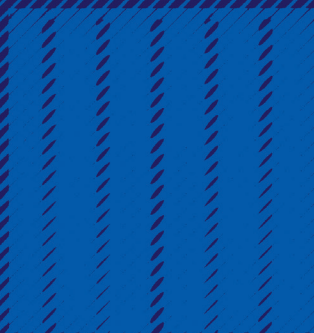


Blueprint for Smart Justice
Florida



Blueprint *for* Smart Justice Florida

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, and poverty. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has transformed American society, has damaged families and communities, and has wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to end its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut by half the number of people in prison in every state and reduce racial disparities in incarceration. In each state and the District of Columbia, we identified primary drivers of incarceration and predicted the impact of reducing prison admissions and length of stay on

state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Florida — where nearly 50 percent of the Florida prison population is Black and 1 in 25 adult Black men is imprisoned¹ — reducing the number of people in prison will not on its own reduce racial disparities within the prison system. This finding confirms that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing or prosecutorial reform that are specific to combatting these disparities.

Florida's prison population has grown nearly 400 percent between 1980 and 2016.² There are nearly 98,000 people imprisoned in Florida³ — more than the population of Miami Beach⁴ or Flagler County — resulting in the 11th highest state per capita imprisonment rate in the country.⁵

Drug and property offenses are among the leading drivers of the state's incarceration crisis. In 2017, 54 percent of people admitted to prison for new offenses had been convicted of a drug or property crime,⁶ with 5 percent admitted for drug possession.⁷ Sentence length contributes to the severity of the situation. Over the last decade, the average sentence length for people newly committed to prison increased by 14 percent,⁸ while the average length of time spent in prison in Florida also rose sharply.⁹ In fact, a recent analysis of 34 states found that Florida had the biggest increase in average length of imprisonment — an increase of 166

percent—between 1990 and 2009. Over those 20 years, the length of time served for drug offenses grew most sharply at 194 percent.¹⁰

This combination creates dangerous conditions in the state’s prisons. A recent audit found that Florida’s prisons are severely understaffed and overcrowded.¹¹ Florida’s harsh “truth in sentencing” laws create further challenges for the state by requiring everyone to serve 85 percent of their prison sentences regardless of demonstrated readiness for release. In part because of this inflexible requirement, Florida ranks first in the United States on the proportion of people who are released from prison without any reentry support or supervision.¹²

So, what’s the path forward? Any meaningful effort to reach a 50 percent reduction in incarceration in Florida will need to focus on reforming monetary bail, reducing prison and jail admissions, and reducing or eliminating the length of imprisonment for drug and property offenses. Stakeholders can look to evidence-based alternatives to imprisonment, such as substance use disorder treatment, decriminalization of personal use and possession of drugs, and support services such as mental health care, employment, housing, health care, education, or vocational training. Minimally, the Legislature can take state prison time off the table for a range of less serious drug and property offenses by reducing them to misdemeanors—resulting in shorter sentences. Simple drug possession can be decriminalized or reclassified to a misdemeanor, the dollar threshold at which low-level property crimes become felonies can be raised, and driving with a suspended driver’s license can stay at a misdemeanor level offense, even for people who have been convicted or prosecuted for the same type of crime more than once.

Reducing time served, even by just a few months, can further reduce the number of people in Florida’s prisons. This can be done in a number of ways, including by reforming the state’s sentencing enhancements—especially the multiple severe enhancements triggered by prior offenses—and by abolishing harsh mandatory minimum sentencing laws that take away judges’ discretion.

The answer is ultimately up to Florida’s voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending Florida’s obsession with mass incarceration.

The State of the Florida Prison System

As of 2017, nearly 98,000¹³ people were imprisoned in Florida¹⁴ — more than the population of Miami Beach or Flagler County.¹⁵ Since 1980, the state’s prison population has continued to increase, growing nearly 400 percent between 1980 and 2016.¹⁶

While the nation has seen a decline in the overall state per capita imprisonment rate in recent years, Florida’s per capita imprisonment rate has bucked that trend by growing 9 percent between 2000 and 2016. In 2016 Florida had the 11th highest per capita imprisonment rate in the country.¹⁷

What Is Driving People Into Prison?

In Florida, a litany of offenses drives people into prisons. In 2017,¹⁸ 54 percent of people admitted to prison for new offenses had been convicted of a drug or property crime, and 5 percent were admitted for drug

AT A GLANCE

FLORIDA PRISONS

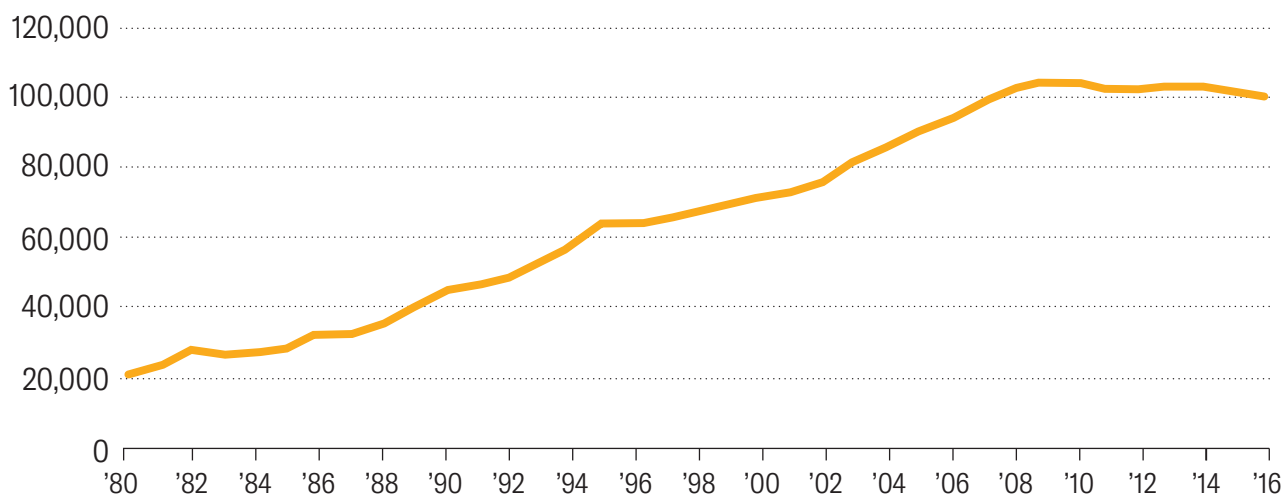
In 2016, Florida ranked **11th** nationally in per capita imprisonment rate.

There were **97,794** people in Florida state prisons in 2017, including 37,290 imprisoned because of a drug or property offense.

Florida’s prison population grew by **382 percent** between 1980 and 2016.

possession. Thirty-one percent of people admitted to prison in 2017 were convicted of an offense involving violence.¹⁹

FLORIDA PRISON POPULATION



The vast majority of people who enter Florida prisons each year are “newly committed” – entering prison because they have been convicted of a new offense – compared with those reentering prison due to violations of community supervision programs, like probation.²⁰ While the number of felony filings dropped by about a quarter between 2006 and 2016 – with the biggest decrease in drug offenses – roughly 30,000 people are committed to Florida prisons each year,²¹ and approximately half of those admitted to prison in the state are there for the first time.²²

Cases that should be diverted from the criminal justice system entirely, resolved with alternatives to incarceration, or even handled via short jail sentences followed by supervision instead can result in mandatory prison sentences. Offenses that could be reclassified as misdemeanors (or even decriminalized), like drug possession, remain felonies.

Over the years, Florida has adopted harsh laws that trigger mandatory prison sentences in many situations, including in cases where an individual has a prior felony conviction. Drug trafficking offenses carry some of the harshest mandatory minimum sentences in the state, due in large part to low weight thresholds of certain drugs. For example, just 4 grams of oxycodone and one gram of LSD each result in mandatory three

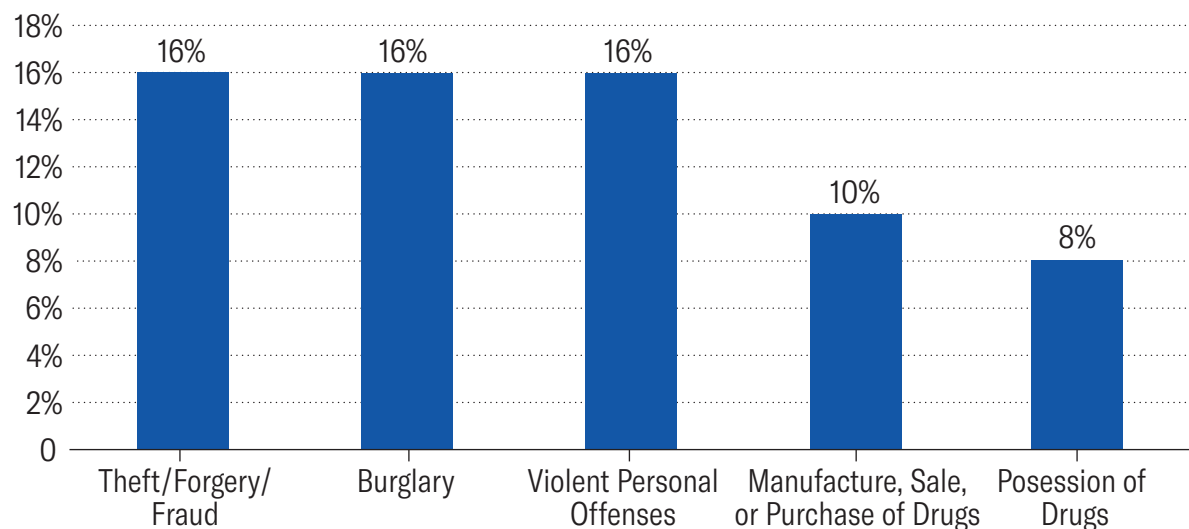
year sentences.²³ Mandatory minimums for these kinds of offenses automatically require prison sentences for someone who could otherwise be eligible for probation or other alternative programs.

The Current Prison and Jail Population

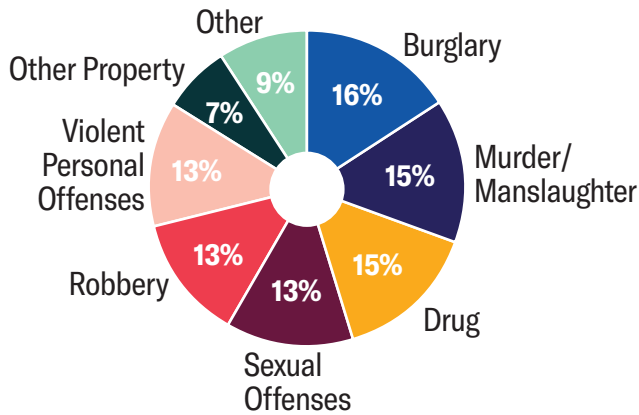
More than 50,000 people are incarcerated in county jails on any given day, more than half of whom are awaiting trial and have not been convicted of a crime.²⁴ Many of the people in jail awaiting trial are there simply because they cannot afford to pay bail – sometimes a figure as low as \$100. This population includes people accused of minor offenses like trespassing, shoplifting, and public intoxication. Additionally, many people in Florida’s jails are there because of probation, parole, or pretrial release revocation – including for technical violations like failing to appear for an appointment with an officer of the court. Although Florida jurisdictions may choose to offer an Alternative Sanctioning Program for such violations, these programs are voluntary and include eligibility restrictions.²⁵

As of June 2017, 38 percent of Florida’s prison population was serving time for a drug or property offense, including 14.5 percent – more than 14,000

FLORIDA PRISON ADMISSIONS BY TOP OFFENSE TYPES (FY 2016–17)



FLORIDA PRISON POPULATION BY TOP OFFENSE TYPE (JUNE 2017)



people – in prison specifically for a drug-related offense. More than half of those in Florida prisons have been convicted of an offense involving violence, including 15 percent for homicide or manslaughter and 13 percent for robbery.²⁶

Why Do People Stay in Prison for So Long?

Between 2008 and 2017, the average sentence length for people newly committed to prison increased 14 percent to 5.2 years.²⁷ In fact, a recent analysis of 34 states found that Florida had the biggest increase in average length of imprisonment – an increase of 166 percent – between 1990 and 2009. Over 20 years, the length of time served for drug offenses grew most sharply (194 percent) compared with other offenses.²⁸

In Florida, “tough on crime” policy changes enacted over the past several decades have kept people behind bars longer by increasing sentence length and forcing individuals to serve larger portions of their original sentences in prison. The same harsh enhancements that limit alternatives and drive people into prison also substantially increase the length of time people spend in prison.

Compounding the problem, Florida’s harsh “truth in sentencing” requirement severely limits the amount of time someone can earn against his or her sentence for

AT A GLANCE

SENTENCES

Between 1990 and 2009, time served for drug offenses increased by **194 percent**.

The average length of imprisonment increased by **166 percent** between 1990 and 2009.

The sentence length for people newly committed to Florida prisons has increased by **14 percent** between 2008 and 2017.

participating in programming and treatment that are shown to improve reentry outcomes. Recent attempts to reform Florida’s “truth in sentencing” have not made progress through the Legislature. Inaction by the state has resulted in many people serving more time and then leaving prison with little to no reentry support. In fact, Florida has the highest proportion in the nation of people who are released directly to the community with no reentry support or supervision.²⁹

Who Is Imprisoned

Black Floridians: Black people are disproportionately imprisoned in Florida. While Black people constituted only 16 percent of the state population in 2016, they made up nearly 50 percent of the Florida prison population. One in 25 Black men in Florida are imprisoned, and Black women are imprisoned at nearly twice the per capita rate of white women.³⁰

Female Floridians: Between 1980 and 2016, the female per capita imprisonment rate in Florida increased 306 percent.³¹ Women’s prisons in Florida have received significant media attention in recent years for inhumane conditions, physical and sexual abuse by prison officials, and dangerously inadequate medical care.³²

Older Floridians: Florida’s prison population is also rapidly aging. The state defines an elderly person

AT A GLANCE

PRISON DEMOGRAPHICS

The per capita female imprisonment rate increased by **306 percent** between 1980 and 2016.

In 2016, Black people made up **47 percent** of the Florida prison population, even though they constituted only **16 percent** of the total state population.

24 percent of the Florida prison population was age 50 and older in 2017.

in prison as “age 50 or older in a state correction institution.”³³ Though generally considered to pose a negligible risk to public safety,³⁴ this population nearly doubled between 2007 and 2017, rising from 14 percent of the prison population to 24 percent.³⁵

Undereducated: In 2016, 3 in 5 people in Florida prisons had literacy skills below a ninth-grade level.³⁶

People With Mental Health and Substance Use Disorders

Limited access to mental health and medical treatment, rehabilitative programming, and reentry support is a widespread problem in Florida’s detention centers. Prison overcrowding exacerbates these problems. A recent audit found that Florida prisons are severely understaffed and overcrowded, leading to dangerous conditions for both imprisoned individuals and correctional staff.³⁷ Those imprisoned with mental health issues may go untreated or receive less than adequate care and access to treatment programs. A reported 18 percent of people in Florida prisons require ongoing mental health treatment.³⁸

AT A GLANCE

SPENDING ON CORRECTIONS

Correction costs rose by **275 percent** between 1985 and 2016.

\$2.6 billion from the state’s general fund was spent on corrections in fiscal year 2016.

Budget Strains

As Florida’s prison population has risen, so has the cost burden. Between 1985 and 2016, general fund spending on corrections rose 275 percent, far outpacing spending on other state priorities, like education. In 2016 alone, Florida spent \$2.6 billion of its general fund on corrections, which made up 8.9 percent of the state’s total general fund spending.³⁹

Ending Mass Incarceration in Florida: A Path Forward

There are many potential policy changes that can help Florida end its mass incarceration crisis. While reforms can be made on a local level through judges and state attorneys and by the governor on a statewide level, ultimately the Florida Legislature must pass most of the reforms presented. Over the past decade, there have been numerous measures introduced proposing major reforms that will either reduce the amount of time people serve in prisons or reduce the number of people entering prison in the first place. Unfortunately, the Legislature has kept a “tough on crime” mentality and has been reluctant to pass most reforms. As part of our ongoing work, we’ve laid out some of these reforms, which would not only lower prison populations but can help reduce crime and make communities safer.

Reducing Pretrial Detention

Eliminating wealth-based detention could significantly reduce Florida’s incarcerated population. In Escambia County, where the per capita incarceration rate is roughly 80 percent higher than the state average, approximately 33 percent of people who are detained pretrial are eligible for release but are unable to afford monetary bail. On average, these incarcerated people spend nearly 90 days in jail before trial or release — despite being presumed innocent — solely because they cannot afford to pay. Florida could enact any number of reforms to reduce pretrial detention and eliminate wealth-based detention — for example, expanding pretrial services to include missed court follow-up outreach and court date reminders, permitting unsecured appearance bonds, and engaging in

meaningful ability-to-pay analyses before imposing monetary bond where no alternative measures exist.⁴⁰

Reducing Admissions

To end mass incarceration, Florida must break its overreliance on prisons to hold people accountable for their crimes. In fact, evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. At worst, imprisonment can be counterproductive — failing to end cycles of misbehavior and violence or to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁴¹ Here are some strategies:

- **Alternatives to incarceration:** Offer programs that provide substance use disorder treatment, mental health care, employment, housing, health care, and vocational training. Such programs — often with some community service requirement — can significantly cut recidivism rates for participants. Other successful models include law-enforcement-led programs that divert people to treatment and support services at the time of arrest and prosecutor-led programs that divert people before they are charged.⁴² Increased use of civil citations in lieu of arrests for low-level offenses could be a first step in this direction.

In 2018, the Legislature took a major step forward when legislation was passed to specifically encouraged municipalities to create such programs. The Legislature found that the “widespread use of civil citation and similar prearrest diversion programs has a positive effect on the

criminal justice system and contributes to an overall reduction in the crime rate and recidivism in the state.”⁴³ It is now in the hands of municipal governments to create these programs and determine their scope and for law enforcement agencies and officers to utilize the programs.

- **Sentencing reform:** Drug and property offenses, for example, continue to be a leading driver of imprisonment in Florida. Stakeholders can instead look to evidence-based alternatives to imprisonment – such as substance use disorder treatment or decriminalization of personal use and possession – and shift resources from the prison system to a health policy-based approach. Short of that, the Legislature could reduce a range of less serious drug and property offenses to misdemeanors, which carry up to a year in local jail instead of prison time. Options include reclassifying simple drug possession to a misdemeanor and updating the dollar threshold at which low-level property crimes become felonies. Prison time, a felony record and the countless collateral consequences connected to a felony conviction make it harder for someone to find work or housing or support a family.
- **Expanded treatment:** Substance use disorders can be the drivers of other more serious offenses, including burglaries, robberies, and assaults. Actually reducing the incidence of these crimes may be better and more effectively achieved through the expanded use of alternatives to prison in a substantial number of cases.⁴⁴ Similarly, mental health treatment and supervision provide a better, more productive alternative for many offenses, minor and more serious, and could be more effective in improving overall public safety in the long term.⁴⁵
- **Judicial discretion:** Judges must also have a variety of options at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all or most cases,

regardless of the severity of the offense or someone’s prior criminal history. The court, not the Legislature, should be in a position to decide whether an option such as community supervision or drug addiction treatment is appropriate in individual cases.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in Florida’s prisons. Here’s how:

- **Sentencing reform – general:** The Legislature can amend Florida’s laws to reduce sentences for offenses like drug possession and distribution, assault, burglary, and robbery. Similarly, changes to scoring in Florida’s Criminal Punishment Code can achieve this result on a more granular level by lowering maximum sentences, increasing judicial discretion and ending mandatory minimums.
- **Sentencing reform – enhancements:** The imprisoned population could be reduced by reforming the state’s sentencing enhancements – especially the multiple severe enhancements triggered by prior offenses. Similarly, the Legislature could abolish the mandatory minimum sentencing laws that tie judges’ hands. As a first step, the Legislature could establish “safety valves” that would allow judges in appropriate circumstances to sentence people to less time than mandatory minimums require, or the legislature could raise the drug weight thresholds for what qualifies as drug trafficking.
- **Release reform:** Improving release policies and practices can also reduce time served. For example, Florida can scale back or eliminate the state’s requirement that individuals serve 85 percent of their sentence and offer more opportunities for imprisoned people to earn time against their prison sentences, including through in-prison participation in educational, vocational, and other programs to aid reentry. Other first steps would be to expand the existing

conditional medical release program so that inmates who are debilitated but not necessarily terminal can be released⁴⁶ and creating a special release policy for elderly people who no longer pose any significant threat to society.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Florida will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. A report from the Sarasota Herald Tribune found that in Florida, when a white and Black defendant score the same points for the same offense, judges give the Black defendant a longer prison stay in 60 percent of felony cases. For the most serious first-degree crimes, judges sentence Black defendants to 68 percent more time than whites with identical points.⁴⁷

This disproportionality cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent phases such as pretrial detention, conviction, sentencing, and postrelease opportunity.⁴⁸ Targeting only one of the factors that drives racial disparity would not adequately address discrimination across the system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁴⁹ However, the state did not target racial disparities in incarceration, and, in 2016, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people – the highest disparity of any state in the nation.⁵⁰

Ending mass incarceration is critical to eliminating racial disparities, but not sufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules
- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color
- Addressing any potential racial bias in risk assessment instruments used to assist decision making in the criminal justice system

- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

Forecaster Chart

There are many pathways to cutting the prison population in Florida by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Florida, visit the interactive online tool at <https://urbn.is/ppf>.

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁵²

— From *The New Jim Crow*, Michelle Alexander

TAKING THE LEAD

Prosecutors: They decide on what charges to bring and which plea deals to offer and accept. They can decide to divert more people to treatment programs (for example, drug or mental health programs) rather than send people to prison. And they can decide to charge enhancements that require the imposition of prison sentences.

State lawmakers: They decide which offenses to criminalize, how long sentences can be, and when to take away judges’ discretion. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives.

Police/Sheriffs: Since Florida’s existing civil citation programs allow officers to choose whether to utilize a civil citation or to make an arrest, they have significant power in determining the number of arrests for relatively minor crimes.⁵¹

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

City and County Councils: Local jurisdictions have significant power in determining the number of arrests for relatively minor offenses. They have the power to create civil citation programs and determine eligibility requirements.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Burglary	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 30% (1,289 fewer people admitted) Reduce average time served by 60 % (from 3.00 to 1.20 years) 	9.96% reduction (9,224 fewer people)	White: 1.5% decrease Black: 1.0% increase Hispanic/Latino: 0.9% increase Native American: 2.1% increase Asian: 8.4% decrease Other: 2.7% increase	\$102,591,648
Drug offenses	<ul style="list-style-type: none"> Institute alternatives that reduce admissions for drug distribution by 60% (1,680 fewer people admitted) Reduce average time served for drug distribution by 60% (from 2.61 to 1.05 years) Institute alternatives that end all admissions for drug possession (2,116 fewer people admitted) 	9.83% reduction (9,110 fewer people)	White: 1.8% increase Black: 1.7% decrease Hispanic/Latino: 0.5% increase Native American: 5.7% increase Asian: 1.8% increase Other: 0.2% decrease	\$110,303,955
Robbery	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 40% (886 fewer people admitted) Reduce average time served by 50% (from 5.45 to 2.73 years) 	7.72% reduction (7,153 fewer people)	White: 3.2% increase Black: 3.2% decrease Hispanic/Latino: 1.5% increase Native American: 6.4% increase Asian: 0.9% increase Other: 1.8% increase	\$70,779,738
Assault	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 40% (1,470 fewer people admitted) Reduce average time served by 50% (from 2.42 to 1.21 years) 	6.65% reduction (6,161 fewer people)	White: 0.7% increase Black: 0.6% decrease Hispanic/Latino: 0.1% decrease Native American: 5.8% decrease Asian: 1.8% decrease Other: 1.5% increase	\$70,297,179

Impact Compared to 2025 Baseline*

Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Public order offenses*****	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 80% (2,776 fewer people admitted) Reduce average time served by 60% (from 1.76 to 0.70 years) 	6.07% reduction (5,621 fewer people)	White: 1.1% decrease Black: 0.6% increase Hispanic/Latino: 1.4% increase Native American: 12.3% decrease Asian: 6.5% increase Other: 1.6% increase	\$72,527,709
Theft	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 60% (1,582 fewer people admitted) Reduce average time served by 60% (from 1.30 to 0.52 years) 	3.12% reduction (2,891 fewer people)	White: 1.1% decrease Black: 0.8% increase Hispanic/Latino: 0.6% increase Native American: 3.2% increase Asian: 3.2% increase Other: 2.0% increase	\$38,024,767
Other property offenses*****	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 60% (1,067 fewer people admitted) Reduce average time served by 60% (from 1.80 to 0.72 years) 	2.88% reduction (2,663 fewer people)	White: 2.1% decrease Black: 1.5% increase Hispanic/Latino: 1.1% increase Native American: 3.0% increase Asian: 3.0% increase Other: 0.6% increase	\$32,812,052
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 2.58 to 1.03 years) 	2.26% reduction (2,095 fewer people)	White: 0.9% increase Black: 1.0% decrease Hispanic/Latino: 0.7% increase Native American: 2.3% increase Asian: 2.4% decrease Other: 0.6% increase	\$21,000,727
Fraud	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 60% (447 fewer people admitted) Reduce average time served by 60% (from 1.58 to 0.63 years) 	1.09% reduction (1,012 fewer people)	White: 0.4% decrease Black: 0.3% increase Hispanic/Latino: 0.3% increase Native American: 1.1% increase Asian: 1.1% increase Other: 0.3% decrease	\$13,743,514

Impact Compared to 2025 Baseline*

Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Motor vehicle theft	<ul style="list-style-type: none"> Institute alternatives that reduce admissions by 50% (290 fewer people admitted) Reduce average time served by 60% (from 1.50 to 0.60 years) 	0.76% reduction (701 fewer people)	White: 0.2% decrease Black: 0.1% increase Hispanic/Latino: No change Native American: 1.7% decrease Asian: 0.8% increase Other: 0.1% increase	\$8,961,532

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison – of a certain race – to the number of people in the state’s general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Florida where in 2016 Black people made up 50 percent of the prison population, but only constituted 16 percent of the state’s total population.

**** Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some other property offenses include stolen property trafficking, vandalism, property damage, criminal mischief, unauthorized vehicle use, and trespassing.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Florida were to implement reforms leading to the changes above, 46,632 fewer people would be in prison in Florida by 2025, a 50.3 percent decrease. This would lead to a total cost savings of \$1,624,626,493 by 2025. These savings could be realized through a reduced Florida Department of Corrections budget, and they could be reinvested into programs that reduce crime and recidivism like education, job training, housing, and mental health care.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Florida’s prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model was used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes

to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

- 1 Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, June 2016 population estimates; FDC 2016-2017 Annual Report.
- 2 Correctional Statistical Analysis Tool (CSAT), jurisdictional population.
- 3 Florida Department of Corrections, "Inmate Population" data series.
- 4 U.S. Census Bureau 2016 population estimates.
- 5 Bureau of Justice Statistics, Prisoners in 2016.
- 6 Offense breakdowns in this Blueprint are based on the most serious, or "controlling" offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions, and are categorized here only under the controlling offense types.
- 7 Florida Office of Economic and Demographic Research "Criminal Justice Trends" series.
- 8 Florida Office of Economic and Demographic Research "Criminal Justice Trends" series.
- 9 Pew Center on the States. 2012. *Time Served: The High Cost, Low Return of Longer Prison Terms*. Washington, DC: Pew Center on the States.
- 10 Pew Center on the States. 2012. *Time Served: The High Cost, Low Return of Longer Prison Terms*. Washington, DC: Pew Center on the States.
- 11 Meg Savage and Russ Savage. 2015. "Technical Assistance Report: Florida Department of Corrections." Washington, D.C.: National Institute of Corrections.
- 12 Pew Charitable Trusts. 2014. *Max Out: The Rise in Prison Inmates Released Without Supervision*. Washington, DC: Pew Center on the States.
- 13 Florida Department of Corrections, 2016-2017 Annual Report.
- 14 Florida Department of Corrections, "Inmate Population" data series, published in the 2016-2017 Annual Report. Note: While the analysis in this blueprint discusses both Florida jail and prison populations, due to inconsistencies in jail data throughout Florida, the decarceration, fiscal, and racial impact analysis found in the chart on pages 14 to 16 only examines Florida's prison population. Legislation efforts in 2018 look to improve public data on Florida's jails and discuss potential drivers of the states growing jail population.
- 15 U.S. Census Bureau 2016 population estimates.
- 16 Correctional Statistical Analysis Tool (CSAT), jurisdictional population.
- 17 Bureau of Justice Statistics, Prisoners in 2016.
- 18 All years describing state data refer to fiscal years.
- 19 Florida Office of Economic and Demographic Research "Criminal Justice Trends" series.
- 20 Florida Office of Economic and Demographic Research "Criminal Justice Trends" series.
- 21 Florida Office of Economic and Demographic Research "Criminal Justice Trends" series.
- 22 [Florida Department of Corrections, 2016-2017 Annual Report](#).
- 23 Florida Statute § 893.135.
- 24 Florida Department of Corrections, "County Detention Facilities Pretrial Inmate Report" as of January 2017.
- 25 Florida Statute Section 948.06(1)(h)
- 26 Florida Department of Corrections, 2016-2017 Annual Report.
- 27 Florida Office of Economic and Demographic Research "Criminal Justice Trends" series.
- 28 Pew Center on the States. 2012. *Time Served: The High Cost, Low Return of Longer Prison Terms*. Washington, DC: Pew Center on the States.
- 29 Pew Charitable Trusts. 2014. *Max Out: The Rise in Prison Inmates Released Without Supervision*. Washington, DC: Pew Center on the States.
- 30 Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, June 2016 population estimates; FDC 2016-2017 Annual Report. The prison population demographic information in this document is as of June 2017, which is the first year that numbers for Latinos are disaggregated from race categories.
- 31 CSAT jurisdictional population.
- 32 See, for example, Julie K. Brown, "At Lowell, sex, death and a probe riddled with questions," *Miami Herald*, Dec. 15, 2015.
- 33 Florida Statute 944.02.
- 34 Human Rights Watch, *Old Behind Bars*, 2012.
- 35 Florida Department of Correction "Inmate Population" series, and 2016-2017 Annual Report.
- 36 Florida Department of Corrections, [Inmate TABE Scores 2015-2016](#).
- 37 Meg Savage and Russ Savage. 2015. "Technical Assistance Report: Florida Department of Corrections." Washington, D.C.: National Institute of Corrections.
- 38 Florida Department of Correction "Inmate Population" series.
- 39 NASBO, State Expenditure Series, table 34.
- 40 [ACLU of Florida, "Smart Jail for Escambia," August 2017](#).
- 41 Vera Institute of Justice 'Accounting for Violence: How to Increase Safety & Break our Failed Reliance on Mass Incarceration' 2017.
- 42 Vera Institute of Justice 'Accounting for Violence: How to Increase Safety & Break our Failed Reliance on Mass Incarceration' 2017.
- 43 Florida Senate, "Bill Analysis and Fiscal Impact Statement: Bill 1392" January 19, 2018). Accessed from: <https://www.flsenate.gov/Session/Bill/2018/1392/Analyses/2018s01392.pre.ci.PDF>
- 44 See for e.g., Zarkin et al. "Lifetime Benefits and Costs of Diverting Substance-Abusing Offenders From State Prison," *Crime & Delinquency*, Vol 61, Issue 6, pp. 829- 850
- 45 See for e.g., Daniel Chang, "Criminal mental health program in Miami-Dade seen as a model for nation," *Miami Herald*, May 21, 2016. Accessed from: <https://www.miamiherald.com/news/health-care/article79004057.html>.
- 46 [Florida Commission on Offender Review, "Conditional Medical Release: Overview Summary," December 2015](#).
- 47 Michael Braga, Josh Salman, Emily Le Coz and Elizabeth Johnson, "Bias on the Bench," *Herald Tribune*, December 2016.
- 48 See, for example, Katherine B. Spencer, Amanda K. Charbonneau and Jack Glaser. "Implicit Bias and Policing." *Social and Personality Psychology Compass* 10/1 (2016): 50–63, 10.1111/spc3.12210. Accessed from <https://gspp.berkeley.edu/assets/uploads/research/pdf/>

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- 49 [The Sentencing Project, "Fewer Prisoners, Less Crime: A Tale of Three States," 2015.](#)
- 50 [The Sentencing Project, "The Color of Justice: Racial and Ethnic Disparity in State Prisons," 2015.](#)
- 51 See, for example, Florida Department of Juvenile Justice, "Civil Citation and Similar Diversion Program Best Practices Guide" (2018), accessed from: <http://www.djj.state.fl.us/docs/probation-policy-memos/cc-pad-best-practice-guide-2018-final.pdf?sfvrsn=2>
- 52 Alexander, Michelle. *The New Jim Crow : Mass Incarceration in the Age of Colorblindness*. New York : [Jackson, Tenn.] :New Press ; Distributed by Perseus Distribution, 2010. Print.

