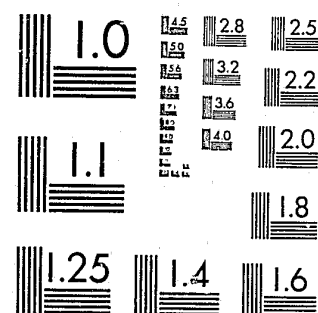


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

3/14/86

96395^{ci}

**GREATER ORLANDO CRIME PREVENTION ASSOCIATION, INC.
LAW ENFORCEMENT AND JUSTICE COMMITTEE
TASK FORCE ON JAIL SPACE NEEDS**

CHAIRMAN

**Dr. Daniel F. Riva
Dean Emeritus - Rollins College**

**Mr. Stephen J. Allan, Manager
Court Alternatives Department
Orange County**

**Dr. Jack B. Critchfield
Vice President
Florida Power Corporation**

**The Honorable Joseph DuRocher
Public Defender
Ninth Judicial Circuit**

**The Honorable Robert Eagan
State Attorney
Ninth Judicial Circuit**

**Mr. Terry L. James
Director of Corrections
Orange County Sheriff's Office**

**Captain Jack Pate, Commander
Corrections Division
Osceola County Sheriff's
Department**

**The Honorable Rom W. Powell
Administrative Judge
Criminal Justice Division
Circuit Court, Orange County**

**Mr. Connie Sabiston
Prison Inspector and
Investigator
Florida Department of
Corrections**

**Colonel Jim Shultz
Correctional Administrator
Seminole County Sheriff's
Department**

**Mr. Paul Snead, Jr.
District VII Administrator
Florida Department of Health
and Rehabilitative Services**

ACKNOWLEDGEMENTS

Publication of this report is made possible by grants from the Orange County Sheriff's Office, Lawson L. Lamar, Sheriff; Architects Design Group of Florida, Inc., Winter Park, Florida; Architects and Criminal Justice Planners; Winter Park Printers, Deland, Florida; and Dr. and Mrs. Daniel F. Riva. Appreciation is expressed to Martha S. Jorner for her skillful typing and editing and to Cynthia K. Gross for her guidance and proofreading.

96395

JAIL SPACE NEEDS IN ORANGE, OSCEOLA, AND SEMINOLE COUNTIES

96395

NOVEMBER, 1983

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Greater Orlando Crime Prevention Association

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

NCJRS

JAN 9 1985

ACQUISITIONS

AUTHORIZATION

In April, 1983, at a meeting of the Law Enforcement and Justice Committee of the Greater Orlando Crime Prevention Association, Dr. Daniel F. Riva was charged with the duties of forming and chairing a task force to investigate jail space needs in Orange, Osceola, and Seminole Counties. This is the report of that task force.

GREATER ORLANDO  CRIME PREVENTION ASSOCIATION

94 E. Marks Street
Orlando, Florida 32803
(305) 422-8718

CONTENTS

	Page
Task Force Membership, Acknowledgements	Inside Cover
Title Page, Official Authorization for Study	i
Contents	ii
Chapter I Introduction	1
Chapter II Task Force Members Express Their Views	5
Section 1 A BUSINESSMAN'S VIEW OF JAIL SPACE NEEDS IN CENTRAL FLORIDA Dr. Jack B. Critchfield	7
Section 2 JAIL SPACE - A PROSECUTOR'S THOUGHTS The Honorable Robert Eagan	11
Section 3 CUSTODY AND RELEASE MECHANISMS AFFECTING COUNTY JAIL POPULATION - A VIEW FROM THE BENCH The Honorable Rom W. Powell	17
Section 4 JAIL SPACE NEEDS IN ORANGE AND OSCEOLA COUNTIES - THE PUBLIC DEFENDER'S PERSPECTIVE The Honorable Joseph W. DuRocher	25

NC 125

JAN

ACQUISITIONS

CONTENTS (Continued)

		Page
Chapter II	Task Force Members Express Their Views (cont'd.)	
	Section 5	31
	JAIL OVERCROWDING IN CENTRAL FLORIDA	
	Mr. Connie Sabiston	
	Section 6	39
	A PROFESSIONAL COMMITMENT TO	
	SOLVING THE JAIL SPACE PROBLEM	
	IN ORANGE COUNTY	
	Mr. Terry L. James	
	Section 7	47
	OSCEOLA COUNTY NEEDS JAIL SPACE	
	Captain Jack Pate	
	Section 8	53
	THE SEMINOLE COUNTY CORRECTIONAL PROGRAM	
	Colonel Jim Shultz	
	Section 9	61
	REPORT FROM THE COURT	
	ALTERNATIVES DEPARTMENT	
	Mr. Stephen J. Allan	
	Section 10	69
	JUVENILE DETENTION FACILITIES	
	AND PROGRAMS	
	Mr. Paul Snead, Jr.	
Chapter III	Discussion and Conclusions	79
Chapter IV	Recommendations	87
Chapter V	References	93

**CHAPTER I
INTRODUCTION**

INTRODUCTION

This is a report on jail space needs in Orange, Osceola, and Seminole Counties.

Why are we writing another report on area jails when already many thousands of dollars have been spent on some excellent studies in Orange County alone? The answer is twofold. Firstly, we still have a very serious jail space problem; and secondly, jail space problems are dynamic and constantly in motion, requiring continuous study and updating of data. Additionally, the very fact that we are releasing convicted felons from our jails simply because we do not have space, compels us to intensify our studies. Indeed, "the mass grows critical."

This is a different and very authentic report, albeit a kind of opinion survey. What makes it unusual is the membership of the task force that produced the report. Each of the ten task force members was carefully selected because of his vital position in, or

interface with, the criminal justice system and the valuable first hand information he could contribute to this study.

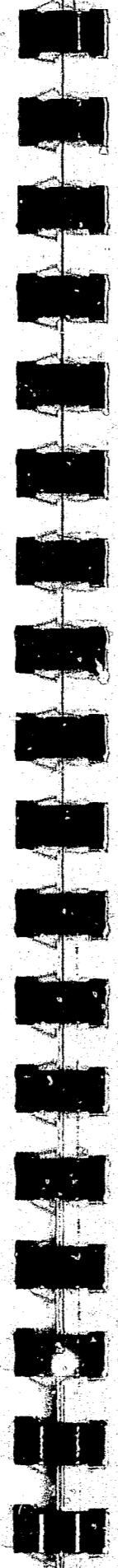
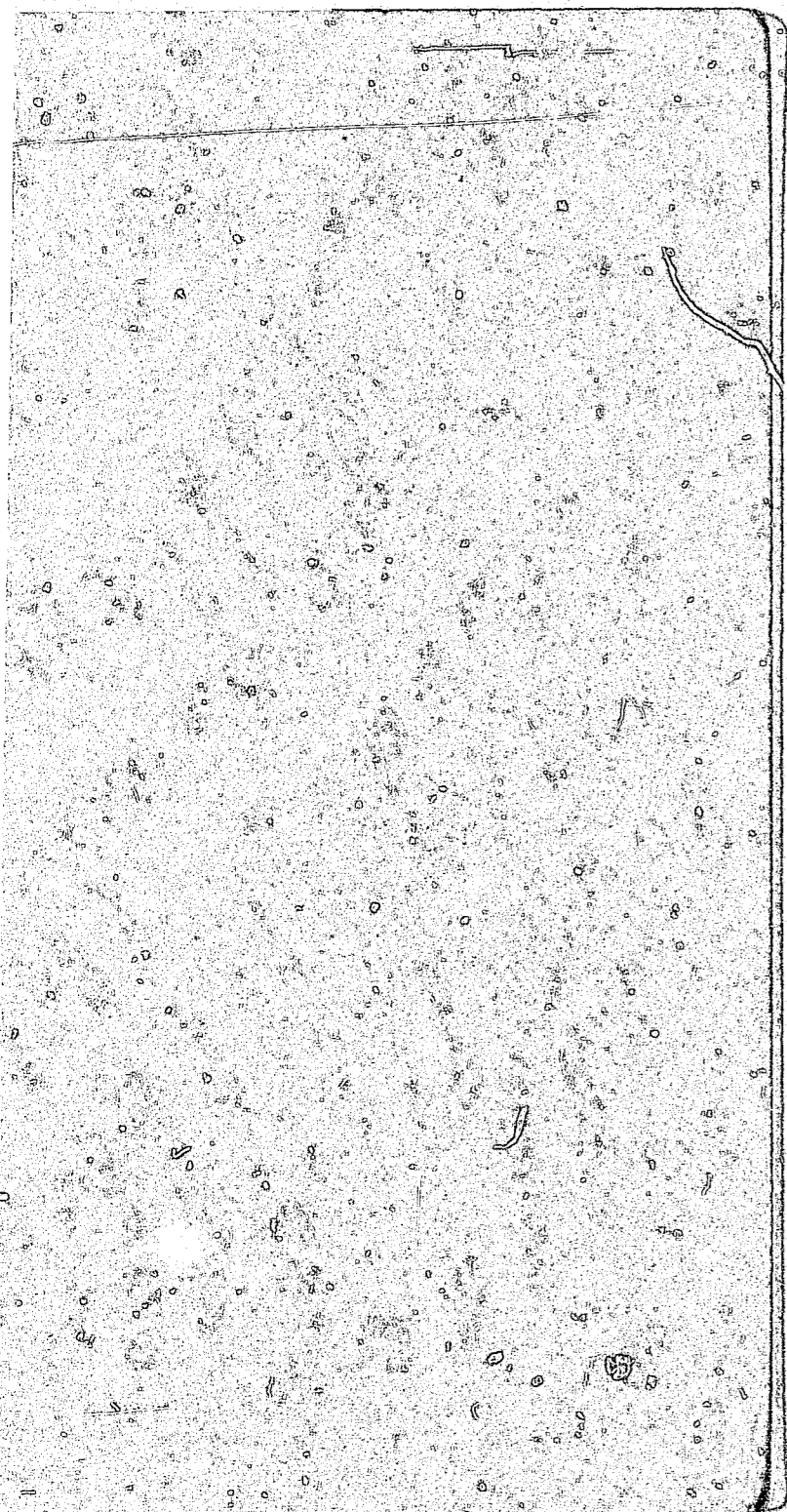
Each task force member has written one section of Chapter II. This chapter is the heart of the report because each of these sections provides an essential piece to the jail space puzzle. If the reader reads nothing else in this report, please read Chapter II.

It is emphasized that task force members are accountable solely for their own individual contributions and nothing else. It was the duty of the task force chairman to determine the sequential arrangement of the contributions and provide some bonding cement so that the report would hang together, telling a logical, cohesive story. The Discussion and Conclusions chapter and Recommendations chapter emerge generally from Chapter II but also from a review of pertinent literature, visits to the three county jails and construction

sites, and endless discussions with criminal justice and other interested individuals, including inmates. Few ideas are original.

Other than those which may appear in the individual contributions from task force members in Chapter II, all omissions, misinterpretations, inconsistencies, and other errors in this report are entirely unintentional, but nevertheless, mine.

Daniel F. Riva, Ph. D.
Task Force Chairman



**CHAPTER II
TASK FORCE MEMBERS EXPRESS
THEIR VIEWS**

The explosive population growth in Central Florida is bringing with it increased crime as well as increased prosperity. In the first section of this chapter, a prominent Florida businessman states that citizens of Central Florida will not stand for the release of convicted criminals simply because we have no place to put them other than back on the street.

SECTION I — Critchfield

A BUSINESSMAN'S VIEW OF JAIL SPACE NEEDS IN CENTRAL FLORIDA

by
Dr. Jack B. Critchfield, Vice President
Florida Power Corporation

For two years in a row, Florida has been ranked as the best business climate in the country in a respected national survey. For even more years in a row, Central Florida has attracted the highest number of new and expanding companies in Florida...meaning only one thing for certain. The "face" of Florida is changing, and nowhere is that change so widespread as in the Orlando area. The explosive population growth that is bringing Florida's population toward being the third largest state in population by the year 2000 means jail overcrowding in Central Florida will become even more severe.

In Central Florida, our blessings are our curse as well. Growth provides employment and increased public funds through a larger tax base. Growth also taxes our highways, water supply, public facilities, and most other resources and services. It's been said

we could block our highways, close our sea-ports, and shut off Florida from growth but the people would still come. The simple fact of the matter is that people like to work where they like to live...and Florida is at the top of many lists of favorite places to live.

One of the curses is that as population grows, so grows the crime rate and the need for greater jail capacity to house criminals. Conversely, should the area stop growing, unemployment would rise which, also, traditionally causes the crime rate to increase. In this seemingly "no win" situation, it seems that the best preparation for the population increase we face is to provide adequate jail space to accommodate the tremendous growth that has been forecast for Orlando in the future.

The Industrial Development Commission of Mid-Florida, in its fiscal year just ending, reports 60 new or expanded companies, representing 10,000 new jobs, 3.5 million square feet of space absorbed or under construction, and a whopping investment of \$300 million. Business growth must keep pace with population growth in order to provide Central Florida with the revenues necessary to pay for the infrastructure of the community, including new roads, sewage treatment, and jail capacity.

Because of the mix of lifelong residents and new residents, the Orlando area can be said to have an even keener interest in crime prevention and proper punishment for crimes committed than many other urban areas. Long-time residents are anxious to keep Orlando the sleepy small town it was many years ago when crime and jail overcrowding were hardly major concerns. New residents are also anxious to keep crime out of Orlando because many moved to this area to get out of crime-ridden

cities where jail overcrowding is a concern of paramount importance. Crime prevention is a major concern of all businesses and industries considering locating in the area.

Diligent efforts to plan for and control the growth of Central Florida are underway, but as the jails release prisoners to comply with federal and state laws regarding overcrowding, the need to build new jails is clearly evident. Eighteen law enforcement agencies pack criminals into Orange County jails alone, and the residents of Central Florida won't stand for the release of convicted criminals simply because we have no place to put them other than back on the streets. There is unanimity in the business community regarding the priority that should be given to solving this problem.

In this section, a successful state attorney expresses the opinion that, "Although the national crime rate appears to be levelling or decreasing, the population and economics growth of Central Florida will require increased resources for the criminal justice 'system,' both in personnel and space."

SECTION II — EAGAN

JAIL SPACE — A PROSECUTOR'S THOUGHTS

by
The Honorable Robert Eagan, State Attorney
Ninth Judicial Circuit

In 1982, all of the law enforcement officers in Orange County, Florida, found probable cause to arrest more than 20,000¹ persons for violations ranging from criminal traffic violations, loitering and disturbing the peace, to murder in the first degree. About one-fourth of them were juveniles, under the age of eighteen.

The State Attorney's Office screened those cases and dismissed those that were factually or legally insufficient for prosecution. Of those found "prosecutable," many were referred to a pre-trial diversion program or citizen's dispute settlement forum². Many more were filed in the county court as misdemeanors. Nearly 7,000 were filed (by "information" or by grand jury indictment) in the circuit court as felonies.

Of those adult felony cases filed in the

circuit court, the majority pleaded guilty as charged, or guilty to some lesser offense within the charge. The rest were convicted or acquitted by juries. Of those convicted, by plea or verdict, the great majority were sentenced to terms of supervised probation. During that year, 800 persons were sentenced by judges in Orange County to terms in the State Penitentiary.

In 1982, in Duval County (Jacksonville) there were 37,000 arrests reported. In that year, the judges in Duval County sentenced 813 persons to the State Penitentiary. Orange County, then, with 40% fewer arrests, sent only 13 fewer people to the State Penitentiary than did Duval.

In a recent case, an attack was made in the Federal Court upon a conviction and sentence of death imposed in Orange County, upon the

ground that it was statistically more likely that a person charged with murder in Orange County would be convicted of first degree murder, and if convicted, would be sentenced to death, as compared to every other county in Florida.

It therefore seems that in Orange County our officers are making "good" arrests, prosecutors are taking a hard line and getting convictions, and judges are sentencing criminals.

The State Legislature has authorized and the Florida Supreme Court has promulgated new "Sentencing Guidelines." They are, on the whole, far more lenient than we are accustomed to in Orange County. The proponents point out that the former stiff sentences were meaningless and that the recipients were released much earlier by the Florida Parole Commission, whereas the new sentences will be served, less only that "gain time" incentive provided. It is stated, however, that the

guidelines sentences will increase the state prison population only temporarily, but in three years will result in substantial decreases in prison population. The guidelines state:

"Because the capacities of State and local correctional facilities are finite, use of incarcerative sanctions should be limited to those persons convicted of more serious offenses.....To ensure such usage of finite resources, sanctions used in sentencing convicted felons should be the least restrictive necessary to achieve the purposes of the sentence."³

There is concern among state prosecutors that the real purpose of the guidelines may be to reduce prison population and avoid or postpone the expense of prison construction. There is also concern that the reduced risk, the "certainty" of a lenient sentence in most cases, may further dilute the deterrent effort of prison sanctions. Probably five

years experience or more will be required before we can adequately assess the impact of the sentencing guidelines upon prison population and crime rate.

Meanwhile, in the light of the facts, can we say that the State Attorney in Orange County is filing too many cases? Should he reject more as "unprosecutable"? Are our judges too tough? If conformity to a norm is desirable, should we scale down our efforts? Is the effectiveness of a criminal justice system determined by the rate at which it sends offenders to prison? Was Orange County, prior to sentencing guidelines, sending too many persons to prison?

It remains to be seen whether the new sentencing guidelines will reduce prison population to the extent that additional facilities are not needed. Clearly the guidelines themselves indicate that Florida recognizes the inadequacies of the present structures under the sentencing practices existing previous-

ly. As for the State Attorney, the inadequacies or limitations of the present facilities are not a proper consideration in the charging decisions made daily.

Inadequate jail facilities is a problem that will not go away. Addressing the criminal justice system as a whole, we can see others.

Although the national crime rate appears to be levelling or decreasing, the population and economic growth of Central Florida will require increased resources for the criminal justice "system," both in personnel and space. Practical restrictions to that growth in downtown Orlando will require that the county administrators look elsewhere for space. I foresee that Orange County, like Dade and Pinellas, will construct a Criminal Justice Complex to house the judges' chambers, clerks' offices, courtrooms, prosecutors' and public defenders' offices; with adequate parking for the public and for the many employees whose parking expenses now are

a severe drain upon their modest salaries.

The natural site for such a complex would be on the county lands near 33rd Street, adjacent to the Sheriff's Offices and new jail complex. Sooner or later, it will have to happen.

FOOTNOTES

¹Statistics are from Florida Uniform Crime Reports by Florida Department of Law Enforcement.

²Under our "Court Alternatives" network, Orange County provides every viable program to divert offenders from court prosecution.

³Florida Supreme Court "Guidelines Manual."

In this section, a highly regarded circuit court judge states, "Jail space is a finite and critical resource. An effective jail program depends not only upon proper planning, funding, and construction by the County Commission but upon efficient use and management by the judges and other components of the criminal justice system whose policies affect jail population."

SECTION 3 — POWELL

CUSTODY AND RELEASE MECHANISMS AFFECTING COUNTY JAIL POPULATION — A VIEW FROM THE BENCH

by
The Honorable Rom W. Powell, Administrative Judge
Justice Division, Circuit Court, Orange County

The Criminal Justice Division of the Circuit Court, Orange County, hears felony cases and is comprised of five judges with a sixth to be added January 1, 1984. This division is the largest provider of inmates to the county jail. According to a recent report¹, of the inmates over which this division exercises jurisdiction, 446 were in pre-trial and pre-sentence status, 87 were serving sentences or probation conditions, and 20 were either sentenced to the Department of Corrections (DOC) awaiting transport or returned from DOC for post-conviction proceedings or as witnesses in pending trials.

PRE-TRIAL AND PRE-SENTENCE DETAINERS

Inmates charged with felonies committed in the county who are booked in the jail fall into four categories: (1) those arrested without a warrant on probable cause, (2) those arrested on a *capias* (warrant) after Information or Indictment is filed, or after

failing to make a required court appearance, (3) those arrested on an affidavit and arrest warrant, and (4) those arrested on a probation violation warrant.

Those in category (1) who are not released by posting surety or cash bond in accordance with a uniform bond schedule², Pre-trial Release³, Population Capacity Release⁴, or Supervised Release⁵ are held solely on the arresting officer's Arrest Affidavit (Complaint) until the Initial Appearance Hearing (IA) which is conducted within 24 hours of arrest.

At the IA, if probable cause is found on the Arrest Affidavit, custody is continued on an IA judge's commitment order for an additional 21 days. The same applies to inmates in category (3). During this period, some inmates gain release after successful motions for reduced bond or own recognizance (ROR).

A new law⁶ and implementing Florida Supreme Court Rule⁷ which went into effect October 1, 1983, in essence providing for an individualized bail hearing in each case at the IA, should result in more releases at that time on reduced bonds or own recognizance.

If the inmate has not been released by one of the above means or by the State Attorney's dismissal of the charge by "No Information Notice," or an Indictment or Information has not been filed, or probable cause was not found after evidence is taken at a preliminary hearing, the inmate is released from jail at the end of the 21 day period.

Arraignment usually occurs for an inmate in custody within a week after Information or Indictment is filed or arrest on a probation violation warrant.

Trials are scheduled on an average of 60 to 90 days for arraignment. During this period, motions to set or reduce bond or for ROR are

heard by ~~the~~ CJ Division judge to whom the case is assigned. The judge usually requests a DOC probation officer to make a bail investigation and report before acting on the motion. A few inmates, with drug or alcohol problems, are released under Treatment Alternatives to Street Crime (TASC) supervision such as the type available at Thee Door.

Jail cases are given priority for trial but some continuances inevitably occur. Many inmates enter pleas on the trial date. Earlier pleas are encouraged. Some defendants are released on ROR pending sentencing. Some cases are dismissed by the State Attorney filing a nolle prosequi during this period. It is estimated that 80 to 85% of all convictions are by pleas; of the cases tried, roughly 50% result in acquittal.

Probation violations are heard within 3 weeks of arraignment, but a few are continued with the defendant's consent until the trial or plea on the new felony case which formed the

primary basis of the violation.

PRE-SENTENCE DETAINEES

After plea or guilty verdict, sentencing occurs on an average of 45 days⁸ later if a pre-sentence investigation is requested; or, if not, then immediately or within 10 days. The latter time frame applies in cases where probation is revoked.

OTHER DETAINEES

After sentencing to the DOC, efforts must be made to insure that other pending local charges against the inmate are disposed of as promptly as possible and that the commitment package also is prepared promptly by the Clerk so the inmate can be transported to DOC. Post-conviction matters must be scheduled and disposed of expeditiously. Potential witnesses must not be returned from DOC unless there is reasonable assurance that they will give admissible testimony⁹, and care must be taken to return them to DOC immediately after testifying. These measures will avoid unnecessary waste of critical bed space in the county jail.

INMATES SERVING SENTENCE/ PROBATION VIOLATION

By law¹⁰, a defendant can be sentenced to the county jail for a felony either straight or as a probation condition to a term or aggregate terms not to exceed a total of 364 days, with credit¹¹ for all days or portion of days spent in jail awaiting sentencing. These prisoners are also entitled, after sentencing, to basic gain time at the rate of 5 days, and up to 4 days extra gain time at the discretion of the Sheriff, for each 30 days served without escape or attempted escape or disciplinary violations¹². Straight sentences can be reduced by the judge within 60 days of imposition¹³. Probation conditions can be reduced at any time. A small number of both types are reduced for various reasons.

It is estimated that the number of straight sentences and probation conditions in the county jail will increase significantly because of the Sentencing Guideline Law¹⁴ and

Supreme Court Rule¹⁵ which went into effect October 1, 1983.

CONCLUSION

Jail space is a finite and critical resource. An effective jail program depends not only upon proper planning, funding, and construction by the County Commission but also upon efficient use and management by the judges and other components of the CJ system whose policies affect jail population. In this day of increased construction and personnel costs, DOC and federal court requirements, not to mention the spectre of Proposition One, all components of the justice system must treat jail capacity as a significant factor to be considered in arrest, release, prosecution, and sentencing decisions.

RECOMMENDATIONS

1. The Clerk and Sheriff should develop a computer information system to track jail cases and provide statistical information.
2. A new position should be created within the appropriate agency. Such a person, al-

ready familiar with the system, would study jail case flow, make recommendations for streamlining, and monitor individual cases to insure they are not unduly delayed or slip through the cracks.

A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z



FOOTNOTES

- ¹Orange County Corrections Facilities Inmate Population Capacity Report, September 20, 1983.
- ²Administrative Order of the Chief Judge, as amended September 8, 1982.
- ³A program instituted in 1975 by the Sheriff upon authority of the Chief Judge.
- ⁴Administrative Order of the Chief Judge, December 16, 1982, in response to an order of the U. S. District Judge in Miller et al v. Lower Ct., Case #80-340-ORL-Civ-R.
- ⁵Program of the Court Alternatives Department, Orange County, instituted in 1981.
- ⁶Florida Statute 907.041 (1983)
- ⁷Amended CrPr 3.131.
- ⁸DOC required 45 days for return of jail PSI. This period may be shortened in the future.
- ⁹See memorandum of the Administrative Judge to the State Attorney and Public Defender dated September 28, 1983.
- ¹⁰Florida Statute 921.197(5) (1983).
- ¹¹Florida Statute 921.161(1).
- ¹²Florida Statute 951.21(1).
- ¹³CrPr 3.800.
- ¹⁴Florida Statute 920.001 (1983).
- ¹⁵CrPr 3.701.

An effective public defender seems to take the constitutionally correct position as he explains his perspective in this section. "The most troublesome aspect of the jail space needs scenario for the public defender is that a substantial percentage of incarcerated persons have been found guilty of no crime. They are confined waiting trial and have no ability to make money bail."

SECTION 4 — DUROCHER

JAIL SPACE NEEDS IN ORANGE AND OSCEOLA COUNTIES THE PUBLIC DEFENDER'S PERSPECTIVE

by
The Honorable Joseph W. DuRocher, Public Defender
Ninth Judicial Circuit

PRE-ADJUDICATION CONFINEMENT

With the rapid population growth and urbanization of Central Florida has come predictable increases in social problems, including crime. Local governments have been taxed to meet the needs of the criminal justice system. In recent times, the pressure has come from both sides requiring better and more humane treatment for more and more inmates of the county jails. Pre-trial release and population control programs have enabled the counties to avoid physical or legal disaster while long-term plans are made.

The most troublesome aspect of the jail space needs scenario for the Public Defender is that a substantial percentage of incarcerated persons have been found guilty of no crime. They are confined, waiting trial, and have no ability to make money bail. Our justice system has always given lip service to the prin-

ciple that a person is presumed innocent until and unless proven guilty. Innocence presumed, however, has not meant freedom from confinement unless the person had sufficient resources to buy his freedom. It has always been a safer procedure to keep the poor locked up until their trial. After all, they are probably guilty anyway and will get credit for the time they are serving on their ultimate sentence.

The present practice must be changed if we are faithful to the principles of our Constitution. In fact, change is mandated by Florida Statute 907.041 (1982) and Florida Rule of Criminal Procedure 3.130, effective October 1, 1983. These timely enactments mandate a presumption in favor of pre-trial release. A bail bond or cash deposit can now be considered only after and as an alternative to release on recognizance, an unsecured appear-

ance bond, release on reasonable restrictions or to the custody of designated persons. This presumption in favor of release is balanced by the State's ability to seek detention in any case upon a showing that persons in the community are at risk of physical harm, that the accused is unlikely to appear for trial, or that the integrity of the judicial system is threatened.

No one can predict the full effect of these new rules. Ideally, fewer people will be confined before trial, but those who are confined will be held for good reasons determined in a fair hearing.

We all know that a few persons released before their trials on one offense will commit other offenses. We also know that many released will return to gainful employment and will support their families, pay taxes, and abide by the law. Relative wealth is no predicting factor.

HOUSING SENTENCED PERSONS

A person convicted of a misdemeanor offense may be sentenced up to a year's confinement in the county jail. A person convicted of a felony may be sentenced to a term of probation which may include up to one year's confinement in a county jail as a condition of that probation. There is no question that, in either case, the reason for confinement is punishment of the individual who has been found guilty of breaking the law. We are no longer concerned with the presumption of innocence, since this has been removed by a guilty plea or jury verdict. We are, however, still concerned with the humane aspect of punishment and with the cost of confinement. No person, even after conviction, should be subjected to confinement that is unsanitary, unsafe, overcrowded or otherwise hazardous to health or sanity. In spite of the efforts of many fine individuals and groups, there is essentially no rehabilitation taking place in the county jails.



The greatest needs seen by the Public Defender for clients who have been sentenced is for wholesome physical and mental activities during the period of confinement. The Orange County Court Alternatives Work Release Program is an excellent example of such activity. The Orange County Sheriff has also proposed community service outdoor type work for inmates. This work, such as road and park maintenance, is both wholesome and cost-effective. A return to the old "county farm" practice of raising food for themselves, as well as the County Children's Home, would fill real needs, absorb energy, and save money. The counties must break the cycle of building more, tighter, and stronger boxes for the incarceration of sentenced persons and must actively use the creative alternatives that minimize cost and maximize dignity.

The Florida Department of Corrections periodically dispatches inspectors to inspect and investigate conditions in the county jails. In this section, an experienced prison inspector, who has inspected our county jails, expresses his views about confinement in general, as well as jail space needs in Orange, Osceola, and Seminole Counties. He states that timely planning and understanding the real problem are essential.

SECTION 5 — SABISTON

ding page blank

JAIL OVERCROWDING IN CENTRAL FLORIDA

by
Mr. Connie Sabiston, Prison Inspector and Investigator
Florida Department of Corrections

THE PROBLEM

Historically, society has adopted an "out of sight, out of mind" attitude toward offenders which generally placed budgetary considerations for corrections near or at the bottom of funding priorities. Under this misconception, jail construction, staffing, and training have failed to keep pace with other facets of the criminal justice system.

Population explosions, especially in Florida, have burdened jail administrators with the dilemma of not only antiquated facilities but massive overcrowding and understaffing. As federal and state laws governing jails became more stringent concerning offender rights, attitudes toward correctional budgets began to take an upswing to counteract litigations filed by offenders.

Armed with statutory authority, the Secretary

of the Department of Corrections began to move forward by setting maximum capacity requirements and regular inspections of county and municipal jail facilities. With the implementation of Article V, municipal courts were phased out and the majority of municipal jails closed requiring county facilities to house their offenders. This served only to compound problems at the county level as these facilities, for the most part, were already functioning at their capacity limit.

Those resisting conformity with statutory requirements and court rulings found themselves defendants in suits filed by the Florida Department of Corrections. Such was the case in Department of Corrections v. Orange County, filed November, 1982, wherein the county challenged the factoring of their facilities denied many of the discrepancies noted by Inspectors. The Sheriff moved to dismiss the

complaint on the grounds of his being the improper defendant contending that it was the county's responsibility.

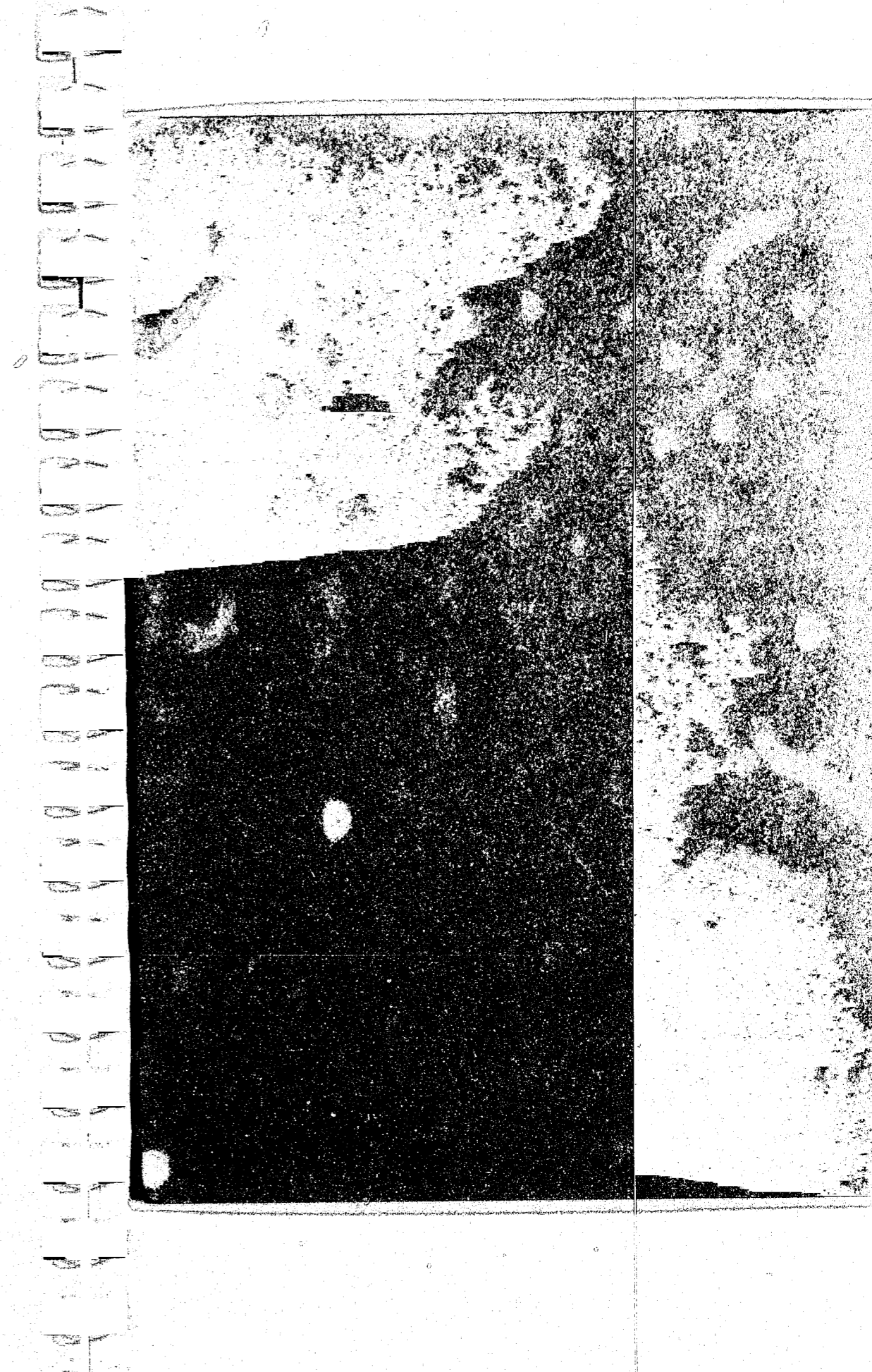
Indirectly, a number of prisoners were released as a result of this litigation and additional releases were directed from a Federal Suit, Miller v. Lamar. Additionally, approximately eleven million dollars (\$11,000,000) were released by the County Commissioners in their efforts to deal with jail overcrowding and a ten year correctional facilities plan was adopted which established a jail construction and improvement program.

On September 24, 1982, a settlement was reached wherein Orange County would agree to operate at no more than designed capacity until February, 1984, at which time they would revert to the factored capacity. It was further stipulated that within twelve months, lighting, ventilation, and plumbing would be brought into compliance with administrative rulings set forth by the Department of Cor-

rections. Also, within sixty days Orange County was to implement an outside exercise program. Their final stipulation was to immediately provide sufficient space for detoxification and special risk offenders.

On April 1, 1983, the Department of Corrections filed suit against Osceola County requesting injunctive relief in the areas of overcrowding and understaffing as well as plant deficiencies in the areas of plumbing, sanitation, fire safety, and lighting. A lack of a proper policy and procedure directives was also listed as a deficiency. A follow-up inspection of the Osceola County Jail on May 10, 1983, listed thirty-one (31) deficiencies and violations of the Department of Corrections Administrative Code 33-8. Negotiations are presently underway in an attempt to resolve those litigational deficiencies.

Seminole County Jail, while a modern facility by design, is functioning generally at design capacity. There is an immediate necessity for



planned expansion and programming in order to absorb ultimate increases in their offender population.

The three facilities previously mentioned all face the problem of present or future overcrowding. Studies of population growth suggest the State of Florida will double in population by the year 2000. The Central Florida area will likely absorb more than its share of that potential growth. With this in mind, it becomes painfully obvious that the offender population within the Central Florida area will increase accordingly. The means to cope with this horrendous potential increase in offender population must be met by responsible planning in the areas of new jail construction, expansion of existing facilities, and alternatives to incarceration programming.

PLANNING

The planning of a new facility or expanding existing structures should include a broad base of local community involvement including

all elements of the criminal justice system. The first step in pre-design consideration of the detention facility planning process is to understand the problem. Planning specialists working with security personnel, law enforcement staff, judiciary, and local civic leaders should develop a preliminary statement outlining the goals of the correctional facility and the general scope of the problem. This statement should encompass the resources of both the criminal justice system and the community including the practices and trends in law enforcement, courts, and available rehabilitative programs. From this, a strategy can be formulated for intelligent planning and the allocation of funds.

Community population trends and movements are important to the planning process. The area population and the jail census should be studied for the preceeding ten (10) years and projected ten (10) years into the future to establish proper jail size. Interim studies, on a twelve to eighteen month basis, should

be implemented in order to make adjustments and to keep projections on target. Population projections and movements can be monitored by contact with local utility companies and marketing executives of large retail chain stores.

The responsibility of corrections to return the offender to society with acceptable behavior should not be hampered by incarceration in cramped and suffocating quarters which contribute to behavioral problems, negative attitudes, and the destruction of the offender's values and self respect.

The criminal justice system should exist as a network of interrelated facilities, programs, and services which best utilize available community resources. Changes in judicial practice will directly affect the size and nature of the detention facility's population. Past studies, for example, suggest that jail population decreases of approximately forty percent occur where the courts

refer low risk pre-trial detainees to community service programs such as halfway houses. However, the court's willingness to use alternatives to incarceration is greatly affected by the availability of good alternative programs.

It is important in pre-architectural planning to incorporate all parts of the criminal justice system to ensure their operation as a team and to emphasize the advantages of utilizing alternative programs. While proper planning will not eliminate the need to build new or expand already constructed detention facilities, it should attempt to divert offenders to those alternative programs which by design will decrease their possibility of recidivism and minimize the risk to society. Programs for high security risk offenders also are essential to any rehabilitation efforts but must utilize a secured environment. Emphasis should be concentrated on the dangerous offender's understanding of his/her personal responsibility and supporting self-

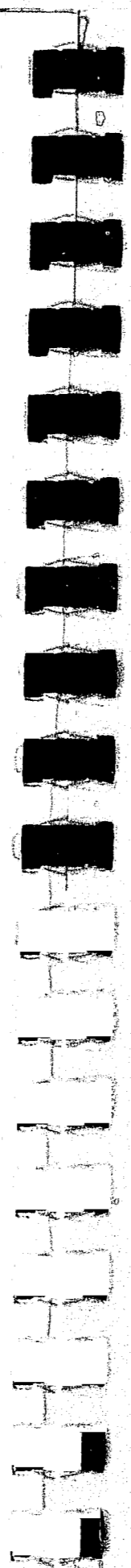
esteem and relationships with others.

SITE LOCATION

Facilities should be located in areas and on sites which will allow maximum potential for total correctional activity. The advantages of a site located in close proximity to utilities, courts, law enforcement agencies, social services agencies, industry, and public transportation are enormous. Of equal importance is the size of the site which should be adequate to accommodate exercise yards, storage, parking, maintenance, and grounds beautification.

THE OBJECTIVE

The primary object of any detention facility is to protect society from those offenders charged to their custody and care. It is of equal importance that the detention facility, through proper design and adequate program, return the offenders to society not only with an increased understanding of their social responsibilities but adequately equipped with skills which will permit their functioning in a free society.



In this section, the capable Orange County Director of Corrections explains the county's professional commitment to solving the jail space problem as well as the circumstances which led to this commitment. He discusses jail improvements completed and underway as well as plans for future construction.



A PROFESSIONAL COMMITMENT TO SOLVING THE JAIL SPACE PROBLEM IN ORANGE COUNTY

by
Mr. Terry L. James, Director of Corrections
Orange County Sheriff's Office

On July 7, 1979, nine (9) inmates in the Orange County Correctional System filed suit in the United States District Court against the Orange County Board of Commissioners, the Sheriff of Orange County, and the County Administrator. The plaintiffs alleged that, among other things, the County Correctional System was severely overcrowded. Additionally, on November 9, 1981, the State of Florida Department of Corrections filed suit against Orange County in State Court similarly alleging that the Orange County Jail System was severely overcrowded.

On November 25, 1981, United States District Judge John A. Reed, taking judicial notice of the fact that the Orange County Correctional System was housing 1,031 inmates in spite of a designed capacity of only 762, granted a partial preliminary injunction limiting the inmate population in the three (3) Orange

County facilities to designed capacity. Inherent in the injunction was a conclusion by Judge Reed that the plaintiffs had adequately demonstrated a probability of ultimately being successful in the merits of their action at least insofar as the issue of overcrowding was concerned.

As a result of the Federal Injunction granted by Judge Reed, the Sheriff of Orange County began a mandated inmate release program referred to generally as "Population Capacity Release." Judge Reed's injunction stipulated that the Orange County Jail not exceed designed capacity unless it could be demonstrated that the release of any particular inmate could prove potentially harmful to either the inmate or to members of the community. It further stipulated that the jails must be at designed capacity by December 25, 1981. Since implementation of the Population

Capacity Release Program, which remains in effect until January 1, 1984, in excess of 8,000 inmates have been released from custody.

As 1981 drew to a close, the future of corrections in Orange County was very much in doubt. The Correctional System was suffering from tremendous overcrowding and was under attack in both state and federal courts. Most critically, however, was the total absence of a suitable plan of action for long-term relief. Realizing that any acceptable solution must address itself to the long-term growth of the inmate population of Orange County, and as a result of concerns on both the personal and professional level by the Board of County Commissioners and the Sheriff of Orange County, the development of what has come to be known as the "10-Year Correctional Facility Plan" began.

The 10-Year Plan proposed to the Board of County Commissioners had, as its ultimate

goal, expansion of the Orange County Correctional System to accommodate 1,883 inmates by Fiscal Year 1990-91. Adopted in February, 1982, and revised in February, 1983, the Plan had as part of its basic design a provision allowing for flexibility both by a review of needs on a regular basis and by having a fiscal plan for acceleration should such a review demonstrate the necessity. The Plan, which initially called for approximately 75 million dollars in capital outlay, was increased to 87 million dollars in the 1983 revision. As an additional function, the Plan provided for bringing the two (2) downtown facilities up to standards dictated by Life Safety Codes and regulations promulgated by the Florida Department of Corrections.

Adoption and subsequent revision of the 10-Year Plan is indicative of a growing realization by the Sheriff of Orange County and the Board of County Commissioners of a critical problem facing the citizens of Orange County concerning the incarceration of offenders.

Adoption of the Plan also indicated a willingness on the part of both to provide sufficient strength of leadership to recognize the problem, analyze potential solutions, and take corrective action, both for the immediate future and for the long-term, so that Orange County did not find itself in similar circumstances within the foreseeable future.

Very basically, the 10-Year Plan originally consisted of a 12-step construction and improvement program to be completed by March, 1991. However, as a result of the realization that current inmate populations are "artificial" as a consequence of the Population Capacity Release Program and increased inmate population projections, the staff of the County Administrator recommended to the Board of County Commissioners acceleration of the anticipated construction time table as well as consolidation of several of the increments of construction so as to preclude the possibility of subsequent inmate population crunches prior to 1991. The Board of County

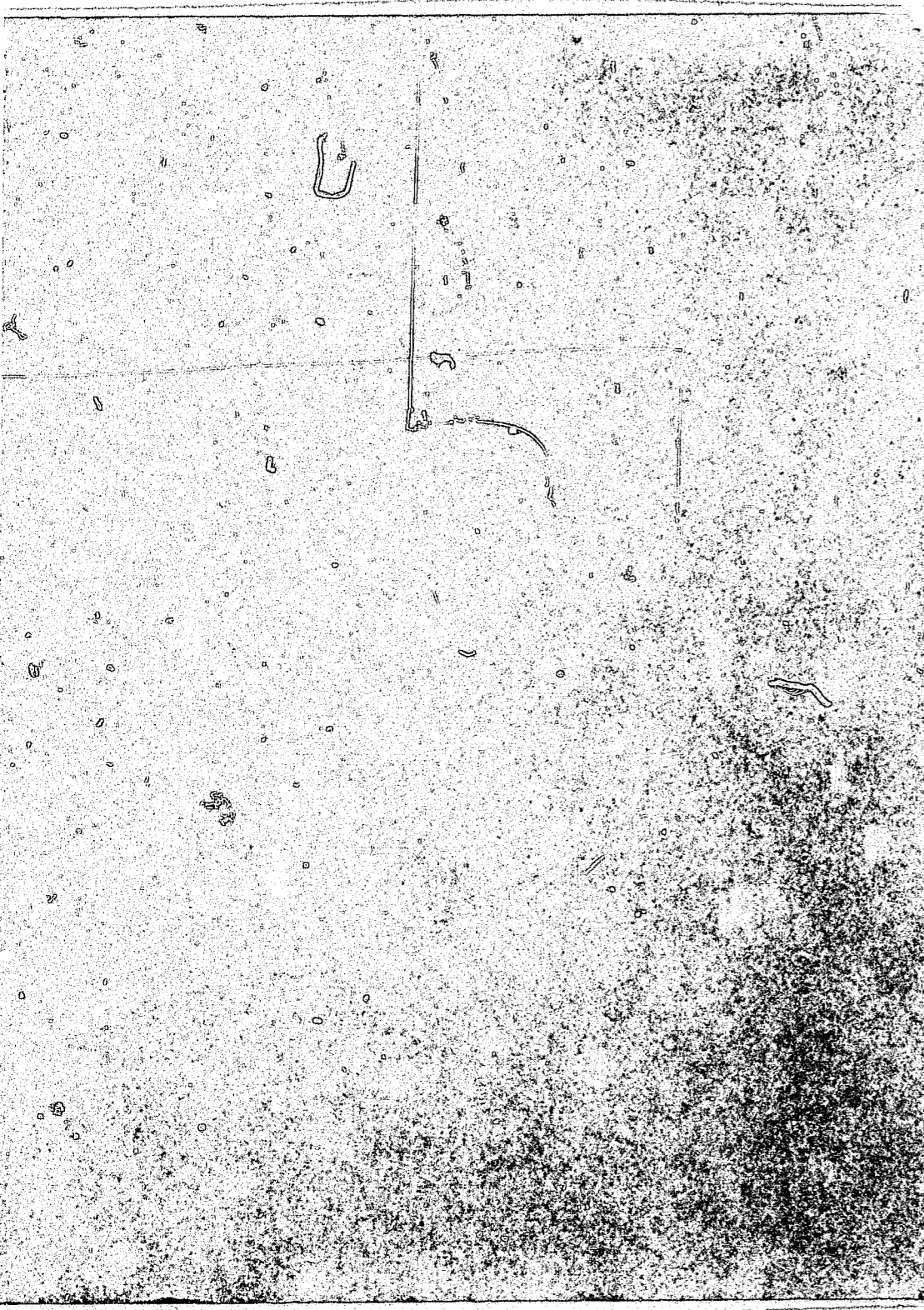
Commissioners, realizing the necessity for revising the time table established in the 10-Year Plan originally accepted and noting additional requirements such as a Central Energy Building housing electrical, mechanical, and communications equipment; a transportation facility to provide for prisoner movement; sewer impact fees; site security, utilities and roadway improvements; Central Booking expansion; and improvements and repairs to existing operations buildings, agreed to a February, 1983, revision. Agreement by the Board of County Commissioners significantly increased proposed expenditures to the approximately 87 million dollars previously indicated.

As a result of effort on the part of the Sheriff and the Board of County Commissioners, the State of Florida signed a final consent order in October, 1982, and in January, 1983, Judge Reed signed a Stipulation and Agreement for Entry of Consent Judgment. These orders basically stated that the Orange

County jails would stabilize the inmate population at designed capacity until January 30, 1984. Subsequent to that date, the inmate population would be stabilized at factored capacity as dictated by Florida Administrative Code Chapter 33-8. Also, staffing standards were to be established and maintained in all existing facilities. Finally, specific standards were also established as to recreation, sanitation, law library, lighting, fire safety, visitation, holding cells, and classification procedures.

To date, construction has been completed on a 192 bed minimum security unit and a 120 bed work release center. It is anticipated that in January, 1984, construction will have been completed on a 192 bed medium security unit and the Central Booking facility. The final construction increment, to be completed in Fiscal Year 1983-84, includes a 256 bed medium security unit with anticipated completion in mid-1984.

While steps have clearly been made to alleviate overcrowding and to provide adequate jail space for incarceration of Orange County inmates, it should be noted that when the Federal Injunction terminates on January 1, 1984, the addition of the 192 bed medium security unit will only increase the actual inmate capacity to 1,007 as the facilities will lose 91 beds in the transition from designed capacity to maximum factored capacity as dictated by the Final Consent Order signed by the State of Florida in October, 1982. As the current daily jail population exceeds 870 and reflects an "artificial" population, projections indicate that overcrowding, to the degree that maximum factored capacity will be exceeded, should occur by May, 1984. Further, if there is any slippage in completion dates for the 256 bed medium security unit scheduled to be on-line by mid-1984, the System will, by September/October, 1984, be in a situation similar to that of October, 1981, when the inmate population exceeded designed capacity by approximately 35%.



This situation is further aggravated by implementation of sentencing guidelines pursuant to State Statutes effective October 1, 1983. It is anticipated that the new sentencing guidelines will add approximately 5% or 50 more inmates to the System.

Continued growth in excess of that which was anticipated, slippage in construction dates, and implementation of sentencing guidelines will combine to exacerbate a situation which, at this time, continues to be critical. The Sheriff of Orange County and the Board of County Commissioners have committed themselves to a long-term program calling for timely and responsive construction of additional jail space, expansion of existing alternatives to incarceration, and continuing attempts to expedite cases through the Criminal Justice System. It is anticipated that this commitment is indicative of their recognition of and sensitivity to possibly one of the most critical problems facing Orange County today. As a result of their commit-

ment, it is anticipated that this problem will be successfully resolved in the final analysis.

The dedicated Commander of the Osceola County Corrections Division, in this section, relates the historical development of jail space needs in Osceola County from the year 1958. He ties the increase in jail space needs directly to the accelerating population increase in Osceola County and points to the Criminal Justice Facility Master Plan approved in 1982 which provides a new county jail by mid-1985.

SECTION 7 — PATE

OSCEOLA COUNTY NEEDS JAIL SPACE

by
Captain Jack Pate, Commander
Corrections Division - Osceola County Sheriff's Department

The Osceola County Jail was constructed in 1958 with a design capacity of 62 inmates. At the time of construction, the Osceola County Jail was averaging 20 to 25 inmates on a daily basis. This average continued through the year 1970. In the 1970's, however, Osceola County began a period of growth which has continued through the present time and Osceola County is now considered to be the fastest growing county in the Southeastern United States. The rapid growth of the county has made a heavy impact upon law enforcement as well as the jail space needs. In 1971, primarily because of the population growth, 28 beds were added to the capacity of the existing jail, bringing the total bed capacity to 90.

The Osceola County Jail still has only 90 beds. There are eight beds for trustees, eight beds for females, eight beds for sen-

tenced and unsentenced misdemeanants, and four beds for special housing or segregation. The remaining 62 beds are used to house sentenced and unsentenced felony type male prisoners.

State regulations now use a factoring system to determine the capacity of jails, figuring the square footage of the cells as well as the amount of out-of-cell time allowed. Due to the construction and location of the Osceola County Jail, out-of-cell time is extremely difficult. Therefore, the jail factor capacity is determined solely on cell square footage. Presently, the factored capacity of the jail is only 26 inmates; however, if out-of-cell time could be allowed, the capacity could be raised to a maximum of 54 inmates. The inmate population of the Osceola County Jail is currently averaging 80 inmates per day.

In attempts to relieve some of the overcrowding in the county jail, a Pre-trial Release Program has been organized with the Sheriff's Office and the Probation and Parole Office acting in concert. However, the jail population remains well over the factored capacity of either 26 or 54 inmates. It is evident that Osceola County has no choice but to build a new jail.

In the process of building a new jail, several factors must be studied to insure that enough space will be provided. Probably the most important and most difficult is predicting the population growth of the county. The present population of Osceola County is approximately 60,000. The 1980 Census figures predicted a growth to 92,200 by the year 2000. Should the population grow at the same rate as it has in the last four years however, Osceola County could reach a population of 145,000 by the year 2000.

Another factor which must be studied is the

crime rate of the county. In 1977, there were 1,497 prisoners booked through the Osceola County Jail. The estimated number of booked prisoners for 1982 was 3,560. Over this five year period the number of bookings more than doubled. Using these figures and extrapolating, by the year 2000 the Osceola County Jail could be processing 10,000 prisoners per year.

During the year 1979, the average population of the Osceola County Jail ranged between 35 and 45 inmates. Since 1979, the inmate population has increased dramatically. With the continued growth of the county and the attendant increase in crime, the increase in inmate population will also continue. In my opinion, by the year 2000, Osceola County could have need to house as many as 300 inmates. This figure would be reduced by an effective range of alternative programs to incarceration.

Some alternative programs which could allevi-

ate the Osceola County Jail space shortage are explained below. It is well understood that the reduction of jail space needed is certainly not the only benefit provided by alternative programs. The human benefit must always be counted as the most important.

1. Pre-trial Release is one of the programs in effect at the present time and plays an important part in keeping jail population down. However, this program is designed for those inmates who are awaiting their court appearance. After an inmate goes to court, this program is no longer applicable.

2. Pre-trial Intervention is another program which can reduce jail population. This program works in the same manner as the pre-trial release with the exception that if the prisoner completes the program successfully prior to judicial determination, the charges will be dropped.

3. Alternative Community Service is a pro-

gram which reduces jail population after the prisoner has appeared in court. This program is utilized primarily for first time offenders or misdemeanants after conviction. Alternative community service is a sentence from the court specifying that the prisoner is required to work as many hours as the court deems appropriate, usually performing community labor or service. This sentence is imposed instead of jail time.

4. Probation is an alternative to jail after conviction of a crime. The prisoner in this program is placed on probation for a period of time with rules and guidelines which he must follow.

On October 25, 1982, a Criminal Justice Facility Master Plan for Osceola County was completed by the W. R. Frizzell planning team working in conjunction with Osceola County officials. Among other things this plan provides for a new jail.

The Simpson Road Site, which is the location selected by the Osceola County Commission, will provide fifteen acres of land for a new Criminal Justice Complex and include the new jail, Sheriff's office, and expansion space for the Osceola County Court system.

The plan, as it pertains to jail space, is presented with three options or phases. Phase I provides bed space for 82 prisoners and purports to be sufficient through 1985. Phase II adds an additional housing pod, brings prisoner bed space to 148, and claims to meet the projected requirements through the early 1990's. Phase III increases prisoner bed space to 181 and states that these 181 spaces are adequate through the year 2000.

Subsequently, a decision was made to proceed with a modified version of Phase II which will provide for 168 prisoner bed spaces by July 23, 1985. At the present time, it seems that the initial actions required to construction are essentially under way.

In my opinion, the plan, while exceptionally well conceived and generally on target, is quite conservative in predicting jail space needs. However, it is admitted that predicting population growth and jail space needs does leave much room for conjecture.

Recently, emergency renovations of the present Osceola County Jail were completed to correct fire safety deficiencies. These renovations were undertaken in response to reports by the State Inspectors and fire marshal. While these renovations were absolutely mandatory, they did little to alleviate jail space conditions.

Between now and the time the new jail is completed in mid-1985, we must be alert to the possibility of serious problems due to prisoner overcrowding in the Osceola County Jail.

In this section, the very knowledgeable Seminole County Correctional Administrator tells of a tragic fire in the year 1975 which gave Seminole County the impetus for the construction of its modern, well run county jail. He explains the county's successful alternative programs but acknowledges the need for jail expansion in progressive, forward looking plans.

SECTION 8 — SHOULTZ

THE SEMINOLE COUNTY CORRECTIONAL PROGRAM

by
Colonel Jim Shoultz, Correctional Administrator
Seminole County Sheriff's Department

For the past ten years, Seminole County has been in the mainstream of correctional activities in Florida. It has encountered the same major problems as other counties on the move. Additionally, it has suffered a grievous experience in the operation of its jail facility through the loss of life in a fire. From that unfortunate experience, Seminole's corrections program has rebounded and the Sheriff's operation of the Seminole County Jail is now in an exceptionally high classification among such operations in Florida.

The old Seminole County Jail, built many years ago, was the scene of a fire in 1975 which occasioned the loss of eleven lives and destroyed the effectiveness of the facility. Up until that time, the jail had been similar to most other county jails in the State of Florida, existing in an antiquated facility with staffing minimum to the accomplishment

of the mission. Following the experience of the fire, the Sheriff aggressively pursued a policy of obtaining the necessary funds for the building of a new jail, and of making its operation second to none. From that perspective, we view the current and future operations of corrections in Seminole County.

Philosophically, this jail, like others in Central Florida, is constantly responding to a mounting crescendo of problems occasioned by population growth. This growth will make Florida the second largest state in the union by the year 2000, and most forecasts predict that we will see a doubling of the population of Seminole County. The Seminole County Jail, also like others, from time to time is overcrowded, although at the present time there is no court action as a result of same. The facility is modern. It possesses all of the attractive features of modern correctional

architecture, and, while not perfect, it most assuredly has a physical plant that has capabilities built into its administrative core to enable expansion at minimum cost. In that connection, the Seminole County government is well aware of matters associated with the jail and responds quickly to everyday problems when asked for assistance.

Characteristically, the jail has a population composed mostly of felony prisoners with 80% thereof being inmates requiring a higher level of security than misdemeanor-minimum type security inmates. The population profile provides data showing prisoners' ages (mainly below 25); education at an 11-12 grade level; mostly single; and a majority of individuals who have lived in the county for more than six months. The population normally has about 8-10% females, 2% juveniles, and 40% black or other than white ethnic groups. The average daily total is 230-240.

The staff of the facility is composed of some

70 personnel, of whom 95% are certified under state law and have a unique salary schedule which places them on a par with law enforcement officers, not the case elsewhere in Florida. The staff is mainly composed of a corps of young, enthusiastic professionals who are proud of their profession and who respond in that fashion.

The Sheriff's Department, in cooperation with other agencies in the county, has entered into a number of alternative programs. Utilizing three counselors as a part of the correctional staff, inmates in the jail are interviewed immediately upon entry and, in many cases, released under a Pre-Trial Release Program. This particular program is highly effective in removing from the jail environment, until such time as judicial determination is made, a number of individuals who otherwise would spend their time in the system awaiting a disposition. Of those released, some 40% are never even brought to trial because of a decision not to do so by

the State Attorney. The program is also suc-

the State Attorney. The program is also successful because of the very low percentage who fail to appear for adjudication. This means that on a daily basis the county has 30 to 40 people, in a released status awaiting future determination of charges, who otherwise would be in the jail. The cost in money savings is obvious and certainly the overcrowding problem is somewhat alleviated.

An equally successful program of the Sheriff's Department is the result of alternative judicial sentencing procedures which provide for weekend sentences in Alternative Community Service Programs. Municipalities and county agencies utilize the services of some 60 to 80 weekend type inmates regularly, in lieu of having them sit in jail and do nothing. This process includes a sentence by the judge to weekends and determination by jail personnel that such inmates are physically able to perform labor, and then the placing of them on that community service program. They do not, thereafter, spend their weekends in

jail. This is an economic savings to both the county and the municipalities concerned and again serves to reduce what could be a large overcrowding on weekends in the correction facility.

The county also operates other programs such as Misdemeanor Probation, Work Release, and State Attorney Intervention, and has a very sympathetic understanding of jail problems among the judiciary. As previously stated, the future of the jail is tied to the future population as well as the arrest percentage growth and crime rates in the State of Florida.

The state has, through its inspectional services, forwarded several recent reports complaining of overcrowding in the Seminole County facility. Such overcrowding is currently at a relatively minor level and, with the 240 beds available, should not be a major area of concern for at least another year or two. Predictively, however, there probably

CONTINUED

1 OF 2

will be a need for a total of at least four to five hundred bed spaces by 1990 and eight to nine hundred by the year 2000 (see chart). These figures are dependent on many factors, including the use of alternative programs. Despite use of all possible alternatives to incarceration, however, the Seminole County Correctional Program will, of necessity, need to include expansion of the jail facilities.


In order to stay abreast of this necessity, county government has, for Fiscal Year 1984-85, included a sum of money to be used for a study of future needs. At this time, it would appear that an additional two hundred bed spaces will be necessary to accommodate increasing inmate populations through 1990. The legislature has made it possible for correctional facilities now to be built with a dormitory style feature for minimum security prisoners. What is envisioned as the next step in Seminole is the addition of a dormitory minimum security type construction as

part of the growth program. Such a facility would be built adjacent and attached to the current Seminole County facility. In addition, there would be a work release center facility built outside, but immediately available to, the correctional facility. This activity, of course, would provide for inmates to be assigned to the Work Release Program and have them live separately from the regular jail population. The cost of such facilities would be much less than that of a high security type unit. That program should be well under way by 1985 and construction could begin as early as 1986.

Another effect on the jail situation continues to be the activities of the federal courts. Whether this activism will continue is necessarily and directly dependent upon building programs, staffing, and jail populations. To be sure, the State of Florida has been the subject of major suits in this respect and jail administrators and sheriffs can expect that the State Department of Cor-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50





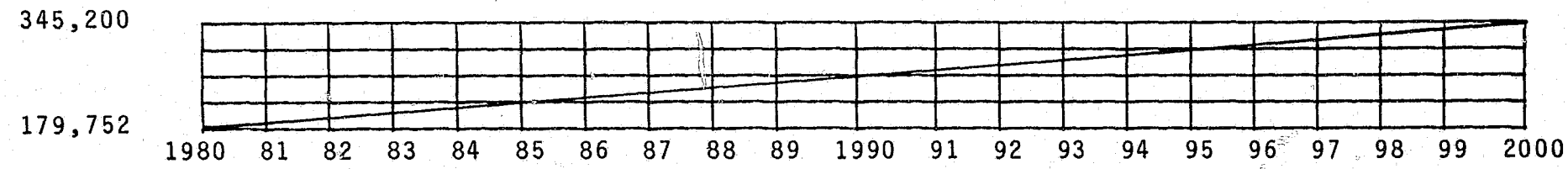
rections will, in the future, much more effectively enforce the rules promulgated by the State Legislature as a result of the "Aires" decision. On the one hand, there is a get tough policy upon the part of the legislature toward criminal activities that could have a short-range effect of greatly increasing the number of people in jail. At the same time, however, the legislature is pushing procedures which would give an early out to many of these same people. All of these things together will call for a crystal ball look at any future projections of populations for Florida jail and prisons.

In summary, insofar as Seminole County is concerned, its correctional program is a modern, well-established activity. It provides for those things considered appropriate in modern penology. It is a program tempered with both reality and professional operation. It keeps secure those inmates in its environment, in accordance with state law, and at the same time provides that security

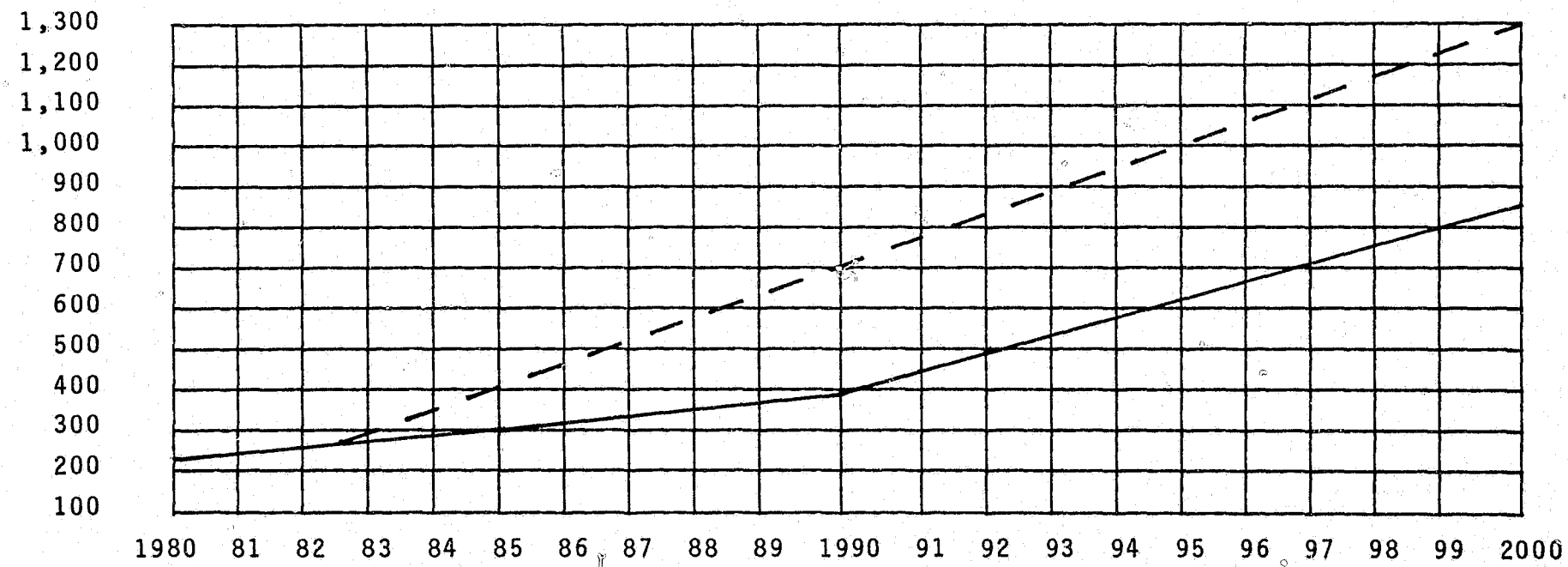
in such a way as to minimize the harsh effects of incarceration resulting in less scarring than that encountered in many other such facilities across this state and country. A hopeful future depends on an administration oriented to such a program and this appears to be assured in Seminole County.

PROJECTED POPULATIONS SEMINOLE COUNTY AND THE SEMINOLE CORRECTIONAL FACILITY

Seminole County Projected Population Growth



Seminole Correctional Facility Projected Inmate Population Growth



----- Alternative programs - if alternative programs were not in use, at least 40-50% of this group would be in jail
 ——— Jail population with alternative programs in effect

An extremely large part of the solution to the problem of jail space shortages appears to depend upon the maximum use of a wide range of alternatives to incarceration. In this section, the very competent manager of Orange County's outstanding Court Alternatives Department explains the philosophy, economics, risks, and benefits of the various alternative programs managed by his department.

SECTION 9 — ALLAN

REPORT FROM THE COURT ALTERNATIVES DEPARTMENT

by
Mr. Stephen J. Allan, Manager
Court Alternative Department - Orange County

THE PAST

"In the past a prisoner was held to forfeit all of his personal rights and become a slave upon his arrest and conviction. This degradation has given way to more humane views: A prisoner now retains all rights of an ordinary citizen except those expressly or by necessary implication taken from him by law." (Coffin v. Reichard, 1944).

Since the days of Philadelphia's Walnut Street Jail (1790), penal reform in America has meant institutional reform. The goal has been to remove criminal offenders to a place where they would be isolated from society and cured of their deviant ways and the methods employed have been to build and staff big prisons and jails. The right combination of architecture and programs, reformers have

reasoned, can achieve both security and rehabilitation. The history of American corrections has been the history of the search for this elusive combination.

THE PRESENT

Today the problems of crime still affect us all. The dilemma of what to do with the criminal once apprehended has begun to affect us as well. Civil litigation regarding overcrowding and unconstitutional jails, as well as federal intervention influencing the operation of both state and local jails, is now occurring regularly; all at a greater and greater cost to the taxpaying public. Nationally, it is estimated that average jail construction costs now exceed \$40,000 per jail cell. However, the capital costs of a new jail or prison make up only 8-10% of the total outlay over an institution's estimated 30-year lifespan. The rest goes to daily operations and staffing. In addition, recent

research has shown that increased jail capacity alone has failed to alleviate overcrowded conditions.

Now, legislators, academicians, and correctional professionals alike have echoed the concern that prisons do very little to correct behavior and, in fact, actually produce a more devious and manipulative criminal, which doesn't help matters any as over 95% of all those who go to jail and prison are released at some point in the future, to be our neighbors and our co-workers. And then, as statistics show, so many of them (60-70%) will commit crime again! The question remains, should the taxpayer, the community, i.e. victim, continue to pay such high costs for such dismal results?

Although Orange County shares this problem with the rest of Florida and the country, it has been identified as a leader nationally in its development of a series of alternatives to traditional forms of incarceration. These

alternatives punish, yet save millions of tax dollars each year while successfully reintegrating offenders back into the community.

The Orange County Court Alternatives Department was established as an operating Department under the Board of County Commissions in 1979. Originating as an LEAA Grant program in 1975, the Department exists to provide, through its component programs, a comprehensive network of community corrections activities that offer alternative yet safe and effective means of relief from trial necessity and incarceration.

Working closely with the Sheriff's Office Corrections Division, the courts, the State Attorney's Office, municipal police agencies, and the County Administration, over 9,000 adult offenders will be effectively handled in 1983 through the various Court Alternative programs.

These programs include:

1. Supervised Release - Accepts higher risk defendants than would normally be released under the already available release mechanisms of Pretrial Release, ROR, etc. but with the additional safeguard of close field supervision of defendant(s) from time of release (after arrest) to and through court adjudication.

2. Pretrial Diversion - Offers an alternative to prosecution for selected first offenders who have been arrested for misdemeanor or third degree (lesser) felony crimes. Participants are screened and must be adults with no prior criminal history and appropriate under State Attorney guidelines. The length of participation is six months or one year depending on the offense. Upon successful completion of the program, which includes supervision, counseling, and restitution, charges are dismissed.

3. County Probation - Provides the courts a sentencing alternative which precludes unsupervised release to the street. In addition to supervising and counseling offenders, the

program provides Presentence Investigations to the courts which is used as an aid in determining sentences and as a basis for counseling and treatment plans.

4. Alternative Community Service - Allows the courts the alternative of permitting selected offenders the opportunity to perform volunteer work in the community rather than serve actual time in jail.

5. Work Release - Provides a 24 hour a day, seven days a week, residential facility for selected offenders from the Orange County Jail who need a structured living environment yet do not present an apparent threat to the community. All individuals are closely reviewed for approval prior to acceptance. Those who have demonstrated a known pattern of violence, committed an offense against another person, or have a known serious drug or alcohol dependency will generally not be accepted. Residents are provided counseling and educational opportunities and must maintain gainful employment as room and board payments are required during the duration of the stay.

Since operating as a county department including Fiscal Year 1978-79, these programs have saved over 842,000 total cell days which, after all operating and personnel costs have been deducted, offer savings valued in excess of \$17,000,000.

As often is the case, public scrutiny of such "alternative programs" attracts more than the passing concern of local elected or systems officials. It must be stressed that "opening of the jail doors" is not being advocated. Neither is liberalization of basic punishment concepts. The public must be able to look at programs such as these and be assured that success:

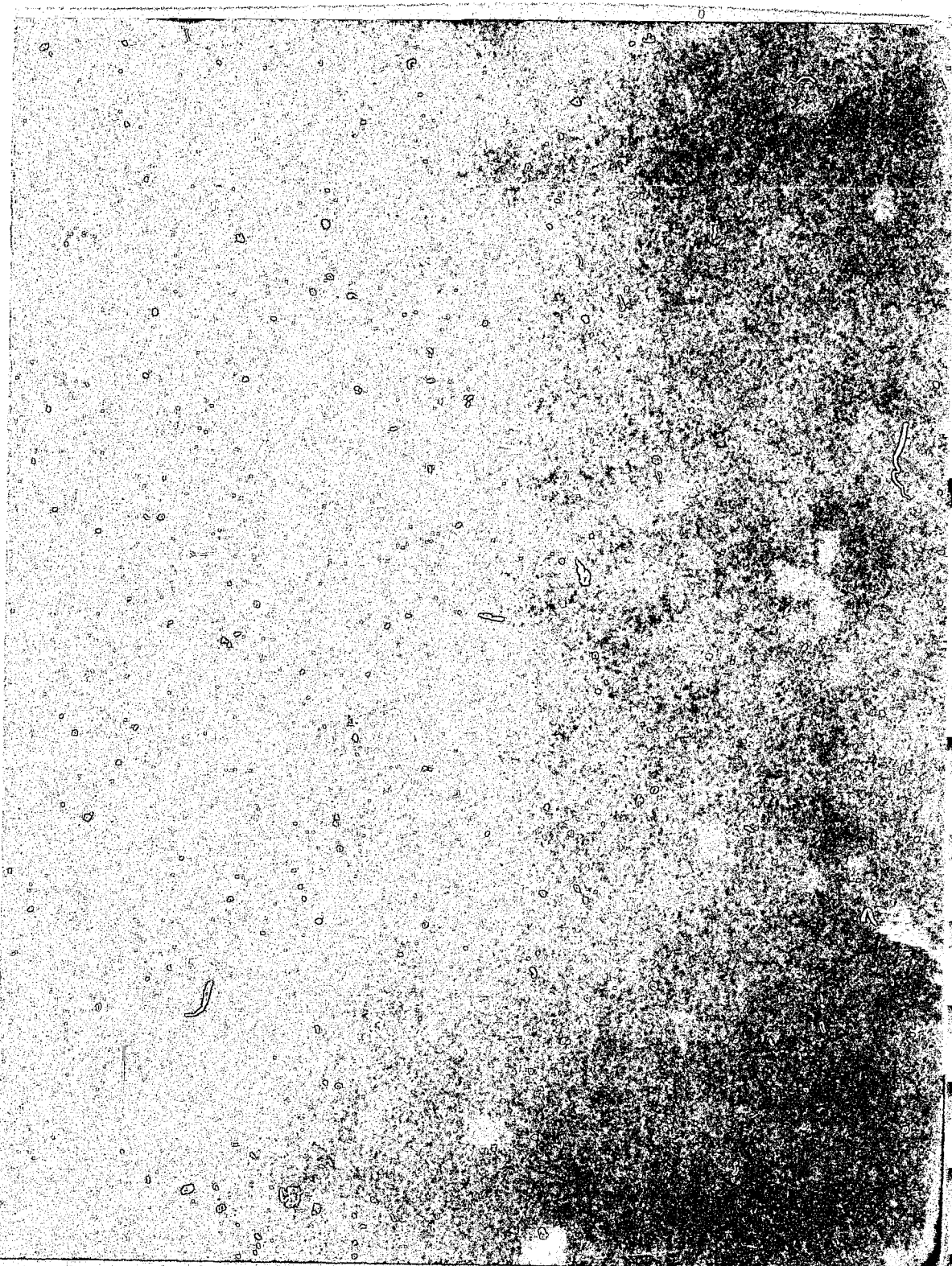
1. Does mean the offender is punished.
2. Does not mean the elimination of control of the offender.
3. Does mean substantial tax savings.

For the fiscal year ending September 30, 1983, additional benefits have included:

1. Restitution to crime victims - \$ 71,100;
2. Court ordered legal payments collected and returned - \$200,500;
3. Program income (costs collected from clients, contracts, etc.) - \$402,100;
4. Labor value contributed (community service work activities) - \$886,100.

THE FUTURE

What the future holds remains to be seen. Nationally, local correction problems are becoming so acute that even the most politically conservative officials are acknowledging that alternatives to incarceration offer the only affordable solution. A major barrier to implementation will no doubt be a jurisdiction's lack of flexibility to raise substantial funds, especially for corrections, for which there is no constituency. Desperately needed are comprehensive planning efforts and partnership arrangements between state and county governments.



Experience has shown that good planning can result in a better understanding of crime and criminal justice programs; greater cooperation among agencies and units of local government; clearer objectives and priorities; more effective resource allocation; and better quality programs and personnel. Taken together, these results can increase public confidence in and support for the criminal justice process, thus enhancing system performance and ultimately the integrity of the law.

Corrections, in the years ahead, will more and more become a discipline to be reckoned with. Efforts to remove from our streets the "predator" who means us personal harm must continue. To do so effectively, alternative means of punishment, or seeking remuneration, and of correcting the behavior of those who have stolen or deceived us in less harmful ways, via means other than incarceration, must be emphasized.

The Court Alternatives Department, through its component programs, has vigorously attempted to offer such alternatives. Efforts to date reveal success. If success is to continue, local government support and integration with existing and future planning efforts must continue also. If they do, we can look to these programs and the Department to effectively carry out its responsibility to supervise, treat, and manage the adult offender in the community, and do so in the most economical, safe, and socially acceptable manner available anywhere.

Although this report deals primarily with jail space needs for adult offenders, we would be remiss if we did not consider the problems associated with the detention of juveniles. In this final section of the chapter, a highly respected Health and Rehabilitative Services District Administrator discusses detention care for children in Orange, Osceola, and Seminole Counties explaining its mission, purpose, facilities, and relation to adult jails.

SECTION 10 — SNEAD

JUVENILE DETENTION FACILITIES AND PROGRAMS

by

Mr. Paul Snead, Jr., District VII Administrator
Florida Department of Health and Rehabilitative Services

THE DEVELOPMENT OF JUVENILE DETENTION FACILITIES IN FLORIDA

Prior to 1971, detention care for children in Florida was left to the discretion of local communities or counties. The quality of care varied throughout the state, as did the types of facilities, which ran the gamut from "Ma and Pa" homes to jails to large detention facilities.

In 1971, the Department of Health and Rehabilitative Services (DHRS), Division of Youth Services, promulgated the first detention standards under the authority of Section 959.23, Florida Statutes (F.S.) The Department's Bureau of Community Services, applying these standards, was responsible for the inspection of these county-operated facilities as authorized by Section 959.23, F.S. The state had five monitors who visited the programs quarterly in addition to special inves-

tigations. The counties continued to use adult jails due to the fact that only 21 of the 67 counties had detention centers. Without working agreements for placing out-of-county juveniles, other than Orange and Osceola Counties, the other 45 counties were required to use jails and were found to be in non-compliance with these newly developed minimum standards.

Juvenile detention is analogous to jail in the adult criminal justice system. It primarily houses children who have not yet been adjudged delinquent. Its purpose is to ensure the appearance of the accused person at trial. Except in cases punishable by death or life imprisonment, adults are entitled to post bail or meet other conditions and be free awaiting trial. (This is guaranteed by Article L, Section 14 of the Florida Constitution.) Florida law does not

allow bail in the juvenile justice system. Detention is not intended to punish children since, like adults, they are presumed innocent at the pre-trial stage. Both detention centers and jails are secure holding facilities, neither are rehabilitative programs.

The 1972 Legislature, 959.022, F.S., mandated that the Department develop a five year plan for the operation of the county detention centers. This plan was to be fully implemented June 30, 1978. The plan further required a 50/50 funding match by the state and county governments. The 1972 Legislative Letter of Intent authorized the operation of the Dade Detention Center on October 1, 1972, and other such centers as approved by the Department of Administration. The ten counties of West Florida participated in a funding match for the operation of Bay and Escambia County centers. The conflict caused by this 50/50 match requirement motivated the Senate to rewrite F.S. 959.022 during the 1973 session. The 1973 Legislature mandated that all cen-

ters in existence at the time be taken over by the state on December 31, 1973. The 18 centers affected by this legislation became state regional centers at midnight on December 31, 1973, and the Division of Youth Services, Bureau of Detention, was established to implement this program. New standards were written to help provide uniform care in the state-operated detention centers.

DHRS presently operates 20 regional juvenile detention centers in Florida. Many of the 20 facilities are chronically holding more children than physically designed for, giving rise to frequent legal action against conditions in the centers. In 1977-78, the Orlando Regional Detention Center had a law suit filed against it in federal court and, after a Grand Jury investigation was conducted, the federal court placed a court order limiting the facility population. This action also aggravated overcrowding conditions in detention facilities in Seminole and Brevard Counties.

THE MISSION OF

THE MISSION OF JUVENILE DETENTION FACILITIES

The mission of the state operated facilities is to provide a safe and secure setting for children requiring detention so that the children detained by intake or the court will be available for their scheduled court hearings. The atmosphere of the detention facility will be such that the child will not be physically or psychologically damaged by the detention experience. The detention programs will be developed to meet each child's nutritional, emotional, spiritual, educational, recreational, hygienic, and physical needs. The child's medical, dental, and mental health problems will be handled as necessary on an emergency or immediate care basis.

The Department is committed to the operation and management of the juvenile detention facilities in the State of Florida at the highest level of professionalism. The key ingredients to an effective statewide detention program are commitment by the Department, the

staff who operate the facility, and the managerial and administrative staff who supervise or interact with the detention program.

The Department supports separate programs for dependent children who are in need of secure shelter and services for their care, safety, and protection, and advocates the development and use of programs for dependent children in need of alternative placement.

THE PURPOSE OF THE DETENTION PROGRAMS

The primary purpose of the detention program is to provide a short-term, physically restrictive, safe, and humane environment for children who are detained pending court action. These children are presumed to be innocent of the law violation they are alleged to have committed and should be treated as such. Children will also be retained after adjudication while they are pending disposition and for a short period after commitment while pending placement. The counseling services that will be available in detention will deal with the day-to-day problems and

difficulties children have in the detention setting. Observations by child care staff of the child's adjustment in detention or problems experienced are an important part of the planning done by case management. While the health care needs of the children which include medical, dental, and mental health problems, will be handled as necessary on an emergency or immediate care basis, long-range treatment programs are the responsibility of the court, the case manager, and the child's family.

THE NON-SECURE PROGRAM

Not all children who become involved in the juvenile justice system require secure custody while they are in detention pending a court hearing. Recognizing this, the State of Florida has implemented a non-secure program which is available to all juvenile detention centers.

The non-secure program is a less restrictive community-based program which has home detention and volunteer homes as its major compo-

nents. All children in the non-secure program are supervised by a community youth leader.

The non-secure program also has assisted the Department in relief with the extremely overcrowded conditions in many of the facilities.

DETENTION POPULATION ANALYSES 1982-1983

The detention population analyses for our facilities in Orange/Osceola and Seminole Counties are as follows:

<u>Orange/Osceola - Secure Detention</u>	
Average Daily Population	66.6
Average Length of Stay	13.4
Admissions	1,618
Fixed beds available	78

<u>Orange/Osceola - Non-Secure Detention</u>	
Average Daily Population	26.1
Average Length of Stay	18.3
Transfer from Secure Detention	457
Budgeted Slots Available	20

<u>Seminole - Secure Detention</u>	
Average Daily Population	24.7
Average Length of Stay	14.9
Admissions	561
Fixed beds available	39

<u>Seminole - Non-Secure Detention</u>	
Average Daily Population	5.6
Average Length of Stay	25.7
Transfer from Secure Detention	67
Budgeted Slots Available	10

Overcrowding was temporarily rectified by the construction and completion of a new 78 bed detention facility in Orlando in April, 1978. In Seminole County, prior to the construction of a 13 bed facility in 1972, juveniles were housed in a section of the Seminole County Jail.

JUVENILES IN ADULT JAILS

Many juvenile clients with HRS have, in the past years, been certified, indicted, or direct filed into the adult system thus removing them from the juvenile detention facility and placing them in the local county jail facility. Many times the number of clients in this category depends on the aggressiveness of the State Attorney's office.

Our agency has required the adult facilities to report weekly on juvenile clients in this category so we may continue visitation and follow-up until they are placed into the adult system by court order.

During the first half of 1983, our office accomplished a weekly breakdown of juvenile age

clients housed in the county jail system because of being certified, indicted, or direct filed. The breakdown is as follows:

<u>Date (1983)</u>	<u>Orange/ Osceola</u>	<u>Seminole</u>
1/07	50	8
1/14	48	9
1/21	48	10
1/28	49	11
2/04	54	11
2/11	56	14
2/18	57	14
2/25	60	11
3/04	61	11
3/11	60	11
3/25	62	11
3/31	58	10
4/07	56	11
4/14	56	12
4/22	55	11
4/28	53	11
5/06	52	10
5/12	52	10
5/18	53	9
5/24	53	9
6/02	53	9
6/09	48	9
6/16	45	9
6/23	36	8
6/30	38	6
Resident Days	1,313	255
Average Population	52.5	10.2

**DISTRICT 7 JUVENILE CASES REFERRED
TO THE ADULT SYSTEM — 1979 through 1982**

1979 - 1980

Estimated Juvenile Population	134,471
Ages 10-17	
Delinquency Referrals	10,778
Cases Certified	68
Cases Indicted	0
Direct Files	73
Total to Adult System	154

1980 - 1981

Estimated Juvenile Population	133,233
Ages 10-17	
Delinquency Referrals	9,427
Cases Certified	49
Cases Indicted	7
Direct Files	112
Total to Adult System	168

1981 - 1982

Estimated Juvenile Population	132,809
Ages 10-17	
Delinquency Referrals	8,355
Cases Certified	93
Cases Indicted	1
Direct Files	250
Total to Adult System	344

The above statistics show that although the delinquency referral rate is decreasing, the number of juveniles referred to the adult system is increasing.

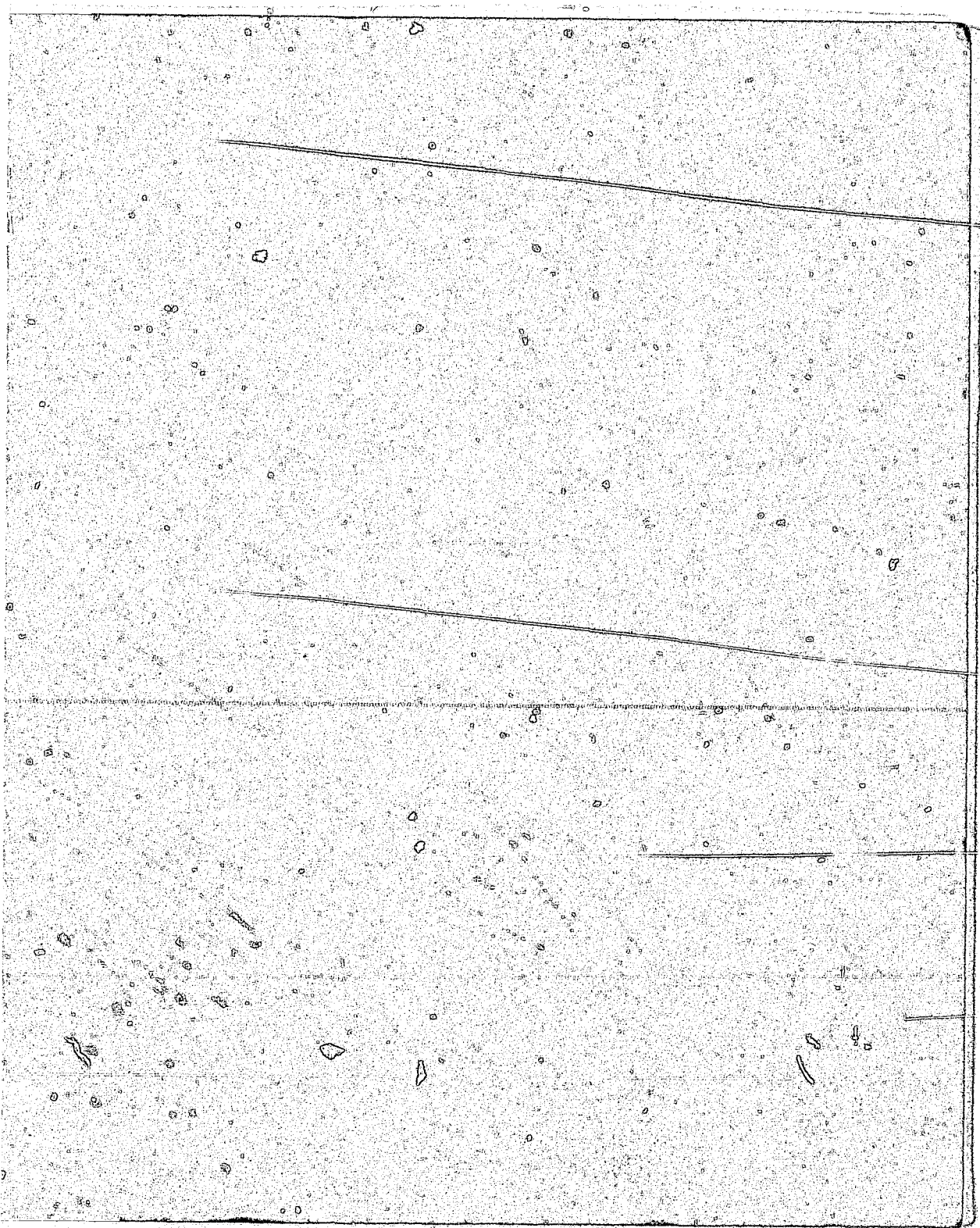
A child may also be transferred to jail when his behavior is beyond the control of the detention staff. A child may be considered be-

yond the control of staff when he meets the following criteria:

1. The child assaults another child or staff member in a violent, unprovoked, or malicious manner, or
2. The child leads, directs, or incites other children to riot or escape, or
3. The child has become uncontrollable to the extent that he has committed significant damage to property.

When the superintendent determines that the child is beyond the control of the detention staff, a request for the transfer of the child may be made to the appropriate judge. This request may only be made by the superintendent or assistant superintendent. When a judge approves the transfer of the child, the requesting party will prepare a Jail Admission Form (HRS-CYF Form 2041) which documents the events that led to the child's transfer to jail and confirms that the criteria have been met.

Prior to transporting the child to the jail, the superintendent will advise the receiving facility that the judge has approved (verbally or by court order) the child's transfer to



jail. The completed Jail Admission Form will accompany the child's delivery to jail and will be the placement authority.

The intake or community control counselor will continue to visit and counsel the child as if he were in detention. If the counselor determines that the child's attitude and behavior have improved, the counselor will advise the superintendent of the change. If the superintendent concurs with the observation of the counselor and feels the child can be controlled in detention, they will request the court to return the child to detention.

The record of uncontrollable juveniles transferred from detention to county jails in 1982 is as follows:

Orlando Regional Juvenile Detention Center: 3 clients.

Client A transferred February 5, 1982, to Orange County Jail for uncontrollable behavior. The length of stay in county jail was 12 days.

Client B transferred February 5, 1982, to Orange County Jail for uncontrollable behavior. The length of stay in county jail was 8 days.

Client C transferred May 8, 1982, to Orange County Jail for uncontrollable behavior. The length of stay in county jail was 4 days.

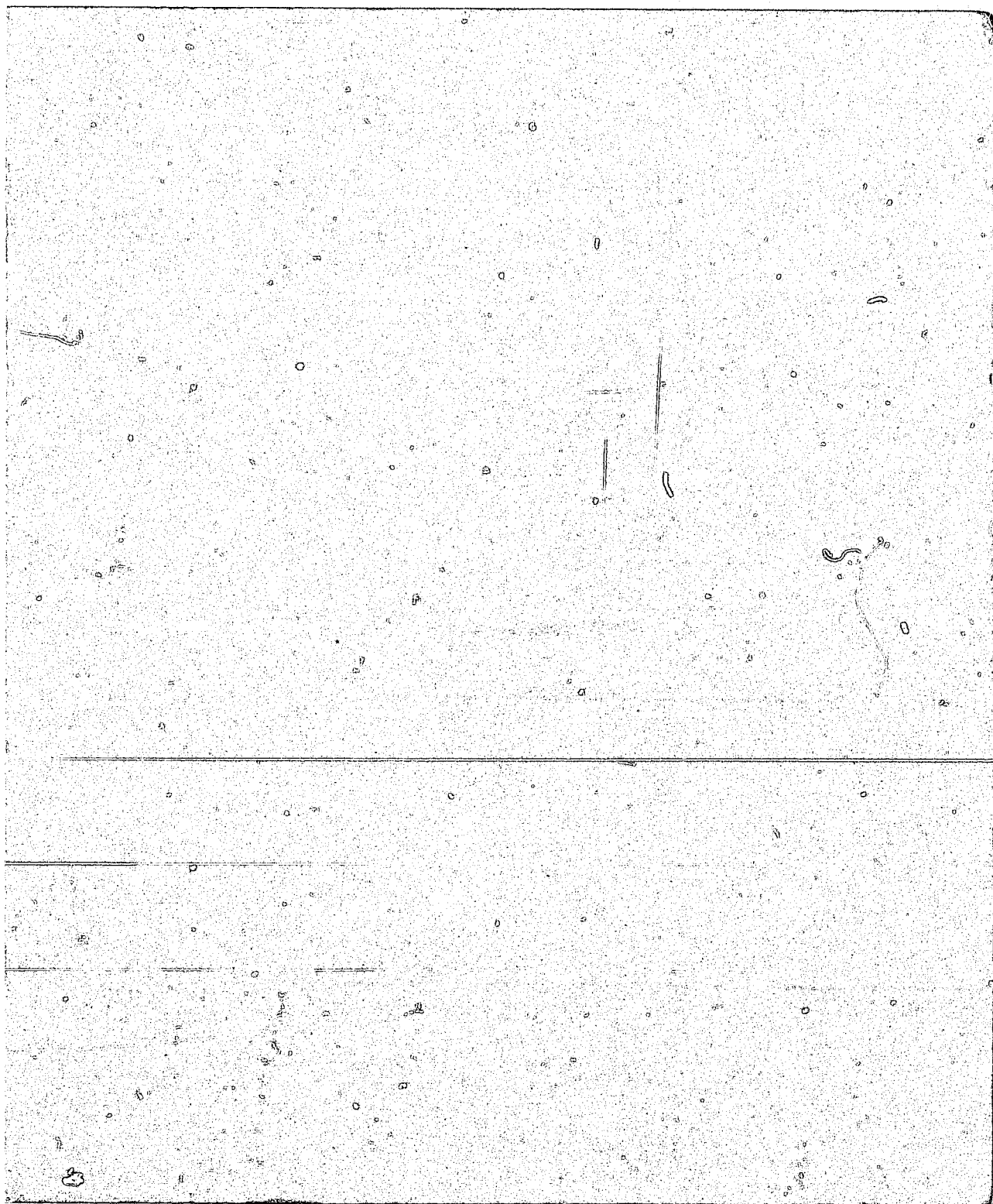
Seminole Detention did not have any transfers for behavior problems in 1982.

SUMMARY

District 7 has taken the posture that our juvenile facilities are secure and physically equipped to handle acting-out youths. Through training programs such as Aggressive Control Techniques, child care workers are able to handle children previously transferred to adult jails. The juvenile clients who are placed in the jails for behavior reasons are carefully screened by Program and District Personnel as well as Detention staff. The three clients placed in the county jail posed a direct threat to the well-being of other

clients and staff of the facility.

At the present time, both the Orlando Regional Juvenile Detention Center and the Seminole Juvenile Detention Center are operating in excess of their bed space and budgeted capacities. Any sizeable increase in detention population could cause critical conditions.



CHAPTER III DISCUSSION AND CONCLUSIONS

DISCUSSION AND CONCLUSIONS

REVIEWING THE BASICS

It probably would be beneficial to the reader not familiar with the subject of Florida corrections if the writer would review some basics pertaining to the parameters of this study. We are discussing herein the county jails in Orange, Osceola, and Seminole Counties. Individuals are sentenced to terms in these jails of up to one year. If the sentence is more than one year of jail time, the individual is sent to the State Penitentiary. Municipal or city jails are no longer operative except for brief holding periods of a matter of hours, usually while the prisoner is awaiting a court hearing or transfer to the county jail.

WHY THE SHORTAGE?

As we read the views of task force members in Chapter II, we must quickly come to the conclusion that the extremely high population growth in Central Florida is clearly the major culprit in the jail space problem. We

might also concede that competent law enforcement personnel, strong judges, strict laws, efficient prosecutors, substantial sentences, lengthy case processing time, and the availability of jail space itself will result in more people in jail.

WE MUST SEARCH DEEPER

The aforementioned factors are "givens" and do not provide us with sufficient information to find the solutions we seek. We must probe much deeper and search our hearts, intellects, and imaginations to find the answers.

MUST WE KEEP BUILDING JAILS?

It is generally agreed by the three county governments that county jail capacity must be expanded to keep abreast of population growth and conform to state and federal laws, but how much further can we go in building more jails in this very incarcerative jurisdiction? Are we really reducing crime and increasing public safety when we put people in

prison? Conceding that we probably are, are there not better ways to do it than locking up more and more people?

NO EASY SOLUTIONS

The well intentioned amateur investigating jail space problems comes up with many "great" solutions only to discover after more thorough investigation that corrections professionals have long since thought of the same solutions and discarded them as unworkable. We really must acknowledge at the outset that there are no easy solutions. In fact, no one to my knowledge, including the criminal, understands the inherent complexity of crime or criminal behavior.

GIVE REHABILITATION A CHANCE

First and foremost, a human being is a very special creature of God and, regardless of his offense against society, must be treated accordingly. Rehabilitation, although certainly not as much in vogue today as it has been in the recent past, must be given a

chance to work if the released inmate is to become a functional and useful part of the community. However, our corrections personnel have little opportunity to change attitudes and improve skills in overcrowded, uncomfortable, inhumane facilities charged with hostility. Indeed, what we are sometimes turning out of our jails is a dangerous or disillusioned person who is more of a misfit in society than he was upon entering.

SOCIETY SHARES THE BLAME

The people in the community do not understand the corrections system and they have always seemed to prefer it that way. This must change if corrections is to obtain the support it needs and must have. It is the public which must share the blame for the corrections failures because adequate financial resources have been given grudgingly and only when pressed by legal threat or disaster. It would be wise for society to remember that jail inmates on the inside today will be on the outside tomorrow and what happens to them

while the are on the inside will make a dif-

while they are on the inside will make a difference.

THE PUNISHMENT IN INCARCERATION

It is true that some dangerous, "incorrigible" or mentally borderline individuals will spend most of their lives in jail. Nevertheless, these individuals must be provided safe and secure confinement to protect themselves as well as society. Where is the punishment for their crimes? Probably confinement does not make much difference to some habitual, institutionalized prisoners but in most cases it would be difficult to list the range of punishment inherent in incarceration. Undoubtedly, the greatest of all punishments is the loss of one's liberty or freedom and all that goes with that enormous loss.

POSSIBILITIES IN ALTERNATIVES

By any measure available, we must admit that we have not been resoundingly successful in corrections practices. There are good arguments for a quantum change in procedures,

i.e., requiring imprisonment only for overwhelming and compelling reasons - as a last resort. Before the sentencing of any non-violent offender to jail, an expanded list of alternative programs could be carefully reviewed to determine if any of such programs could possibly be substituted for imprisonment. Alternative programs cost only a fraction of the cost of jail space and the recidivism rate of alternative programs is very favorable.

CASE PROCESSING TIME

Another matter which must be scrutinized continuously is the case processing time between arrest and disposition. Flow charts illustrating time required for each phase of the process should be reviewed by imaginative legal minds to determine where delays may be shortened or eliminated. Improved methods must be invented to handle low risk incarcerated individuals in our county jails who have not been found guilty of any crime but who must serve time in jail while the processing

wheels of justice slowly turn.

LENGTH OF SENTENCE

There is considerable difference of opinion concerning the length of time an individual should spend in prison for certain offenses. It does appear that long sentences are inefficient and decrease in effectiveness as time passes. The first day, week, or month in jail seems to be much more effective as a deterrent to future crime than, for example, the sixth month. Some jail time, however, is effective in discouraging future lawbreaking but extensive jail time should usually be given only to protect society or to punish the offender who does not qualify for alternative punishment.

SENTENCING GUIDELINES

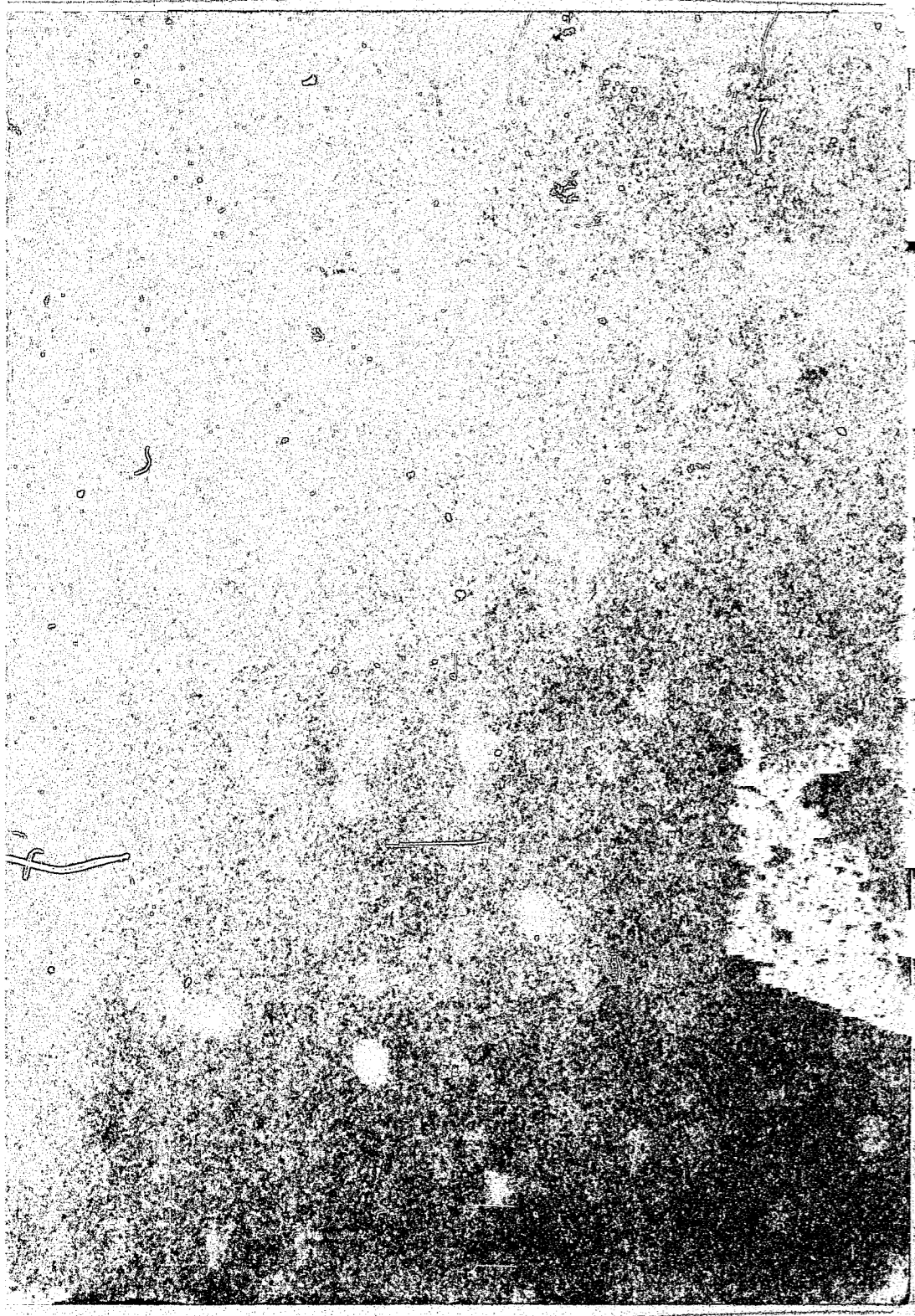
In regard to the new Florida sentencing guidelines, it is too early to determine their effect on county jail space. The sentences prescribed do seem to be shorter than those usually meted out in Central Florida;

however, it is difficult to compare the real sentences of the guidelines to the longer traditional sentences of which only a fraction is served. There is, at least, the appearance of a transition toward shorter sentences.

PLANS FOR THE FUTURE

In the three counties studied in this report, planning has been reactive, responding to lawsuits, Department of Corrections pressure, or, in Seminole County, the result of a fire. This type of planning is wasteful and guarantees a catch-up game. Without exception, each county has an excellent sheriff, who provides enlightened leadership, as well as knowledgeable corrections administrators who are only too well aware of their jail space needs.

Orange County is constructing new, well designed jail facilities in accordance with an excellent ten year plan. However, if there are serious timetable slippages or if future



jail space needs prove to have been significantly underestimated, mandated prisoner releases could continue to happen.

Osceola County's master plan provides for a new jail by mid-1985 and for further jail expansion later on. The sufficiency of jail space to be provided appears to be minimal and periodic reviews of needs versus construction are necessary. Additionally, the period between the present and the availability of the new jail in 1985 could be critical in their presently overcrowded, antiquated jail.

The Seminole County Jail is modern, well run, and, except for brief periods of overcrowding, is adequate for present needs. Corrections personnel are planning for future needs but jail overcrowding could become serious before additional space is made available through new construction.

In all three counties, continuous long-range

planning, periodic reviews, and timely financial support is essential. It is quite possible that if recommendations 2, 3, and 4, in the next chapter are accepted and seriously pursued, substantial reductions in mid- and long-range jail space needs could occur.

CHAPTER IV RECOMMENDATIONS

r ceding page blank

RECOMMENDATIONS

To solve the jail space problem which touches almost all other corrections problems and is the thorniest of all, it is recommended that we break with past thinking and erase from our list of options some past practices. What do we have to lose? It is this writer's opinion that if we allow the past to control our intellects, we shall grope through the present and lose the future. The following recommendations are made in this spirit.

RECOMMENDATION I

AS A MATTER OF PRIORITY, INCREASE JAIL SPACE IN ORANGE, OSCEOLA, AND SEMINOLE COUNTIES IN ACCORDANCE WITH INTEGRATED, LONG-RANGE CRIMINAL JUSTICE PLAN SUBJECT TO ANNUAL REVIEW.

At this point in time, additional jail construction cannot be avoided. The population in Central Florida has exploded in recent years and shows no sign of decelerating its climb. At least two of the three counties studied are presently in violation of federal

and state laws concerning jail space and outmoded facilities must be replaced in accordance with modern penological standards. However, if the other three recommendations made in this chapter are successful in accomplishing their intended purposes, the annual review of an integrated, long-range criminal justice plan will allow authorities to slow, postpone, or otherwise adjust the rate of new jail construction.

RECOMMENDATION II

INSTITUTE A VIGOROUS, WELL COORDINATED, CITIZEN BASED, CRIME PREVENTION PROGRAM IN EACH COUNTY.

Crime prevention can be the most cost effective of all actions recommended. It encompasses, among other things, public awareness, public support, public involvement, school and church programs, neighborhood and business programs, information and education dissemination programs, civic group participa-

tion, crime prevention research, etc. Special efforts should be concentrated on youthful groups.

In Central Florida, crime prevention is seen as the major interest of the Greater Orlando Crime Prevention Association. However, inasmuch as the law enforcement agencies and some other organizations also have vital or legal responsibilities in crime prevention, scrupulous care must be exercised to honor territorial hedgerows and prior claims on turf. Coordination, cooperation, and consensus must be the watch words if ultimate effectiveness is to be achieved.

RECOMMENDATION III

DEVELOP AN EXTENSIVE, GRADUATED SCALE OF CREATIVE ALTERNATIVES TO INCARCERATION WHICH PUNISH OFFENDERS WHILE RESERVING IMPRISONMENT FOR ONLY THOSE OFFENDERS WHO PRESENT AN ONGOING DANGER TO SOCIETY.

It is realized that guidelines, laws, tradi-

tion, and exceptions presently hamper the adoption of this recommendation, but it is believed that, within limits, it can be implemented while we work toward legal changes which could permit complete acceptance at a later date.

When appropriate, emphasis should be placed on restitution to victims, heavy fines, and other severe financial penalties. Jail time must be the last resort and applied parsimoniously. The whole menu of alternatives must be laid out, probably in ascending order, and discussed with judges so that the most suitable selection of choices can be made. The array of alternatives to incarceration could include pretrial diversion, work release, community service, supervised release, evening and weekend employment, extensive and different degrees of probation, house arrest, half-way houses, and furloughs. Other types of alternatives can be developed if needed, for perpetrators of non-violent crimes.

Keep in mind that alternative programs are more humane, less scarring, highly cost effective, and considerably more successful than imprisonment, in preventing recidivism.

RECOMMENDATION IV

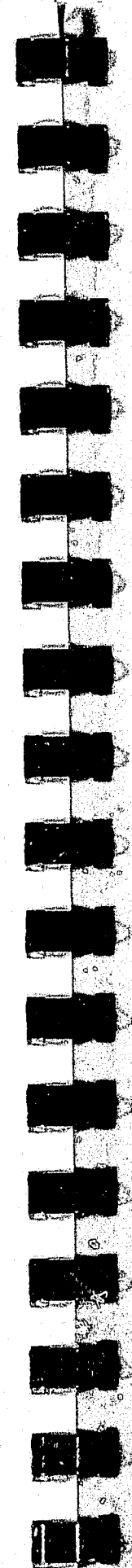
ESTABLISH, WITHIN EACH EXISTING COUNTY GOVERNMENT FRAMEWORK, A PERMANENT CRIMINAL JUSTICE PLANNING BODY.

This planning body would probably be headed by the sheriff. Membership could list other criminal justice leaders including chiefs and corrections administrators; government and political officials; judicial and other members of the legal profession; community and civic leaders; medical professionals; and, other ad hoc specialists as needed. The long range criminal justice plan should originate in this body and this body should be responsible for its annual review.

Some jail space related subjects which ad hoc task forces or committees of this body could

study or farm out to appropriate groups or agencies are: alternatives to incarceration; the prediction of jail space needs; trends in modern penology; sentencing practices; the coordination of prevention and public information programs; the feasibility of creating an organizationally coherent criminal justice complex in each county; the development of a computer system to track jail cases and provide timely information; the increased use of field citations; the streamlining of case processing time; the relationship of nutrition to aggression and delinquency; the feasibility of multi-county jail facilities for women and juveniles; the special needs of incarcerated women, juveniles, the elderly, and the handicapped; the effect of the baby boom on population trends; and options available for the efficient conversion and utilization of vacant jail space.

Finally, the planning bodies in the three counties should have cross-tell arrangements.



**CHAPTER V
REFERENCES**

REFERENCES

Ad Hoc Committee to Study Jail Space Needs. Report to the Board of County Commissioners, Seminole County. June, 1976.

Annual Report - Court Alternatives Department Orange County - October 1, 1981 - September 30, 1982.

Corrections Magazine. Vol. VI, No. 5. October, 1980.

Corrections Today. Vol. 45, No. 1. February, 1983.

Court Alternatives Department. Orange County Booklet. Undated.

Criminal Justice Facility - Master Plan - Osceola County. W. R. Frizell Architects, Incorporated and Correctional Services Group, Incorporated. October 25, 1982.

The Criminal Law Reporter. Text section. May 16, 1979. Bureau of National Affairs, Inc.

Fifty New Directions for Corrections. Report by the Institute of Urban Studies Research and Service Programs Division. 1977.

The Florida Bar Journal. April, 1983.

Jail Overcrowding/Pre-Trial Detainee Study. Project Team, Orange County, Florida. Project Director: Major James C. Shoultz. July, 1980.

Master Plan for Adult Corrections. Brevard County. July, 1982.

Orange County Correctional Facilities. Short Range (Five Year) Plan. Melvin G. Colman, Sheriff. Submitted to: Board of Orange County Commissioners. March, 1979.

Orange County Master Plan for Adult Corrections. Grove/Haack and Associates, Architects/Engineers/Planners, Inc. 1974.

Orlando Crime Study Commission. Final Report to Mayor Bill Frederick. October 8, 1981.

REFERENCES (Continued)

Prevention. The Magazine for Better Health. October, 1982.

Prison and Jail Security. Benton, Warren F. and Robert Oberland.
LEAA, U. S. Department of Justice. 1973.

Proposed Amendment to the Ten Year Correctional Facilities Plan.
Harris, James L. April, 1983.

Proposed Ten Year Correctional Facilities Plan. Harris, James
L. February, 1982.

Rules of the Department of Corrections Chapter 33-8 County and
Municipal Detention Facilities.

Seminole County Correction Facility. An Orientation Manual.
Sanford, Florida. June, 1980.

Seminole County Criminal Justice Complex Facilities Report.
September, 1973.

Strategies to Reduce Local Jail Overcrowding. Office of the In-
spector General, Florida Department of Corrections. Undated.

END