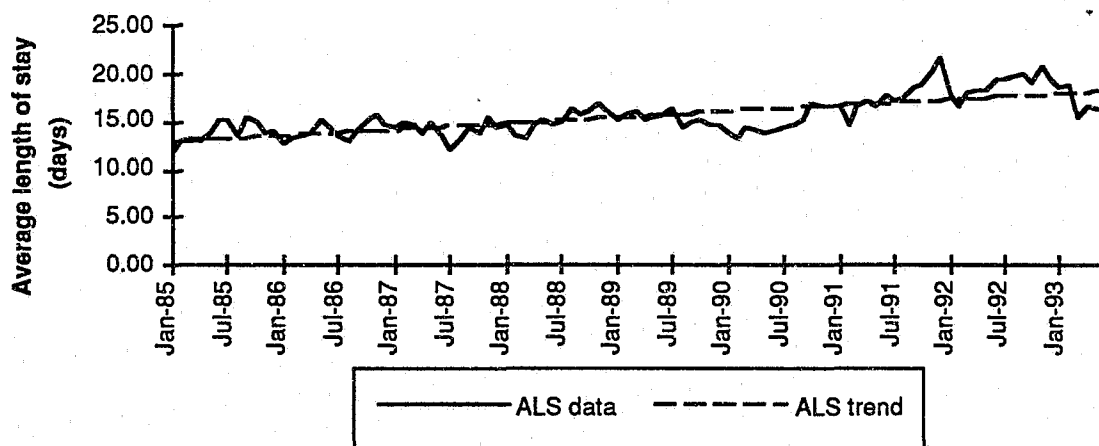
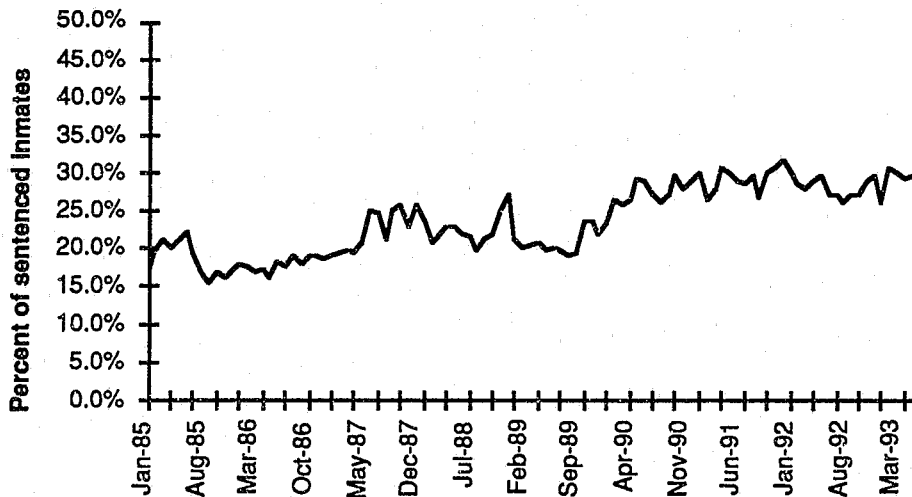




Figure 4.5 Percent of Sentenced Inmates, 1985-1993



### Projection Scenarios for Average Length of Stay

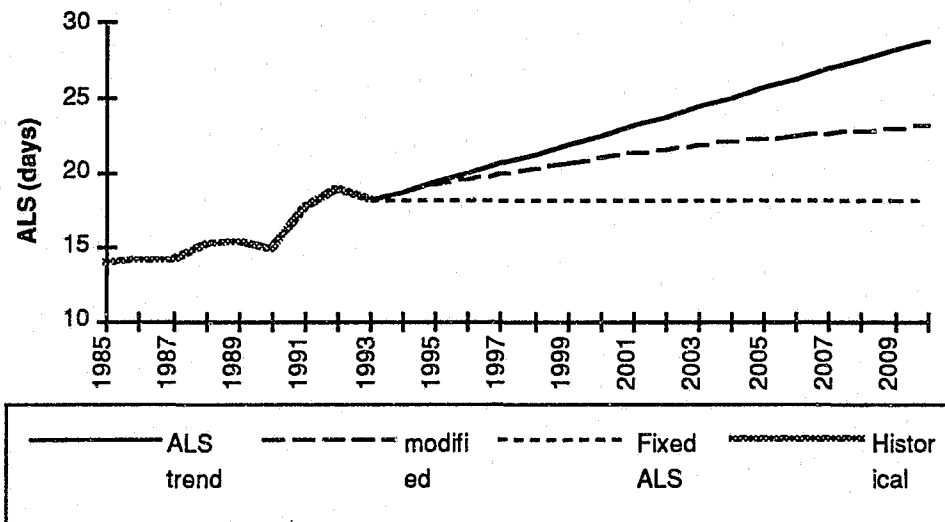
The historical monthly ALS numbers were used to define a range of possible trends in ALS over the next two decades. Three projection scenarios were chosen for ALS, based on the following considerations. (Figure 4.6)

*"Projections are provided for three growth scenarios: stable, medium, and extremely fast."*

- The first ALS series is simply the linear projection against time of ALS for the past eight years. By 2010 it would be a little under 29 days, up from 18.2 days currently. It is unlikely that this ALS figure will be reached without a major shift in the county's criminal justice procedures or priorities. Massive and increasing delays in case processing could have such an effect, as could lengthening sentences and retaining sentenced felons rather than transferring them to prison. Yet Hillsborough County at present has the highest prison commitment rate of Florida's ten largest counties: it sends felons to prison rather than keeping them in the jail. ILPP does not have a plausible scenario for such an increase in ALS.
- In the second scenario, the ALS trend is modified. It continues to grow but approaches a limiting value of 25 days. This is still a high number but is a little more plausible.

- The final alternative is the hypothesis that ALS will now stabilize and remain at the 1993 level of 18.2 days. In fact it has not risen since late 1991; most of the growth since 1985 appeared only between May 1990 and December 1991. (More efficient population management could well *reduce* it in the future, but a very conservative estimate of no further change is used here as the low growth ALS scenario.)

Figure 4.6 Hillsborough County Projected ALS, 1985-2010



### Projection of Bookings and Arrests

Next, the trend in bookings and arrests must be estimated. Bookings (Figure 4.3) hit a high point around the end of 1989 and have actually dropped a little since then. Mechanical extrapolation of this recent trend would say that bookings will never be any greater than they are today. But one thing which can be predicted with certainty is that the population of Hillsborough County will continue to grow. Under any normal conditions, population growth will lead to an increase in the number of jail bookings, so a different procedure to project bookings was used.

*"Bookings into the jail have dropped slightly since 1989."*

The Bureau of Business and Economic Research at the University of Florida projects a population of almost 1.1 million in Hillsborough County by the year 2010. BEBR's estimates are used as the basis for projecting the number of bookings over the same period.

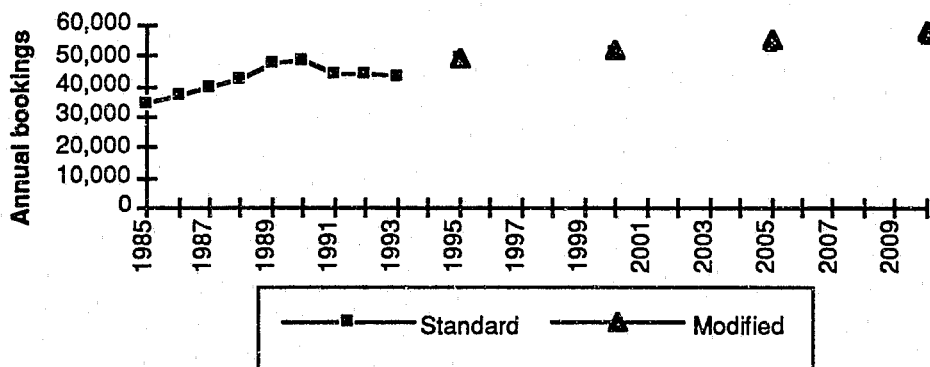
ILPP has developed a model for estimating the percentage growth of arrests in a county based on population growth and demography. The basic premise of the model is that the relative arrest rates for different demographic groups are approximately constant over time, so that changes in total arrests can be estimated from shifts in the age, sex, and ethnic makeup of the population. Independently derived arrest rates for the demographic subgroups are applied to the corresponding elements of the population projections, and the resulting values are combined to give the expected percentage increase in total arrests.

The model predicts a 15 percent increase in arrests between 1990 and 2010. Although this is not a large increase, it continues the growth pattern for arrests over the period 1985-1990. The aging of the population means that arrests per capita will fall, since younger persons are far more likely to be arrested than the elderly. BEBR projects that, although total county population will grow by 31 percent, those aged 15 to 24 will grow by only 23 percent and the group 25-44 will actually shrink: together they grow by just four percent. Since these two groups make up practically all of adult arrestees, the total arrests do not grow very fast.

*"Annual arrests in Hillsborough are expected to rise 15% to 41,000 by 2010."*

*"The age groups most likely to commit crime are growing slowly or shrinking in Hillsborough."*

Figure 4.7  
Historical and Projected Bookings, 1985-2009

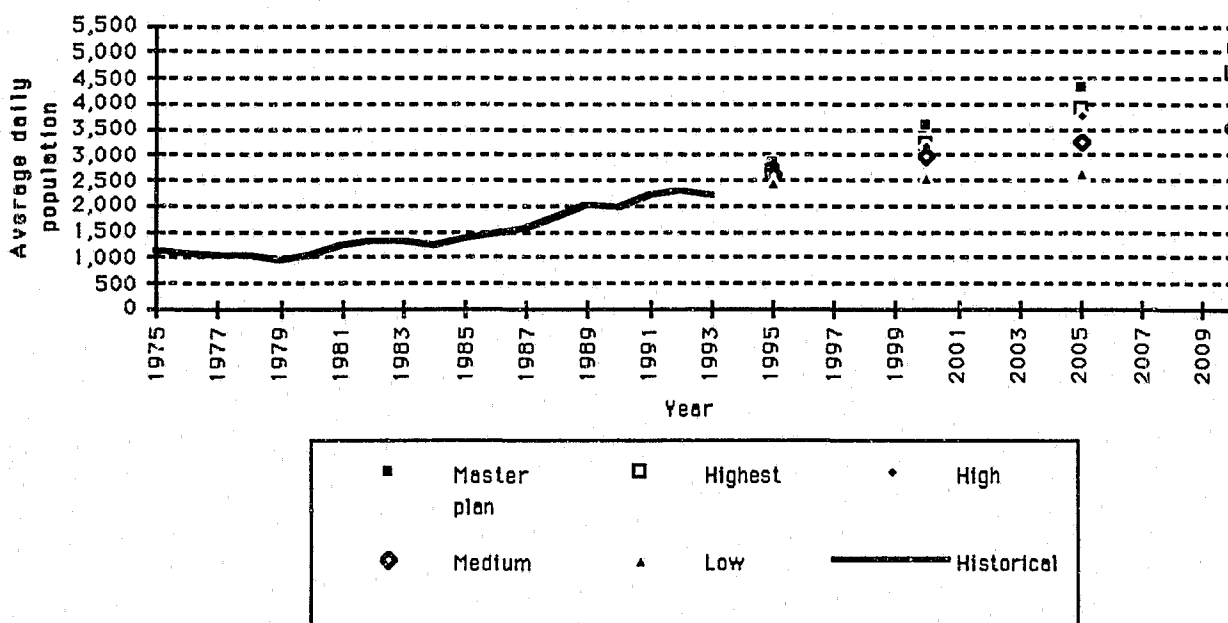


There is an assumption in this procedure that the arrest rate for persons of a given age does not change over the years. While this is approximately true it may not hold exactly. Age-specific arrest rates did increase during the 1960s, for example. Some recent data suggests a current average increase in rates of about 0.3 percent per year, or 1.5 percent in each five year period. A "modified" projection is made with the assumption of growth of this magnitude.

The percentage growth in arrests is taken to equal the percentage growth in bookings, though policy changes relating to the issuance of Notices To Appear can affect this somewhat. (This assumption allows the actual number of arrests to drop out of the equation, which is fortunate because of some inconsistencies in the UCR arrest figures as tabulated by the Florida Department of Law Enforcement.) The base year for bookings is taken as 1990 since that was the year of maximum bookings.

Projected bookings are shown in Figure 4.7. They are multiplied times the expected ALS for the corresponding year to give the estimate of ADP. Constant ALS gives the "low" figures and the extrapolated ALS gives the "high", with the modified ALS falling in between. The "highest" projection uses the extrapolated ALS and the higher booking rate referred to above. (Figure 4.8)

Figure 4.8  
Projected ADP



### JAIL POPULATION PROJECTIONS (1993-2010)

Using these methods, ILPP arrives at the following population forecasts. Note that these are average, not peak figures, and do not include allowances for temporary overloads in parts or all of the facilities. For comparison, the historical figures and those used in the master plan are also given.

Table 4.1  
Historical and Estimated Average Jail Population, 1975 - 2010

Year	Historical	Low	Medium	High	Highest	Master Plan
1975	1,091					
1976	1,056					
1977	1,022					
1978	999					
1979	922					
1980	995					
1981	1,204					
1982	1,274					
1983	1,289					
1984	1,216					
1985	1,323					
1986	1,434					
1987	1,544					
1988	1,760					
1989	1,988					
1990	1,943					
1991	2,157					
1992	2,289					
1993	2,157					
(6 mo.)						
1995		2,445	2,585	2,613	2,629	2,827
2000		2,533	2,952	3,146	3,221	3,581
2005		2,645	3,260	3,743	3,880	4,335
2010		2,745	3,513	4,361	4,589	5,089

*"ILPP projects a maximum jail population of 4,569; the 1992 master plan projects a population of 5,089."*

ILPP's high and low figures make up the outer limits of a likely range of jail populations. If ALS continues to rise, the population will be somewhat above the lower limits, but it will approach the upper values only if it continues to rise for seventeen more years as rapidly as it has in the unusually steep recent period.

It is of course the product of bookings and ALS that produces the population figures. If one of these proves too low it could be offset by a different value of the other. For example, the medium ADP figure for 2010 in the table could correspond to any of the three situations shown on the next page.

Table 4.2  
Hypothetical Population, Length of Stay & Bookings

ADP	ALS	Bookings
3,513	23.26	55,142
3,513	20.00	64,112
3,513	17.00	75,426

In other words, if ALS stabilized at 20 days rather than approaching 25 days, bookings could rise to over 64,000 and still give the same ADP. If it could be dropped to 17 days - not an unreasonable figure - there would need to be 75,000 bookings to produce a population of 3,513.

*"If bookings exceeded projected amounts by even 50%, a decline in length of stay produces the same population size."*

Note:

The ALS for all inmates used here is lower than that found in the tracking sample because the two sets of figures refer to different populations and time periods. The ALS here is the average population in each month or year divided by the corresponding number of daily bookings. The tracking sample measures the exact stays of a specific group, those booked between January 24 and February 14, 1993, and released by March 29.

## DISCUSSION

The projection of any socioeconomic trend for seventeen years is fraught with difficulties since no one can foresee all of the external factors that might change the outcome. For jail populations, these factors include the actual amount of crime, public perception and response to crime (which are not necessarily closely related to crime rates), the public's willingness to tax itself, the availability of punishment alternatives, and the values and aspirations of a large number of public officials whose decisions affect the numbers of persons detained in the jail. Ultimately, the number of people in jail is whatever the justice system actors make it be. The National Institute of Corrections' *Jail Capacity Forecast Workbook* expresses this well: "The demand for jail is a policy-driven demand" and "jails are capacity-driven facilities"; also "jail size is not a function of the crime rate in a community."

*"What drives jail population growth? More than crime, it is perceptions of crime and availability of jail space."*

Although public opinion in general calls for increasing severity in dealing with criminals, this does not always translate into new jail space. Jails are expensive. A thousand bed jail can cost \$30 million to build and \$10 million a year to operate, not trivial expenses in these days of constrained public budgets. People are most inclined to pay for

a service when they personally benefit, yet the *direct* benefit of a jail to the individual taxpayer is very small since both the benefits and the costs are shared by all. Furthermore, jail inmates are not seen as a deserving class by the taxpaying public — “why should *they* get a comfortable new facility?” — , and practically no one wants a new jail built in their neighborhood.

*“Often public support for new jails is not accompanied by the necessary willingness to pay for them.”*

Thus supply and demand become uncoupled. Almost always the public wants more offenders in jail than it is willing to provide room for. In many of the jurisdictions which ILPP has studied the most important determinant of jail population is simply the availability of jail space, which is of course a direct reflection of the public's past willingness to pay for it rather than of present needs.

Because of the problems which arise when an offender is released prematurely and then commits a new crime, there is pressure on all parties to detain arrestees. Furthermore, for judges and prosecutors there is no counteracting pressure to release since the cost of increasing custody levels is not reflected in their budgets or workloads. Thus there is a strong tendency for jail beds to become filled. Demand grows to exceed supply, and jail beds become a scarce resource. Then to keep its population within bounds, the jail makes releases which can include a number of the more serious offenders. When this situation comes to light, the public is understandably outraged and demands action. The only solution in many cases appears to be the construction of more jail space, a perception which will be encouraged by interested advisers who stand to gain by such construction.

However, part of this problem is an illusion. Jail populations are in many cases not managed efficiently. Minor offenders may be detained longer than they need to be because of unrecognized system delays or inflexibility. If the jail population is managed carefully it is usually possible to reduce the demand for new beds by using them more effectively. This not only does not compromise public safety but can enhance it. Effective jail population management requires the concerted efforts of a number of agents, not all of whom are accustomed to working together cooperatively.

What the above calculations indicate is that reasonable assumptions on the growth of bookings and the length of stay would predict a moderate, not an explosive, growth of jail population. These calculations assume no major changes in the workings of the justice system. In particular, they assume no major new statewide action which would increase rates of incarceration or lengthen sentences. If the targets of opportunity

*“Based on all indications, Hillsborough County's jail population will grow at a moderate, not explosive, rate.”*

pointed out in other parts of this report can be exploited, it is quite likely that overall ALS can be lowered. In such a case only a very slow growth of ADP would be expected.

#### NOTE ON THE POPULATION PROJECTION IN THE 1992 MASTER PLAN

The population projections shown here are considerably lower than those used in the 1992 facilities proposal. Although that proposal does not indicate how the numbers were derived, they are identical to those contained in a report which used a simple linear regression of ADP between 1984 and 1989. These selected projections were the highest set of four prepared by James Bourey, Assistant County Administrator, to Mr. Bob Alexander.

The mathematics of the linear regression are unimpeachable. However, the use of a linear regression projection for jail populations produces severely unlikely results mainly because this type of methodology considers unusual, drastic and temporary changes as norms which will occur regularly year after year. The Corrections Division is now of the opinion that these figures are likely to be higher than necessary.

*"Simple linear regressions can not accurately predict jail population growth."*

What would it take in terms of bookings and lengths of stay to reach this figure? Because these factors work together, it is their product which comes out to equaling the ADP. The following table shows some possibilities.

Table 4.3  
Bookings/ALS Combinations to Yield Master Plan ADP Values

	Bookings	ALS	ADP
Current (1992)	44,329	18.9	2,289
Hypothetical	55,000	33.8	5,089
(2010)	75,000	24.8	5,089
	100,000	18.6	5,089

These figures are not impossible but they are very large.

Any linear projection based on historical trends assumes that the future will be strictly an extension of the past. When the past is not linear the choice of starting point will greatly influence the results. Jail population since 1973 is not very linear. The population has been rising much more steeply since 1985. A regression of population over the entire period has a much lower slope and would predict a 2010 jail population of only



2,782 (Bourey's lowest line). There is no way to say what starting point is best, and therefore a line chosen to lie only on the period of most rapid expansion will necessarily give the most inflated answer.

There is a more fundamental reason for distrusting linear projections when, as here, they greatly exceed the county's rate of population increase.

If crime and booking rates, judicial processing and lengths of sentence remain constant, then the only reason for a jail's population to rise would be the increase in county population, which in Hillsborough is estimated at about 1.1% to 1.4% annually. Any change which raises the growth rate above this is an *accelerated* change. So, for example, case processing delays, longer sentences, or a contraction of the pretrial release program would be accelerated changes lengthening ALS and causing an increase in the jail population. Although these examples are hypothetical, it is clear that changes of this type must have been occurring since 1984 with some regularity.

The occurrence of an accelerated change means that ADP is raised to a higher level. But an accelerated change is not a steady state. When the change stabilizes, the growth rate reverts to the rate of population growth. Thus, if ALS suddenly rises from 20 to 21 days, ADP rises by a corresponding five percent. If ALS remains at 21 days, ADP stays at this new high level but its rate of increase will drop back to population growth. This point is crucial for the following discussion.

*In order to sustain an annual growth rate averaging 5.6% (ranging from 7.3% to 3.9% in the master plan projections), accelerated changes would have to be occurring continually, every year, accumulating on top of all the previous years' changes.*

If the master plan projections were to come true, the per capita incarceration rate would rise from 268 to 465 per 100,000. But nearly all jail inmates are in the age range of 15 to 44, and that group is projected to grow very slowly. Calculating incarceration rates on the basis of that age group alone, the rate was 352 per 100,000 in 1984, had grown to 534 by 1991, and would rise to 1,208 by 2010. Twelve of every thousand people in that age group would be in jail at any one time; one can nearly double that for males, double it again for minorities, and double again for those aged 20 to 30.

*"According to a linear projection, 10% of the county's population would be in jail by 2010."*

The question is: will accelerated changes continue to occur at the same rate for another seventeen years? The linear projection of the master plan tacitly assumes that they will, but does not give any reason why this remarkable assumption should hold over such a long time.

Consider the period 1980 to 1992 where for most years there is abundant data:

- **Serious crime in Hillsborough County has not risen rapidly.** The rate of crime, that is, crimes corrected for the increase in population, has scarcely changed at all. In other words, the number of crimes is proportional to the population of the county. The data do not suggest any accelerated future increase here. (Figures 4.9, 4.10)
- **Similarly, jail bookings rose only gradually from 1985 to 1992.** The peculiar 1990-1991 jump in arrests was not reflected here; the bookings in 1991 actually fell from the previous year.
- **Yet the jail population from 1984 to 1992 rose steeply.** Even when corrected for the increase in county population there is a sharp rise. The incarceration rate (inmates per 100,000 county residents) rose from 177 to 268, showing a steady increase every year. It might be noted that the incarceration rate from 1973 to 1985 had remained within the range of 146 to 192, rising and falling with no discernible pattern. (Figure 4.11)

Figure 4.9 Hillsborough County Index Crimes 1980 - 1992

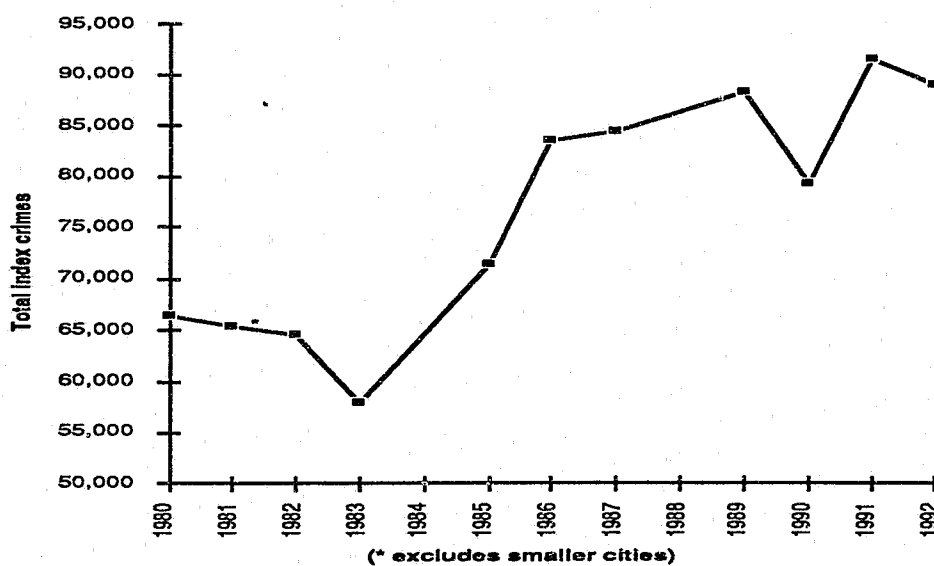


Figure 4.10  
Hillsborough County Index Crime Rate 1980-1992

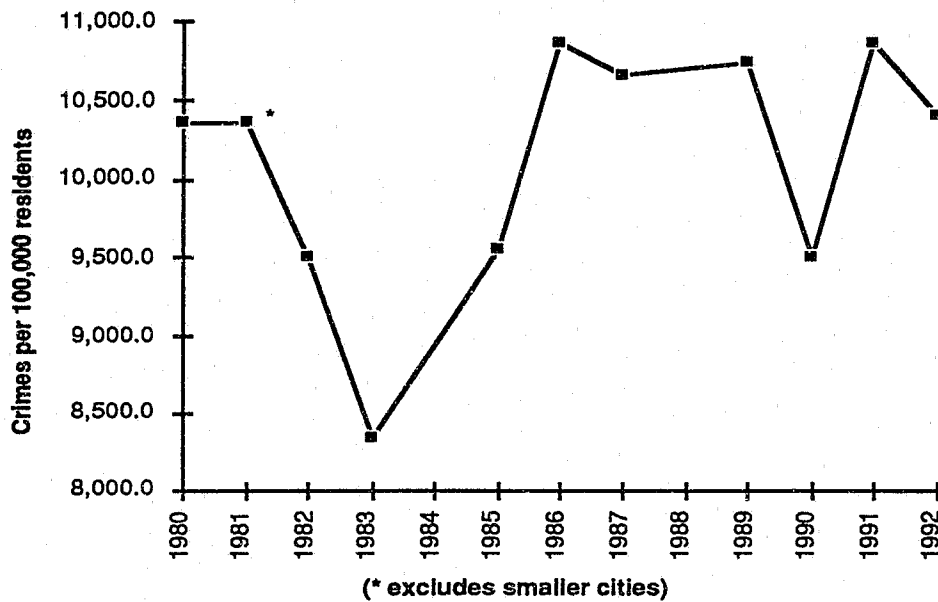
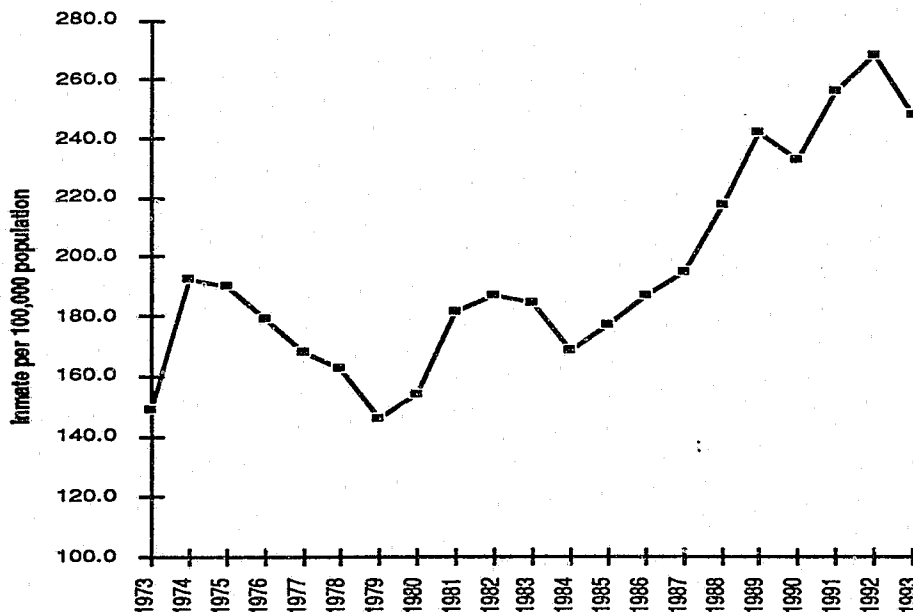


Figure 4.11  
Per Capita Incarceration, 1973-1993



If jail population rises while bookings remain the same it is a mathematical necessity that the inmates' average length of stay must be rising, as was in fact observed. An increased length of stay may in part reflect the higher proportion of sentenced inmates or a higher proportion of more serious offenders (there is no data on the latter point). Or there may be other factors: changes in laws, changes in pretrial release, prosecution, sentencing, or a slowdown in case processing.

Whatever the explanation, it is clear that something has been happening since about 1987 that did not occur in the previous 15 years. Barring an unforeseen explosion in crime, in order for the jail population to continue to grow as fast as predicted the laws, sentences, or delays will have to become ever more severe each year for an entire generation. Will this happen?

There are two arguments against continuous acceleration. One is that a great deal of change has already occurred in terms of detaining more types of offenders and lengthening sentences. For example, in many areas both the numbers of drug offenders and of drunk drivers and the lengths of their sentences have gone up greatly. But further acceleration implies that their sentences will have to be lengthened again and again, or that some other groups, comparable in numbers to these but presently ignored, will have to be found and jailed. Similarly, the proportions of felons or of sentenced inmates cannot rise forever. While it is almost certain that there will continue to be changes in the justice system, it is questionable whether change will continue to occur at the same rate for the next fifteen or twenty years.

The Advisory Council on Intergovernmental Relations identified the increased detention of defendants on minor charges, inadequate pretrial procedures, fiscal restrictions which delay case processing times, and restrictive treatment of rearrested state probation violators as major causes of increasing jail populations throughout Florida. All of these are remediable, and it is unlikely that they will all continue to get worse now that attention is being focused on them at a high level.

Secondly, although the number of jail and prison inmates in Hillsborough County, in Florida, and in the entire United States has tripled over the past fifteen years or so, there has not been a corresponding decrease in the amount of crime. In other words the public is getting a very poor return on its criminal justice tax dollar. It seems inevitable that at some point the taxpayers will decide they have had enough and will impose a limit on jail growth. Foreshadowing this perhaps was the rejection by Hillsborough voters in 1989 of the local sales tax for a new jail.

## TARGETS OF OPPORTUNITY AND THE FUTURE JAIL POPULATION

Along with the presentation of these projections in their original form as a draft report, the County Public Safety Coordinating Council was also given a list of targets of opportunity, these being points in the criminal justice process where it appeared that policy changes could lead to reduction in the demand for jail beds. The CPSCC pledged to examine these suggestions in more detail and implement many of them after further study. While it is difficult to estimate the extent of change, the estimated bed savings can be applied to the projections.

It should be emphasized that the calculated bed savings in each category cannot always be added together. There is an overlap because some inmates fall into more than one of the targeted categories. Initially, ten groups of inmates were characterized by offense, release type, etc., to remove overlapping charges before making the calculations. The minimum and low-minimum security inmates undoubtedly overlap considerably with the first set, so their bed savings should not be combined.

The table shows a summary of the maximum bed savings which might be attained if all of the suggested changes were put into effect. Consultants presented a "regular" and an "optimistic" scenario.

Table 4.4  
Targets of Opportunity

	Procedural targets:		Custody level targets:	
	Improved case handling		Transfer minimum security	
Regular	311	(14.4%)	469	(21.7%)
Optimistic	403	(18.7%)	695	(32.3%)

The figures in parentheses are the corresponding percentages of the current jail population (2,157 inmates).

The projections do not consider the effects of any such changes. Thus, it is reasonable to suppose that the same percentage decreases could be applied to the projected populations. Suppose, to be very conservative, that unrecognized overlaps and infeasibilities meant that only half of the lowest of these bed savings estimates (7.2%) could be attained, and that ILPP's highest jail projection was found to obtain. The projected beds in 2010 would drop to 4,259, or more than 800 beds below those proposed in the master plan. At the projected rate of growth the master

plan's recommendation of 5,089 beds in 2010 would not be needed for another six years.

Yet this estimate is based on a strongly pessimistic set of assumptions about population growth and bed savings. Another set of assumptions would be these: the medium projections, and bed savings showing a 70 percent overlap between the lower values of improved case handling and transfer to minimum security. The bed savings would be 10.8 percent below the projections, or 3,006 beds in 2010. The county would not need 5,000 beds for another sixty years. It is even conceivable that future bed needs could fall below present usage for a number of years if enough of the improvements could hit the targets.

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# **TARGETS OF OPPORTUNITY**

## TARGETS OF OPPORTUNITY

### INTRODUCTION

This section presents targets of opportunity that the county *could* pursue to reduce jail demand. These are not formulated as recommendations, as doing so would ignore the necessity of examining the entire criminal justice system's role and impact on jail crowding. This study focused primarily on the dynamic of the jail inmate population.

The targets were identified through the jail population analyses (profile, classification, tracking and projections) specified in the contract. In addition, broad interviews of key county officials and staff were conducted. No system assessment or operations study occurred.

The potential bed savings possible by pursuing these targets is substantial, and taken together, provide great opportunity to greatly reduce or even eliminate the need for new bed construction in the short term.

### PRETRIAL RELEASE

#### 1. Increase pretrial release options.

- Hillsborough County uses five forms of pretrial release: cash bond, surety bond, administrative order pretrial releases, ROR and letter of release.
- Bond represents the most common method of pretrial release almost to the exclusion of any other means. Surety bond accounts for 73 percent of all felony pretrial releases and 91 percent of all misdemeanor pretrial releases.
- Reliance on bond results in increased time spent in jail for some

*"Dependence on bond over other types of release may have a negative impact on disadvantaged groups and may exacerbate overcrowding."*



groups, such as the unemployed and those without ability to qualify for a surety bond (e.g., not owning a house). This may disproportionately affect certain minority groups.

- Release on own recognizance (ROR) eligibility criteria are unduly restrictive: Persons can be found ineligible on the basis of attitude, prior arrests only, arrest on a "sting," and having aliases. As a result, no more than four or five persons are found eligible for each day of booking.

**RATIONALE:** The Florida constitution provides that an arrested person is presumptively entitled to non-financial pretrial release.

Although the overall sample had an FTA rate of 19 percent, posting bond was the primary form of pretrial release whether or not the arrestee had an FTA: 83 percent of all persons without an FTA and 94 percent of all persons with an FTA released pretrial. The almost complete reliance on bond for pretrial release results in unnecessary detention of low risk persons: those who do not present public safety risks and who are likely to appear in court. It also suggests that surety bond releases do not result in a systematic and successful effort to assure appearance.

Reliance on bond also requires additional court hearings, which increase the use of court, State Attorney and Public Defender resources (e.g., for bond reduction hearings). Overly restrictive eligibility criteria for ROR appear to unnecessarily limit the number of persons who could be released safely pretrial. For example, persons arrested on drug possession charges (not sale) are not eligible for ROR, but this group has one of the lowest FTA rates, 12 percent in the case of felony drug possession.

*"Reliance on bond indirectly results in overuse of judicial resources."*

## 2. Establish a pretrial release agency.

- ROR interviews are currently conducted by Sheriff's Office jail classification staff to determine eligibility, but no follow-up or supervision occurs.
- ROR releases in the county are slow, taking longer than all other types of pretrial release. On average, an inmate stays in jail 11 days for felonies and four days for misdemeanors before an ROR is processed, in contrast to other jurisdictions where such releases generally occur within 48 hours.

*"Own Recognizance releases can take six times as long as in most other counties."*

- Because eligibility requirements are unduly restrictive, ROR is essentially an all or nothing type of release.
- Data indicate that ROR releases are difficult to obtain before first appearance, or at the request of the State Attorney who has 21 days to make a filing decision. Furthermore at least 60 percent of persons booked into jail could be eligible for ROR.

**RATIONALE:** The lengthy ALS indicates most people are not released on ROR until a bond reduction hearing, which may not be scheduled for one week to ten days after first appearance and requires a motion to be filed, at arraignment or when the State Attorney has failed to file an information within the required time. If detainees are found eligible for ROR after an ALS of nearly two weeks, better information at the time of first appearance as well as follow up by trained pretrial release staff would certainly result in a significant reduction of time for people who are ultimately released pretrial in any event. For felony bookings, this number could be as high as 116 people in a three week period. If ROR releases occurred within 48 hours, there is a savings of 1059 bed days during a sample three week period.

Moreover, a pretrial release agency would allow the implementation of modified forms of ROR, such as supervised ROR and conditional ROR, which worked very successfully in Hillsborough County in the past. Both supervised and conditional ROR have been used for drug offenses to ensure that drug testing and program participation occur during the period of pretrial release.

*"Hillsborough County used to use ROR more than bond."*

If the current practice is only ROR releases at first appearance, at the request of the State Attorney or when the State Attorney fails to file an information, two further issues are raised: The use of ROR as an alternative to financial release has been extremely limited by eligibility criteria, and detainees are spending unjustified amounts of time in jail on charges that may ultimately be dismissed or never filed on by the State Attorney.

### **3. End the practice of booking persons arrested only on ordinances or revise criteria to make ordinance arrests eligible for release by administrative order.**

- Two percent of the total tracking sample were persons booked only on county or city violations. Ordinance violations included loitering for prostitution, failure to have dog tags, drinking in public or open container in public.

*"Minor local ordinance violations like drinking in public result in jail time for people who in turn crowd out more serious offenders."*

- None of the persons booked on an ordinance in the sample were released via administrative order pretrial release or ROR; all posted either cash or surety bond to obtain pretrial release.
- Of persons booked on ordinance violations that were not prostitution or alcohol related, half remained in jail until time served with an ALS of more than 11 days.

**RATIONALE:** When a jail is overcrowded, change involving small numbers can lead to significant savings of bed days over the long run. Persons booked only on ordinances generally pose little threat to community safety and, in most jurisdictions, are released on a notice to appear (NTA) by the arresting officer.

The cooperation of the Tampa Police Department and the Hillsborough County Sheriff's Department should be obtained to encourage that persons booked on ordinances are given a NTA in the field. If brought to the jail for booking, such arrestees should be released pretrial under the administrative order.

Currently administrative order 89-57 requires booking into the jail of persons who fail to sufficiently identify themselves. While this would obligate an officer to bring an ordinance violator to the jail, the initial decision to make an ordinance arrest at all should be carefully considered.

#### **4. Establish uniform criteria for determining use of bond increases or no-bond orders.**

- No-bond orders are used primarily for violations of probation, but technical probation violations (i.e., no new commission of a crime involved) accounted for 18 percent of all felony bookings and nine percent of all misdemeanor bookings.
- Where no-bond orders are entered on the warrant, only two percent of persons arrested on such warrants obtain pretrial release.
- Where bond is set on an FTA capias, the bond can be increased at the first appearance for prior convictions.

*"Technical violations account for nearly 20% of all felony bookings and 9% of misdemeanors."*

**RATIONALE:** No-bond orders should be limited in use to those cases most appropriate for continued detention for public safety or ensuring appearance, such as substantive probation violations involving commission of a new offense. Technical probation violations, however, involve procedural concerns such as failure to report, failure to pay fines, restitution or supervision costs, and the more substantive positive drug tests. Bond on technical probation violations should be based on the nature of the violation, e.g., setting bond for the amount due in fines or costs.

*"These relatively minor probation infractions are resulting in jail time even when no new crime is committed, taking up jail space for significant lengths of time."*

In general, Hillsborough County judges do not unilaterally issue no-bond orders on FTA capias. Where bond is set, however, the bond set by the issuing judge can be further increased at first appearance because the person has prior convictions, for instance. This practice compounds the existing problems with pretrial release, since prior convictions should already have been considered at the time the bond schedule was established and by the judge issuing the capias. The effect on the jail is to create a system that has allowances for *increasing* barriers to pretrial release with no corresponding mechanisms to *facilitate* pretrial release.

## **5. Implement improved notification procedures to prevent unintentional failures to appear.**

- 19 percent of the tracking sample, nearly one-fifth of all bookings over a three week period, had an FTA, either associated with the primary charge or on an underlying charge. This suggests that reliance on financial release does not assure appearance.
- An FTA may not prevent a person from obtaining pretrial release, but pretrial releases for persons with an FTA have a longer ALS for both surety bond and ROR than for persons without an FTA at the time of booking.
- Since bond is the primary form of pretrial release in Hillsborough County, a person with an FTA can have bond revoked or be required to post bond again.
- 38 percent of all FTAs are related to traffic offenses, which include DUI (driving under the influence of alcohol), DWLS (driving with license suspended) and other traffic violations, such as no valid

*"Almost 20% of the study group has failed to appear for a court appearance."*

*"The Florida Advisory Council on Intergovernmental Relations studied the FTA problem and found that most FTAs are unintentional due to inadequate notification procedures."*

driver's license, expired registration tags, and failure to register vehicle. Traffic offenses alone accounted for 40 percent of all misdemeanor bookings.

**RATIONALE:** It is assumed that most persons arrested on traffic offenses, with the exception of DUI and DWLS, are released on a field NTA. Nevertheless, most of the persons booked on traffic offenses at the jail are required to post bond, whether or not there is an associated FTA. Because bond is the primary form of pretrial release, the data indicate that notification procedures of upcoming court appearances currently implemented by bondsmen appear to be inadequate, and thus can exacerbate crowding.

At present, persons released ROR when the State Attorney fails to file an information are still required to appear at their next scheduled court appearance. This practice should be reviewed, since many detainees believe no charges will be filed and may not appear in court, resulting in yet another albeit unintentional FTA. For persons released in the field on an NTA, the county should implement its own notification system, such as mailing post cards and making computerized phone calls, to minimize inadvertent FTAs.

#### **6. Clarify the administrative order process for pretrial releases.**

- Of all the forms of pretrial release, administrative order releases were fastest for both felony and misdemeanor bookings.
- Although jail staff recognize that persons booked on charges associated with an FTA on an unserved summons are eligible for administrative order release, none of the persons in the sample with such FTAs were released under the administrative order.

*"Administrative Order 89-57 is not producing a systematic and objective use of pretrial release."*

**RATIONALE:** One of the deterrents to coordinated and systematic use of pretrial release methods is lack of coordination in the overall criminal justice system. In other words, without uniform and objective criteria based on public safety, likelihood of appearance and other mutually agreed upon factors, individual decisions predominate over a systematized approach. This produces an inherent conservatism regarding the determination of eligibility for pretrial release and the actual use of an available release mode. Administrative order pretrial

release offers the potential for effecting pretrial releases very quickly. The administrative order authorizing jail staff to release certain persons pretrial should be clarified and reviewed to incorporate objective criteria to encourage more releases of persons who do not pose a threat to the safety of the community. Reason to *not* release should also be included as way of articulating the presumption of a defendant's releaseability pretrial.

## ADJUDICATION

### 1. Reduce the amount of time required to effect transfers of inmates to a state prison facility.

- Overall, five percent (105) of the tracking sample were sentenced to state prison.
- The time required to complete a transfer to state prison can range from nine days to 16 days (based on adjudication time frames for probation violations).

**RATIONALE:** Hillsborough County has the highest commitment rate to state prison of any Florida county of its size. The tracking sample represented only three weeks of bookings into the Hillsborough County jail. Based on the tracking sample alone, however, the detention of inmates sentenced to state prison required an additional 984 to 1686 jail bed days after adjudication had been completed. Very substantial bed savings can be achieved by reducing the amount of time needed to complete such transfers. Although further study is required to analyze the sources of delay, observers believe the delay can be attributed, at least in part, to the packet of commitment papers for each inmate that must be completed prior to a state prison transfer. Alternatives to completion of the packet before transfer include negotiating with Department of Corrections representatives to accept Hillsborough County commitments prior to completion of the packet. The county can also examine how information for the packets is obtained to determine whether some or most of the required information can be obtained at an earlier stage, if the information can be obtained easily from a computer, and if the responsibility for the preparation of the

*"Inmates destined for state prison are remaining in Hillsborough County's jail excessively long."*

commitment packets should be centralized.

## 2. Reduce State Attorney review time for filing.

- Although the State Attorney is authorized under Administrative Order 89-57 to release a person when no information will be filed, there were no such releases for any of the persons in the tracking sample.
- A separate analysis of persons released at the State Attorney's request showed an ALS of 19.71 days, indicating that such releases occur late in the review process or at the time an adversary hearing is requested.
- Although arraignments are set within ten to 16 days for felony offenses, the actual arraignment may not occur until 22 to 33 days later.

**RATIONALE:** If the State Attorney fails to file an information within 21 days, the detainee is entitled to an adversary hearing to find probable cause for continued detention. The State Attorney's Intake Unit estimates that it receives 10 such requests per week. If the State Attorney fails to present any witnesses at the hearing, the judge will normally ROR the detainee, either on its own order or at the request of the State Attorney. This practice is an inefficient use of system resources that could be avoided by earlier screening and evaluation by the State Attorney's Office. The ALS for persons released at the jail at the request of the State Attorney also indicates late screening. If there were earlier screening, up to 79.94 bed days could be saved, if the screening time were reduced from 19.71 days to two weeks in the sample cases. Late screening may also add at least ten days to adjudication time for persons in custody when arraignments are continued because no information has been filed.

## 3. Review policies for continuances of court hearings and reasons for requests of continuance.

- Adjudication time frames from the profile analysis indicate that continuances are most likely to occur early in the adjudication process at arraignment or late in the process at either the pretrial conference or jury trial.
- One-fifth of all the cases in the profile had no court date set after the

*"20% of the study group was sitting in jail with no scheduled court dates; thus disposition of their cases was essentially on hold despite the fact that jail space is being taken up."*

last hearing.

- Seven percent of all cases in the profile had the last hearing continued.

**RATIONALE:** Since alternatives to incarceration exist in Hillsborough County, reduction of adjudication time can result in the use of fewer jail beds: Instead of getting credit for time served in jail, a detainee could be sentenced to an alternative that requires no jail time, such as probation or a program, where there is a concomitant decrease in adjudication time. Continuances inevitably delay the adjudication process, particularly in the early stages (arraignment). Continuances of arraignment may be related to late screening of cases by the State Attorney. Continuances of pretrial conferences may be due to discovery problems, witness availability, or delays in plea negotiation. Continuances of jury trial may be related to lack of available courtrooms or juries.

Although some cases are more complex than others, these reasons for continuances can be avoided by earlier screening and better case management. Court policies regarding continuances should be reviewed to identify the reasons continuances are requested and to minimize continuances on cases where the person is in custody.

## DRUG OFFENSES

### 1. Implement policies to identify persons arrested on drug possession offenses to determine eligibility for drug court or drug programs earlier in the process.

- At present, persons eligible for drug court are not identified until an information is filed.
- Based on drug court eligibility requirements, the profile study found four percent of the group in custody on felony drug possession with no prior convictions, making them potentially eligible for drug court.
- A study by DACCO found that persons referred to its program had an ALS in jail of 38 days before referral and 52 days after referral to DACCO. Given the ultimate outcome, these days are counter-productive use of jail.
- Felony drug possession cases accounted for nine percent (19 cases)

*"Information regarding eligibility for drug court and drug programs is available shortly after booking. Yet, these alternatives are not assigned until the State Attorney makes a decision to file, several weeks later."*



of the men's profile and 27 percent (47 cases) of the women's profile.

**RATIONALE:** Drug use is perceived as a very serious problem in Hillsborough County. Arrests for felony drug possession, usually cocaine, were not only significant proportions of the men's and women's profile samples, but drug-related probation violations accounted for 32 percent of all probation violations. Since persons participating in drug court are not detained in jail, earlier screening for eligibility would result in the release of at least four percent of the sample who were in custody during the profile sample period. The number of jail beds saved could be very significant, based on the DACCO data.

## **2. Expand drug court to allow the participation of persons with one prior conviction for drug possession.**

- Data from the profile showed that the pool of eligible persons for drug court could be increased significantly if those with only one prior felony conviction were included.

*"The county's drug court is a promising means of alleviating pressure on regular criminal courts."*

**RATIONALE:** The success of drug court has already been demonstrated; it is a model that is being adopted more frequently by other jurisdictions. As with any new program, eligibility requirements tend to be restrictive, but when the model has been found effective, it should be reviewed to identify how the program can be expanded to prevent further arrests for drug possession and to end the "revolving door" cycle. Because drug court is a relatively recent innovation in Hillsborough County and the drug problem is seen as extensive, continued restriction of the program to persons with no prior felony convictions may be too limiting.

## **3. Identify alternatives to continued detention of persons sentenced to probation and a non-secure drug program.**

- Five percent of the women's profile sample and four percent of the men's profile sample were being held in jail until space became available in either the Jail Drug Program or DACCO.

**RATIONALE:** The use of jail beds to hold persons found eligible for a non-secure drug treatment program is an extremely inefficient use of jail resources. Although the Jail Drug Program is in a secure setting, DACCO is not. Based on the DACCO data and interviews with jail program staff, the waiting period for transfer to DACCO after referral

*"People sentenced to non-secure drug programs take up jail space because of program waitlisting. This is an inefficient use of secure space for persons who have been judicially determined not to require it."*

averages 50 days. Since a non-secure program is ordered by the judge, the inference is that the assigned person is not a risk to the community and could be housed in an alternate manner, such as the Salvation Army annex or house arrest with electronic monitoring. The county should also expand the Jail Drug Program to allow more persons to participate.

## PROBATION VIOLATIONS

### 1. Evaluate policies to ensure that notices to appear or orders to show cause are routinely used before an arrest warrant for a technical probation violation is issued.

- Technical probation violations made up 14 percent of all felony charges and 15 percent of all misdemeanor charges in the men's profile sample; in the women's profile sample, the respective proportions were 24 percent and 12 percent.
- Technical probation violations were also significant in the tracking sample: 18 percent of all felony bookings and eight percent of all misdemeanor bookings.
- The overall ALS for persons booked on technical felony probation violations was 14.95 days and 8.55 days for technical misdemeanor violations.
- Of the 185 bookings for technical felony probation violations, 32 were still in custody at the time the sample was taken, eight were released after time served and 47 returned to probation (with an ALS of 10.59 days).
- Of the 116 bookings for technical misdemeanor probation violations, seven were still in custody and 58 released after time served (with an ALS of 14.24 days).

**RATIONALE:** To the extent that NTAs or orders to show cause are not issued before an arrest warrant, substantial numbers of jail beds are being used to detain persons for technical probation violations, which by definition do not include the commission of a new offense. Even where an arrest warrant is justified by failure to appear on an NTA,

*"Given high unemployment among persons who violate technical requirements of probation (failing to pay fees or fines), jail time may be less appropriate than alternative community service."*

detention in a secure facility should be re-evaluated for technical violations, such as failure to pay fines or costs. Given the low employment rate in the profiles, 15 percent for women and 35 percent for men, and given the disproportionate impact of such a policy on minorities, the county should provide community service as an alternative to payment of fines and costs.

## CLASSIFICATION

### 1. Increase the number and use of minimum security alternatives to traditional detention of Hillsborough County inmates.

- The classification analysis showed that 39 percent of the men's profile sample should be housed in a minimum security setting; 58 percent of the women's profile sample could be housed in a minimum security setting.
- Only 15 percent of the women's profile sample were employed; only 35 percent of the men's profile sample were employed.

**RATIONALE:** At present, Hillsborough County does not have a true work release facility. The temporary housing at the Work Release site is used for trustees and medium security inmates (36 percent of the men's profile sample and 29 percent of the women's profile sample were classified medium security). Given the low employment rate, a Work Release facility may not be appropriate at this time, but serious consideration should be given to the establishment of a supervised work release program, which would allow inmates to work at federal, county or state sites during the day and return home in the evening. Future consideration should be given to the establishment of a work release center that will assist inmates in finding jobs, similar to the program that was in operation until August 1992.

### 2. Release to electronic bracelet or supervised pretrial/post-sentence release, all "low-minimum" security inmates.

- Classification study showed that 52 percent of all minimum security men are in fact "low-minimum", meaning that they scored zero to two points on a five-point range for minimum security; among women, those scoring in the two or less range made up 51 percent of the sample.
- Keeping minimum security inmates in custody and releasing low-minimum people to a supervised alternative would save a significant number of beds.

*"Half the inmates classified as minimum security are 'low-minimum' meaning they have no or minor criminal histories and no security risk backgrounds. These people could be more inexpensively controlled using electronic bracelets."*

**RATIONALE:** To score a two or less on the classification analysis a person must have a current offense that is not considered severe, minimal offense history (no felony convictions), no escapes or other security risks in a facility, no history of being seriously disciplined in custody and no major substance abuse problems. The types of people who successfully meet these criteria are also very low security risks for whom incarceration is the least cost-effective means of supervision.

### Table Explanation

The possible impact of some of the targets was estimated. (Figure 5.1) The calculations are in general based on data obtained in the tracking study. The estimates are intended to be instructive rather than definitive: not all of the targets are fully covered, and the assumptions are speculative in others. Figure 5.2 presents possibilities of even more bed savings given maximized implementation of the listed action; this was not true for all targets but has been estimated where possible.

Note that the calculated bed savings in each category cannot always simply be added together. There is an overlap because some inmates fall into more than one of the targeted categories. For the initial ten categories of inmates, characterized by offense, release type, etc., an attempt was made to remove the overlaps before making the calculations. These are shown as "Procedural Targets." The minimum and low-minimum security inmates who could be transferred to less secure custody is shown as "Custody Level Targets." This group overlaps considerably with the first set, so their bed savings should not be combined.

Both tables are arranged in the following way. After the descriptive columns is a column labeled "Current bookings". This gives the number of persons in the subject category booked during the three-week tracking study. "Percent affected" is an estimate of the percent of those who will be released earlier if the indicated step is carried out, and "number affected" is the product of the previous two values. "Current ALS" is the ALS associated with the inmates and "potential ALS" is the estimate of what the length of stay could be reduced to. Finally, "bed savings" is the number affected times the difference in the ALS values, divided by 21 since the first column represents 21 days' worth of bookings. These are thus beds, not bed-days. Finally, "cumulative total beds" simply sums the individual beds saved down to that line.

Table 5.1 Possible Bed Savings Based on Targets of Opportunity

<b>A. Procedural Targets</b>									
Group	Action	Note	Current Bookings	Percent affected	Number affected	Current ALS	Potential ALS	Bed Savings	Cumulative bed savings
Felons now ROR	Accelerate ROR	1	116	100%	116	11.13	2.00	50	50
Misdem now ROR	Accelerate ROR	1	68	100%	68	3.16	2.00	4	54
All Felons, 3rd degree	Expand ROR	2	681	16%	109	18.09	2.00	84	138
Ordinance	Do not book	3	21	100%	21	3.25	0.00	3	141
Felony VOP	Allow to post bond	4	185	25%	46	14.95	3.83	24	165
Misdemeanor VOP	Allow to post bond	4	116	25%	29	8.55	0.86	11	176
Surety bond w/ FTA	Notification -> no FTA	5	136	50%	68	2.48	1.80	2	178
Felony no files	Early screening	6	17	100%	17	19.71	14.00	5	183
Felonies	Reduce continuances	7	186	27%	50	20.63	14.00	16	199
Felony drug poss.	Identify for drug program	8	132	80%	106	8.75	2.00	34	233
Misdemnr drug poss.	Identify for drug program	8	34	100%	34	8.57	2.00	11	243
Felony VOP	Notification -> no arrest	9	185	25%	46	14.95	0.00	33	276
Misdemnr VOP	Notification -> no arrest	9	116	25%	29	8.55	0.00	12	288
Prison transfers	Reduce transfer time	10	92	100%	92	24.52	19.28	23	311
<b>B. Custody Level Targets</b>									
Group	Action	Note	Total	% min	Total Min		% Low Min	Savings	Cumulative bed savings
Low minimum men	Transfer out	11	1,894	39%	739		52%	384	384
Low minimum women	Transfer out	11	287	58%	166		51%	85	469

Table 5.2 Possible Bed Savings Based on Maximum Use of Targets of Opportunity

<b>A. Procedural Targets</b>									
Group	Action	Note	Current Bookings	Percent affected	Number affected	Current ALS	Potential ALS	Bed Savings	Cumulative bed savings
Felons now ROR	Accelerate ROR	1	116	100%	116	11.13	2.00	50	50
Misdem now ROR	Accelerate ROR	1A	68	100%	68	3.16	1.00	7	57
All Felons, 3rd degree	Expand ROR	2A	681	22%	150	18.09	2.00	115	172
Ordinance	Do not book	3	21	100%	21	3.25	0.00	3	175
Felony VOP	Allow to post bond	4A	185	33%	61	14.95	3.83	32	205
Misdemeanor VOP	Allow to post bond	4A	116	33%	38	8.55	0.86	14	219
Surety bond w/ FTA	Notification -> no FTA	5A	136	75%	102	2.48	1.80	3	222
Felony no files	Early screening	6	17	100%	17	19.71	14.00	5	227
Felonies	Reduce continuances	7	186	27%	50	20.63	14.00	16	243
Felony drug poss.	Identify for drug program	8A	132	90%	119	8.75	2.00	38	281
Misdemnr drug poss.	Identify for drug program	8	34	100%	34	8.57	2.00	11	291
Felony VOP	Notification -> no arrest	9A	185	33%	61	14.95	0.00	43	335
Misdemnr VOP	Notification -> no arrest	9A	116	33%	38	8.55	0.00	16	350
Prison transfers	Reduce transfer time	10A	92	100%	92	24.52	12.59	52	403
<b>B. Custody Level Targets</b>									
Group	Action	Note	Total	% min	Total Min	% Min Out	% Low Min	Savings	Cumulative bed savings
Low minimum women	Transfer out	11A	1,894	39%	739	25%	52%	569	569
Low minimum women	Transfer out	11A	287	58%	166	25%	51%	127	696

## Table Notes

In the following the italicized expression is a restatement (sometimes condensed) of the recommendation in the "Targets of Opportunity". The items which need to be explained are "current bookings", "percent affected", "current ALS" and "potential ALS"; the rest are simple arithmetic. Most of the numerical values are taken from the findings of the tracking study; a few come from the profile and are so identified.

In several of the options there is an alternative and more optimistic scenario. These are identified by "A" (for Alternative).

It should be noted that there is a very conservative bias in all of the following figures. It is a function of the way in which the tracking sample was chosen. The tracking ALS figures are calculated only those who were released by the data collection date (March 16). This means that anyone with a length of stay over 51 days (for the beginning of the sample) or 30 days (end of the sample) did not contribute to the ALS. Although there were not many of these (12% of the cases) their lengths of stay would, especially in felony cases, greatly increase the ALS shown. What that means here is that the "current ALS" figures would be longer and thus the bed savings greater.

*Increase pretrial release options. Establish a pretrial release agency...*

Note 1. Accelerate ROR for those inmates now being released on ROR, shortening the holding period to two days.

The numbers and current lengths of stay of felons and misdemeanants who are eventually Released on Own Recognizance (ROR) are as given. It is assumed that all could be released earlier. The potential ALS of 2.00 days is an estimate based on observations in other jurisdictions.

Note 1A. Misdemeanor ROR is accomplished in one day.

Note 2. Make ROR available now to level III felons not released pretrial and without FTA, warrants, or probation violations (16% of unreleased level III felons).

There were 681 third degree felons booked. Of these, 63% were released pretrial by some other mechanism, 8% had holds, 65 FTA, and 7% warrants. Summing these and neglecting overlaps (which would increase the number of available beds) leaves 16% potentially eligible for ROR. The current ALS of 18.09 days is the (weighted) average of ALS for felons released on probation, time served, and other releases.

Note 2A. Remove some of the overlap in holds, warrants, and FTA (some inmates have more than one of these and should not be double counted).

*End the practice of booking only on ordinance violations...*

Note 3. No beds would be used for this purpose. There were 21 bookings on ordinances and public alcohol use with a combined average ALS of 3.25 days. All of this would be saved.

*Establish strict criteria for...bonds....*

Note 4. Allow some of the technical probation violators to post bonds. There were 185 felony probation violators and 116 misdemeanor violators with ALS as shown. It is taken that 25% of each group would be allowed to and would be able to post bond. This assumption is based on Consultants' experience as there is no relevant data from the tracking study. The potential ALS is that found for posting surety bonds for each offense level.

Note 4A. Assume that 33% could post bond.

*Implement improved notification procedures to prevent...FTA*

Note 5. Persons released on surety bond spend about half a day longer in jail if they have an FTA. A program to remind such defendants of the need to make their court appearances has been shown in many jurisdictions to reduce the FTA rate substantially. There were 136 arrestees released on surety bond who also had an FTA. The ALS values shown are those for surety bond releases with and without FTA, respectively. A conservative estimate of 50% reduction in FTAs through a notification program gave the indicated numbers. There are almost certainly other places in the system where lowering FTA would also be of help, but data are not available.

Note 5A. Use the more optimistic figure of 75% reduction in FTA.

*Clarify the administrative order for pretrial releases...*

Although this is a promising approach, it is necessary to make a number of specific assumptions in order to arrive at numerical estimates. Consultants are not prepared to do this on the basis of the information available.

*Reduce the amount of time used by the State Attorney...for...filing an information*

Note 6. Earlier screening of those cases which are later no-filed or dropped would allow the releases to be correspondingly earlier. A separate analysis of persons released at the State Attorney's request showed 17 cases with ALS of 19.71 days. The reduction to 14 days is an assumption.

*Review policies for continuances....*

Note 7. There were 186 felony cases released on probation or sent to prison or "other release", with ALS of 20.63 days; in other words they did not serve their sentences in jail. There is no tracking data on continuances, but in the *profile* sample, 27% of the cases had continuances or no court date set after the last hearing. Assuming that the 27% of continuances applies to the subgroup above, if the ALS could be shortened by

a week the bed savings would be as shown.

*Implement policies to identify persons arrested on drug possession...to determine eligibility for...drug programs. Expand drug court to allow participation of those with one prior...Identify alternatives to continued detention....*

Note 8. There were 132 and 34 bookings for felony and misdemeanor drug possession, with ALS as shown. Assume 80% of those arrested on felony possession and all of those on misdemeanor possession could be diverted to drug programs within two days.

Note 8A. Assume that 90% of felony possession could be diverted.

*...Ensure that notices to appear...are used before an arrest warrant for a technical probation violation....*

Note 9. The technical probation violators are as in note 4 above. If Notices to Appear were routinely issued it would not be necessary to rearrest some of these, and others could be held in non-secure facilities. Assume that an additional one quarter of the total would fall into this category and would not be booked.

Note 9A. Assume that the fraction not booked rises to one-third.

*Reduce the amount of time to effect transfers ...to prison*

Note 10. There were 92 inmates transferred to prison with an ALS of 24.52 days. Consultants have learned that in another large Florida county an informal arrangement has been worked out with the DOC whereby the inmate could be sent to prison without the usual commitment package if the package is sent as soon as possible thereafter. Suppose that Hillsborough could negotiate a similar arrangement. The ALS for probation violators who are sent to prison is 26.65 days, and the ALS for probation violators who are released on time served is 17.28 days. Take the latter as a measure of the time needed to adjudicate a probation violation and add a nominal two days for the actual transfer. Then the ALS for felons transferred to prison becomes 19.28 days.

Note 10A. The time for probation violators to be released back to probation is 10.59 days. If this is taken as the time needed to adjudicate, then the ALS to transfer to prison drops to 12.59 days.

Note 11. The profile showed that 39% of men and 58% of women should be classified as minimum security, and of these, 52% and 51% respectively would be low minimum. These are inmates who could safely be removed from jail and placed on house arrest with an electronic bracelet or intensive supervision. Applying these fractions successively to the ADP (as of February) produces very large bed savings.

Note 11A. Suppose that in addition to the low minimums, 25% of the "regular" minimums are also transferred to non-secure custody. These are about half of those remaining after the low minimums are removed.



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# APPENDICES

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## **APPENDIX A**

**APPENDIX A: COURT ORDER & MODIFICATIONS  
ON JAIL POPULATION CAPACITY**

1. Final Judgment, Case No. 85-5168, Regarding Jail Crowding, September 26, 1985, (A.2).
2. Order on Final Hearing and Notice of Hearing, Case No. 85-05168, Regarding Jail Overcrowding, June 11, 1987, (A.5).
3. Administrative Order No. 89-57, Re: Extraordinary Pretrial Release Procedures to Reduce Jail Overcrowding, April 26, 1989, (A.10).

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY

FLORIDA DEPARTMENT OF  
CORRECTIONS, LOUIE L.  
WAINWRIGHT, Secretary

Plaintiff

vs

HILLSBOROUGH COUNTY; THE  
BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY; and  
WALTER C. HEINRICH, Sheriff  
of Hillsborough County,

Defendant.

CASE NO. 85-5168

DIVISION: "I"

FINAL JUDGMENT

This is an action for injunctive relief instituted by the Florida Department of Corrections, pursuant to Chap. 951.23 (3) Florida Statutes. The Department seeks to compel compliance with the authorized inmate population limits of the various Hillsborough County jails, as are established by its rules and regulations. Such regulations are promulgated pursuant to State law and are of statewide application. This action is one of 23 such cases brought by the Department throughout the State.

Jail overcrowding is not unique to the State of Florida. The problem has reached crisis proportions across the nation where it is estimated that in excess of 1300 local governments are operating their jails under court orders and 150 jails have been forced to close. Some of the factors contributing to this circumstance are, however, unique to Florida and counties such as Hillsborough. Florida is estimated to soon become the third most populous state in the United States, placing great demands upon all areas of government. In addition to the rapid influx of new residents, counties such as Hillsborough experience a temporary population of tourists and transients, which fluctuates, and is not subject to accurate predication. Added to these factors is a steady increase in the crime rate and a shortage of judges and prosecutors.

There is no genuine dispute in this case. The Defendants have conceded that the inmate population of the Hillsborough County Jail

exceeds maximum authorized inmate population quotas and that the Department is entitled to injunctive relief.

The Court has made an on site inspection of the maximum security facility. Notwithstanding that such facility is overcrowded, the facility is clean, well maintained, and in no way subjects the inmates to inhumane conditions. It must be kept in mind that a county jail is primarily a temporary holding facility, where prisoners can be expected to live in less comfortable surroundings than may be required for long term incarceration at the state prison level.

The Sheriff, the County and the local Judiciary have exhibited a common concern regarding jail overcrowding, and a cooperative effort to address the problem. All parties recognize a duty to protect the citizens of the community from the commission of additional criminal acts by dangerous individuals now detained in the jail. It is necessary for all interested parties to develop ongoing procedures to bring the jail population within accepted standards without the indiscriminate release of inmates. It is likewise the responsibility of this court to grant the required relief in such a manner as to afford the Defendant, WALTER C. HEINRICH, the opportunity to bring about compliance in an orderly manner.

IT IS THEREFORE ORDERED:

1. The total uathorized inmate capacity for the Hillsborough County Jail system if 1062.

2. The inmate population of the Hillsborough County Jails shall be brought within such capacity on or before June 1, 1986 and shall be reduced in accordance with the following schedule:

- a. 1,400 inmates as of November 1, 1985
- b. 1,350 inmates as of December 1, 1985
- c. 1,300 inmates as of January 1, 1986
- d. 1,250 inmates as of February 1, 1986
- e. 1,200 inmates as of March 1, 1986

f. 1,150 inmates as of April 1, 1986

g. 1,100 inmates as of May 1, 1986

h. 1,062 inmates as of June 1, 1986

The foregoing inmate capacities may be exceeded, without court order, for a period of not more than 48 hours in the event of riot or other emergency which results in mass arrests.

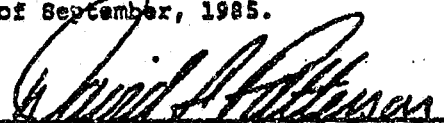
3. The Defendant, WALTER C. HEINRICH, Sheriff of Hillsborough County, Florida, is restrained and enjoined from permitting the inmate population of the Hillsborough County Jails to exceed the maximum capacities provided herein.

4. No grounds for relief having been shown as to the Defendants, HILLSBOROUGH COUNTY and THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, this action is dismissed, without prejudice, as to such Defendants.

5. In the event additional inmate space over and above that now existing in the Hillsborough County Jails, should become available in accordance with the rules and regulations of the Department of Corrections, such increase in space shall be deemed a change of circumstances for the purpose of modification of this judgment.

6. This court retains jurisdiction of this cause for the purpose of modification or enforcement of this judgment and to grant such further relief as may be necessary and proper.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida this 26th day of September, 1985.

  
Circuit Judge

cc: James A. Peters  
David J. Farash  
Richard Schultz  
Glenn Waddell  
Bill James

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT  
FC, HILLSBOROUGH COUNTY

THE FLORIDA DEPARTMENT OF  
CORRECTIONS, LOUIE L. WAINWRIGHT,  
Secretary,

Plaintiff,

-vs-

Case Number: 85-05168  
Division: "I"

HILLSBOROUGH COUNTY; THE BOARD OF  
COUNTY COMMISSIONERS OF  
HILLSBOROUGH COUNTY; and WALTER C.  
HEINRICH, Sheriff of Hillsborough  
County,

Defendants.

ORDER ON FINAL HEARING AND NOTICE OF HEARING

THIS MATTER was heard on May 11, 1987, on final hearing scheduled by the Department of Corrections. Present before the court were counsel for Sheriff Heinrich, counsel for the Department of Corrections and counsel for Hillsborough County Board of County Commissioners and Hillsborough County Florida. The court heard the testimony of E. Russell Smith, Chief Inspector, Florida Department of Corrections, Emilio Salabarría, Fire Protection Specialist, Florida State Fire Marshall's Office; and Colonel David M. Parrish. The court also reviewed the Stipulated Facts filed by the parties to this action.

PRIOR HISTORY OF CASE

Significant efforts have been taken to attempt to alleviate jail overcrowding since this case was initiated by the Sheriff in May, 1985.

1. In May, 1985, the Sheriff of Hillsborough County filed a suit which included the Chief Judge of this Circuit, the State Attorney's Office and the Department of Corrections. The suit sought an adjudication of the responsibilities of the State Attorney, the Chief Judge and the Department of Corrections regarding the authorized capacities for the Hillsborough County

Jails and the number of inmates the Sheriff could lawfully hold. At the time of filing of the suit, the County's jail facilities authorized capacity was 1,056 persons pursuant to the Department of Corrections' "factor" process.

2. In response to the suit, the Department of Corrections filed this action against Sheriff Heinrich to enforce the Department of Corrections' authorized capacity of the Hillsborough County Jails. (Department of Corrections v. Hillsborough County, et al., Case Number: 85-05168). The Florida Supreme Court assigned the case to the Chief Judge of the Sixth Circuit, Judge David Patterson. In September, 1985, Judge David Patterson entered a final judgment ordering the Sheriff to reduce the inmate population in accordance with the following schedule:

- (a) 1,400 inmates as of November 1, 1985,
- (b) 1,350 inmates as of December 1, 1985,
- (c) 1,300 inmates as of January 1, 1986,
- (d) 1,250 inmates as of February 1, 1986,
- (e) 1,200 inmates as of March 1, 1986,
- (f) 1,150 inmates as of April 1, 1986,
- (g) 1,100 inmates as of May 1, 1986,
- (h) 1,062 inmates as of June 1, 1986.

Efforts were made to keep the inmate population reduced according to Judge Patterson's Order, but the Hillsborough jails were not in compliance with Judge Patterson's capacity Order. The Sheriff filed a Motion for Authority to Exceed Population Caps and for advise on how to proceed. Pursuant to that motion, Judge Patterson abated his Order of September 26, 1985, and ordered a maximum jail population for the Hillsborough County Jails of 1,400 for the thirty-day period starting March 31, 1986, and required the Hillsborough County Jail staff to submit monthly reports to the Court and the Department of Corrections Council detailing the jail capacity of the Hillsborough County Jail system and the number of inmates in each inmate classification category.

4. On May 2, 1986, the Sheriff filed a Motion to Determine the Status of the Case in the Thirteenth Judicial Circuit in



Hillsborough County. At that time, this case was reassigned to the undersigned Chief Judge of the Thirteenth Judicial Circuit as Judge David Patterson's assignment was no longer required upon dismissal of the initial action filed by the Sheriff. On May 28, this Court entered an order on the Sheriff's Motion to Determine the State of the Case; through the efforts of the court, the plans were implemented to help reduce the jail population and maintain order in this Circuit's criminal justice system. These plans included, but were not limited to:

- (a) Acceleration of misdemeanor violation of probation cases so that these were to be heard within forty-eight (48) hours of the time detainees are booked into the Hillsborough County Jail.

- (b) Acceleration of felony violation of probation cases so that these were to be heard more quickly.

- (c) Accelerated trial calendar for felony jail cases scheduled to begin on July 7, 1986.

- (d) Implementation of a strict non-continuance policy on all jail cases.

- (e) Investigation of the possibility of having arraignments immediately after Preliminary Presentation Court.

5. Subsequent to May, 1986, measures were adopted or accelerated to assist in alleviating overcrowding:

- (a) Expedited probation revocation hearings;

- (b) Expedited arraignment hearings;

- (c) Expedited trial schedule which did away with disposition dates and set for trial cases usually no longer than two (2) months after the initial arraignment date;

- (d) Expanded use of Notice to Appear citations so that most misdemeanants were not booked into the Hillsborough County Jail;

- (e) Adopted the use of Notices to Appear for non-technical felony violation of probation hearings so that these persons would not be booked into the jail.

6. In 1985, the court adopted Administrative Order 85-74, pursuant to its authority under Florida Rule of Judicial Administration 2.050. The court gave the Sheriff, as executive officer of the court, the authority to release on recognizance certain categories of persons who were in custody in the Hillsborough County Jails. Administrative Order 85-74 was adopted pursuant to the Florida Rule of Judicial Administration's requirement that this court conduct a mandatory periodic review of the status of inmates of the Hillsborough County Jails.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

1. This court adopts the Stipulated and Uncontested Facts For Final Hearing filed by the parties on May 11, 1987, which facts are incorporated by reference into this order.

2. Primary responsibility for jail funding and construction, as well as the attendant delays, rest with Hillsborough County.

3. Present overcrowding in the Hillsborough County Jail Central impairs the ability of the Sheriff's staff to monitor and control inmates confined in that jail.

4. Overcrowding in the Hillsborough County Jail Central requires the placement of inmates mattresses in exits, and thus the means of egress from many cells in the Central jail endangers the safety of inmates and staff in the jail should a fire occur.

5. The interests of the community at large are disserved by the release of inmates which would be required to reduce the Central jail to its authorized capacity.

6. Because of staffing increases requested by the Sheriff and funded by the County, conditions in the Hillsborough County Jails do not now pose a sufficient risk of harm to inmates and staff to warrant "an injunction prohibiting the confinement of any county . . . prisoner in any county . . . detention facility" as contemplated by Section 951.23(6), Florida Statutes.

7. The court is not convinced that the earliest possible completion date for the jail facility is 1991. Moreover, the

court has reason to believe that the new jail will be inadequate the day it is opened.

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

1. Defendants shall make all efforts to assure completion of the 383-bed facility to be constructed at County Jail West by October 1, 1987. The Sheriff's Office shall advise this court bi-weekly of the status of the construction of this facility.

2. The parties shall appear on June 25, 1987, at 10:00 A.M., before this court and show cause why expanded jail facilities that include increased, future jail populations cannot be completed prior to 1991.

3. The Sheriff's Office shall advise this court and the court will review on a bi-weekly basis the status of inmates in the Hillsborough County Jail system regarding their release on bond or on their own recognizance.

4. The court retains jurisdiction over the parties and case to enforce compliance with any party's rights regarding the construction of the 383-bed facility at County Jail West or the 1,344-bed facility to be built on Orient Road and the orders of this court.

5. The court retains jurisdiction over this case to ensure that the Hillsborough County Jails are operated in a reasonably safe manner, notwithstanding the present overcrowding, and to assure that adequate jail facilities are constructed in a timely manner.

DONE AND ORDERED in Chambers at Tampa, Hillsborough County, Florida, this 11<sup>th</sup> day of June, 1987.

  
GUY W. SPICOLA, CHIEF JUDGE

Copies Furnished To:  
Kaydell Wright, Esquire  
David J. Farash, Esquire  
Tom Saunders, Esquire  
Emeline Acton, Esquire  
Debra Romanello, Esquire  
James A. Peters, Esquire  
Peha F. Law, Esquire  
James Thompson, Esquire

ORDER2.TXT

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR  
HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 89-57

RE: EXTRAORDINARY PRETRIAL RELEASE  
PROCEDURES TO RELIEVE JAIL OVERCROWDING

WHEREAS, members of the criminal justice community in this circuit recognize that the proper detention and release of accused defendants prior to trial is a matter of great public concern and community safety;

WHEREAS, the Hillsborough County jail facilities must operate within mandatory population guidelines set by law; and

WHEREAS, the courts of this circuit seek to comply with jail population guidelines without compromising the safety of the community;

WHEREAS, a committee of judges has reviewed jail release guidelines and has recommended changes in our jail release procedures herein described; and

WHEREAS, the following jail release procedures were prepared with the consultation of the Public Defender, Sheriff, State Attorney and other affected governmental agencies of Hillsborough county;

WHEREAS, the provisions of paragraphs 13 and 14 herein were specifically requested by the Sheriff and State Attorney, it is hereby

ORDERED AND ADJUDGED:

MISDEMEANOR, TRAFFIC, AND ORDINANCE OFFENSES

1. When a person is arrested for a misdemeanor of the first or second degree, a criminal traffic offense, or a violation of a municipal or county ordinance, except for charges relating to prostitution, the accused offender shall be released at the scene of the arrest through the issuance of a notice to appear (the "Notice to Appear"), except in those cases requiring mandatory booking pursuant to Subsection two of this order. The arresting officer shall have the discretion, however, to book the

accused offender into the county jail if he determines that any of the following factors exists:

- a. The subject of the arrest is known by the arresting officer to be a habitual offender;
- b. The alleged crime is one of a violent nature or one which indicates a reckless disregard for the safety of others;
- c. The nature of the accused offender is clearly violent or disorderly;
- d. The arresting officer has reason to believe that the accused offender will repeat the offense if not detained;
- e. The accused offender does not reside in Hillsborough County or a bordering county; or
- f. The accused offender has no valid, verifiable address.

2. The accused offender shall be booked into the county jail if any of the following circumstances exists:

- a. The accused offender failed to sufficiently identify himself or supply the necessary information for completion of the Notice to Appear or traffic citation;
- b. The accused offender refused to sign the Notice to Appear;
- c. The arresting officer has reason to believe that the continued liberty of the accused offender constitutes an unreasonable risk of bodily injury to himself or others;
- d. The accused offender has no ties with the jurisdiction sufficient to assure his appearance at court or there is substantial risk that he will refuse to respond to the notice or citation;
- e. The arresting officer has a reasonable belief that the accused offender may be wanted in any jurisdiction:

- f. The arresting officer has a reasonable belief that the accused offender has previously failed to respond to a notice or summons or has violated the conditions of any pretrial release program; or
- g. The accused offender is arrested for prostitution or a prostitution related offense.

3. If a person accused of a misdemeanor, criminal traffic offense, or violation of a city or county ordinance is brought to the jail for booking because he failed to sufficiently identify himself or supply the information necessary for completion of the Notice to Appear, or because it appeared to the arresting officer that the accused offender had previously failed to respond to a notice or summons or had violated the conditions of any pretrial release program, the booking officer of the county jail shall determine whether the accused offender is likely to appear as directed by making a reasonable investigation of the accused offender, including the following facts:

- a. Place and length of residence in the community;
- b. Family ties in the community;
- c. Employment record;
- d. Character and mental condition;
- e. Past record of convictions; and
- f. Past history of appearances at court proceedings.

4. If the booking officer determines, pursuant to Subsection Three of this order, that the accused offender is likely to appear as directed, the officer shall not book the accused offender into the jail, but shall release the offender upon the issuance of a Notice or Promise to Appear.

MISDEMEANOR OR ORDINANCE OFFENSES CHARGED  
BY INFORMATION, OR FELONY OFFENSES

5. All accused offenders who are booked into the county jail pursuant to misdemeanor or ordinance offenses charged by information, or pursuant to felony charges, shall be screened by a classification section of the sheriff's office for possible signature or own-recognizance release; the investigation shall include verification of the accused offender's residence and employment. In addition, the classification section shall contact the alleged victim of the crime (in the case of a crime against a person) to receive input from the alleged victim and inform them that the accused offender is being considered for release on his own recognizance.

In order to meet the minimum standards for pre-trial release, an arrestee must meet the following qualifications:

- A) An arrestee must not be charged with a capital life or first degree felony, or be on active parole or probation.
- B) An arrestee must receive at least six points to be considered for release on the arrestee's own recognizance based on the following criteria:

<u>Residence</u>	<u>Points</u>
Current resident 1 year or current resident and 1.5 years at previous address	3
Current resident 6 months or current resident and 1 year at previous address	2
Current resident 4 months or current resident and 6 months at previous address	1
Last 2 years or more in Hillsborough County or Pinellas, Pasco, Polk, Manatee or Sarasota	1
<u>Family Ties</u>	
Lives with spouse and children	4
Lives with parent(s), spouse, or older person or living with one of his children	3
Lives with other family relative	2
Lives alone and stable residence (at least 1 year)	2
Lives with non-family friend or regular contact with family	2
Head of household with children	1

### Employment, School, Resources

Present job 1 year or more and can return to work	4
Present job 1 year or retired, homemaker with children	3
Present job 4 months or present and prior 3 months, homemaker	2
Current job or receiving unemployment or workman's compensation	1
Presently in school attending regularly full-time	4
Left school within 6 months and employed or attending school part-time	2
Left school within 3 months and unemployed	1

### Health

Poor health and regular visits to doctor	1
Definite knowledge of alcoholism or felony drug use	-1

### Prior Record

### Units

No convictions		2
Felonies	7 (ea)	
Misdemeanors	2 (ea)	
	2	0
	3-6	-1
	7-13	-2
	14-20	-3
	21 and over	-4

The sheriff's office shall present a report (the "Report") of the point qualifications of recommended arrestees to the state attorney or authorized assistant for review and approval. Those arrestees approved by the state attorney or authorized assistant shall be eligible for pretrial release pursuant to this order.

6. Any accused offender who has failed to appear on one or more occasions on the present felony charge, or who has been arrested on a new charge while released on his own recognizance pending disposition of the felony charge, shall not be released on his own recognizance except upon order of the chief judge, or the assigned presiding circuit judge. Any accused offender who has failed to appear on a misdemeanor or traffic offense on one previous occasion shall not be released on his own recognizance on that charge, but shall be released on \$1,000 bond, unless a bond in a different amount was previously set by the judge issuing the capias. Any accused offender who has failed to appear on two or more occasions on a misdemeanor or traffic offense, or who has been arrested on a new charge pending disposition of the original misdemeanor or traffic charge, shall not be released on his own recognizance, but shall remain on the



bond, or no-bond status, set by the chief judge, or the assigned presiding county judge.

lv 7. Any person who is detained for a substantive violation of probation shall be released only upon order of the judge of the division that placed that person on probation.

8. Those arrestees requested for release by the sheriff's office and approved by the state attorney or authorized assistant pursuant to the foregoing provisions shall appear before the court for preliminary presentation. At such preliminary presentation the court shall consider the arrestee's eligibility for pretrial release. The Report from the sheriff's office of each arrestee's eligibility for release and the written approval from the state attorney's office shall be incorporated into the record. It shall be the responsibility of the sheriff's office to initiate release request herein described in this subsection. At the conclusion of the preliminary presentations session, the administrative judge of the criminal justice and trial division will be designated to handle any of these pretrial release matters that cannot be heard during preliminary presentations.

#### OTHER PROVISIONS

9. Any person who is arrested for prostitution or prostitution-related charges shall not be released on his own recognizance except by order of the chief judge, the assigned, or presiding judge.

10. Persons charged with sale, manufacture, delivery, or possession with intent to sell, manufacture, or delivery the substance commonly known as crack cocaine, pursuant to Section 893.13, Florida Statutes, and persons charged with trafficking in cocaine, pursuant to Section 893.13, Florida Statutes, shall not be released on their own recognizance except by order of the chief judge, the assigned, or presiding judge.

11. Any accused offender who is released on his own recognizance pursuant to this order, except those released pursuant to a notice to appear, shall receive a notice substantially stating the following:

"You are being released pursuant to administrative order because you have met the criteria for release. You have supplied an address to which all future court process will be sent. As a condition of your release, you must refrain from criminal activity of any kind and you must refrain from any contact with the alleged victim of the crime with which you have been charged except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. If you violate these conditions, or fail to appear for any of your court dates, your recognizance status will be revoked and you may remain in jail or be required to post a substantial bond until your charges have been disposed."

12. The sheriff's office shall have the authority to release on recognizance any individual being held solely on a detainer from another Florida county seventy-two hours after giving notification of the arrest to the criminal justice agency issuing the detainer, if the individual has not been placed in the custody of the issuing agency.

13. The sheriff's office has the authority to release members of the United States Armed Forces, confined for violations of Florida criminal law, without approval of the court. Such persons shall be released pursuant to the restrictions stated herein to the custody of the base commander of MacDill Air Force Base or his designee.

14. The State Attorney or his designee has the authority to release pre-trial detainees without approval of the court. Such authority shall extend only to those prisoners whom the State Attorney has determined shall not be prosecuted for the instant charged offense. The State Attorney's office may initiate such an order of release by notifying the Sheriff's Office by telephone, and thereafter filing a written Notice of Release with the Chief Judge, the Clerk, and the Sheriff within one day of the pre-trial detainee's release.

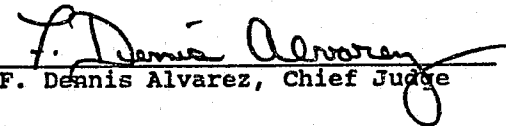
15. The sheriff's office shall submit bi-weekly reports to the chief judge delineating which inmates have been released pursuant to this order, but not including those persons released pursuant to a Notice to Appear.

16. Nothing contained herein shall abrogate pretrial release, reduction of bond, or other procedures established by Florida Law or Rule.

17. This order shall rescind previous administrative orders 82-8, Sections XI, XVI, and XVII of 82-20, 82-20 (first amendment), 83-3, 84-84, 85-49, 85-74, 85-74 (first amendment), 85-74 (second amendment), 87-80, 87-80 (first amendment), 88-58, and any other administrative order of this court which is inconsistent with this order.

18. This order shall become effective the 1st day of May, 1989.

DONE AND ORDERED in chambers in Tampa, Florida, this 26<sup>th</sup> day of April, 1989.

  
F. Dennis Alvarez, Chief Judge

FDA:mc

cc: All Circuit and County Judges  
Kathy T. Baker, Court Administrator  
Bill James, State Attorney  
Judge Luckey, Jr., Public Defender  
Walter C. Heinrich, Sheriff  
Richard Ake, Clerk of the Circuit Court  
Salvation Army  
A. C. McClane, Chief of Police, Tampa  
Tom Mathews, Chief of Police, Temple Terrace  
Troy Surrency, Chief of Police, Plant City  
Hillsborough County Bar Association  
Criminal Defense Lawyers Association  
Jerry Stoner, Clerk's Office

Pretrial.rel

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## **APPENDIX B**

## APPENDIX B: SELECTED SOURCES

*(Sources are listed in the order that they were obtained.)*

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## **APPENDIX C**

## APPENDIX C: PROFILE DATA

### CHARGE BREAKDOWN FOR MEN'S SAMPLE

#### FELONIES (N=209)

Charge Category	N	%
Violent	73	35%
Burglary	36	17%
Property	28	13%
Drug possession	19	9%
Drug sales	18	9%
Parole	1	<1%
Probation	29	14%
Other	5	2%

#### MISDEMEANORS (N=74)

Charge Category	N	%
Violent	19	26%
Property	7	9%
Worthless checks	3	4%
Drugs	2	3%
DUI	8	11%
DWLS	14	19%
Other traffic	4	5%
Probation	11	15%
Other	6	8%

### PRIMARY CHARGE

Charge Category	men	women
Admin.	4%	2%
Misdmmr.	25%	38%
Felony	71%	60%

**CHARGE BREAKDOWN - WOMEN'S PROFILE SAMPLE****FELONIES (N=176)**

Charge Category	N	%
Violent	37	21%
Burglary	6	3%
Property	19	11%
Drug possession	47	27%
Drug sales	14	8%
Parole	2	1%
Probation	42	24%
Other	9	5%

**MISDEMEANORS (N=111)**

Charge Category	N	%
Violent	10	9%
Prostitution	54	49%
Property	16	14%
Worthless checks	5	5%
Drugs	3	3%
DUI	4	4%
Other traffic	1	1%
Probation	13	12%
Other	5	5%

**PROBATION VIOLATIONS BY BOND****MALES (N=40)**

Type of VOP	% No Bond	% Zero Bond
Felony	66%	31%
Misdemeanor	18%	64%

**FEMALES (N=55)**

Type of VOP	% No Bond	% Zero Bond
Felony	64%	29%
Misdemeanor	23%	69%

**ADJUDICATION STATUS BY OFFENSE CATEGORY****MALES (T=296)**

Offense Category	N	% pending
Felonies	209	72%
Misdemeanors	87	33%

**FEMALES (T=294)**

Offense Category	N	% pending
Felonies	174	71%
Misdemeanors	120	25%

**ALS BY ADJUDICATION STATUS AND OFFENSE CATEGORY**

Felonies	ALS: Sentenced	ALS: Unsentenced	ALS: Partially Sentenced	% Pending
Violent (N=70)	178.86	80.92	68.14	86%
Property (N=89)	70.88	39.67	35.17	69%
Drugs (N=98)	111.79	35.64	85.63	77%
VOP (N=71)	52.72	17.66	17.5	48%
<b>Misdemeanors</b>				
Violent (N=30)	35.47	29.93	14	50%
Property (N=31)	47.18	9.57	0	45%
Drugs (N=5)	46	8	0	20%
Traffic (N=31)	57	13.56	38	32%
VOP (N=24)	26.53	8.2	0	21%

**CHARGE BREAKDOWN****FELONIES (N=209)**

Charge Category	Men (N=209)	Women(N=176)
Violent	73	37
Property	28	19
Burglary	36	6
Drug possn.	19	47
Drug sales	18	14
Parole	1	2
Probation	29	42
Other	5	9

**CHARGE BREAKDOWN****MISDEMEANORS (N=74)**

Charge Category	Men(N=74)	Women(N=111)
Violent	19	10
Property	7	16
Wthls. checks	3	5
DUI & DWLS	22	4
Probation	11	13
Other	10	6
Drugs	2	3
Prostitution		54

**FELONY OFFENCE HISTORY**

	Men	Women
no prior felony	35%	40%
1 prior felony	12%	12%
2 + prior felony	53%	47%

**HOUSING CLASSIFICATION OVERALL**

	Men	Women
Maximum	25%	14%
Medium	36%	29%
Minimum	39%	58%

**BOND**

	N
No Bond	258
\$25,00+	28
\$10,001-25,000	28
\$5,001-10,000	30
\$1,001-5,000	56
\$1-1,000	28
zero bond/none set	161
Total	589

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## **APPENDIX D**

**APPENDIX D: TRACKING DATA**

<b>Residents</b>	<b>Percent</b>
Out-of-County	12%
Other Hillsborough County	22%
Tampa	66%

**AGE**

<b>Age Range</b>	<b>Percent</b>	<b>Frequency</b>
15-17	2.7%	69
18-24	27.8%	721
25-29	20.2%	524
30-35	22.2%	575
36-40	11.8%	305
41-45	6.5%	169
46-50	3.9%	100
51-55	1.9%	48
56-60	1.2%	31
61-oldest	1.8%	46
	0.1%	3
Total:	100%	2,591

**RACE**

African-American	34%
White	66%

**GENDER**

Female	19%
Male	81%

**PRIMARY CHARGE BREAKDOWN**

Felonies	40%
Misdemeanors	56%
Other	4%



**FELONY OFFENSE BREAKDOWN**

Category of Offense	% Bookings	N
Violent	29%	296
Burglary	11%	109
Property	17%	179
Drug-related	20%	207
Parole Violation	3%	28
Probation Violation	18%	185
Other	3%	27

**MISDEMEANOR OFFENSE BREAKDOWN**

Category of Offense	% Bookings	N
Violent	22%	315
Property	15%	224
Drug-related	2%	35
Prostitution	3%	43
DUI	17%	248
DWLS	14%	202
Other traffic	10%	139
Probation	8%	116
Trespass	4%	56
Other	6%	80

**TRACKING CHARGE CATEGORY**

Charge Category	N	% of total sample	% of subsample
Total	2,591		
Felonies	1,057	41%	
Misdemeanors	1,458	56%	
Ordinances	56	2%	4%
Federal Offense	20	1%	1%

**Felonies**

Charge Category	N	% of total sample	% of subsample
First degree	41	2%	4%
Second degree	293	11%	28%
Third degree	681	26%	64%
Capital	42	2%	4%

**Misdemeanors**

Charge Category	N	% of total sample	% of subsample
First degree	625	24%	43%
Second degree	833	32%	57%

**Charge Category Breakdown****Felonies**

First degree	4%
Second degree	28%
Capital	4%
Third degree	64%

**Misdemeanors**

First degree	43%
Second degree	57%
Ordinances	4%
Federal Offense	1%

**FTA, HOLDS & VOP**

Charge Category	
Third Degree Felonies	
Misdemeanors	
Ordinances	

FTAs	Holds	VOP
8%	6%	7%
20%	3%	8%
8%	0	0

**PRETRIAL RELEASE****Percent Released**

Misdemeanors	70%
Felonies	63%

**RELEASE MODES BY PRIMARY CHARGE CATEGORY****Felonies N =806****Pretrial**

	N	%ALS (days)	
Admin PT	17	2.1%	
Cash Bond	26	3.2%	0.94
Surety Bond	344	42.7%	2.27
Letter of Release	1	0.1%	3.83
ROR	116	14.4%	1.30
Court Order	13	1.6%	11.13
SA Action	2	0.2%	15.43
Subtotal	519	64.4%	5.64

**Post-adjudication**

	N	%ALS (days)	
Cash Purge Fine	1	0.1%	
Probation	87	10.8%	0.20
Time Served	40	5.0%	16.34
State Prison	92	11.4%	21.06
Telex	1	0.1%	24.52
Transfer	52	6.5%	0.19
Other Release	7	0.9%	10.63
Federal Prisoner	7	0.9%	22.94
Subtotal	287	35.6%	7.93

**Misdemeanors N =1,375****Pretrial**

	<b>N</b>	<b>%ALS (days)</b>	
Admin PT	23	5.8%	0.69
Cash Bond	232	58.1%	0.73
Surety Bond	644	161.4%	0.86
Letter of Release	0	0.0%	0.00
ROR	68	17.0%	3.66
Court Order	6	1.5%	7.32
SA Action	3	0.8%	14.27
Subtotal	976	71.0%	3.93

**Post-adjudication**

	<b>N</b>	<b>%</b>	<b>ALS</b>
Cash Purge Fine	1	0.3%	0.07
Probation	64	16.0%	10.15
Time Served	290	72.7%	14.93
State Prison	8	2.0%	25.75
Telex	1	0.3%	0.40
Transfer	30	7.5%	7.05
Other Release	5	1.3%	12.40
Federal Prisoner	0	0.0%	
Subtotal	399	29.0%	10.11

**Pretrial**

	<b>Felonies</b>	<b>Misdemeanors</b>
Other	0.3%	0.2%
Admin PT	2.1%	1.7%
Court Order	1.6%	0.4%
ROR	14.4%	4.9%
Cash Bond	3.2%	16.9%
Surety Bond	42.7%	46.8%

**Post-adjudication**

	<b>Felonies</b>	<b>Misdemeanors</b>
Prison/Transfer	18.9%	2.8%
Fine	0.10%	0.10%
Time Served	5.00%	21.10%
Probation	10.80%	4.70%
Other	0.90%	0.40%

**FELONY PRETRIAL RELEASE PATTERNS**

	<b>% Released</b>	<b>N</b>	<b>ALS</b>
Murder	80%	15	8.11
Kidnap	83%	15	9.05
Rape	60%	19	7
Robbery	63%	54	12.49
Aggravated Assault	87%	450	7.61
Assault	100%	2	0.05
RAWV	83%	30	3.59
Drug Possession	75%	132	8.75
Drug Sales	56%	74	10.63
Property	78%	179	7.35
Burglary	66%	109	12.07

**MISDEMEANOR PRETRIAL RELEASE PATTERNS**

	<b>% Released</b>	<b>N</b>	<b>ALS</b>
Assault	58%	134	9.49
RAWOV	76%	52	5.11
Domestic Battery	86%	176	2.22
Prostitution	44%	43	11.53
Property	54%	142	7.45
Worthless Checks	87%	82	2.72
Drug Possession	48%	34	8.57
DUI	87%	248	2.57
DWLS	75%	202	4.35
Other Traffic	70%	139	3.39
Trespass	55%	56	3.17

**ALS FOR MISDEMEANOR TRAFFIC OFFENSES**

<b>Release Mode</b>	<b>DUI (N)</b>	<b>DWLS (N)</b>	<b>Other (N)</b>
Admin PT	6	1	3
Cash Bond	49	21	41
Surety Bond	145	113	45
ROR	8	7	4
Court Order	3	0	1
Time Served	17	40	28
Probation	7	1	5

<b>Release Mode</b>	<b>DUI (ALS)</b>	<b>DWLS (ALS)</b>	<b>Other (ALS)</b>
Admin PT	0.49	0.85	0.35
Cash Bond	0.49	0.55	0.46
Surety Bond	0.77	0.69	0.31
ROR	0.7	3.19	5.78
Court Order	4.37	0	14.8
Time Served	18.64	16.84	11
Probation	15.54	12.76	7.64
In Jail	3.9	6.49	5

### FTAS AND PROBATION VIOLATIONS AMONG TRAFFIC BOOKINGS

Offense	% with FTA	% with Probation/ Parole Violation
DUI	16%	3%
DWLS	39%	6%
Other traffic	33%	14%

### TRAFFIC OFFENSES BY FTA AND RELEASE

#### Pretrial

CHARGE	No FTA	FTA
DUI	199	9
DWLS	78	64
Other traffic	68	25

#### Post-Adjudication

CHARGE	No FTA	FTA
DUI	35	5
DWLS	55	18
Other traffic	26	20

### THE EFFECT OF FTAS ON LENGTH OF STAY

RELEASE MODE	NO FTAS	NO FTAS/ALS
Admin PT	40	0.79
Cash bond	185	0.96
Surety bond	856	1.8
ROR	174	8.22

RELEASE MODE	FTA(1+)	FTA/ALS(1+)
Admin PT	0	n/a
Cash bond	79	0.65
Surety bond	136	2.48
ROR	14	9.49

### IMPACT OF VOP ON RELEASE AND ALS

#### Felony VOP (N=153)

Release Mode	Felony VOP	VOP ALS	Overall ALS
Cash bond	1%	9.99	2.27
Surety bond	7%	7.15	3.83
ROR	12%	21.19	11.13
Time served	5%	17.28	21.06
Probation	31%	10.59	16.34
State Prison	26%	26.65	24.7

**Misdemeanor VOP (N=109)**

Release Mode	Misdemeanor VOP	VOP ALS	Overall ALS
Cash bond	7%	0.87	0.73
Surety bond	27%	1.63	0.86
ROR	3%	0.89	3.66
Time served	53%	14.24	14.93
Probation	5%	6.02	10.15
State Prison			

**AVERAGE BOND PAID FOR PRETRIAL RELEASE\***

Charge	Overall Average	Surety Bond Release Average
Felony Drug Possession	\$4,200	\$4,280
Sales	\$27,736	\$9,058
Misdemeanor Possession	\$3,534	\$1,289
Felony Property	\$2,459	\$2,142
Burglary	\$6,415	\$3,715
Robbery	\$15,385	\$7,498
Domestic Battery	\$1,163	\$1,186
Misdemeanor Property	\$702	\$691

Charge	Cash Bond Release Average	Cash Bond Release Average
Felony Drug Possession	\$3,166	\$2,708
Sales	\$0	\$70,375
Misdemeanor Possession	\$250	\$0
Felony Property	\$960	\$6,000
Burglary	\$3,250	\$10,592
Robbery	\$1,000	\$22,658
Domestic Battery	\$749	\$0
Misdemeanor Property	\$241	\$6,000

\* Excludes cases with "no bond" or zero bond.

**ALS AND RELEASE MODES BY RACE****Total Sample (N=2,267)**

Release Mode	Total Sample	Total Sample ALS
Admin PT	2%	0.79
Cash bond	12%	0.87
Surety bond	44%	1.9
ROR	8%	8.31
Probation	7%	13.72
Time served	15%	15.63
State prison	5%	24.7

**ALS AND RELEASE MODES BY RACE****Total Sample (N=2,267)**

Release Mode	Total Sample	Total Sample ALS
Admin PT	2%	0.79
Cash bond	12%	0.87
Surety bond	44%	1.9
ROR	8%	8.31
Probation	7%	13.72
Time served	15%	15.63
State prison	5%	24.7

**African-Americans (N=724)**

Release Mode	African-Americans	ALS
Admin PT	2%	0.98
Cash bond	6%	1.03
Surety bond	41%	3.22
ROR	10%	9.26
Probation	8%	13.53
Time served	18%	15.79
State prison	9%	24.63

**Whites (N=1,543)**

Release Mode	Whites	Whites ALS
Admin PT	2%	0.72
Cash bond	14%	0.84
Surety bond	45%	1.34
ROR	8%	7.75
Probation	6%	13.84
Time served	14%	15.53
State prison	3%	24.81

**Released****Pretrial release rate:**

Total Sample	64%	
African Americans	58%	
Whites	69%	
Time served	23%	17.02
State prison	1%	28.66

**African-Americans Felonies (N=343)**

Release Mode	African-Americans Misdemeanors	African-Americans Misdemeanors ALS
Admin PT	1%	0.73
Cash bond	1%	0.79
Surety bond	42%	5.29
ROR	14%	10.99
Probation	11%	16.13
Time served	6%	21.77
State prison	16%	24.52