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# X Corrections

## a special report

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April 1976

**Final Report of Governor's Select  
Corrections Task Force**

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## INTRODUCTION

In December, 1975, Governor Reubin Askew appointed a select Task Force on Florida's Correctional System to be chaired by Lt. Governor J. H. "Jim" Williams. This Task Force was empanelled for a period of ninety days to conduct an extensive review of Florida's system with particular attention to the entire concept of corrections. Specific recommendations concerning the future course of the Criminal Justice System in Florida were to be formulated and submitted following the review process. This final report incorporates the findings and recommendations of that Task Force in summary form.

## FINDINGS

1. The Criminal Justice System is, theoretically, a system for the administration of justice in criminal cases. The system includes four major components: police, prosecution, courts and corrections. It embraces the activities of law enforcement officers, prosecutors, public defenders, judges, parole and probation officers and correctional officers. It relates directly to the individual client of the system; that is, the accused, the defendant, the probationer, the inmate or the parolee from the time of his or her initial contact with the system to the time of ultimate release. Frequently, policy decisions made by the various agencies in this system have direct effect upon the workload and ultimate effectiveness of programs administered by other agencies in other parts of the system.

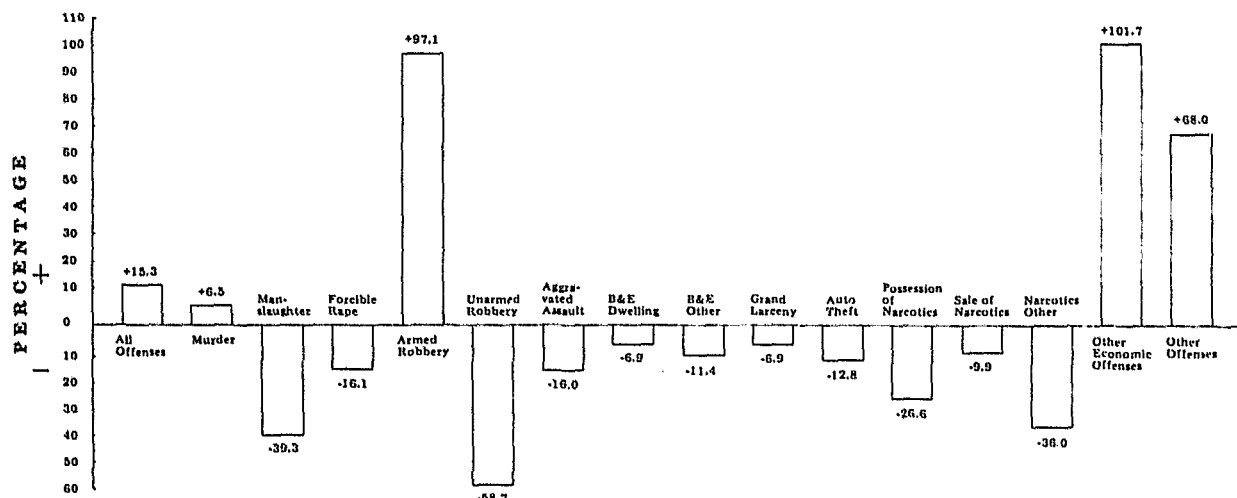
The Criminal Justice System in Florida is not a unified system. The policies and programs of the system are not coordinated on a system-wide basis, but they ought to be. The system in Florida is composed of several autonomous authorities representing different branches and levels of government. Independent elected officials are responsible for the operation of various components of the system. The governor's office and six executive departments are directly involved in policy determinations affecting criminal justice: the Department of Offender Rehabilitation, Florida Parole and Probation Commission, Florida Department of Criminal Law Enforcement, Department of Administration, Department of Health and Rehabilitative Services, and the Department of Highway Safety. In addition, the State Supreme Court determines fundamental policy direction over the judicial branch of government.

2. The information systems of the various agencies involved in the Criminal Justice System are not compatible. It is not possible to follow the progress of individuals through the Criminal Justice System because the record systems of the components differ. Law enforcement maintains records of offenses and arrests, the court accumulates data relevant to cases, and the correctional system tracks individuals. Objective analysis of the performance of the entire system is greatly hindered, and the measurement of the effectiveness of certain programs within the system is virtually impossible.
3. As a result, it is very difficult to manage the Criminal Justice System. There is not a vehicle for coordinating the various components. Communication is not adequate between those responsible for the operation of the sectors. The responsibility for promulgation of policy is diffused and obfuscated by uncertain legal doctrines which allocate that constitutional responsibility between judicial and legislative branches.
4. The Criminal Justice System is primarily a non-judicial system. The majority of decisions within the system are administrative rather than judicial. Decisions by law enforcement regarding arrest, the decision of the state attorney concerning a charge, pre-trial diversion and plea bargaining, as well as the various decisions by corrections and parole and probation authorities, are administrative in nature. Only a very small percentage of those passing through the system are processed judicially.
5. There are insufficient standards and guidelines available at the major decision points along the Criminal Justice System.

6. Formal screening procedures, pre-trial intervention programs and various sentencing alternatives are not used uniformly on a statewide basis. Some areas have a wide array of program options available prior to trial and following sentencing. These programs are not used or available in all parts of the state.
7. The correctional system has experienced an unprecedented increase in inmate population during the past two years. The total inmate population, as of January 1, 1976, of the Department of Offender Rehabilitation was 15,714. In 1960, the Florida system contained 6,989 inmates. The net gain in inmate population during the last eighteen months (4,379) has been greater than the gain realized during the preceding fourteen years (4,346).
8. Crowding within the correctional system severely limits the effectiveness of existing programs. Currently, inmates received by the Department of Offender Rehabilitation are assigned primarily on a space available basis rather than program appropriateness.
9. There was a fifteen percent increase in the total felony intake to the Department of Offender Rehabilitation and the Parole and Probation Commission from Fiscal Year 1973-74 to 1974-75. This represents a 26.8 percent increase in commitments to the prison system and 11.8 percent increase in probation cases.
10. Most of this increase can be accounted for by significant increases in armed robbery and the classification known as "Other Economic Crimes."\* Intakes for practically all other offense categories decreased.

\*Includes: Counterfeiting, forgery, forging worthless document, uttering forged instrument, obtaining money falsely, worthless checks, embezzlement, impersonating official, impersonating professional, securities law violation, receiving stolen property, possession of stolen property, bookmaking, gambling, operating a gambling house, lottery, possession of lottery tickets, sale of lottery tickets, race track and toutting.

**PERCENTAGE CHANGE IN TOTAL FELON  
INTAKES (FPPC & DOR) BY TYPE OF OFFENSE  
1973-74 to 1974-75  
Chart**



**11. Of the nine most populous states, Florida has the highest rate of persons incarcerated per 100,000 population.**

State	*Inmate Population 9/1/75	Population 7/1/74	Incarceration Rate/100,000
Florida	15,138	8,090,000	187.1
California	22,233	20,907,000	106.3
Illinois	7,668	11,131,000	68.9
Michigan	10,290	9,098,000	113.1
New Jersey	5,848	7,330,000	70.8
New York	16,346	18,111,000	90.3
Ohio	10,967	10,737,000	102.14
Pennsylvania	7,197	11,835,000	60.8
Texas	18,157	12,050,000	150.7

\*Inmate populations are not necessarily directly comparable. Some states include misdemeanants held in county jails as part of their inmate population, and some states include 16 and/or 17 year old offenders in their inmate population. These disparities tend to make differences between Florida's situation and that of other states less dramatic than it may in fact be.

**12. In recent years there has been an increasing use of incarceration as a punishment alternative:**

	Felony Convictions	%Incarcerated	%Placed on Probation
FY 73-74	24,196	23.5%	76.5%
FY 74-75	27,904	25.9%	74.1%
July 1-Dec. 31, 1975	12,049	35.1%	65.9%

For practically all offenses, there was a significant increase in the number of new admissions to prison. At the same time, there was a significant decrease in the number of persons placed on probation for the same offenses.

Examples: The total number of correctional intakes for armed robbery changed from 769 in fiscal year 1973-74 to 1,516 in fiscal year 1974-75 (an increase of 97.1%) [see following chart]

*In fiscal year 1973-74, 565 or 73% of the 769 cases were incarcerated.*

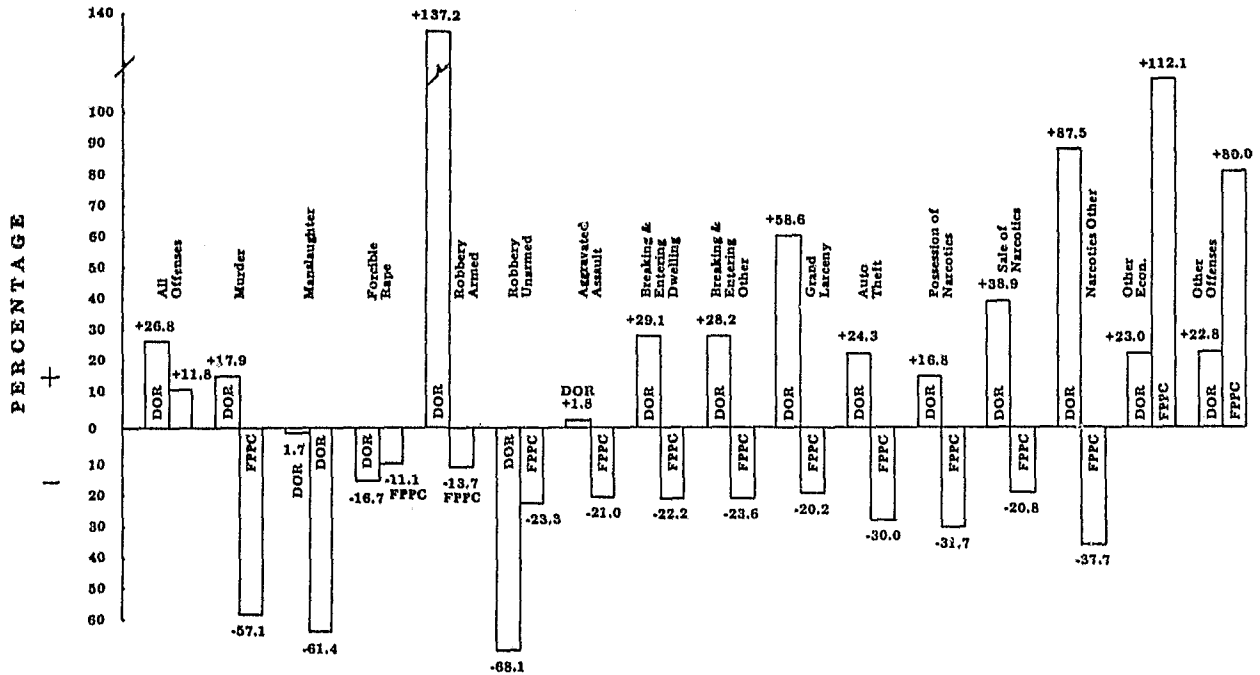
*In fiscal year 1974-75, 1,340 or 88% of the 1,516 cases were incarcerated.*

Likewise, the total number of correctional intakes for grand larceny changed from 2,180 in fiscal year 1973-74 to 2,029 in fiscal year 1974-75 (a decrease of 6.9%).

*In fiscal year 1973-74, 367 or 17% of the 2,180 cases were incarcerated.*

*In fiscal year 1974-75, 582 or 29% of the 2,029 cases were incarcerated.*

**PERCENTAGE CHANGE IN AGENCY FELON  
INTAKES (FFPC & DOR) BY TYPE OF OFFENSE  
1973-74 to 1974-75  
Chart**



- The use of incarceration for persons convicted of — crimes against persons has increased.

In fiscal year 1973-74, there were 4,075 new correctional admissions for crimes against persons. Of those, 51.4% or 2,095 were incarcerated. In fiscal year 1974-75, there were 3,970 admissions for similar crimes. Of those, 64.7% or 2,569 were incarcerated.

- The use of incarceration for persons convicted of — property crimes has increased.

In fiscal year 1973-74, 23.6% or 1,702 of the 7,213 new felony admissions were incarcerated. In fiscal year 1974-75, 34.9% or 2,286 of the 6,551 new felony admissions were incarcerated.

- The use of incarceration for persons convicted of other economic crimes and other unclassified crimes has decreased.

In fiscal year 1973-74, 11.6% or 342 of the 2,952 intake cases listed as "other economic crimes" were incarcerated, while in fiscal year 1974-75, only 7.1% or 423 of the 5,955 such cases were incarcerated.

In fiscal year 1973-74, 21% or 866 of the 4,123 unclassified intake cases were incarcerated, while in fiscal year 1974-75, 15.4% or 1,067 of the 6,927 such cases were incarcerated.

- The long range fiscal impact of the change in probation rate during calendar year 1975, exceeds sixty million dollars (\$60,000,000).

**Distribution of Felon Intakes  
Calendar Year 1975**

	<u>Total New Felon Cases</u>	<u>New Felon Probation Cases</u>	<u>Percent (%) Placed On Probation</u>	<u>Change In Incarceration*</u>
Jan.-June	14,363	10,018	69.7%	+ 970
July-Dec.	12,049	7,941	65.9%	+ 1,276
Totals	26,412	17,959	68.0%	+ 2,246

\*Change in prison intakes based on FY 1973-74 probation rate (76.5%) and current rates.

In calendar year 1975, 2,767 more persons were incarcerated than in FY 1973-74. Of those, 2,246 were a direct result of a drop in probation rates from 76.5% to the current level of 65.9%.

An offender placed on felon probation remains under supervision an average of two years at an approximate cost of \$1 per day. Therefore, had these 2,246 persons been placed on probation the cost to the state would have been approximately \$1,639,580.

An offender serving his first prison term remains incarcerated an average of 2.17 years (repeat offenders serve an average of 2.71 years). Assuming conservatively that all these additional 2,246 inmates are serving their first prison sentence, these persons are being incarcerated an average of 792 days at a cost of \$15 per day per person. The cost to the state in operating costs alone becomes \$26,682,480.

The change in probation rate for 1975 alone, will cost the state approximately \$25,042,900 in operating costs. Considering the crowded prison system, each new inmate requires an additional bed beyond present capacity. Current construction costs (not including land acquisitions) average \$16,100 per bed. Therefore, these 2,246 inmates could be expected to require bed space beyond the projected expansion rate at an additional capital outlay cost of \$36,160,000.

The fiscal impact of the decrease in probation rate during 1975 alone, may be additional expenditures in excess of sixty million dollars.

14. On felony cases which presentence investigations and recommendations are conducted, final judicial dispositions correlate highly with those recommendations.

A sample survey\* covering the periods April 1 through June 20 for 1973 and 1975, indicated that where recommendations were made, the judicial dispositions corresponded 86% of the time in 1973 and 84% in 1975. When the P.S.I. recommended incarceration, the judicial disposition concurred 76.5% of the time during the 1973 sample period and 87% of the time during the 1975 sample period.

15. A significant number of inmates are being released from prison with no supervision.

Inmates judged to be acceptable risks usually receive paroles. The remaining higher risk population is released through Mandatory Conditional Release (end of sentence minus credit for good time), or expiration of sentence when gain time has been lost. This latter group who have been recalcitrant in prison may be expected to need supervision once released. However, it is precisely this group which receives no supervision. The table below indicates the percentage of inmates released with no supervision.

## INMATE RELEASES

<u>Fiscal Year</u>	<u>Expirations** No Supervision</u>	<u>Paroles</u>	<u>MCRs</u>	<u>Totals</u>	<u>Percent Not Supervised</u>
73-74	682	3,201	524	4,407	15.5%
74-75	956	2,431	734	4,121	23.2%
7-11/75	543	806	361	1,710	31.8%

From the table, a trend toward releasing a greater percentage of inmates without supervision emerges.

\*The sample was taken from rural and urban areas of the state. Long-range statistics are not available and therefore no firm conclusion can be reached that this sample was a representative cross-section statewide.

\*\*Since July 1, 1974, an unknown number of inmates have been released on split sentences. Some of those are reported as expiration of sentences, although they are under supervision.

16. Present sentencing and time served differ substantially from public perception of sentences. Additionally, the actual length of time served by repeat offenders is only slightly greater than that served by offenders serving their first prison term. The differences between time served by felony classification do not correspond to the difference indicated by the statutory framework.

<u>Class of Felony</u>	<u>Avg. Length of Sen. for Offender Serving First Prison Term</u>	<u>Avg. Time Served for Offender Serving First Prison Term</u>	<u>Avg. Length of Sen- tences for Offenders with Prior Prison Commitments</u>	<u>Avg. Time Served for Offenders With Prior Prison Commitments</u>
Life	22.85	7.8	22.40	8.60
I	8.40	2.41	9.16	3.19
II	9.22	2.53	9.24	2.88
III	4.02	1.74	4.35	1.99
Total	6.83	2.17	7.25	2.71

17. There is a decrease in the use of the parole process from fiscal year 1973-74 to 1974-75.

The percentage of inmates released from institutions through parole has decreased since fiscal year 1973-74. In fiscal year 1973-74, 4,407 persons were released from state institutions. Of those, 3,201 or 72.6% were released through the parole process. In fiscal year 1974-75, 4,121 persons were released of which 2,431 or 59% were paroled.

Examining more recent data, a trend emerges using the months of July through November for 1973, 1974 and 1975. The table below reflects this trend.

### PERCENTAGE OF PAROLE RELEASES-JULY THROUGH NOVEMBER 1973-1975

	<u>1973</u>	<u>1974</u>	<u>1975</u>
Total Releases	2,144	1,936	1,710
Paroles	1,584	1,169	806
%Paroled	73.9%	60.4%	47.1%*



A smaller percentage of persons released from institutions are being released through the parole process and the absolute number of persons receiving parole is declining.

\*This does not imply that the other 53% were unsupervised. Rather, this reflects the percent of inmates released through the discretionary judgment of the Parole and Probation Commission. Field staff actually supervised many other offenders release through mechanisms other than parole.

## **RECOMMENDATIONS**

1. That legislation be enacted to consolidate all sentencing alternatives for judges in the general sentencing chapter of the Florida Statutes. That programs be developed and expanded for judges to use as alternatives to incarceration.
2. That legislation be enacted to develop pilot programs, appropriately funded, designed to keep offenders convicted of less serious offenses in local communities.
3. That victim restitution and recoupment legislation similar to the Oregon Statute be enacted. The Oregon Statute allows judges, as a condition of probation, to require the defendant to pay court costs and attorney fees in addition to restitution to the victim. That specific legislation be enacted to encourage judges to require victim restitution as a condition of probation through the placement of offenders in community-based work release programs.
4. That pretrial intervention programs be made available statewide for offenders who qualify for such diversion services.
5. That the Supreme Court establish sentencing seminars or institutes for all juvenile and criminal court judges. That within one year of assuming judicial office, all new trial judges attend orientation and training programs at the state or national level. That all state attorneys and public defenders participate annually in training programs. That the Supreme Court analyze the feasibility, on a pilot basis, of sentencing councils at the local level when requested by the prosecution or defense.
6. That caseloads for parole and probation be gradually reduced. That intensive probation supervision be implemented on a pilot basis for certain felony offenders who might otherwise be incarcerated. That probation services be reactivated for specified first degree misdemeanor cases at the discretion of the county courts; excluding however, driving while under the influence of intoxicating liquor or drugs or other traffic related offenses.
7. That all state attorneys' offices develop written policies and guidelines concerning: intake screening, plea bargaining, pretrial intervention and other functions of office.
8. That the State encourage pilot programs for the establishment of citizen dispute settlement programs in metropolitan areas. The program should provide a mechanism for administering justice to citizens who become involved in minor law violations.
9. That there be created a criminal justice advisory council to meet on a monthly basis and report no less than annually to the governor, legislature and the judiciary with the responsibility to recommend means for coordination of programs and policies in the Criminal Justice System.
10. That there be created a separate body with authority to set policy and issue regulations for:
  - A. State and local criminal justice information systems (including the interchange of data, the State Criminal Justice Telecommunications Network, and the Comprehensive Data Systems (CDS) program which includes Uniform Crime Reporting (UCR), the Offender-based Transactions Statistical System (OBTS), and the Computerized Criminal History (CCH) System;

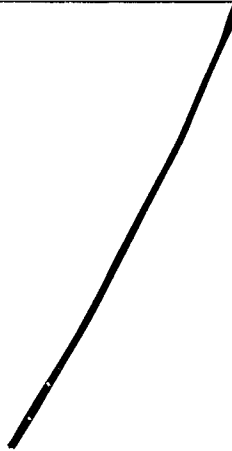
**B. The collection, storage and dissemination of criminal history data (including security and privacy); and**

**C. Operations and priorities of the statistical analysis unit.**

**That this body replace the Criminal Justice Information Systems Council, the Criminal Justice Information Systems Task Force (also called the Criminal Justice Comprehensive Data Systems Advisory Committee) and the Criminal Justice Information Systems Policy Committee. That the body represent all criminal justice agencies and all levels of government.**

**11. That appropriate committees of the House and the Senate study the matter to determine how youthful offenders (age 16 and 17), would be affected by moving them into the adult system.**

This public document was promulgated at an annual cost of \$266.00 or \$0.266 per copy to disseminate the findings and recommendations of a select Task Force on Corrections appointed by Governor Reubin Askew.



**END**