



Getting Smart on Crime in Florida

Associated Industries of Florida

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EXECUTIVE SUMMARY

Problem:

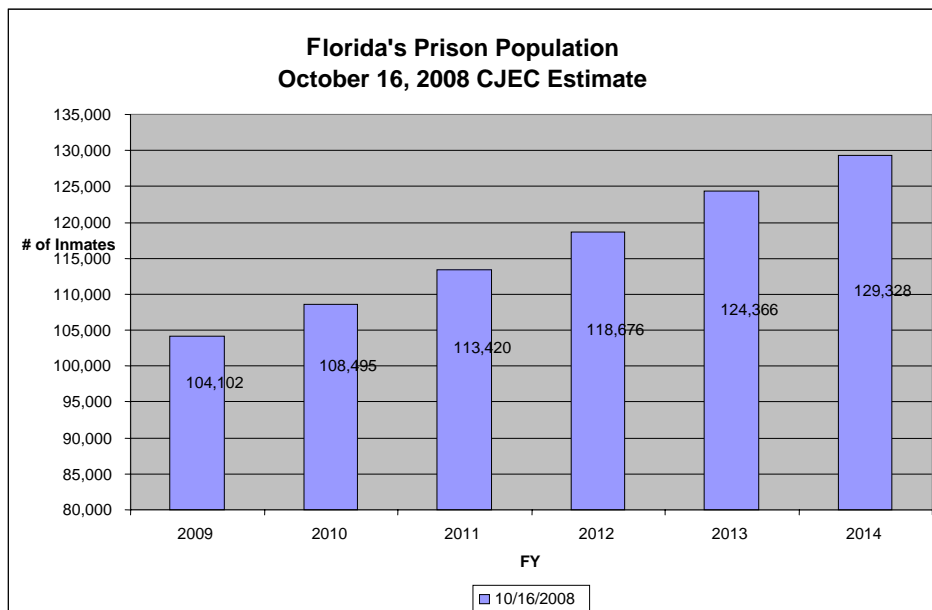
Florida's daily prison population has increased nearly 20% over the past 5 years and many of those incarcerated are nonviolent offenders or were reincarcerated for technical violations of parole. The same holds true for county detention centers, where a quarter of those incarcerated were for offenses that could be managed through an alternative program. While the Florida Legislature has decided not to spend \$300 million for new prison construction, we still have to find a way to manage prison growth.

Recommended Plan of Action:

The State should invest a substantial portion of the \$300 million originally proposed for prison construction, in a community-based diversion and reentry center in each circuit. Several states, including Kansas, Texas and Nevada, already employ highly successful alternatives to incarceration. The Pew Center on the States report "One in 100: Behind Bars in America 2008", also recommends substantive changes in the pathways these individuals use in entering and exiting the system. A collaborative effort between criminal justice entities, community social service agencies, the business community and other local faith- and community-based groups should be created and charged with the task of developing a model for the creation of a single coordinated diversion and reentry center in each circuit of the state. Each center would be a single point of access and would be tailored to the specific needs and characteristics of its circuit, helping to ensure the best outcomes possible. Initially this project should be funded by the State of Florida as an alternative to continued prison construction.

Florida can no longer afford to build its way out of uncontrolled corrections growth.

For the first time in history, more than one in every 100 adults is confined in an American jail or prison. From 2004 to 2008, the prison population in Florida has increased from just under 82,000 inmates to over 100,000. The nearly 20% increase in the average daily prison population over the past 5 years has strained the state's corrections infrastructure. Predictions are that this trend will only continue if nothing is done to reduce Florida's prison population.



"10% Appropriation Reduction for Fiscal Year 2009-2010", December 17, 2008, Senate Criminal & Civil Justice Appropriations, Walter A. McNeil, Secretary, Florida Department of Corrections

The same holds true for county detention facilities. At the end of FY 08, 61,446 adults were incarcerated in county detention facilities. 24% of the total incarcerated adult population at the end of 2008 was for offenses that could be managed through an alternative program. Wakulla County's incarceration rate of

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March 2009

9.7 and Franklin County's rate of 9.0 are both triple the state average of 3.6. Five of the six counties in Circuit 2 fall into the category of 'Incarceration Rates of 5.0 and Over'.

Since FY 04, State of Florida expenditures on criminal justice and corrections have increased by more than 34%. The current budget appropriates more than \$4.5 billion for this function, an increase of over \$1.15 billion since FY 04. In 2007, 9.3% of the State's general fund expenditures were spent on corrections, the second highest corrections expenditures in the nation. One in every 11 dollars was spent on corrections. This leaves fewer and fewer dollars for other needs such as healthcare, education and transportation.

Consideration must be given to ways to reduce the prison and jail populations by reducing the number of non-violent inmates incarcerated by the state.

Non-violent inmates include those convicted of drug possession and distribution without corresponding or prior violent offenses. Reducing the population of non-violent offenders in prison and county detention facilities would avoid the cost of building additional prisons/jails, the added cost of selling and servicing interest-bearing state bonds to fund the construction and the recurring operating costs of these facilities.

What is a Community Diversion and Reentry Center?

A Community Diversion and Reentry Center (CDRC) is a centralized location for early identification and diversion of adults who have committed non-violent offenses and who have contributing factors such as substance abuse or mental health issues. The CDRC is also a source of timely coordination of transitional services beginning during the last 6 to 9 months of incarceration. Services provided during the Transitional Phase include comprehensive substance abuse and mental health assessment, development of a transition plan, provision of substance abuse and/or mental health services, an online vocational education program, job skills training (application, interviewing, dressing for success, etc.), case management services (housing/transportation/medical coordination) and family counseling services (to prepare for participant to be reunited with family and community). The community-based reentry facility begins reentry services upon release from incarceration and extends up to 12 months following release. During Reentry Phase, mentors are assigned to help participants to find and keep meaningful employment and to provide support and encouragement. Mentors also conduct follow-up with employers to increase retention.

Has this type of alternative to incarceration been proven successful elsewhere?

Yes. The programs listed below are only a small sample of the many successful diversion and reentry initiatives currently in operation nationwide.

- Ready4Work – Jacksonville, FL (www.ready4work.com)
- InnerChange Freedom Initiative (IFI) - AR, IA, KS, MN, MO and TX (www.ifiprison.org)
- The Safer Foundation – IL & IA (www.saferfoundation.org)
- Second Chance – San Diego, CA (www.secondchanceprogram.org)
- Prisoner Reentry Program (PRP) – San Diego County, CA (<http://www.acjrca.org/ppt08/3.sb618-talk.ppt>)
- Day Reporting and Reentry Division – Broward County, FL (http://sheriff.org/about_bso/dodcc/court/dayreporting.cfm)
- Pre-Release and Reentry Services Division/Career Resource Center – Montgomery County, MD (http://www.montgomerycountymd.gov/Content/docr/PRC/cabwrcpresentation_final.ppt)
- The Re-Entry Transition Program – Baltimore County, MD (<http://www.dllr.state.md.us/county/baco/bacoservices.shtml>)
- Southside Day Reporting Center Reentry Program (DRC) – Chicago, IL (http://www.reentrymediaoutreach.org/sp_public_drc.htm)
- Community Correction Centers - Little Rock, Texarkana, Osceola, and Pine Bluff, AR (<http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=5703>)

Getting Smart on Crime in Florida

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- Office of Alternative Sanctions – Connecticut
(http://www.cga.ct.gov/2004/pridata/Studies/Alternative_Sanctions_Scope.htm)
- Bronx Community Solutions – New York
(<http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&PageID=597>)
- Harlem Community Justice Center – New York
(<http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&PageID=592¤tTopTier2=true>)

Sources:

1. *The Pew Center on the States, "One in 100: Behind Bars in America 2008", February 2008*
2. Florida Tax Watch, "Budget Watch", Volume 15, Issue 1, January 2009
3. www.ready4work.com
4. www.saferfoundation.org
5. www.ifiprison.org
6. DOC Website "Florida County Detention Facilities' Average Inmate Population, June 2008"
7. "Florida County Detention Facilities Average Inmate Population June 2008", Florida Department of Corrections Bureau of Research and Data Analysis

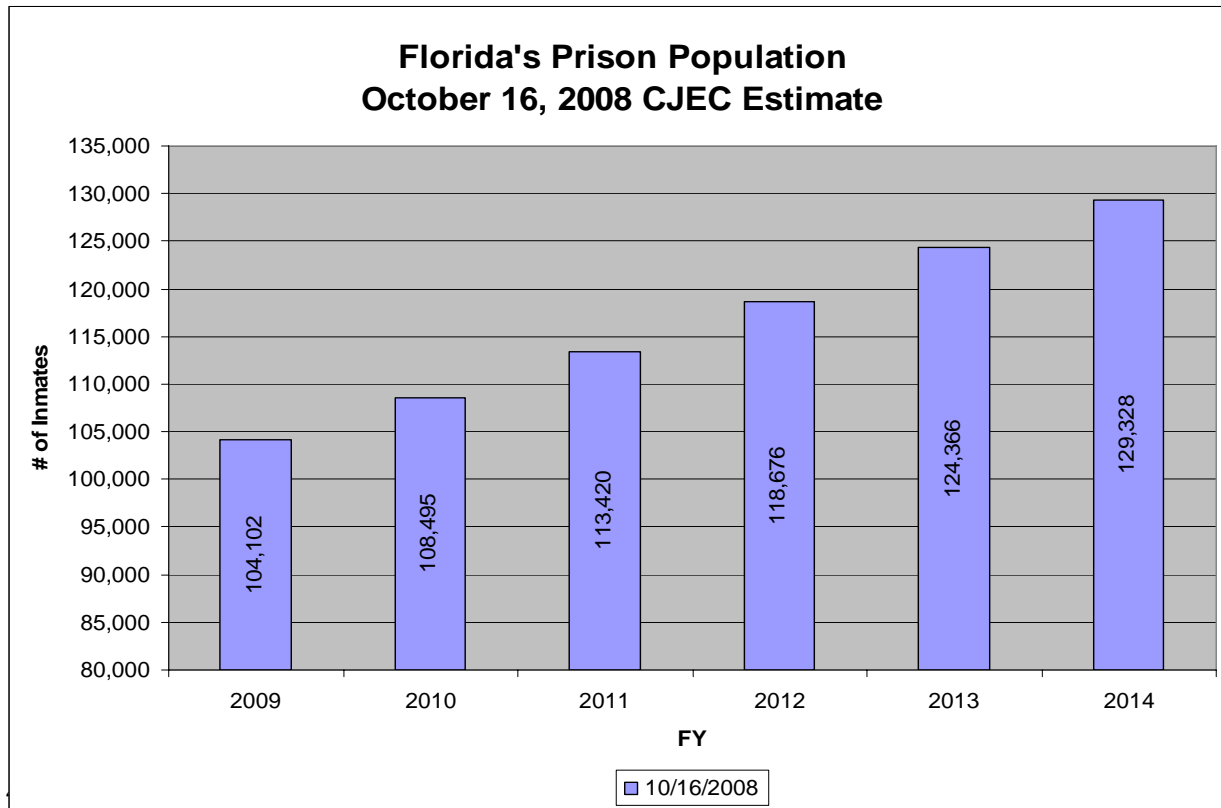
Getting Smart on Crime in Florida

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March 2009

PLAN OF ACTION

Statement of Problem

Florida spends a disproportionate share of its already scarce resources on the criminal justice system. Since Fiscal Year 2004, state expenditures on criminal justice and corrections have increased by more than 34%. The current budget appropriates more than \$4.5 billion for this function, an increase of over \$1.15 billion since FY 04. During that time, the prison population has increased from just under 82,000 inmates to over 100,000. The nearly 20% increase in the average daily prison population over the past 5 years has strained the state's corrections infrastructure.



Walter A. McNeil, Secretary, Florida Department of Corrections

Other states in the nation are also experiencing rampant growth in their prison population and are moving toward programs that rehabilitate nonviolent offenders and those who violate probation or parole in lieu of placing them in already overcrowded prisons and jails. On 2/9/09 a panel of three judges ordered that California's correctional system reduce the incarcerated population by 57,000 inmates. This reduction could be achieved by utilizing methods such as changing the policies for parole violators and rehabilitating nonviolent offenders.

Michael Rothfield stated in his 2/10/09 Los Angeles Times article that "the judges said these types of measures could save the state more than \$900 million a year in prison costs" and that this money could be better spent by cities and counties on rehabilitation programs.

Florida should adopt policies that avoid the expense of building new prisons during this economic recession. While the Florida Legislature has decided not to fund the proposed \$300 million for new construction, the state still must address the rapidly growing prison population. Consideration must be

Getting Smart on Crime in Florida

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March 2009

given to ways to reduce the prison population by reducing the number of non-violent inmates (such as those convicted of drug possession and distribution without corresponding or prior violent offenses) incarcerated by the state. Reducing the population of non-violent offenders in prison would avoid the cost of building these additional prisons, and added cost of selling and servicing interest-bearing state bonds to fund the construction, as well as reducing the recurring operating costs of these facilities.

Jim McDonough is the former drug czar of the state of Florida and former director of the Department of Corrections. In an article that appeared on Tallahassee.Com on January 4th, 2009, he states:

"Huge cost savings can be realized by not building several of the almost 20 new prisons now projected as "necessary." With construction costs at \$100 million per prison and operating costs at \$26 million for each one every year thereafter (for perpetuity, if we keep going as we are now), the financial drain is staggering, pulling money from other essential and productive programs the state will have to cut in order to pay the incarceration bill."

The problem is greater than just the initial construction costs and the annual operating costs of additional prisons. Over a third of adults released from prison reoffend within 3 years and end up reincarcerated. Action must be taken to control the number of Floridians entering the criminal justice system and to prevent those leaving the system from committing future crimes.

Justice and Public Safety

There are a number of options available for punishing non-violent offenders besides incarceration in the state's prisons. In addition to sentencing policies that primarily rely on probation, community service, fines, and/or substance abuse treatment in lieu of incarceration, there are more modern solutions like work camps and work release centers that will reduce the total prison population immediately.

In addition to immediately reducing the prison population to eliminate the need for new prison construction, the Legislature should encourage the implementation of programs which teach life skills, provide job training, and promote education for inmates, which are proven to reduce recidivism rates and will lower the capital outlays and operating costs of prisons for years to come. These transition assistance programs which have been shown to reduce recidivism will help avoid the need to build more prisons in the future and will help ease the strain that rapidly rising corrections expenditures have put on Florida taxpayers.

Each prison houses approximately 1,300 inmates, so a reduction of 4,000 inmates across the Florida Corrections System (to approximately 96,000 inmates total) would obviate the need for \$300 million in new prisons. The cost of constructing each new prison is approximately \$100 million, and, according to the Department of Corrections, it costs an average of \$26 million annually to operate each prison. Thus the immediate savings to the state would be \$300 million, while the recurring savings would be more than \$75 million each year. Additionally, the Legislature should explore all appropriate, feasible options to avoiding the construction of new prisons, including cost-effective alternative inmate housing options.

The same unrestrained growth is occurring in county detention facilities as in prisons. At the end of the 2007-2008 fiscal year 61,446 adults were incarcerated in county detention facilities. Twenty-four percent (24%) of those adults were incarcerated for offenses that could be managed through an alternative program.

Five of the six counties in Circuit 2 fall into the category of 'Incarceration Rates of 5.0 and Over'. Especially alarming is Wakulla County's incarceration rate of 9.7 and Franklin County's rate of 9.0. Both of these are triple the state average of 3.6 ("*Florida County Detention Facilities Average Inmate Population June 2008*", Florida Department of Corrections, Bureau of Research and Data Analysis).

For some offenders, approximately 5-10% of the population in the community, inclusion of GPS tracking in their release plan would be appropriate.

Getting Smart on Crime in Florida

Developed by the Governmental Outsourcing Council of Associated Industries of Florida
March 2009

Incarceration is not the only option to ensure justice as well as public safety. Another word from Jim McDonough:

"Public safety is improved as inmates assimilate back into society with supervision and a job, instead of walking out the prison gate "cold turkey," unemployed and untreated for their long-term addictions (which do not go away by themselves, regardless of the length of imprisonment)."

Tallahassee.Com, 1/4/09

- Substance abuse treatment lowers recidivism by 10%
- Educational gains reduce recidivism by 3-4% per year of educational level increase
- Vocational Education/Job Training reduces recidivism by 5%

A Bold and Innovative Approach

Florida already operates successful alternatives to incarceration and programs that work to reduce recidivism. Allison Defoor wrote of such success in his December 30, 2008 Tallahassee Democrat article:

"Oddly, one need not look beyond Florida to see examples of success. The faith and character-based prisons in Florida already sport single-digit recidivism rates."

Wakulla Correctional Institution operates faith-based prison dorms and has an 8% rate three years post-release, compared to 33% at other prisons.

Replicate Success

The diversion model Florida needs for adults already exists for Florida's youth. The State has experienced significant cost savings utilizing diversion strategies for many nonviolent youthful offenders from the Juvenile Justice system through the creation of Juvenile Assessment Centers (JACs). All youth arrested are taken to the JAC for detention screening and many receive a comprehensive behavioral health assessment. Youth who are diagnosed as having a substance abuse, mental health or co-occurring disorder are referred to appropriate community providers as an alternative to detention. During FY2007-2008, the 17 JACs served a total of 78,583 youth and diverted 30,414 from the system.

For example, in Circuit 2, one third of the youth are given the option of a Civil Citation as an alternative to entering the juvenile justice system. For youth already in the system, an opportunity exists for additional diversion through Juvenile Drug Court, Teen Court and other specialized diversion strategies. These sanctions divert youth from the state-funded court system and the state funded probation system, saving additional dollars.

The JAC utilizes a science and evidence-based logical consequence/reward model which incorporates restorative justice principles. The creation of Juvenile Assessment Centers has resulted in significant cost savings to the juvenile justice system:

- 1/3 of DJJ residential beds (2274 beds) have been eliminated since 2003
- Last year alone, the budget reductions to DJJ residential totaled \$43.3 million.

Clearly the use of JACs to process youthful offenders has proven to be a smart use of limited resources.

In addition to the successful JAC program in Florida, other national models exist that can be replicated in Florida for the adult population of non violent offenders. The Washington State Institute for Public Policy published a report in 2006 at the bequest of the Washington Legislature. Washington faced a very similar issue that Florida is now facing: What to do instead of remaining on the current path of unrestrained growth and prison construction. In 2005 Washington forecasted it would need two new prisons by 2020 and possibly another prison by 2030. Since a typical new prison costs about \$250 million to build and \$45 million a year to operate, the Washington State Legislature expressed an interest in identifying

Getting Smart on Crime in Florida

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March 2009

alternative “evidence-based” options that would: (a) reduce the future need for prison beds, (b) save money for state and local taxpayers, and (c) contribute to lower crime rates. (Source: *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates*, October 2006, Washington State Institute for Public Policy).

The findings of the Institute’s study showed that with aggressive implementation of evidence-based diversion and reentry-type programs, the State of Washington would see a reduction of needed prison beds in 2020 from 4,543 to a mere 208. By 2030 the State would need only 806 new beds, versus the originally predicted 7024.

There are successful diversion and/or reentry-style programs in eight states already (AR, FL [Ready4Work], IA, IL, KS, MN, MO and TX).

Community Diversion and Reentry Centers (CDRCs) could be created in each circuit to both divert non-violent offenders from incarceration and to assist inmates preparing to leave the criminal justice system in successfully transitioning back into society.

The critical component provided to participants both in diversion and in reentry is the comprehensive assessment. In order to achieve successful integration into the community, participants must be assessed to determine their strengths, needs, abilities and preferences in the following areas:

- Substance Abuse
- Mental Health
- Physical Health
- Housing
- Employment
- Education and Training
- Legal
- Family and Community

The comprehensive assessment will identify areas of the participant’s life where services are needed and help to focus treatment and services to the weakest areas. For example, an offender exiting the criminal justice system may have an untreated substance abuse issue as well as a lack of stable housing and few, if any, job skills. The assessment conducted at the CDRC would identify these needs and staff would then link the participant to a community substance abuse provider for treatment, provide online job skills training and assist the participant in obtaining safe, affordable housing. Ongoing case management (for up to 12 months following release) ensures the participant obtains the skills and treatment needed to reintegrate with the community and experience an improvement in the quality of his/her life. There are a number of community-based agencies across the state that have the ability to deploy the technology to provide online counseling, life skills training and vocational education in a secure setting. This cost-effective manner of service delivery is available now if we choose to employ technology to its fullest extent.

Continuity of Care in Three Stages

The CDRC model incorporates both diversion and reentry services:

Stage 1: Early Identification & Diversion

The focus of Stage 1 is to identify immediately after arrest adults who have committed non-violent crimes and who are deemed appropriate for diversion from incarceration. Diversion is an alternative to the formal court process for cases deemed appropriate for referral by the courts and program staff. Participants meet with the staff to develop an individualized Accountability Plan. They have 90 days to complete the tasks assigned. The program includes weekly supervision, community service and participation in programs that address the offense.

Stage 2: Planning for Transition

Getting Smart on Crime in Florida

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March 2009

During the last 6 to 9 months of incarceration, participants begin to plan for their transition back into the community. Transitional services include: comprehensive substance abuse and mental health assessment and on-site treatment if needed; transition planning; online vocational education and job skills training; Case management services (housing/transportation/medical coordination); onsite family counseling services on-site to prepare for participant to be reunited with family and community; and faith- and character-based services.

Stage 3: Reentry

Reentry stage begins when the participant is released from incarceration and continues for up to 12 months following release. Participants are assigned mentors, who continue to provide encouragement and support after their return to the community and function as job coaches helping participants to find and keep meaningful employment. Mentors also conduct follow-up with employers to increase retention and build a network of employers with whom participants can be placed.

Governance

The governing entity would work in conjunction with Florida Department of Corrections (DOC) administrative, security, program, and support staff through regular meetings, development of shared procedures, and planned cross trainings to achieve a seamless and well-articulated set of expectations for both staff and inmate participants. The CDRC would be committed to work closely with DOC, local substance abuse and mental health treatment providers, educational institutions, the business community, churches and other faith-based organizations, local law enforcement, and the Chamber of Commerce to ensure communication and collaboration between all stakeholders.

Successful Reentry Programs Operated by Faith-Based and Community Organizations

While the Community Diversion and Reentry Center is an innovative approach to inmate reentry, there are several similar programs that have been successful in reducing recidivism, improving the quality of life of participants and reducing city, county and state criminal justice costs. The following are three such programs. (Source: *Reentry Partnerships: A Guide for States & Faith-Based and Community Organizations* by Jamie Yoon and Jessica Nickel, Council of State Governments Justice Center, New York, New York, 2008)

- Ready4Work – Jacksonville, FL (www.ready4work.com)
- InnerChange Freedom Initiative (IFI) - AR, IA, KS, MN, MO and TX (www.ifiprison.org)
- The Safer Foundation – IL & IA (www.saferfoundation.org)
- Second Chance – San Diego, CA (www.secondchanceprogram.org)
- Prisoner Reentry Program (PRP) – San Diego County, CA (<http://www.acjrca.org/ppt08/3.sb618-talk.ppt>)
- Day Reporting and Reentry Division – Broward County, FL (http://sheriff.org/about_bso/dodcc/court/dayreporting.cfm)
- Pre-Release and Reentry Services Division/Career Resource Center – Montgomery County, MD (http://www.montgomerycountymd.gov/Content/docr/PRC/cabwrcpresentation_final.ppt)
- The Re-Entry Transition Program – Baltimore County, MD (<http://www.dllr.state.md.us/county/baco/bacoservices.shtml>)
- Southside Day Reporting Center Reentry Program (DRC) – Chicago, IL (http://www.reentrymediaoutreach.org/sp_public_drc.htm)
- Community Correction Centers - Little Rock, Texarkana, Osceola, and Pine Bluff, AR (<http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=5703>)
- Office of Alternative Sanctions – Connecticut (http://www.cga.ct.gov/2004/pridata/Studies/Alternative_Sanctions_Scope.htm)
- Bronx Community Solutions – New York (<http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&PageID=597>)

Getting Smart on Crime in Florida

Developed by the Governmental Outsourcing Council of Associated Industries of Florida
March 2009

- Harlem Community Justice Center – New York
(<http://www.courtinnovation.org/index.cfm?fuseaction=Page.ViewPage&PageID=592¤tTopicTier2=true>)

Summary

The current system routes far too many non-violent offenders, many with non-distribution drug possession charges, through an overburdened criminal justice system. Offenders enter a state-funded court system, move to a state and/or county funded jail/prison system and continue on to a state-funded probation and parole system. If properly funded through state and county funds, the development and operation of a Community Diversion and Reentry Center could both reduce the number of people entering the state and county system for the first time and also reduce the number of people who return to prison due to recidivism. If Florida is serious about reducing prison and jail population, implementation of a similar diversion and reentry center should be implemented within the juvenile justice system as well.

This bold and innovative approach would continue to ensure public safety while providing appropriate justice for offenders and reducing the number of adults incarcerated in Florida for non-violent offenses and technical violations of parole.