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Hillsborough County, Florida

**Justice System Assessment
& Facilities Analysis**

April, 1994

**Submitted to the
Board of County Commissioners**

INSTITUTE FOR LAW & POLICY PLANNING

I L P P

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April 20, 1994

Members of the
Hillsborough Board of County Commissioners and
Public Safety Coordinating Council
PO Box 1110
Tampa, FL 33601

Dear Commission and Council Members:

This final report on the criminal justice system of Hillsborough County is based on extensive data, BOCC direction, prior work and proposals by the Chief Judge and Sheriff, and excellent feedback and comment from almost every agency on the CPSCC. The thrust of the report is to improve public safety by more efficiently using public resources.

ILPP wishes to thank the BOCC and CPSCC for their support and to commend the leadership of Commissioner Ed Turanchik and Chairman Joe Chillura. Chief Judge F. Dennis Alvarez and Sheriff Cal Henderson deserve special mention for their constructive role in this study. It requires leadership to open a justice system to outside review, and it will require leadership to implement the recommended changes.

Sincerely,



Alan Kalmanoff
Executive Director

153091

**U.S. Department of Justice
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& Facilities Analysis**

April, 1994

**Submitted to the
Board of County Commissioners**

Hillsborough County Board of Commissioners

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Honorable Joe Chillura, *Chairman*
Honorable Sylvia Kimball
Honorable Lydia Miller
Honorable Jim Norman
Honorable Jan K. Platt
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Hillsborough County Public Safety Coordinating Council

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List of Abbreviations

ALS	Average Length of Stay
ASA	Assistant State Attorney
BEBR	Bureau of Economic and Business Research
BOCC	Board of County Commissioners
CCPA	Florida Community Corrections Partnership Act
CCTV	Closed Circuit Television
CJIS	Criminal Justice Information System
CPSCC	County Public Safety Coordinating Council
DACCO	Drug Abuse Comprehensive Coordinating Office
DC	Florida Department of Corrections
DOP	Drug Offender Probation
FCIC	Florida crime information center
FDLE	Florida Department of Law Enforcement
FRJ	Falkenburg Road Jail (proposed master plan)
FTA	Failure to Appear in court
GIS	Geographic Information System
HCSDD	Hillsborough County Sheriff's Detention Department
HCSO	Hillsborough County Sheriff's Office
LOS	Length of Stay
MIP	Misdemeanor Intervention Program
MIS	Management Information System
MSJ	Morgan Street Jail
NCIC	National crime information center
NIC	National Institute of Corrections
NOH	Notice of Hearing
NTA	Notice to Appear in court
ORJ	Orient Road Jail
PSI	Pre-Sentence Investigation
PTI	Pretrial Intervention program
RAWV	Resisting Arrest With Violence
ROR	Release on Own Recognizance
SAO	State Attorney's Office
TPD	Tampa Police Department
UCR	Uniform Crime Report
VOP	Violation of Probation

EXECUTIVE SUMMARY

Executive Summary

The Executive Summary highlights key issues, findings and recommendations to provide an overall briefing of the complete study contained in the following chapters. It does not summarize all areas of report coverage.

Chapter 1. Introduction

The Hillsborough Board of County Commissioners contracted with the Institute for Law & Policy Planning (ILPP) to perform a comprehensive assessment of the local justice system and its facilities. This report presents the results of the eight-month project.

The report principally finds that the inmate population is not growing as fast as once expected; that there are many areas where increases in efficiency can both slow the growth of the inmate population and more effectively preserve community safety; and that the infrastructure to accomplish this already exists in the efforts of individual agencies and the Hillsborough County Public Safety Coordinating Council.

PART I: INMATE POPULATION ASSESSMENT

ILPP completed an initial inmate population study for Hillsborough County in July, 1993. The findings of that study were used to evaluate changes in the current inmate population.

Chapter 2. Inmate Tracking Analysis

The analysis is based on all county jail bookings (3,594) during August, 1993.

1. Bookings

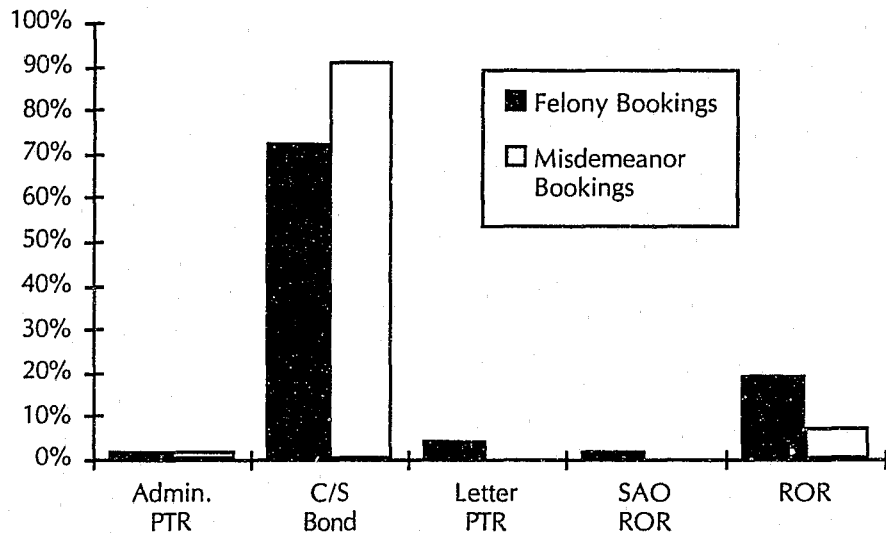
Misdemeanor bookings (53%) account for more than half of all jail bookings observed. Low use of citations in lieu of arrest and minimal use of pretrial release mechanisms by the jail (aside from bond) may partly account for this figure.

Violent offenses play a substantial role in both misdemeanor and felony level bookings, although property crime and burglary are a close second. Domestic violence was often the underlying cause of both felony and misdemeanor level bookings for violent offenses. These population characteristics are similar to the findings of ILPP's previous population analysis presented in July, 1993.

2. Pretrial Releases

The felony pretrial release rate was 59 percent which falls within national averages, although the majority of releases occurred via cash or surety bond (72% of felony releases; 91% of misdemeanor releases). Use of bond in Hillsborough County is significantly greater than in jurisdictions nationwide. Use of ROR takes much longer to obtain than bond.

Figure 1
Pretrial Release Programs, Level of Use



3. VOPs, FTAs and Use of No-Bond Orders

Felony violations of probation often result in a no-bond order, preventing pretrial release. In any case, even where bond has been allowed, pretrial release rates are low: only 14 percent of probation violators (technical and new offenses) were released pretrial.

Offenses for which the detainee is on probation were commonly related to drug or property crime for felonies and DUI-related for misdemeanors.

Chapter 3. Inmate Profile & Classification Analysis

The profile analysis is based on a representative sample of males and all females in the county detention system on October 8, 1993.

1. Offense Characteristics

The profile tends to show trends in the types of persons who **remain** in jail. In the Hillsborough County profile analysis, 75 percent (of the men) were charged with felonies. Violence and property crimes accounted for a third each of the observed population. This is about the same proportion as in the tracking sample, which shows the type of people that get **booked** into jail.

2. VOPs, FTAs and Holds

Nearly 40 percent of the men had some kind of probation violation. For felony VOPs, property and drug offenses were the common reasons. For misdemeanor VOPs, traffic offenses predominated (50%).

The majority of holds among men were for violation of controlled release, where an offender has been released from the state prison system due to crowding. Holds accounted for 19 percent of the male population in the profile sample. This shows one local impact of state prison crowding.

3. Adjudication Status and Length of Stay

Just over half of male inmates charged with a felony were awaiting adjudication of their primary charge (compared with around 72% in the ILPP July 1993 analysis). There was a comparable decrease for women. The average length of stay for drug offenders dropped to where it was more consistent with that of other non-capital felons.

4. Classification

Among men, 43 percent received a minimum custody classification.

Chapter 4. Inmate Population Projections

Table I
Historical and Estimated Average Jail Population (1975 - 2010)

Year	Historical	Low	Medium	High	Highest	Master Plan
1975	1,091					
1976	1,056					
1977	1,022					
1978	999					
1979	922					
1980	995					
1981	1,204					
1982	1,274					
1983	1,289					
1984	1,216					
1985	1,323					
1986	1,434					
1987	1,544					
1988	1,760					
1989	1,988	ORJ opens				
1990	1,943					
1991	2,157					
1992	2,289					2,374
1993	2,135					2,525
1995		2,224	2,334	2,367	2,390	2,827
2000		2,304	2,644	2,822	2,930	3,581
2005		2,406	2,910	3,333	3,539	4,335
2010		2,497	3,130	3,860	4,202	5,089

PART III: JUSTICE SYSTEM ASSESSMENT

Chapter 5. System Overview

The justice system assessment reviews the impact of individual agency policies on local justice system efficiency and effectiveness. Hillsborough County's criminal justice leaders have implemented or identified the need for programs which streamline use of limited resources. Examples of implementation include drug diversion court, an active chief judgeship, a substance abuse treatment continuum and system-wide support of and participation in the County Public Safety Coordinating Council (CPSCC).

The system overview presents a summary of major justice system assessment recommendations and functional descriptions of the offices that were covered as a part of this project.

Chapter 6. Administration

"Administration" includes resource and information management as well as system coordination.

1. County Government

While participation of the county, through a commissioner on the CPSCC, facilitates coordination of overall justice goals, there is no single administrative staffperson responsible for county criminal justice spending and management.

- ◆ *Recommendation: A criminal justice specialist should be added to the senior staff of the County Administrator's Office, or county administration should be organized to formally assign responsibility of all criminal justice issues to a single assistant administrator.*

2. System-Wide Population & Justice Management

The CPSCC has no authority to control or make decisions about the practices of constitutional offices related to criminal justice. Instead the CPSCC brings together the leaders of these and other community/government groups to discuss planning and direction. Working groups which could support the vision of the CPSCC and implement tangible programs are needed if the council is to have any real impact on criminal justice management.

- ◆ *Recommendation: Create a vertically-tiered Population Management Plan and Implementation Strategy with dedicated staff for the CPSCC.*

3. Information Management

The three major computer systems constituting the Hillsborough Criminal Justice Information System (CJIS) are the systems belonging to the Hillsborough County Sheriff's Office, the State Attorney and Public Defender Offices, and the Clerk of the Courts (Clerk).

There is a commendable degree of coordination among the system components. A lack of maximum automation of the criminal justice system (primarily the courts) is compensated, at least partly, by the strong working relationships at all levels of agency operations. This kind of interaction stands out in comparison with the majority of jurisdictions with this level of automation.

Chapter 7. Law Enforcement

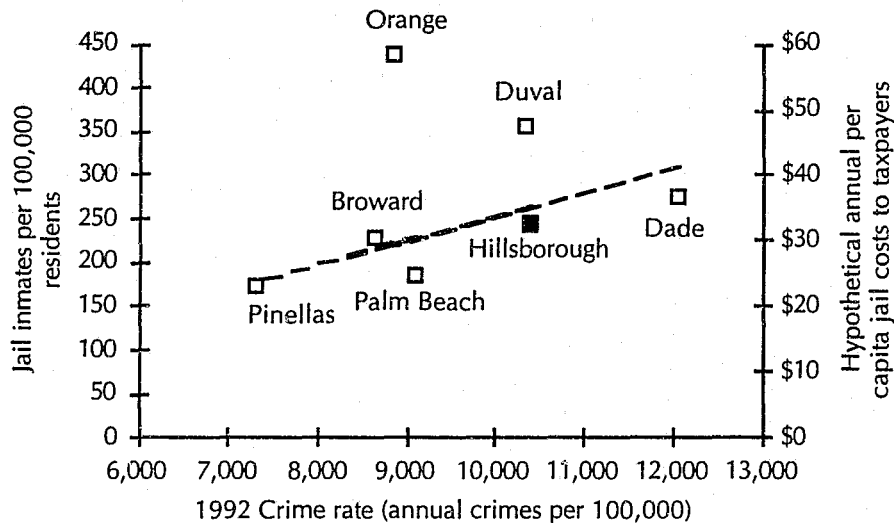
Law enforcement agencies in the county are accredited, professional and coordinate well with each other. Data from the inmate tracking and profile analyses, however, indicate some current practices which discourage pretrial release for appropriate persons and otherwise exacerbate jail population problems. These practices are:

- Low use of notices to appear (NTAs) in lieu of arrest;
 - Potentially excessive charging in drug possession cases; and
 - Inappropriate or frequent charging of persons with "resisting arrest with violence."
- ◆ *Recommendation: Create specific criteria for use of resisting arrest with violence (RAWV) as an official charge and develop other conventions to meet law enforcement goals in this area.*
- ◆ *Recommendation: Discontinue the practice of adding excessive drug offense counts to arrest affidavits.*
- ◆ *Recommendation: Clarify the policy regarding assignment of bond with the goal of setting bond for the highest, most serious offense.*
- ◆ *Recommendation: Continue to emphasize alternative law enforcement approaches like community policing.*
- ◆ *Recommendation: Increase appropriate use of NTAs.*

Chapter 8. Detention

Hillsborough County's jail system had an average daily jail population in 1993 of 2,135 inmates. Compared with the other largest Florida counties, Hillsborough has one of the higher crime rates but a jail bed cost and incarceration rate which rank at nearly the exact middle. These statistics are displayed in Figure II.

Figure II
Comparison of Jail Cost, Crime and Incarceration Rates
Florida's Largest Counties, 1993



In 1993, the HCSDD booked a total of 41,992 people. In August, 1993, felony bookings averaged 43 percent and misdemeanor bookings averaged 53 percent of all incoming detainees. The booking process is efficient and thorough, although the lack of a pretrial release agency or system limits use of releases and release recommendations in eligible cases.

- ◆ *Recommendation: Work closely with the County Public Safety Coordinating Council in further developing the pretrial release agency concept.*

Chapter 9. Alternatives

The three types of alternatives covered are pretrial release, pretrial intervention and sentencing alternatives (or community corrections).

Use of programs is not maximized because of fragmented placement procedures and lack of outcome-oriented program management. Programs are operated and funded by many different sources, meaning there is no single point of accountability.

- ◆ *Recommendation: Reorganize alternative programs into a system by creating a clear point of accountability with a single person responsible for coordinating and evaluating options.*
- ◆ *Recommendation: Establish a Pretrial Release Agency as recommended by the Court.*

- ◆ *Recommendation: Emphasize outcome measures for all programs. Alternatives to incarceration in particular must justify their existence by proving they are indeed alternatives – are jail beds being saved?*

Chapter 10. Adjudication

The early stages of criminal case management (particularly for felonies) are not being effectively used to effect appropriate pretrial releases and move cases toward disposition, whether this is a plea or trial. Recent changes in the intake process sped the time to file informations. This policy change, not supported by explicit and comprehensive procedures, reduced the quality of screening decisions and simultaneously increased the quantity of cases entering the court system.

Misdemeanor case management is efficient overall, although there are three particular types of cases where improvements could be made to produce more effective use of judicial time, particularly at the high volume county court level. These are domestic violence related, worthless check and suspended driver's license cases (DWLS).

Finally, circuit court case management displays little uniformity as shown in widely disparate caseloads among divisions.

- ◆ *Overall suggestions for adjusting the adjudication process are:*

1. A court-wide differentiated case management system (fast tracking of common cases that do not typically go to trial);
2. Serious commitment to making all court appearances meaningful, backed up with judicial enforcement. Specifically, preliminary presentation and arraignment should be scheduled and structured to encourage the maximum number of **appropriate** pretrial release and plea decisions.
3. Automation improvements in the criminal court system; and
4. A system-wide strategy for dealing with domestic violence that does not detrimentally involve the courts and correctional systems as the first and only response.

System Assessment Savings Potential

The table below attempts to quantify the savings in dollars, jail beds and personnel that could be achieved through implementation of the system assessment recommendations. These costs are presented to convey a sense of the **magnitude** of savings only.

Table II
Order of Magnitude Savings Impact

Action	Estimated bed savings:				Estimated staff savings		Estimated annual dollar savings	
	Fel low	Misd low	Fel high	Misd high	low	high	low	high
I. Jail bed savings								
Enable PreTrial Release:	25	35	75	90			\$1,200,000	\$3,300,000
Expedite ROR decisions								
Supervised ROR								
Revise RAWV criteria								
Omit excessive drug charges								
Bond on most serious charge only								
Bondsman's Association proposal								
PTR for non-serious FTA								
PTR if dismissal likely								
More domestic violence programs	4	2	8	5			\$120,000	\$260,000
Consolidate intake & drug screening	3	6	6	12			\$180,000	\$360,000
Reorganize drug court intake	1	2	2	4			\$60,000	\$120,000
More use of residential subst. abuse	1	2	2	4			\$60,000	\$120,000
DC - authority to place clients	5		10				\$100,000	\$200,000
Educate bench on DC options								
Officer puts court date on traffic NTA		2		4			\$40,000	\$80,000
No capias in misdemean. VOP rearrest		15		30			\$300,000	\$600,000
Fast-tracking	5		10				\$100,000	\$200,000
Early pleas	50		100				\$1,000,000	\$2,000,000
Reduce filing time	8		18				\$160,000	\$360,000
Expedite DOC packets	15		30				\$300,000	\$600,000
Improve caseload info. to judges	15		30				\$300,000	\$600,000
Slow down classification interviews	5		15				\$100,000	\$300,000
II. Procedural Improvements								
Consolidate diversion w/in SAO					0.25	0.5	\$7,500	\$15,000
Improved court automation					2	5	\$60,000	\$150,000
Separate files for multiple defendants					1	2	\$30,000	\$60,000
Verify addresses on bad checks					1	2	\$30,000	\$60,000
Improve jury mgt. procedures					0.5	1	\$15,000	\$30,000
Report filing in-service training					2	5	\$60,000	\$150,000
Falkenburg inmates to Work Release					15	30	\$450,000	\$900,000
Reserve deputies					10	20	\$300,000	\$600,000
Close Morgan Street					50	85	\$1,500,000	\$2,550,000
Data imaging					2	5	\$60,000	\$150,000
Automate UCR entry					0.5	1	\$15,000	\$30,000
III. Civil Fine Collection								
Make traffic capias civil fines		5		10	1	2	\$130,000	\$260,000
Collect fines							\$250,000	\$750,000
Immediate potential savings	137	69	306	159	85.3	159	\$6,927,500	\$14,805,000
Potential savings in 2010	201	101	449	233	99.7	185	\$9,324,095	\$20,073,666
Note: Totals are uncorrected for possible overlap. Estimates are rough order-of-magnitude planning figures constructed from tracking and profile data, and should not be taken as literal predictions.								

PART IV: SPACE USE ASSESSMENT

Chapter 11. Correctional Facilities Analysis

This study reviews all relevant planning around the county's correctional facility system. Of particular interest was the *County Jail East Facility Master Plan* (Helmuth, Obata, Kassenbaum, 1992), which proposes adding several thousand beds to the county jail system in the next 15 years.

1. Existing Space Use

**Table III
Bed Capacity by Facility**

Facility	Rated		Rated 1994 Capacity
	Dec. 1993 Capacity	Spring 1994 Additional	
Morgan Street Jail	508	-	508
Orient Road Jail	1,714	-	1,714
Work Release Center	54	121	175
Falkenburg Temporary Jail	48	336	384
Total	2,324	457	2,781

Note: The 48 beds at Falkenburg Road were added in Dec. 1993.

2. Projected Space Need (1994 - 2010)

Space need was identified by multiplying projected jail population figures with classification and peaking factors (combined 13.3%), allowing for flexible jail management.

**Table IV
Jail System Capacity Need (based on Mid-Range Inmate Projections)**

3. Prior Planning Efforts

ILPP reviewed all relevant planning documents focusing on two key reports: the *Jail Capacity Study* (Direct Supervision Institute, 1992) and the *County Jail East Facility Master Plan* (HOK, 1992).

The DSI study examined double bunking potential at the Orient Road Jail.

The HOK facility master plan presented a development plan for a new jail facility of several thousand beds to be located on Falkenburg Road. ILPP estimated the operational costs of the master plan facility below.

Table V
County Jail East Facility Master Plan Cost Summary

	Phase I 1995	Phase II 2000	Phase III 2005	Phase IV 2010	Total
Total Project Costs	\$33.6M	\$44.3M	\$27.8M	\$28.4M	\$134M
Cost Per Bed	\$33k	\$43k	\$27k	\$28k	\$33k
Staffing Increase	447	344	321	276	
Cumulative Staff Total	447	791	1,112	1,388	1,388
Annual Staffing Cost	\$14M	\$25M	\$36M	\$44M	\$44M
Staff-to-Inmate Ratio	2.29	2.59	2.76	2.95	2.95

4. Findings and Recommendations

4a. Classification of Inmates

Substantial savings are possible in construction and staffing costs with the inclusion of a reduced custody facility in the county's detention system.

◆ *Recommendation: Develop minimum security housing plans.*

4b. System Approach

Implementing previous detention facility plans would result in a system with large, independent facilities in three distinct locations. This is not a cost-effective long-term strategy for Hillsborough County.

Staffing costs are the most crucial element of jail life cycle cost and far exceed construction costs for detention facilities. Over a 30-year period, construction costs represent only ten percent of total cost while staffing alone accounts for 70 to 80 percent of total expenditures.

◆ *Recommendation: Develop plans for detention needs as a "system-wide" concept.*

4c. *Morgan Street Facility*

The Morgan Street Jail is extremely staff-intensive. Shifting Morgan Street staff to a new facility would accommodate 400 more inmates for about the same annual staffing costs. Development of a new jail on the Morgan Street site would be very costly.

- ◆ *Recommendation: Close the Morgan Street Jail in phases. Minimize duplication of services and programs by operating only two detention facilities.*

4d. *Orient Road Jail*

Additional housing increases are possible at the Orient Road Jail through increases in bed space.

ILPP finds that a minor increase in capacity would be possible using a "program pod" approach with one custody officer for 72 inmates in four to five units (32 to 40 additional beds).

- ◆ *Recommendation: Initiate the "program pod" approach to achieve modest housing increases at Orient Road*

Please refer to Appendix F for the HCSO assessment of this recommendation.

4e. *Falkenburg Road Site*

The Falkenburg Road site is a valuable asset and is essential to meet long-term county detention needs.

- ◆ *Recommendation: The Falkenburg Road site should be retained as part of a cost-effective long-term strategy to meet detention housing needs.*

4f. *County Jail East Facility Master Plan*

The County Jail East Facility Master Plan does not adequately address the county's detention needs as it is now written. Appendix G compares rough, order-of-magnitude cost estimates of this master plan versus other options.

- ◆ *Recommendation: Do not develop the County Jail East Facility Master Plan. Resolve serious problems in designing for classification needs, realistic inmate population growth and the need for cost-efficient consolidation of support services. Then, make use of remaining, valid work in the master plan to avoid having to invest in an entirely new correctional master plan.*

5. Conclusion

The county's jail bed space need is not nearly as great as estimated in the County Jail East Facility Master Plan. ILPP carefully reviewed the existing and projected population; compared this with existing jail capacity (adjusted to reflect ILPP recommendations for facility development and overall justice system management changes); and finally, calculated the number of beds the county will need over the next 15 years. This work is displayed in Table VI.

Table VI
Summary of Correctional Bed Needs, 1994 - 2010

SCENARIO: NO SYSTEM MANAGEMENT CHANGES				
	Minimum	Medium	Maximum	TOTAL
Current Bed Need				2,419
Rated Capacity, 1994	559	1,118	1,104	2,781
Current Bed Surplus				362
Projected Total Bed Need, 2010	1,526	1,384	639	3,549
Net New Beds Needed, 2010	967	266	-465	768
Net changes to facilities now planned	-384	63	-384	-700
Net Additional Beds Needed, 2010	1,351	198	-81	1,468
SCENARIO: SOME SYSTEM MANAGEMENT IMPROVEMENTS				
1994 Bed Reduction If recommendations implemented	Low Bed Savings		High Bed Savings	
	140		316	
Current Bed Need	2,279		2,103	
Rated Capacity, 1994	2,781		2,781	
Potential 1994 Bed Surplus	502		678	
2010 Bed Reduction If recommendations implemented	Low Bed Savings		High Bed Savings	
	205		462	
Projected Total Bed Need, 2010	3,344		3,087	
Net changes to facilities	-700		-700	
Net Additional Beds Needed, 2010	1,263		1,006	

In sum, the table shows that:

- In 1994, there is a jail bed surplus of 362 beds.
 - Assuming that there are no **improvements** in system management efficiency, the county will need to add 1,468 beds to the existing jail system by 2010.
 - Assuming there are **some improvements** in system management efficiency, the county will need to add anywhere from 1,006 to 1,263 beds to the existing jail system by 2010.
- ◆ *Recommendation: The county and CPSCC should monitor and adjust anticipated bed need figures using the steps described by ILPP in Chapter 11 to remain responsive to changes in system management and population growth trends that will affect facility planning.*

Chapter 12. Court Facilities Analysis

Coverage of court facility needs includes the **criminal court functions only** of the Circuit and County Courts, the Court Administrator's Office, the Clerk of the Circuit Court, the State Attorney's Office and the Public Defender. Its goal is to identify broad planning issues.

1. Existing Space Use

Table VII
Justice System Facilities, Existing Space Use

	Year Built †	Floors	OSF ¥	GSF ¥
County-Owned				
Courthouse	1952	3	134,403	191,618
South Annex Tower	1965	5	49,727	59,194
South Annex Corridor	1965	2	33,893	51,236
North Annex	1985	6	93,922	115,459
Edgecomb Bldg.	1960	3	53,163	69,804
407 East St.	na	2	7,104	9,363
Subtotal			372,212	496,674
Leased Space				
700 E. Twiggs St.	na	8	19,211	na
902 N. Florida St.	na	na	19,958	na
Subtotal			39,169	
Total Area			411,381	496,674
† Source of data is Court Administration Project, Interim Report One, November 1993.				
¥ Source of data is Facilities Master Plan, September 1988.				
na Information not available				

2. Projected Staffing Needs

Table VIII
Criminal Court Projections of Judges, 1992-2010

	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010
Circuit	9	10	10	11	11	11	11	12	12	12
County †	6	7	7	7	7	7	7	8	8	8
Preliminary presentation	1	1	1	1	1	1	1	1	1	1
† Includes East County Court										

3. Prior Planning Efforts

ILPP reviewed the county's general master plan and update (KPMG Peat Marwick, 1988, 1991) and the criminal justice components of the *Court Administration Project* study (Raonon and Partners, 1994). The latter study presented three development options to meet the 20-year space need of the courts (all divisions) and related offices.

4. Findings and Recommendations

Hillsborough County criminal justice court functions are currently in the process of planning for long-range needs and expansion. Current planning that is being done as part of the *Court Administration Project* is adequately projecting courtroom and judicial needs, but the needs stated for some support offices include overly high growth projections. The long-range court plan should include more information on how surplus space will be used until needed and how existing space vacated by the courts will be utilized by other agencies and should take a more realistic view of the site potential of the Edgecomb Building.

4a. Staffing and Space Projections

The projections of staff and judges in the *Court Administration Project* are satisfactory and match ILPP's projections of criminal court growth for judges.

Projections of ancillary offices (state attorney, public defender, court administration) used in the CAP study appear optimistic, given historical staffing trends.

- ◆ *Recommendation: Determine the impact of recommended management changes on criminal court growth and space needs.*

4b. *Space Standards and Planning Concepts*

The CAP report's space projections, space standards, building analysis, and planning concepts are well documented and acceptable as "Industry standards."

4c. *Current Space Adequacy*

The CAP study tabulated **existing** square footage for court and related offices at 336,230 OSF (occupiable square feet) and programmed **need** at 336,758 OSF. Comparison of these numbers – the total actual vs. the "ideal" – suggests that the immediate space needs of these agencies is not critical.

However, there are problems identified by the CAP study which are not reflected in the square footages. These include poor circulation and configuration; agencies that should be housed in one location being located in several different buildings; lack of appropriate adjacencies; and poorly designed spaces.

d. *Long-Range Projections and Phasing*

The Court Administration Project proposes building enough additional space to adequately meet the 20-year needs of the courts by adding between 75,000 to 125,000 SF within five years.

The study does not present phasing or recommendations for the most cost-effective way to utilize sizable surplus space until it is required.

- ◆ *Recommendation: Long-range planning for court facilities should carefully address phasing. Addressing allocation of the "expansion" space in the interim years, until it is needed, would allow for the most cost-effective construction and operation.*

4e. *Maximum Utilization of Existing Facilities*

The CAP study's Option 2 and Option 3 would vacate considerable space and relocate to new and remodeled facilities. The CAP does not identify how the vacated space would then be used (e.g., by other county functions).

If the space vacated would remain empty for an extended period of time, cost effectiveness is questionable at best and would result in a "surplus" of space ranging from 65,000 OSF (Option 2) to 250,000 OSF (Option 3).

- ◆ *Recommendation: The issue of space reuse by non-court functions should be addressed prior to adoption of a court master plan addition.*

4f. *Changes to Existing Buildings to Improve Security and Circulation*

- ◆ *Recommendation: Further documentation should be provided to explain the finding in the CAP report that construction to improve circulation and security of the courthouse is not viable.*

4g. *Edgecomb Site*

Renovation of the Edgecomb Building, estimated at \$7 million, does not solve considerable site under-utilization. New construction on the site is the best way to include it in a long-term development plan.

Chapter 13. Other Space Use

Space use of the county government, administrative and outlying operations of the Sheriff, and community corrections are reviewed.

1. County Government

The 1988 Hillsborough County Facilities Master Plan recommended consolidation of the county center into downtown Tampa and the maintenance of satellite service centers throughout the county. This approach preserves public accessibility and makes use of the inherent advantages of consolidation.

2. Sheriff's Office – Administration, Executive Support and Enforcement Operations

It appears that immediate problems with space will be addressed by the recent addition to the Sheriff's headquarters facility. Although long-term needs will require additional space, there is adequate land to effectively plan for these needs.

3. Community Corrections

Community corrections agencies include the many alternative providers of Hillsborough County (e.g., DC, Salvation Army, DACCO, etc.). Space use of these agencies is not systematized, although some coordination does occur. Future facility planning should take into account community corrections space need and use as part of an overall criminal justice facility master plan.

CONCLUSION

The findings and recommendations of this study seek to support a cost-effective criminal justice system and a sharp focus on public safety.

1.

Introduction

CHAPTER CONTENTS

1. Introduction

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Introduction

"Our Vision for the Year 2000 is a Florida Public Safety System which...assumes an integrated, coordinated and comprehensive approach to public safety needs at all levels of government." – Governor's Commission for Government by the People, Public Safety Committee (1991)

I. PROBLEM STATEMENT

The criminal justice system of Hillsborough County, Florida (population 860,000) is at a crossroads. There is new leadership in criminal justice offices, and the county is being asked to make major capital outlay decisions to develop correctional and court facilities.

Driving facility development decisions are nearly ten years of court involvement in the county's jail system, a history of rapid growth in demand on all criminal justice offices, and a recession which reduced the resources available to meet growing needs.

The Institute for Law & Policy Planning (ILPP) was retained by the Hillsborough Board of County Commissioners to thoroughly review the state of local criminal justice in order to facilitate intelligent and long-term planning decisions. One major question guiding research was: "Is the county doing everything it can, short of new construction, to maximize efficient use of jail beds?"

In summary, the eight month project finds that:

1. Growth in the inmate population has slowed in the past year and may be declining;
2. Adjustments in criminal justice system management could negate a current need for net new jail beds;
3. The infrastructure to implement substantial improvements in system efficiency already exists; examples are the great degree of communication among constitutional and other offices and the existence of policy planning groups such as the County Public Safety Coordinating Council.

This study follows ILPP's initial review of the county's inmate population ("Hillsborough County Corrections Population and Policy Research Study," July 1993). In that report, ILPP identified 15 "targets of opportunity" for maximizing efficiency in the use of limited jail beds. These targets are summarized with annotations on the status of each in Appendix A.

II. STUDY APPROACH

Because the Hillsborough County Sheriff's Office and the courts, in particular, have already invested a great deal of effort in seeking improvements in current practices, ILPP focused on reconciling the discrepancy between the existence of innovative, committed thinking and the persistent continuation of jail crowding.

ILPP looked at all the programs, policies and offices in the county's criminal justice system seeking to identify the obstacles to capitalizing on the resources and ideas that already exist in Hillsborough County but which are not being broadly applied.

The approach of this study includes three steps: characterizing the current state of the system, examining the policies of the agencies administering the system, and identifying any future needs for facilities based on this review. These steps are described below.

A. Inmate Population Assessment

ILPP collected data on over 3,000 inmates to perform three basic analyses. First, in the **Inmate Tracking Analysis**, data on all persons booked into the county jail system during the month of August, 1993, were collected to evaluate the flow of people into, through and out of the detention system.

Second, in the **Inmate Profile Analysis**, a sampling of inmates in jail was taken to obtain a "snapshot" of the kinds of detainees that populate the jail on a given day. This provides a cross-sectional perspective and a sense of the seriousness of the jail population.

Finally, in the **Inmate Population Projections**, the inmate population was projected over 20 years by classification type. These projections show that the inmate population is growing more slowly than during the late 1980s, the period on which the current Falkenburg Road master plan is based.

B. Justice System Assessment

The second prong of ILPP's approach is an examination of how local criminal justice offices work together in meeting overall system goals. Representatives from all levels – policy makers, technical personnel, and line staff – were interviewed and extensive data was analyzed to identify possible areas where efficient system flow might be hampered.

This review constitutes the second section of the report. The section begins with a system overview which summarizes the functional characteristics of all the agencies covered within the scope of the study. In addition, issues

that are not the sole responsibility of any single office in the system are presented with recommendations. These include overall criminal justice system management, the pretrial release system, and the handling of domestic violence cases.

Following the overview, a chapter is devoted to each step of the local criminal justice process: administration, law enforcement, detention, alternatives, and adjudication.

C. Space Use Assessment

The third section is ILPP's assessment of how the nature of system growth (in inmate population, case filings and other indicators of criminal justice "demand") affects the existing supply of facilities and the need for future facilities. The section is organized by system area (correctional, court and other justice functions) with significant attention devoted to major facility development projects for the correctional system and the criminal courts.

III. CONCLUSION

This study began in a crisis environment: the rising jail population exacerbated the pressure of a court order to begin construction of a master plan that would require significant capital outlay and long-term maintenance costs. In this atmosphere, a new team of county justice leaders was forced into the difficult position of examining how it would do business and still be able to guarantee the public safety it was charged with protecting.

Perhaps the most important aim of this study is to fundamentally challenge individual ways of doing business by encouraging Hillsborough County to think about the whole system and in new ways. This report reflects the thorough involvement of the County's Public Safety Coordinating Council, and in particular the Sheriff's Office and the Courts. In feedback from these and other offices, the desire to study the system as a whole was clear.

Some have asked, if the report finds that an improvement in efficiency or effectiveness could be realized, then why can't 10, 20 or even 1,000 other improvements be realized in the same area? Others have asked, if what happens at the jail reflects the policies and practices of all justice actors, then doesn't the handling of the juvenile justice system also play a role? Or what about the role of social services and systems outside of the justice system?

This report cannot and should not define the public safety vision for Hillsborough County's future; rather it finds that the long-time efforts of the

system's leaders, combined with the expressed interest of the local community can help the county consider these challenges comprehensively and creatively.

PART I
INMATE POPULATION
ASSESSMENT

2.

Inmate Tracking Analysis

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2. Inmate Tracking Analysis

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Inmate Tracking Analysis

I. INTRODUCTION

ILPP uses a National Institute of Corrections Inmate tracking model to analyze Inmates moving through the jail system. The tracking sample for this report consisted of all bookings into the Hillsborough County jail system during the month of August, 1993. There were a total of 3,594 cases. From analysis of this information a picture of **inmate flow** emerges: who gets booked, who gets released, and how quickly does it all happen.

This report refers to the tracking data collected for ILPP's July, 1993 Corrections Population and Policy Research Sample as the "February sample" and to data collected for the current effort as the "August sample."

Because data were collected via computer, this analysis is more comprehensive and provided more detailed support of findings than the July, 1993 study.

II. PRIOR TRACKING ANALYSIS (JULY, 1993)

A. Summary

For comparison, the key findings of the July 1993 report are summarized here.

- A statistical sample of 2,591 inmates was taken from all bookings into the Hillsborough County jail system between January 24 and February 14, 1993.
- The pretrial release rate (those actually released) was approximately 63 percent for people charged with felonies and 71 percent for those charged with misdemeanors.
- The most common form of release was through posting bond. This may be partly explained by the fact that there are few other pretrial release options, and all of them are slower than posting bond.
- Traffic, drug and violation of probation charges were common among those who remained in jail. A few inmates were booked into the jail on local municipal ordinances (e.g., open container).
- If a detainee did not obtain release within 48 hours, then the likelihood was great that the person would remain in custody until the case was entirely adjudicated.

ILPP's initial tracking study found that the number of non-financial pretrial release options are extremely limited, underused and slow to effect. Thus posting bond becomes the most desirable and efficient means to obtain pretrial release except for those who cannot afford it, in which case they likely remain in jail.

Drug possession, failure to appear capases, domestic violence and technical violations of probation (VOPs) were the predominant types of bookings into the jail. Particularly in this latter category of VOPs, whether or not the violation was technical, a new crime, or a felony or misdemeanor act, the practice was to prohibit bond and thereby effectively cut off the main form of pretrial release for a generally non-violent group.

Have any of these characteristics changed? ILPP found that generally the statistics for demographics, pretrial release rates, and most common categories of charges has not changed significantly according to a new set of data collected for this report. In some cases, in fact, ILPP found that it is taking **longer** to obtain non-financial pretrial release (ROR) than before.

B. Follow-Up Analysis

Because data for the February tracking study were collected within two months of booking for the sample cases, ILPP collected additional data on these cases to obtain more complete information on overall ALS.¹ Such information was also helpful in identifying jail population management issues.

The additional data confirmed that persons unable to obtain pretrial release within the first 48 hours after booking are most likely to remain in jail until their charges are adjudicated or dismissed. Of the 214 persons still in jail on felony charges at the time of the first tracking study, only nine percent later obtained pretrial release; for persons booked on misdemeanor charges, the pretrial release rate was only slightly higher at 11 percent. Most of these persons were released on their own recognizance (16) after an ALS of 90.59 days for felony charges.²

However, given an ALS of approximately three months, the reality is that these own recognizance releases are not typical pretrial releases, but releases upon the court's order where the State Attorney has failed to file charges or where the attorneys have failed to move the case toward trial in a timely manner.³

The almost complete reliance on ROR to effect pretrial release for persons remaining in custody after 48 hours, combined with the high ALS, is an example of an informal policy by the courts to screen weak cases or to

force State Attorney action. This informal policy is most likely a reaction to the State Attorney's reluctance to dismiss or nolle pros weak cases. In the February sample, less than one percent of all persons booked into the jail had their charges dismissed, reduced or nolle prossed. The follow-up study confirms that once an information has been filed, the likelihood of dismissal of the case through State Attorney action is very low. In the follow-up study, only one case was dismissed by the State Attorney (ALS of approximately 63 days).

"Other releases" accounted for nine percent of all the felony in-custody cases and 14 percent of the misdemeanor in custody cases, with an ALS of 59.42 days and 52.26 days respectively. This release mode is used for special situations, including those where the defendant has been sentenced to state prison, but a Hillsborough County hold remains. The increase in the use of "other releases" is thus additional corroboration that most releases after the first two days of booking are after adjudication of pending charges.

III. UPDATED TRACKING ANALYSIS (MARCH, 1994)

A. Demographics

As expected, there were no significant changes from the July report: the ratio of men to women continues to be four to one. The most frequent age of offenders fell within the 18-24 age group.

More reliable data on ethnicity were obtained for the current sample, which was 36 percent African-American; eight percent Hispanic (Caucasian) and 57 percent white.⁴

B. Charge Types

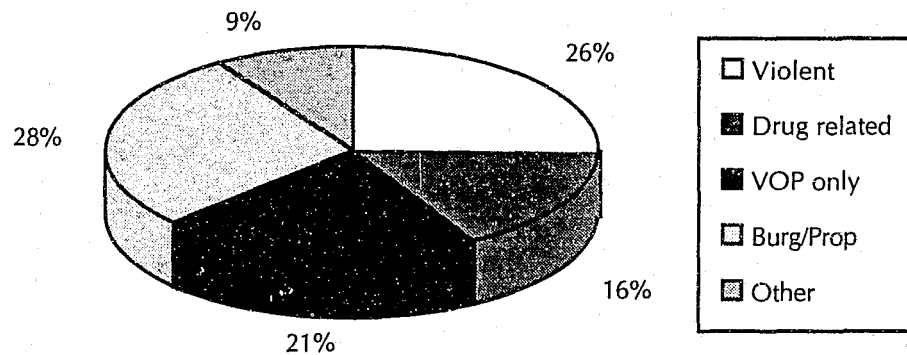
ILPP reviewed complete booking records of all inmates in the tracking sample and based the following analysis of charge type on the primary, or most severe charge. Determination of most serious charge is derived from the National Institute of Corrections' charge ranking list which arrays offenses in a hierarchy from least to most serious. Booking information in Hillsborough County correlates well with this ranking list.

The August sample showed a statistically insignificant increase in felony bookings (43% compared to 40% in the February sample) with a concomitant decrease in misdemeanor bookings (53% vs. 55%). Other bookings, which include contempt of court, writs, retake warrants, escape and federal inmates, together remained at four percent of the sample. Bookings on ordinances alone accounted for only one percent

of all misdemeanor bookings into the jail during the study period. Jail staff report that typically, only persons with an unverifiable address will be booked into the jail for an ordinance violation.

1. Felony Bookings

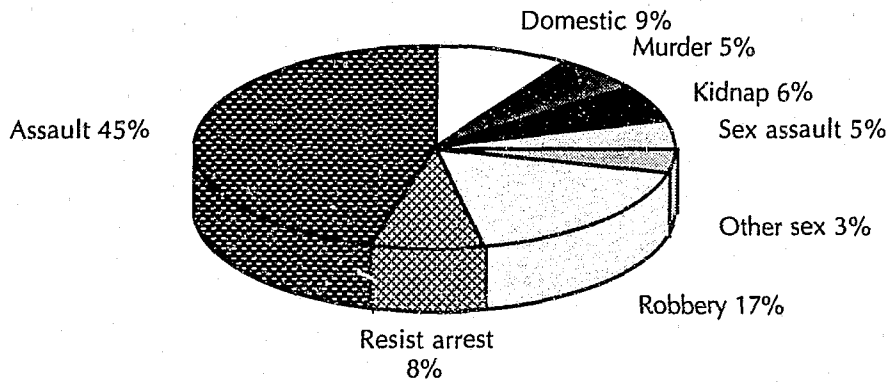
Figure 2.1
Summary of Felony Bookings by Overall Type, Men's Tracking Sample



For felony bookings, offenses involving violence against other persons remain roughly the same as the earlier sample at 26 percent of all felony bookings.

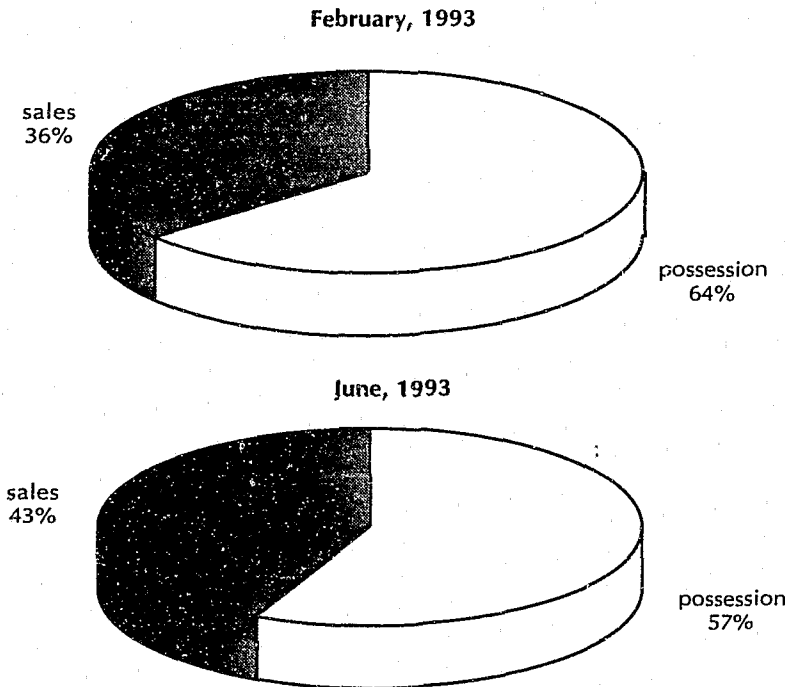
- The majority of the bookings for violent felonies were for aggravated assault or battery (54%), excluding resisting arrest.
- Nine percent of violent bookings (17% of felony assault and battery) involved domestic violence.
- 17 percent of violent felony bookings were for robbery.
- Eight percent of violent bookings involved resisting arrest or battery against a law enforcement officer (RA/LEOB).
- Murder, kidnap and rape each accounted for five percent of all violent felony bookings (kidnap was 6%, other sex offenses were 3%).

Figure 2.2
Breakdown of Violent Felony Bookings, Men's Tracking Sample



The August sample also showed a slight decrease in drug-related offenses (16%) and a significant increase in bookings on probation violations only (21%). Felony drug possession charges were a significantly smaller proportion of all drug offenses, 57 percent compared to 64 percent in the February sample. Cocaine was involved in 91 percent of all drug possession charges.

Figure 2.3
Comparison of Drug Possession vs. Sales Charges
Men's February, 1993 and August, 1993 Tracking Samples



In coding charges, ILPP conservatively assumed that a charge of delivery is often tantamount to intent to sell. However, law enforcement and judicial sources comment that delivery is often an extension of a possession charge. Therefore, the proportions of possession to sales displayed above is probably biased low.

Although there were no changes between the two tracking samples in the proportions of bookings for burglary and property offenses, additional information showed:

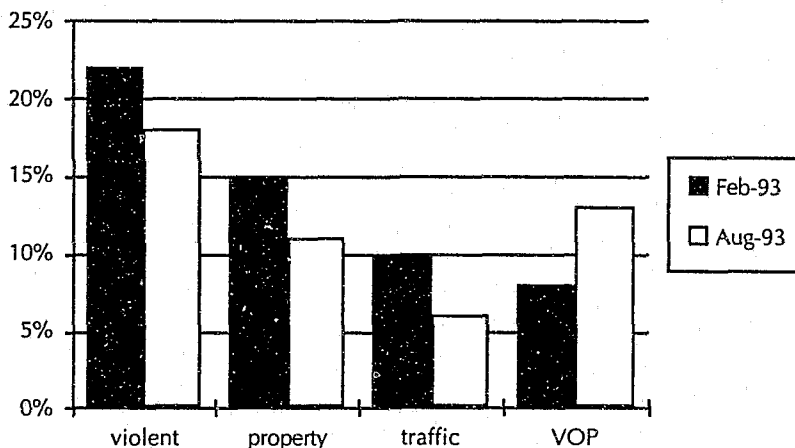
- One-half of all burglary bookings were for burglary of a dwelling;
- Over one-fourth (26%) of all felony property offenses involved forgery, fraud or worthless checks.

2. Misdemeanor Bookings

The most significant findings in the current sample of misdemeanor bookings (August 1993) in comparison with the data collected in February 1993 are:

- A decrease in violent offenses (18% of all misdemeanor bookings compared to 22% in February);
- The proportion of violent offenses involving domestic violence remains unchanged (55%);
- A decrease in property offenses (11% vs. 15%);
- A decrease in traffic bookings (6% vs. 10%); and
- An increase in bookings for probation violations only (13% vs. 8%).

Figure 2.4
Comparison of Misdemeanor Bookings by Offense Type
Men's February, 1993 and August, 1993 Tracking Samples



As a result of the decrease in bookings on "other traffic" offenses, the proportion of all traffic-related offenses, which include DUI and DWLS, dropped from two-fifths of all misdemeanor bookings to one-third. However, there were no changes in the proportions of persons booked on DUI (17% of all misdemeanors) and DWLS (11%).

C. Release and Length of Stay

There were administrative orders issued during the early summer of 1993 (prior to collection of the second data set) and changes made in eligibility criteria for own recognizance releases (ROR), both of which were intended to increase the rate of pretrial release. Despite these changes, the August sample showed reductions in the pretrial release rates and some increases in average length of stay (ALS):⁵

- The pretrial release rate for felony bookings dropped from 63 percent to 59 percent.
- The pretrial release rate for misdemeanors went from approximately 70 percent to 68 percent.
- ROR continued to be the slowest form of pretrial release, and the time to effect such releases for felonies increased by 1.5 days, from 11 days in February to 12.5 days in August.
- In contrast to the February sample where 37 percent of ROR releases were made within 24 hours of booking, only 26 percent occurred within this time frame in August.

Although there were decreases in the pretrial release rates, there was no change in the pattern of use for the various pretrial release methods – cash bond, surety bond, administrative pretrial release and ROR.

Table 2.1
Comparison of Pretrial Release by Type and Length of Stay

Pretrial Release Mode	February Sample		August Sample	
	%	ALS	%	ALS
Felony Bookings				
Administrative PT	3%	0.92	2%	2.00
Cash Bond	5%	6.06	5%	0.92
Surety Bond	69%	3.72	67%	3.98
Letter of release	<1%	1.30	4%	4.17
State Attorney ROR			2%	7.56
ROR	23%	11.03	19%	12.54
Misdemeanor Bookings				
Administrative PT	2%	0.69	2%	0.69
Cash Bond	24%	9.38	26%	0.85
Surety Bond	67%	4.00	65%	1.09
Letter of release			<1%	3.00
State Attorney ROR			<1%	2.22
ROR	7%	3.73	7%	3.73

Based on the preceding table, the following findings are the most significant:

- Posting bond continues to be the primary method for obtaining pretrial release for both felonies and misdemeanors.
- There have been substantial reductions in the amount of time for obtaining release after posting cash or surety bond for misdemeanors.
- ROR continues to be used primarily for felony bookings.
- There appears to be a greater use of letters of release from the State Attorney, but the time it takes to effect them has increased by about three days.
- Although the table shows a decrease in the use of ROR for felonies, the decrease is only slight, since the February data included ROR releases authorized by the State Attorney.
- The ALS for felony ROR releases, however, has increased. The table understates the difference since the February ALS for such releases included State Attorney releases, which at that time had an ALS of almost 20 days. As a result, the ALS for "regular" ROR in February was actually **less** than 11.03 days.
- The current ALS for State Attorney ROR, i.e., those cases where the State Attorney has made an initial decision not to file charges, is consistent with the office's recent policy change to file on felony charges within ten days. (The increased use of letters of release may be a response to the State Attorney's recent policy to file earlier.)

- Although ROR criteria have been changed to allow persons booked on prostitution charges to be considered, the August data showed no persons with such charges released on ROR. Persons charged also had a lower pretrial release rate (25% compared to 35% in February), and a greater proportion were not released until time served (53% vs. 48%) or were still in custody at the time data were collected (15% vs. 10%).

Table 2.2
Comparison of Post-adjudication Releases, February and August 1993

Post-adjudication Release	February Sample		August Sample	
	%	ALS	%	ALS
Felony Bookings				
Probation	29%	16.38	42%	16.15
Time served	13%	21.06	7%	22.19
State prison	39%	35.15	27%	31.02
Transfer	11%	45.07	18%	15.91
State Attorney action	<1%	5.64	<1%	
Misdemeanor Bookings				
Probation	13%	10.10	14%	12.38
Time served	60%	14.91	70%	17.94
State prison	2%	25.75	2%	22.91
Transfer	6%	14.27	9%	13.04
State Attorney action	<1%	14.27	<1%	9.03

The following findings are the most significant:

- There are no statistically significant changes in ALS for most types of felony post-adjudication releases, but there has been a nearly 50 percent increase in the use of felony probation.
- The time for transfer to other jurisdictions has shortened substantially.
- There has been a significant decrease, about one-third less, in the proportion of persons charged with felonies who are transferred to state prison.
- The post-adjudication release patterns for misdemeanors is basically unchanged with the exception of those sentenced to time served, which increased by 17 percent; the ALS is also three days longer.
- Disposition of cases through State Attorney actions such as nolle prosequere is virtually nonexistent in both samples, occurring in less than one percent of the cases.
- The incidence of reductions in felony charges to misdemeanors is also low. Data from dispositions of charges show five percent of the felony charges are eventually reduced to misdemeanors.

Overall, the data from the two studies indicate that filing occurred on nearly all cases where the person remained in custody after booking. Once charges are filed, data show that nolle prosequere or dismissal (by the State Attorney) is infrequent. Dismissal of charges for persons required to stay in jail is also unlikely; dismissals accounted for less than one percent of dispositions.

D. Violations of Probation

Nearly one-fourth of all persons booked into the jail during the August 1993 study period had a probation violation, either as the only charge, with a warrant pending at the time a new offense was committed, or with a probation violation added on after the new arrest. Most of these (69%) involved probation violations that were the only charge at booking, i.e., the primary charge.

There are distinct differences in the use of no-bond orders between felony and misdemeanor probation violations (as primary charges):

- There were no-bond orders on 39 percent of the felony probation violations.
- In contrast, there were no-bond orders on only four percent of the misdemeanor probation violations.

The original charges for which these persons were placed on probation were primarily property or substance abuse offenses:

- Nearly 30 percent of the original charges for felony probation violators were drug related charges; there was the same percentage of felony property offenses.
- One-third of the underlying charges for misdemeanor probation violations were traffic related, which includes DWLS.
- Nearly 20 percent of the misdemeanor probation violations were for DUI; 16 percent involved battery.

Despite the non-violent nature of most underlying charges for probation violations, very few of those persons booked on technical probation violations are released pretrial:

- Not surprisingly, given the incidence of no-bond orders for felony probation violations, only 14 percent obtained pretrial release.
- For the persons booked only on felony probation violations who didn't obtain pretrial release, 34 percent were returned to probation, four percent were sentenced to jail time, 24 percent were sent to state prison and 15 percent were still in custody.

- The pretrial release rate for technical misdemeanor probation violations was only 20 percent even though a bail amount was generally set at the time of booking.
- The greatest proportion of technical misdemeanor probation violations were released after time served (42 percent); nine percent were still in custody at the time data were collected, and only four percent were returned to probation.

E. Failures to Appear

The low incidence of persons with outstanding capiases for failure to appear (FTAs) in court (4.5%) indicate that FTAs are not a major issue in Hillsborough County. Based on interviews with criminal justice representatives, most FTA capiases are resolved before the person is arrested on another offense or before the capias is served.

- With the exception of felony offenses, the existence of an outstanding FTA capias has no impact on pretrial release. The pretrial release rates range from 70 percent for traffic FTAs to 93 percent for unserved summonses cases.
- To obtain pretrial release, however, nearly all persons with FTA capiases must post bond, even where the only offense involved is an ordinance violation.
- Most of the FTAs were associated with unserved summonses (38%) or misdemeanors (37%); only six percent involved felonies.
- Although there was a low incidence of FTAs in the overall sample, the FTA rates for traffic offenses and DWLS were very high: nearly half of all traffic offenses (47%) and over two-fifths of all DWLS bookings (43%).
- There appears to be general adherence to an established policy that persons arrested on DWLS will not be booked unless there are additional charges, either a new offense or a hold.
- Most of the bookings on DWLS were based on either an outstanding capias (which was treated in this study as a failure to appear or to pay a fine), warrants or additional charges.

F. Use of No-Bond Orders

There is still widespread use of no-bond orders for technical violations of felony probation, but such use has significantly decreased for FTAs:

- Overall, only 16 percent of the tracking sample had a no-bond order on either the primary charge or an additional charge.
- Less than two percent of persons with FTAs at the time of booking had no-bond on the FTA capiases.

- For persons who were still unsentenced at the time of the August data collection, 80 percent of those booked on technical violations of felony probation had no-bond, compared to only 13 percent for misdemeanor probation violations.
- When a person on probation was arrested on a new charge, there was invariably a no-bond on the add-on.

NOTES

- ¹ Of the 313 persons still in jail in March, 1993, only 20 remained in custody by October, 1993. All but four of these cases involved felony charges: murder (4), kidnap (2), rape (1), burglary (4), property (1), drug possession (1), drug sales (2) and probation violation (1).
- ² The ALS for misdemeanor bookings on ROR (4) was not usable for statistical purposes.
- ³ This finding is consistent with information obtained from interviews with judges who had individual policies of dismissing cases where attorneys were not prepared for trial or requested an excessive number of continuances.
- ⁴ Total exceeds 100 percent due to rounding error.
- ⁵ Comparisons of ALS and pretrial release rates were made with the original February data because of the similar time frames between booking and data collection. See following note.
- ⁶ The table includes only persons booked who obtained pretrial release in the period between the sampling period (February or August) and the time the sample was gathered (June or October), not the entire sample of felony bookings. Anyone released subsequently would have a longer length of stay and would therefore raise the tabulated ALS. Thus, the numbers shown are minimums; the true values could be higher.

3. Inmate Profile & Classification Analysis

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3. Inmate Profile & Classification Analysis

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Inmate Profile & Classification Analysis

I. INTRODUCTION

The profile sample for the men is a representative sample from the total male population in the Hillsborough County jail system (which included both Morgan Street and Orient Road) on October 8, 1993. All of the women and juveniles who were in custody on that date were included in the profile. The men's profile sample consisted of 608 cases¹, which represents approximately one-third of those who were physically in jail. The women's sample comprised 264 cases, and the juveniles, 108 cases. ILPP used the data set supplied by the Sheriff's Office, and counted as juveniles, anyone under 18 years old at the arrest date, regardless of actual age by the time of sampling. If the Sheriff's Office follows this convention, ILPP may have inadvertently included some juveniles who were in the system but not physically in the jail, as on house arrest, on loan to other agencies or jurisdictions, etc. In any case, the juveniles are not used further in the profile analysis.

ILPP uses the National Institute of Corrections (NIC) classification model for evaluating profile and classification data. This model, which is also used by the Hillsborough County Sheriff's Detention Department, provides a set of objective criteria with points for identifying the classification of a given detainee.

A profile of the jail population on a given day is most useful for determining housing needs and classification levels within the jail and for long-term planning purposes. Assessed in conjunction with an inmate tracking analysis, one can compare the people who **pass through** (tracking) the booking desk with those who **stay** in jail after booking (profile). The profile analysis can then be used to describe the county's typical jail population, determine the level of security required to house the population during the short-term, and the kind of housing required in the future.

II. DEMOGRAPHICS

There are essentially no major changes in demographics between the profile study completed in March, 1993 (for ILPP's June, 1993 report) and in October, 1993 (the data collection period of the current effort).

- Average age for men and women is slightly above 30 years, although the most frequent age cohort observed was the 18-24 year grouping.²
- Racial composition of the two profile studies does not significantly differ: African-Americans made up just over half of the men's

and women's profiles in March; the proportion was just under half in October. Any difference can be attributed to better identification of Hispanics (7% of the men's sample).

- The proportion of persons in the profile samples with "at large" for residence (10%) was twice as large as the proportion for the tracking sample, indicating that an "at large" address may dissuade recommendation of pretrial release.
- Unemployment rates were unchanged between the two studies: 85 percent of the women and 65 percent of the men had no employment at the time of booking.

III. CHARGE TYPES

With the exception of the women's profile, there have been no significant changes in the types of charges for which persons have been detained. Methodology in determining the most serious charge for which a person is detained in jail is identical to the tracking analysis methodology (see Chapter 2, Inmate Tracking Analysis).

- Nearly three-fourths of the men's profile sample had a felony as the most serious charge; the women's sample had increased from 60 percent in March to 66 percent for felonies.
- Offenses involving violence or the threat of violence still make up about one-third of the felonies in the men's sample; this proportion was nearly one-fourth of the women's sample.
- The other felony charges in the men's sample were about one-fourth burglary or property, one-fifth drug charges and 17 percent probation violations only.
- For misdemeanor charges in the men's sample, traffic offenses, including DUI, were still close to one-third of all misdemeanors, with battery and probation violations each about one-fourth.
- The proportion of women with felony drug charges in the October sample had dropped significantly from over one-third in March to one-fourth.
- On the other hand, the proportion for women detained on probation violations only increased from one-fourth in March to nearly one-third:
- Prostitution is still the most common misdemeanor charge for women, nearly one-fourth of all misdemeanors. The other significant categories of misdemeanors were property offenses, about one-fifth, and probation violations, 13 percent.

Figure 3.1
Breakdown of Felony Charge Types, Men's Profile Sample

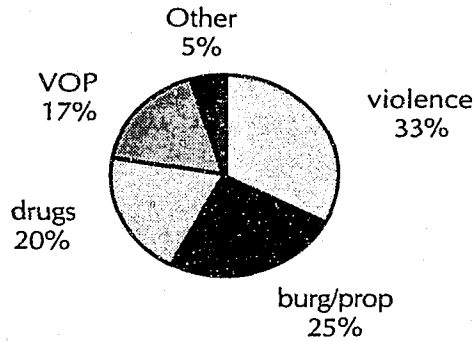
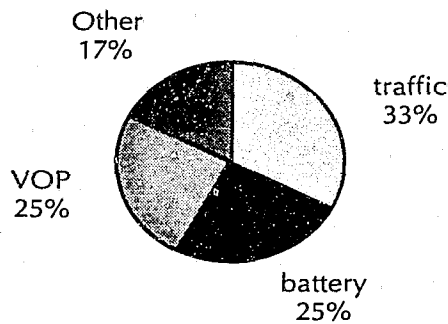


Figure 3.2
Breakdown of Misdemeanor Charge Types, Men's Profile Sample



IV. VIOLATION OF PROBATION

The number of detainees in jail due to violations of probation appears to be growing, for both men and women:

- Almost two-fifths of the men's profile had a probation violation, either as the primary offense or additional charge. The proportion for women increased from 39 percent in March to nearly one-half in October.
- Felony probation violations dominated both samples: 63 percent for the men and 74 percent for the women. In the men's sample, the felony probation violations were almost equally split among burglary, property and drugs as the original charges. For women, drug offenses were the underlying charge for two-fifths of all the felony probation violations.

- For men, misdemeanor charges underlying the probation violations were primarily traffic-related, nearly 50 percent. About 30 percent of the underlying misdemeanor charges were for battery.

V. HOLDS, FAILURES TO APPEAR & BOND

The pattern for persons with holds has undergone some changes.

- Although the proportion of men in custody with holds had decreased to 19 percent in October (compared with 30 percent in March), the most common hold was for violation of controlled release.³
- Controlled release violations were also the most common hold for women; there was no significant change in the proportion of persons with holds in ILPP's July 1993 profile study, about one-fifth.
- For women, however, holds for DACCO or another drug program equaled the number of controlled release holds (nine each).

Since ILPP's first analysis of the jail population, FTAs continue to be insignificant as factors for continued detention: six percent of the women and two percent of the men had FTA capiases or unserved summons at the time of booking.

Data on bond were revised for the October study to exclude persons who had been sentenced. There were no-bond orders for 31 percent of the men and 20 percent of the women.

- For the men, no-bond orders were primarily the result of violations of probation (27% of all holds), violation of controlled release (17%) and violation of community control (10%).
- The increased incidence of violations of controlled release in both the men's and women's sample indicates that the state's prison overcrowding has created a "second generation" of offenses.

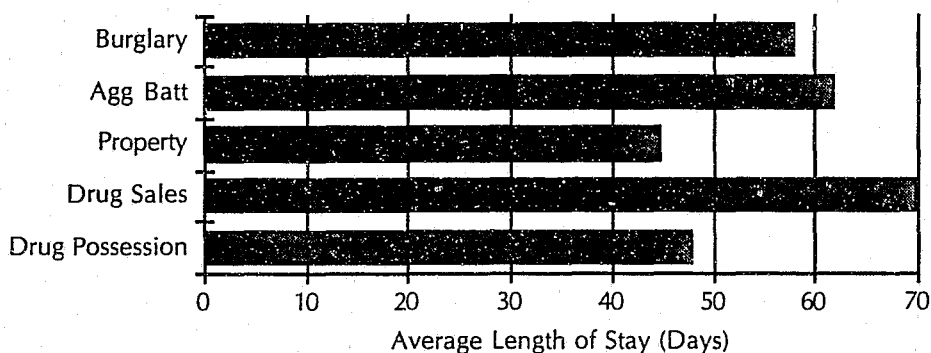
VI. ADJUDICATION STATUS

Since March, when data for ILPP's July, 1993 report were collected, there have been some very significant changes in the proportions of persons who are entirely unsentenced, or awaiting adjudication of their primary charges:

- In the men's sample, just over one-half were awaiting adjudication of their felony primary charges compared to 72 percent in March.

- The change was also similar for the women's sample, 55 percent of the felony primary charges were pending compared to 71 percent in March.
- Persons booked on only one charge, however, made up only 22 percent of the men's sample and 31 percent of the women's sample.
- When adjudication of cases with additional charges was reviewed, only 36 percent of the men and women had been sentenced on all charges.
- Almost half of the men (45%) were awaiting adjudication of all their charges; this was true for only 31 percent of the women.
- Violations of probation are still adjudicated relatively quickly for both samples: Over four-fifths of the men and women had been sentenced on felony probation violations; 92 percent of the men had been sentenced on misdemeanor probation violations.
- Nevertheless, the ALS for misdemeanor probation violations has increased. The March study, which identified ALS by adjudication status, found an ALS of approximately 26 days for persons sentenced on misdemeanor probation violations. The October data found an overall ALS of 39 days for such violations, indicating longer sentences are being imposed given the high adjudication rate.
- There has essentially been no change in the ALS for felony probation violations, 44 days for women overall and 46 days for men overall.
- The ALS for capital or life felonies exceeds 100 days, but the overall ALS for felony drug offenses has dropped considerably to 48 days for drug possession and 70 days for drug sales. The ALS for these charges is now more consistent with the overall ALS for other felony charges such as property offenses, 45 days; aggravated battery, 62 days; and burglary, 58 days.⁴

Figure 3.3
Average Length of Stay for Selected Offenses, Overall Profile Sample



- The most significant other change in ALS for misdemeanors has been for battery, which increased to 55 days overall, compared to an ALS of approximately 35 days for sentenced persons in the March profile.

VII. CLASSIFICATION

A. Men's Profile

Classification of the men's profile sample confirms ILPP's earlier finding that the county's needs for jail beds are primarily for medium and minimum settings. As described in the first profile study, the NIC model assigns points to various criteria for determining the most appropriate custody level. The initial score (maximum custody score) is based upon three criteria: severity of current charges, serious offense history and escape history. For inmates whose score is less than seven points after the maximum custody score, additional classification criteria are considered, including prior felony convictions, alcohol/drug abuse, holds and stability factors. Those with scores of ten or higher would be most appropriately housed in a maximum security setting.

NIC definitions for severity of the current offense were also used to determine the severity of offenses, such as low, moderate, high and highest. Low severity offenses include most drug possession charges, traffic offenses, DUI, property offenses involving less than \$500 and technical probation violations. Moderate severity offenses include most felony property crimes, burglary and assault. High severity offenses involve crimes against persons, such as robbery and aggravated assault. The highest severity offenses are those that would result in a capital or life sentence, including murder, rape, and kidnap.

- There are two notable differences in levels of severity of present or booked offense in the October study: the proportion of persons booked on moderate severity offenses, such as burglary and felony property crimes, increased to 48 percent, compared to 39 percent in March. At the same time, the proportion of persons booked on high severity offenses, such as robbery and aggravated battery, decreased to 13 percent. Such bookings made up over one-fifth of the March sample.
- The proportion of persons who should be housed in maximum security within the jail, based on escape history and the seriousness of prior convictions, was 15 percent in October, compared to nearly 25 percent in March. (This proportion is based on the maximum custody score alone.)
- Given these changes overall, the proportion of men who could be housed in minimum or medium security settings increased to 82 percent, well over the three-fourths found suitable for

such housing in March. There was also a decrease in the proportion requiring maximum security housing, from 25 percent in March to 18 percent in October. (These findings are based on two sets of scores: the maximum custody score and the comprehensive custody score.)

- About one-third of the men's sample had a history of drug or alcohol abuse or both.⁵

B. Women's Profile

Because of the high percentage of women held only on probation violations, the October classification reflected an even greater need for minimum security housing for women.

- Women who should be housed in maximum security, based on their maximum security scores only (severity of current offense, escape history and seriousness of prior convictions), made up only five percent of the sample, compared to 12 percent in March.
- There was a significant increase in the proportion of women booked on offenses rated low in severity (again related to the incidence of probation violations, as well as drug offenses and prostitution): 64 percent versus 46 percent in March. Offenses moderate in severity were about one-fifth of the sample, compared to nearly two-fifths in March. Offenses highest in severity were only one-half of what the proportion was in March, which was six percent.
- Overall, 92 percent of the women could be housed in minimum or medium settings (66% low and 24% medium); this represents a slight increase over the March finding of 58 percent in low and 29 percent in medium (88% combined). The proportion of women who should be housed in a maximum security setting is probably the same, about ten percent to 14 percent of the overall female population in March.
- Nearly two-fifths of the women had a history of drug or alcohol abuse.

VIII. CONCLUSION

Data from the March study, combined with the October data, provide a valuable opportunity to corroborate statistical findings. When sampling, there is always the possibility that the day selected for profile study was unusual or atypical for certain kinds of arrests. As noted in the earlier study, the proportion of prostitution charges in the women's sample may have been high because a police "sting" had occurred the day before the sample was taken. The October study showed that prostitution is still the

most common misdemeanor offense for women in jail, but the proportion was not nearly as great.

What remains unchanged is that the Hillsborough County jail is still used primarily to house persons booked on drug charges and violations of probation. These are low severity offenses, i.e., those that pose the least threat to public safety. The prevalence of low and moderate severity offenses in the jail population is reflected in the classification levels required for housing. In the men's profile, 43 percent could be housed in minimum security beds and 39 percent in medium security. (Nearly one-fifth of those with a medium security score actually fell within the minimum category, but had holds.) For planning purposes, this finding indicates that the county's future expenditures on jail beds should focus on the development of minimum security housing or programs.

Because the unemployment rate for the jail's population continues to be extremely high, minimum security programs, such as work release, should be expanded or revised to allow those without jobs to participate in either employment training or supervised work release. Waiver of fees for electronic monitoring or the use of a sliding fee scale should also be considered.

Probably the most interesting finding from the second profile is the shift from a jail population that is predominantly made up of pretrial felony bookings to a population with more inmates sentenced on either misdemeanor or felony offenses. Moreover, there has been an increase in the average length of stay for misdemeanors. The shift toward greater use of the jail for sentenced inmates, combined with longer sentences, implies that there is less pressure on the jail from overcrowding, given that there has been no significant change in the pretrial release rate.

NOTES

- 1 Before the men's sample was taken, ILPP excluded all persons who were not physically at the jail, such as persons on house arrest, in another county or at another institution; federal inmates were also excluded from the eligible sample group.
- 2 A baby boom which ended approximately 30 years ago accounts for the relatively high average age.
- 3 A controlled release is a release from one of the state prison facilities when there is overcrowding.
- 4 Data are for the men's profile only since the women's sample had too few cases in each category to be statistically significant.

- 5 For both men and women, this only includes identifiable history of substance abuse as gleaned from criminal records and classification information. The actual number of detainees with existing or historical substance abuse problems could be, and probably is, much higher.

4.

Inmate Population Projections

CHAPTER CONTENTS

4. Inmate Population Projections

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Inmate Population Projections

I. SUMMARY

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

ILPP projects figures for the year 2010 to span a range from 2,500 to 4,200. It is not possible to predict exactly what the population will be, but the highest value assumes a rate of change of system characteristics which is unlikely to continue for this length of time. An intermediate value of 3,400 seems the most realistic. By comparison, the projection of 5,100 used in the East Facility Master Plan (1992) appears indefensibly high.

The Hillsborough County Sheriff's Office was concerned upon reading the first draft of this report that the original draft projections might be too low. ILPP very much appreciates the helpful discussions with Inspector Dennis Williams, and his suggestions were used to refine the projections estimates and produce those given here. Subsequently, the figures were updated to reflect the jail population from July through December, 1993.

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

II. PROJECTION METHODOLOGY

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

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

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

The county does not retain the type of summary data that would explain why ALS has changed so sharply. It might be related to an increase in the mix of pretrial and sentenced inmates. Figure 4.5 shows that the percentage of sentenced inmates in the population has grown from about 17 percent to 32 percent. Sentenced inmates tend to remain in custody longer than pretrial, so this could account for some of the rise in ALS, but it does not exclude the possibility that ALS for either group may have risen as well. The rise in ALS might also represent a change in the ratio of felons to misdemeanants; again the data are not available.

Figure 4.1
Average Monthly Jail Population, 1985-1993

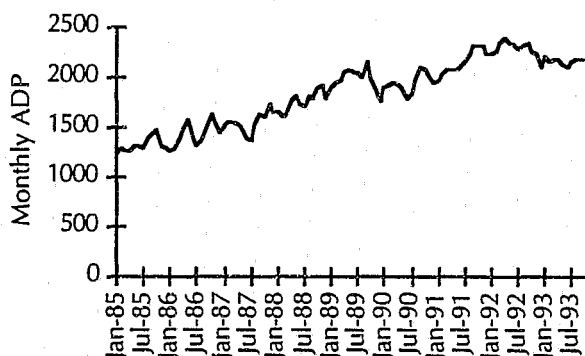


Figure 4.2
Average Annual Jail Population, 1973-1993

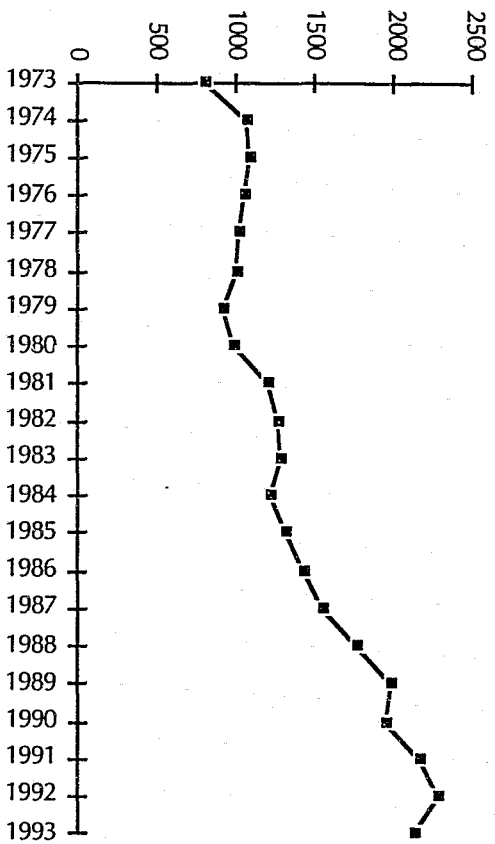


Figure 4.3
Bookings History, 1985-1993

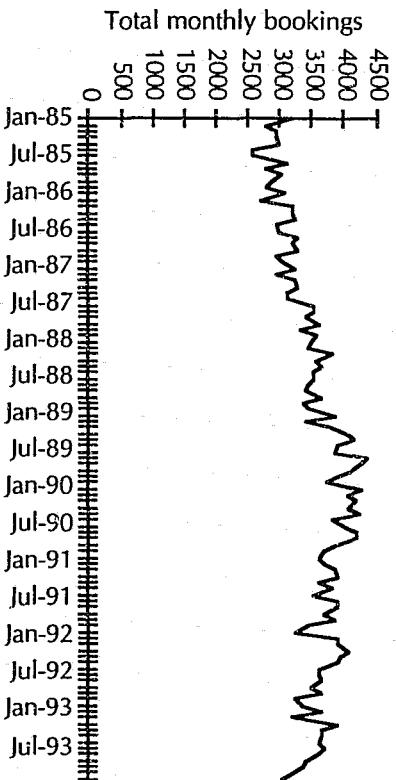


Figure 4.4
Change in Average Length of Stay, 1985-1993

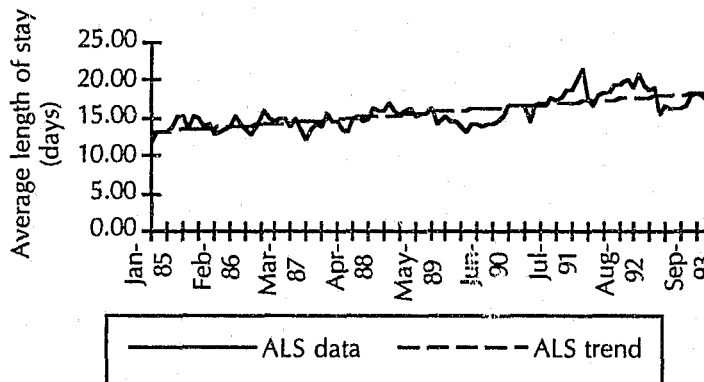
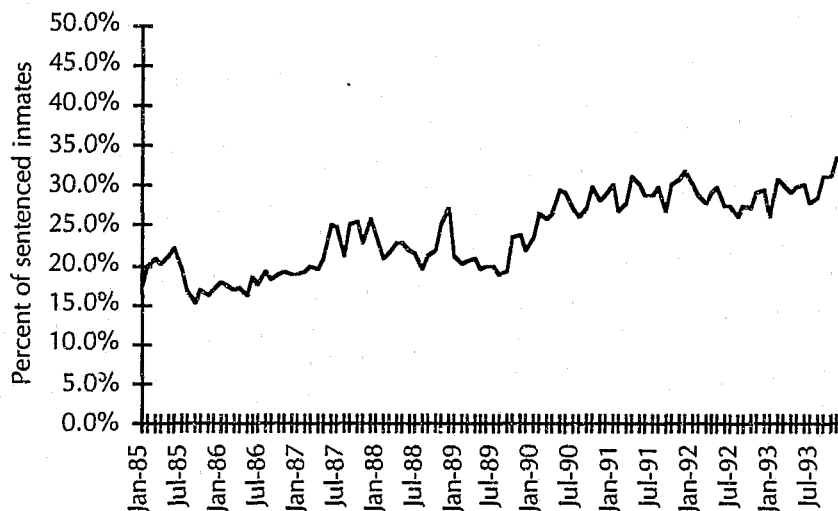


Figure 4.5
Percent of Sentenced Inmates, 1985-1993



A. Projection Scenarios for Average Length of Stay

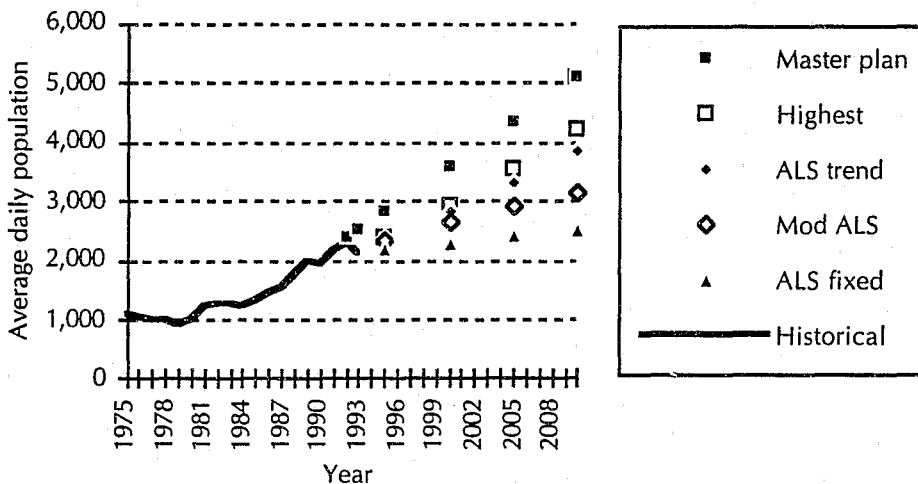
The historical monthly ALS numbers were used to define a range of possible trends in ALS over the next two decades. Three projection scenarios were chosen for ALS, based on the following considerations. (Figure 4.6)

- The first ALS series is simply the linear projection against time of ALS for the past eight years. By 2010 it would be a little under 29 days, up from 18.2 days currently. It is unlikely that this ALS figure will be reached without a major shift in the county's criminal justice procedures or priorities. Massive and increasing delays in case processing could have such an effect, as could lengthening sentences and retaining sentenced felons rather

than transferring them to prison. Yet Hillsborough County at present has the highest prison commitment rate of Florida's ten largest counties. It sends felons to prison rather than keeping them in the jail. ILPP does not have a plausible scenario for such an increase in ALS.

- In the second scenario, the ALS trend is modified. It continues to grow but approaches a limiting value of 25 days. This is still a high number but is a little more plausible.
- The final alternative is the hypothesis that ALS will now stabilize and remain at the 1993 level of 18.2 days. In fact, it has not risen since late 1991; most of the growth since 1985 appeared only between May, 1990 and December, 1991. (More efficient population management could well **reduce** it in the future, but a very conservative estimate of no further change is used here as the low growth ALS scenario.)

Figure 4.6
Hillsborough County Projected Average Length of Stay, 1985-2010



B. Projection of Bookings and Arrests

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

The Bureau of Economic and Business Research (BEBR) at the University of Florida projects a population of almost 1.1 million in Hillsborough County

by the year 2010. BEBR's estimates are used as the basis for projecting the number of bookings over the same period.

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

It might be expected that crime, bookings, court filings, etc. would increase with population density as more people are crowded together in the same space. ILPP looked at the effect of population density on the number of court filings in Hillsborough County between 1978 and 1992. For both the Circuit Court and the County Court the effect was small, but **negative**: greater population density seemed to lower the number of filings, though for the Circuit Court the values were not significant (see Appendix E, Staffing Projections Methodology for further details). While there probably is an increase in the rate of crime when a sparsely populated rural area changes its character and becomes a metropolis, ILPP did not see any effect of the moderate density increase in the already urbanized Hillsborough County over that time period.

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

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

The percentage growth in arrests is taken to equal the percentage growth in bookings, though policy changes relating to the issuance of notices to appear can affect this somewhat. (This assumption allows the actual

number of arrests to drop out of the equation, which is fortunate because of some inconsistencies in the Uniform Crime Report arrest figures as tabulated by the Florida Department of Law Enforcement.) The base year for bookings is taken as 1990 since that was the year of maximum bookings.

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

Note that Figure 4.8 presents a very conservative outlook: all three scenarios assume that, at best, ALS will not **decrease**. Thus, if there were a decrease in ALS projections of the inmate population would be notably smaller.

Figure 4.7
Historical and Projected Bookings, 1985-2009

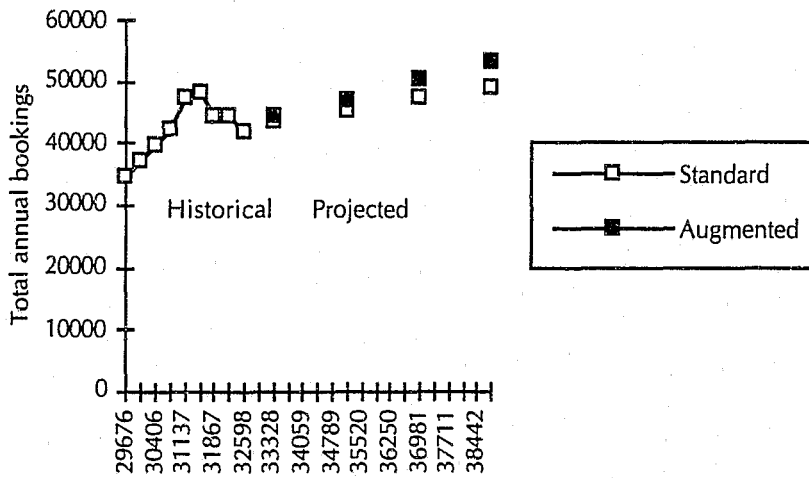
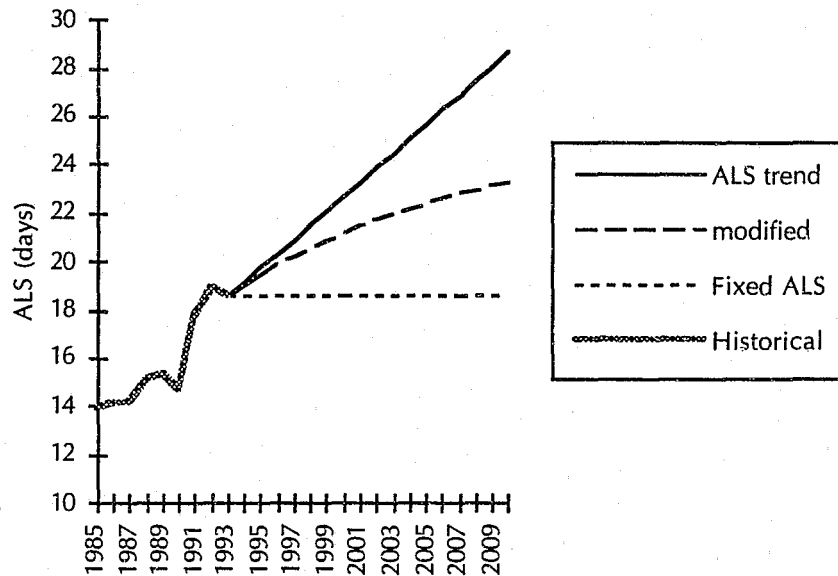


Figure 4.8
Projected Average Daily Jail Population



III. JAIL POPULATION PROJECTIONS (1993-2010)

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

Table 4.1
Estimated Average Jail Population

Year	Historical	Low	Medium	High	Highest	Master Plan	HOK
1975	1,091						
1976	1,056						
1977	1,022						
1978	999						
1979	922						
1980	995						
1981	1,204						
1982	1,274						
1983	1,289						
1984	1,216						
1985	1,323						
1986	1,434						
1987	1,544						
1988	1,760						
1989	1,988	ORJ opens					
1990	1,943						
1991	2,157						
1992	2,289						2,374
1993	2,135						2,525
1995		2,224	2,334	2,367	2,390		2,827
2000		2,304	2,644	2,822	2,930		3,581
2005		2,406	2,910	3,333	3,539		4,335
2010		2,497	3,130	3,860	4,202		5,089

ILPP's high and low figures should be taken as indicating a likely range of jail populations rather than distinct alternatives. If ALS continues to rise for a while, the population will be somewhat above the lower limits but only if it continues to rise for 17 more years as rapidly as it has in the unusually steep recent period will it approach the upper lines.

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

Table 4.2
Hypothetical Population, Length of Stay & Bookings

ADP	ALS	Bookings
3,130	23.26	49,112
3,130	20.00	57,116
3,130	17.00	67,195

In other words, if ALS stabilized at 20 days rather than approaching 25 days, bookings could rise to over 57,000 and still give the same ADP. If it could be dropped to 17 days – not an unreasonable figure – there would need to be 67,000 bookings to produce a population of 3,130.

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

IV. DISCUSSION

The projection of any socioeconomic trend for 17 years is fraught with difficulties since no one can foresee all of the external factors that might change the outcome. For jail populations, these factors include the actual amount of crime, public perception and response to crime (neither of which is not necessarily closely related to crime rates), the public's willingness to tax itself, the availability of punishment alternatives, and the values and aspirations of a large number of public officials whose decisions affect the numbers of persons detained in the jail. Ultimately, the number of people in jail is whatever the justice system actors make it. The National Institute of Corrections' *Jail Capacity Forecast Workbook* expresses this well: "The demand for jail is a policy-driven demand" and "jails are capacity-driven facilities"; also "jail size is not a function of the crime rate in a community."

Although public opinion in general calls for increasing severity in dealing with criminals, this does not always translate into new jail space. Jails are expensive. A 1,000-bed jail can cost \$30 million to build and \$10 million a year to operate, not trivial expenses in these days of constrained public budgets. People are most inclined to pay for a service when they personally benefit, yet the **direct** benefit of a jail to the individual taxpayer is very small since both the benefits and the costs are shared by all. Furthermore, jail inmates are not seen as a deserving class by the taxpaying public — "why should **they** get a comfortable new facility?" — and practically no one wants a new jail built in their neighborhood.

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

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

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

What the above calculations indicate is that reasonable assumptions on the growth of bookings and the length of stay would predict a moderate, not an explosive, growth of jail population. These calculations assume no major changes in the workings of the justice system. In particular, they assume no major new statewide action which would increase rates of incarceration or lengthen sentences. If the targets of opportunity pointed out in other parts of this report can be exploited, it is quite likely that overall ALS can be lowered. In such a case, only a very slow growth of ADP would be expected.

V. ANALYSIS OF THE POPULATION PROJECTION IN THE 1992 COUNTY JAIL EAST FACILITY MASTER PLAN

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

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

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

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

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

The figures in the table above are not impossible but they are very large.

Any linear projection based on historical trends assumes that the future will be strictly an extension of the past. When the past is not linear the choice of a starting point will greatly influence the results. Jail population since 1973 is not very linear. The population has been rising much more steeply since 1985. A regression of population over the entire period has a much lower slope and would predict a 2010 jail population of only 2,782 (Bourey's lowest line). There is no way to say what starting point is best, and therefore, a line chosen to lie only on the period of most rapid expansion will necessarily give the most inflated answer.

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

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

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

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

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

The question is: Will accelerated changes continue to occur at the same rate for another 17 years? The linear projection of the master plan tacitly assumes that they will, but does not give any reason why this remarkable assumption should hold over such a long time.

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

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

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

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

There are two arguments against continuous acceleration. One is that a great deal of change has already occurred in terms of detaining more types of offenders and lengthening sentences. For example, in many areas both the numbers of drug offenders and of drunk drivers and the lengths of their sentences have gone up greatly. But further acceleration implies that their sentences will have to be lengthened again and again, or that some other groups, comparable in numbers to these but presently ignored, will have to be found and jailed. Similarly, the proportions of felons or of sentenced inmates cannot rise forever. While it is almost certain that there will continue to be changes in the justice system, it is questionable whether change will continue to occur at the same rate for the next 15 or 20 years.

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

Secondly, although the number of jail and prison inmates in Hillsborough County, in Florida, and in the entire United States has tripled over the past 15 years or so, there has not been a corresponding decrease in the amount of crime. In other words the public is getting a very poor return on its criminal justice tax dollar. It seems inevitable that at some point the taxpayers will decide they have had enough and will impose a limit on jail growth. Foreshadowing this perhaps was the rejection by Hillsborough voters in 1989 of the local sales tax for a new jail.

Finally, interpretation of the master plan figures gives an expected ADP in 1993 of 2,525. The actual ADP was 2,135.

PART II
JUSTICE SYSTEM
ASSESSMENT

5.

System Overview

CHAPTER CONTENTS

5. System Overview

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System Overview

"The system has many people rowing, but no one steering. Many different institutions are responsible for public safety...Yet no one has authority over the entire system." – Governor's Commission for Government by the People, Public Safety Committee (1991)

Achievement of an overall criminal justice mission – to ensure long-term public safety by preventing and punishing acts of crime – can get lost in the aim to meet more immediate objectives. The courts seek to fairly adjudicate cases. Law enforcement responds to criminal incidents through arrest and investigation. The prosecutor aims for a solid conviction rate, while the defender attempts to protect the rights and due process of the accused. The jail safely and securely houses both sentenced and pretrial detainees. The county government supplements state money to support these efforts. Where in this dynamic exists a mechanism for coordinating efforts to meet the common mission?

Florida, like most other states, provides few incentives and, in fact, actively creates obstacles to system coordination. For example, the key criminal justice decision makers, whose cooperation in developing policies is paramount to overall system effectiveness, are independent constitutional officers charged with acting as checks and balances on each other.

There are structural and legal disincentives to acting as a criminal justice system instead of as individual offices.

◆ *Local criminal justice system structure discourages long-range planning and organizing to address and monitor effectiveness.*

Hillsborough County stands out among others in Florida as a jurisdiction which in the past has attempted to overcome inherent coordination obstacles. Of large counties nationwide, Hillsborough is one of only a handful that has managed to avoid a federal lawsuit on jail crowding. This is not a product of chance: local leadership, particularly the Sheriff's Office in this case, recognizes that the practices of all criminal justice agencies contribute to effective jail management and continue to thoroughly consider issues to improve efficiency. Other notable efforts to maximize control over local criminal justice include a model Drug Diversion Court, an active Chief Judgeship, and the recent efforts of the County Public Safety Coordinating Council (CPSCC).

The chapters of Part II, Justice System Assessment, examine the health of the system as a whole. That is, ILPP reviewed those policies that have an impact on use of the county's most expensive resources: jail beds and courtrooms. The flow of Part II follows that of the system itself. Beginning with a review of overall **management and cost** issues, the section proceeds from the role of **law enforcement**, to **detention, alternatives** to incarceration, and finally, **adjudication**.

This chapter summarizes the major recommendations of Chapters 6-10.

This overview presents a summary of key recommendations of the system assessment and potential savings (in jail beds and dollars) of implementing them. Please note that detailed discussion and background is not included here; for complete coverage, refer to individual chapters following this overview. A brief inventory of the agencies reviewed as a part of this study concludes this chapter.

This chapter both summarizes the key recommendations from the entire section and identifies several areas that require system-wide attention (highlighted).

I. SYSTEM ASSESSMENT SUMMARY

A. Managing the System: Administration (Chapter 6)

Management of the system includes financial support and use of other resources. While many of the criminal justice offices in the county rely on state funding, criminal justice spending is the county's biggest general fund expenditure. Yet there is no single county government employee responsible for managing the county's criminal justice involvement by planning and evaluating spending decisions. Information management in the county, however, is handled relatively efficiently despite limited use of automation in the criminal court process. This is a result of strong agency interrelationships and commitment as much as the application of technology.

Key recommendations are:

- **A criminal justice specialist should be added to the senior staff of the County Administrator's Office. Monitor county criminal justice costs which are currently growing proportionately with other costs and revenues.**
- **Create a jail population management system through a vertically-tiered structure. The CPSCC would act as the guiding body of several special issue working groups and meet regularly to review progress on established goals.**

B. Entering the System: Law Enforcement (Chapter 7)

Law enforcement agencies control flow into the jail system through arrest practices and charging policies. The county's two largest agencies – Tampa Police and Hillsborough County Sheriff – are accredited and have coordinated policies and procedures. Both agencies are also pursuing community policing programs which seek to prevent the situations that promote crime. However, use of citations in lieu of arrests (notices to appear) could be much higher. Also, charging practices for "resisting

arrest with violence" and drug possession appear to be resulting in the incarceration of persons who could or would be eligible for pretrial release in other jurisdictions.

Key recommendations are:

- Go forward with plans to have training in the preparation of reports and monitor the filing rate to track agency effectiveness.
- Create specific criteria for use of RAWV as an official charge and develop other conventions to meet law enforcement goals in this area.
- Discontinue the practice of adding excessive drug offense accounts to arrest affidavits.
- Clarify the policy regarding assignment of bond to set bond for the highest, most serious offense¹.
- Continue to emphasize alternative law enforcement approaches like community policing.

C. Managing the Offender: Detention (Chapter 8)

Constructing and operating detention facilities is one of the biggest costs to a county. The goal of local detention is to safely and securely house pretrial detainees and convicted offenders in a cost-effective manner. The Hillsborough County Sheriff's Detention Department (HCSDD) runs a triply accredited detention system and supports direct supervision management. A sophisticated classification system provides jail staff with detailed and thorough information about inmates to make appropriate placement decisions and pretrial releases. Yet the jail classification does not maximize use of pretrial release decisions by making recommendations for release on own recognizance (ROR) and exercising authority to book and release (without incarcerating) appropriate, nonserious offenders. Lack of system-wide support and policies for release decisions are at the root of inadequate pretrial release.

The system is not as crowded as in the past, and inmate growth appears to be steady, providing county decision makers with a crucial respite in which to think through long-term goals and development plans that are cost-effective.

Key recommendations are:

- **Work closely with the County Public Safety Coordinating Council to improve and coordinate use of pretrial release options, with the goal of streamlining jail population management and ensuring community safety.**

- Maximize efficient use of existing, operational facilities by, for example, consolidating staffing and inmates located at the under-filled Falkenburg Road temporary jail into the understaffed Work Release Center.
- Without clear medical indication, discontinue separation of HIV positive inmates who do not have AIDS.
- Work with DACCO to discuss the consolidation of booking intake with substance abuse screening.
- Discuss coordination issues with DACCO for transition from in-custody to out-of-custody programming.

D. Maximizing Effectiveness: Alternatives to Incarceration (Chapter 9)

Alternatives to incarceration include **pretrial release**, **pretrial diversion** and **sentencing options**. **Alternative programs**, when used consistently and carefully, can accomplish the same goals as incarceration and at a lower cost. Hillsborough County's use of alternatives is weakened by the absence of community corrections coordination. Without a formal coordination system, the many different programs and providers can have only an isolated, haphazard impact on target populations. Second, in addition to lacking a single point for monitoring and evaluation, alternative programs do not emphasize outcome-oriented management which measures the effectiveness of the impact on the offender.

Key recommendations are:

- **Establish a pretrial release agency. Agency goals should include monitoring and evaluation responsibility for all pretrial release programs.**
- **Create a community corrections coordinator position to provide a mechanism to manage alternative programs.**
- Review procedures for setting bond. Clarify precisely when no-bond orders may be used, if aggregation of bond amounts should occur, and what the authority of the preliminary presentation judge is to make bond allowance and reduction decisions even in cases where there is a failure to appear.
- Expedite pretrial release decisions to encourage their use for appropriate cases at preliminary presentation. These would include ROR and implementation of bond reduction and use proposals that are effective in meeting community safety and ensuring court appearance.
- Consolidate screening duties for pretrial diversion (MIP and PTI) within the State Attorney's intake unit.

- Establish a program monitoring and post-program evaluation system for drug diversion court.
- Give Department of Corrections officers limited authority to make program placements and adjustments once an offender is sentenced to probation.
- Develop a mission statement for Salvation Army Probation with the bench, and use it as a guide for development and expansion of programs and contract arrangements.

E. Managing the Case: Adjudication (Chapter 10)

Criminal case handling is extraordinarily resource intensive. Aside from the high cost of court resources and judge and attorney time, delays in case processing when the defendant is in custody exacerbate the problems (and costs) of local jail crowding. The courts have been extremely responsive to criminal case demands by creating a structure to consolidate case processing. The dedication of a single division for preliminary presentations and two divisions for criminal trials, as well as drug diversion court and a circuit drug division, are all examples of the court's activism.

The primary problem in the adjudication process is that the early stages are not fully used to move cases to disposition. Specifically, opportunities to obtain pretrial release at preliminary presentation and felony pleas at arraignment are not realized. This directly translates into unnecessary jail use when the defendant is in custody. A second area for review is the process of controlling flow into the court system – intake. The quality and pace of intake screening drive all other court workload indicators.

Use of early case processing stages, to move cases toward disposition, is not maximized.

Key recommendations are:

- **Implement a differentiated case management system ("fast tracking").**
- Reduce information filing times through a careful categorization of case types and determination of target time frames for each to maintain screening quality. Create clear priorities for review of cases where the defendant is in custody.
- Transfer responsibility for pretrial release recommendations at preliminary presentation to a pretrial release agency.
- Revise the policy for handling failures to appear (FTAs) to screen out non-serious cases as early as possible.
- Include a formal policy for allowing pretrial release when there is substantial evidence that a case will be dismissed for lack of evidence.

- Develop procedures for follow-up after a state prison commitment packet has been sent to the judge for signature.
- Redo criminal court procedure and other key administrative orders through a consensus of users to facilitate consistent courtroom practice and disposition time frames.
- Review information needs of the criminal court process, identify and implement a computer system that will allow for greater information availability and reliability.
- **Create a domestic violence task force, which includes all representative groups, to create specific, system-wide strategies and goals for this type of violence.**
- Consider turning delinquent fine collection over to a private collection agency and turning outstanding capiases in minor misdemeanor (especially traffic) and infraction cases into civil assessments for private collection.

II. SYSTEM COSTS

Following the justice system assessment, ILPP reviewed recommendations to estimate the magnitude of savings which could be realized through implementation of management changes. This discussion attempts to provide an order of magnitude quantification of the cost, in dollars and jail beds, of existing policies and practices.

What savings in jail beds, personnel and dollars are possible through policy changes?

Three areas within the scope of this study are examined to see whether the county is getting good value for its justice dollar. First, is the use of jail beds effective: are pretrial releases efficient, alternatives used, and security levels appropriate for the population? Second, are there procedural inefficiencies, through duplication of effort and lack of coordination, for example? Finally, there are some ways in which the county might be able to realize income through the use of fines rather than jail for minor offenders.

An attempt is made to estimate the cost savings which might result from following the recommendations in this report. The estimates are intended to show the order of magnitude, or range, only and should not be taken as accurate predictions. Generally, they do not include any costs required to abate the problems. Also, some of the savings probably overlap each other, particularly jail bed savings, and thus should not be simply added together to give a total. (E. g., an inmate could be released in any one of several different ways, but not in more than one of them at a time.)

The numbers of jail beds saved are estimated from the findings of the tracking study, which measured the number of inmates and the average length of stay for every charge/release mode combination. These

indicated where the greatest potentials for bed savings lay, but it was necessary to make reasonable assumptions as to the degree of improvement that could be obtained. Similarly the staff savings were estimated on the basis of how many people it might take to perform the inefficient activity. County officials familiar with the individual tasks may wish to modify some numbers upwards or downwards, but the conclusion remains that there are substantial savings which can be realized with no harm, and probably with improvement, to the public safety.

Even when an effect can be quantified, there must be assumptions made to convert the findings into monetary terms. The most notable example is the value of the jail beds which could be saved by improved procedures. ILPP has documented a number of places where inmates are held in custody longer than necessary. How do the potential bed savings translate into costs?

The average daily cost of a jail bed is given by HCSO as \$58, but that figure is not useful for estimating the out-of-pocket savings that would be achieved by holding one less inmate. The cost of adding an inmate is a complex function not accurately captured by a simple average.

Jail costs are better represented by the sum of non-variable costs (the cost of the facility fully staffed but empty) and variable costs (food, clothing, etc.) which depend on the number of inmates. The non-variable costs (mainly the staffing, not the construction) are by far the greatest part of this and will be different for each facility. Administrative and overhead costs must also be allocated across all programs. Adding a few inmates to an existing jail will not cost much, but adding enough to require new facilities suddenly becomes very expensive. The amount of savings attained by deferring new jail construction depends on the assumptions made in the particular cost model that is used.

The construction and operation of a 1,000-bed maximum security facility can be roughly estimated at \$15 to \$20 million annually (construction amortized over 30 years). Note that most of this (80 to 85 percent) is the operating cost. This is a somewhat lower per-bed cost than at present because it does not include administration and overhead, and because the county's average costs are inflated by the use of the inefficient Morgan Street Jail. Minimum security beds are about half to two-thirds of this amount, and alternative programs still less.

The recommendations made in this report are summarized in Table 5.1 with estimates of the minimum and maximum jail bed or staff savings. The first column of the table presents a summary of the recommendations made throughout this report which have the most direct impact on cost. Some recommendations, mainly those of a general nature such as coordination or planning, will not lead directly to savings but will promote system-wide improvements which should ultimately increase efficiency.

Dollar savings are estimated on the basis of annual costs of \$20,000 for a jail bed and \$30,000 for a staff position (wages and benefits).

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

Table 5.1
Order of Magnitude Impact of ILPP Recommendations

Action	Estimated bed savings:				Estimated staff savings:		Estimated annual dollar savings	
	Fel low	Misd low	Fel high	Misd high	low	high	low	high
I. Jail bed savings								
Enable PreTrial Release:	25	35	75	90			\$1,200,000	\$3,300,000
Expedite ROR decisions								
Supervised ROR								
Revise RAWV criteria								
Omit excessive drug charges								
Bond on most serious charge only								
Bondsman's Association proposal								
PTR for non-serious FTA								
PTR if dismissal likely								
More domestic violence programs	4	2	8	5			\$120,000	\$260,000
Consolidate intake & drug screening	3	6	6	12			\$180,000	\$360,000
Reorganize drug court intake	1	2	2	4			\$60,000	\$120,000
More use of residential subst. abuse	1	2	2	4			\$60,000	\$120,000
DC - authority to place clients	5		10				\$100,000	\$200,000
Educate bench on DC options								
Officer puts court date on traffic NTA		2		4			\$40,000	\$80,000
No capias in misdem. VOP rearrest		15		30			\$300,000	\$600,000
Fast-tracking	5		10				\$100,000	\$200,000
Early pleas	50		100				\$1,000,000	\$2,000,000
Reduce filing time	8		18				\$160,000	\$360,000
Expedite DOC packets	15		30				\$300,000	\$600,000
Improve caseload info. to judges	15		30				\$300,000	\$600,000
Slow down classification interviews	5		15				\$100,000	\$300,000
II. Procedural Improvements								
Consolidate diversion w/in SAO					0.25	0.5	\$7,500	\$15,000
Improved court automation					2	5	\$60,000	\$150,000
Separate files for multiple defendants					1	2	\$30,000	\$60,000
Verify addresses on bad checks					1	2	\$30,000	\$60,000
Improve jury mgt. procedures					0.5	1	\$15,000	\$30,000
Report filing in-service training					2	5	\$60,000	\$150,000
Falkenburg inmates to Work Release					15	30	\$450,000	\$900,000
Reserve deputies					10	20	\$300,000	\$600,000
Close Morgan Street					50	85	\$1,500,000	\$2,550,000
Data imaging					2	5	\$60,000	\$150,000
Automate UCR entry					0.5	1	\$15,000	\$30,000
III. Civil Fine Collection								
Make traffic capiases civil fines		5		10	1	2	\$130,000	\$260,000
Collect fines							\$250,000	\$750,000
Immediate potential savings	137	69	306	159	85.3	159	\$6,927,500	\$14,805,000
Potential savings in 2010	201	101	449	233	99.7	185	\$9,324,095	\$20,073,666

Note: Totals are uncorrected for possible overlap. Estimates are rough order-of-magnitude planning figures constructed from tracking and profile data, and should not be taken as literal predictions.

III. SYSTEM ELEMENTS

The following discussion summarizes the major agencies covered in this assessment and relevant data on function, organization and growth.

A. Tampa Police and Hillsborough County Sheriff

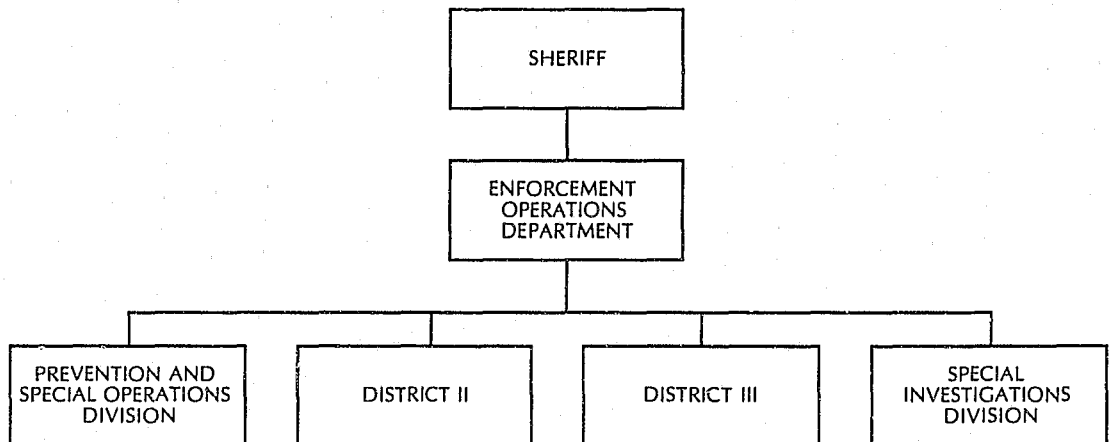
ILPP primarily examined the policies and practices of the county's two largest law enforcement agencies, the Hillsborough County Sheriff and the Tampa Police, which together account for about 95 percent of criminal cases considered by the State Attorney's Office and courts and patrol an area in which over 95 percent of the population resides. (There are a total of 11 state and local law enforcement agencies in Hillsborough County.)

The TPD and HCSO are accredited by the Commission on Accreditation for Law Enforcement Agencies and committed to compliance with professional standards established by the commission. Law enforcement discussion throughout this report is based on documents provided by the two foregoing agencies and interviews with their managers and key staff members. An additional source of crime and arrest data was the Florida Department of Law Enforcement Uniform Crime Report summary for 1992.

In FY 1992-93, the HCSO's non-detention budget (including law enforcement, administration, court services, training, and communications) was \$81.3 million. For these functions (i.e., excluding detention services), 1993 staffing included 961 sworn deputies and 483 civilians. Staffing has grown at an annual average of seven percent since 1984, but this rate dropped substantially in the last three years. In 1984, 70 percent of Sheriff's Office staff was sworn, but by 1993, this had fallen to 67 percent.

The Tampa Police Department had a budget of \$53.2 million in FY 1990-91 which had risen to \$64.0 million in FY 1993-94. Staffing was 1,150 (853 sworn) in 1991, but dropped the following year when the recession lowered tax revenues. Staffing has been essentially constant since FY 1991-92; at present, it is 1,091, with 799 sworn officers.

Figure 5.1
Hillsborough County Sheriff's Office Organization
Law Enforcement Operations



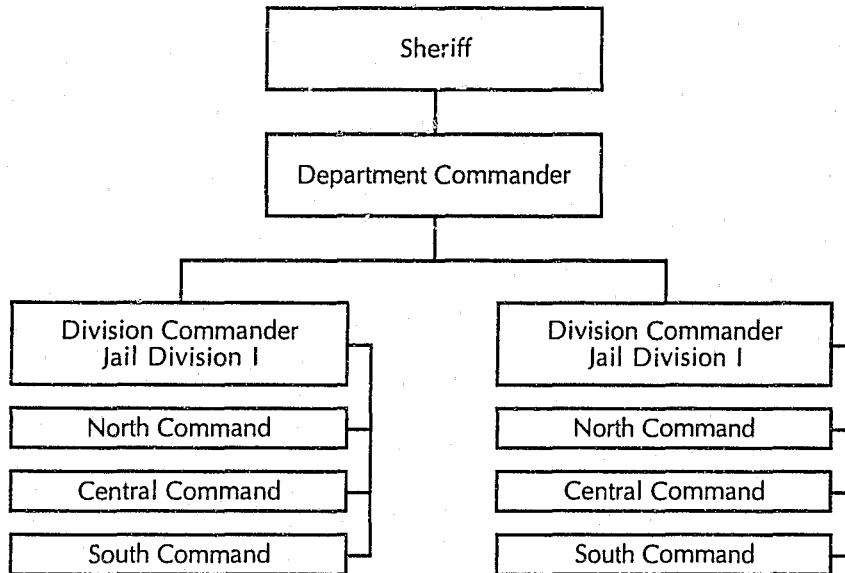
B. Sheriff's Detention Department

The Hillsborough County Sheriff's Detention Department (HCSDD), headed by a colonel, directly oversees the county's correctional system. The department operates a mixture of direct and indirect supervision detention facilities and several alternative and in-custody programs on four sites within an eight-mile radius of downtown Tampa. The mission of the unit is to provide safe and secure housing which meets all legal requirements for both pretrial defendants and sentenced offenders.

Majors are assigned to oversee each of the three main facilities with sergeants acting as first-line supervisors (some corporals were removed from this chain of command and placed elsewhere, providing sergeants with more authority and a stronger role in the management of some facilities).

Detention Department staffing and budget information comes from data about the larger Sheriff's Office budget, of which correctional operations accounts for approximately 37 percent. The proposed budget for FY 1993 is \$48.5 million which includes 201 civilian and 654 sworn positions. Total current staffing is 978.4 for the HCSDD. This figure includes 874 county staff, 28 Board of Education teachers and 7.4 contract medical employees.

Figure 5.2
Hillsborough County Sheriff's Office Organization, Detention Department

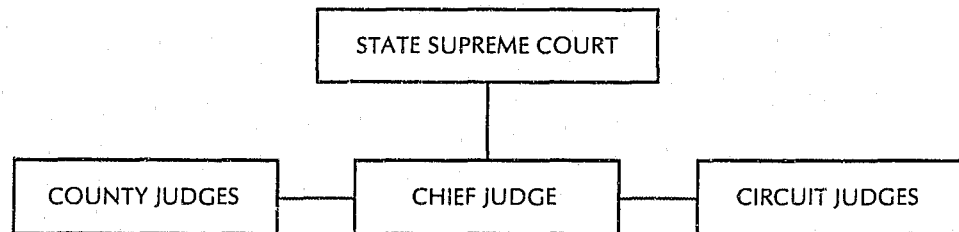


C. Court and Court-Related Offices

The courts, which here include the judges and their support staff, provide the closest thing to the mandated leadership of the criminal justice system. While the Sheriff, State Attorney and Public Defender, as independent constitutional officers, possess great responsibility for the justice system, it is the courts which possess the constitutional authority to interpret and apply the law. This highlights the importance of obtaining judicial participation and consensus in system changes. Through individual decisions, administrative order and simply its perceived authority, the bench carries substantial weight in facilitating and managing change.

The court system includes the circuit and county benches supported by individual judicial assistants, clerks and the office of the court administrator. There are a total of 31 circuit judges and 11 county court judges. The Chief Judge, elected to two-year terms by the rest of the bench, oversees the administrative functions of the court, including the court administrator and all programs in that office. The Chief Judge also assigns one judge in each of the court's divisions (criminal, civil, family, traffic, juvenile) to act as administrative judge, managing productivity generally. In addition, the Chief Judge handles the probate/mental health caseload and operates a pretrial drug diversion court, requiring use of a courtroom one Monday each month.

Figure 5.3
13th Judicial Circuit Organization



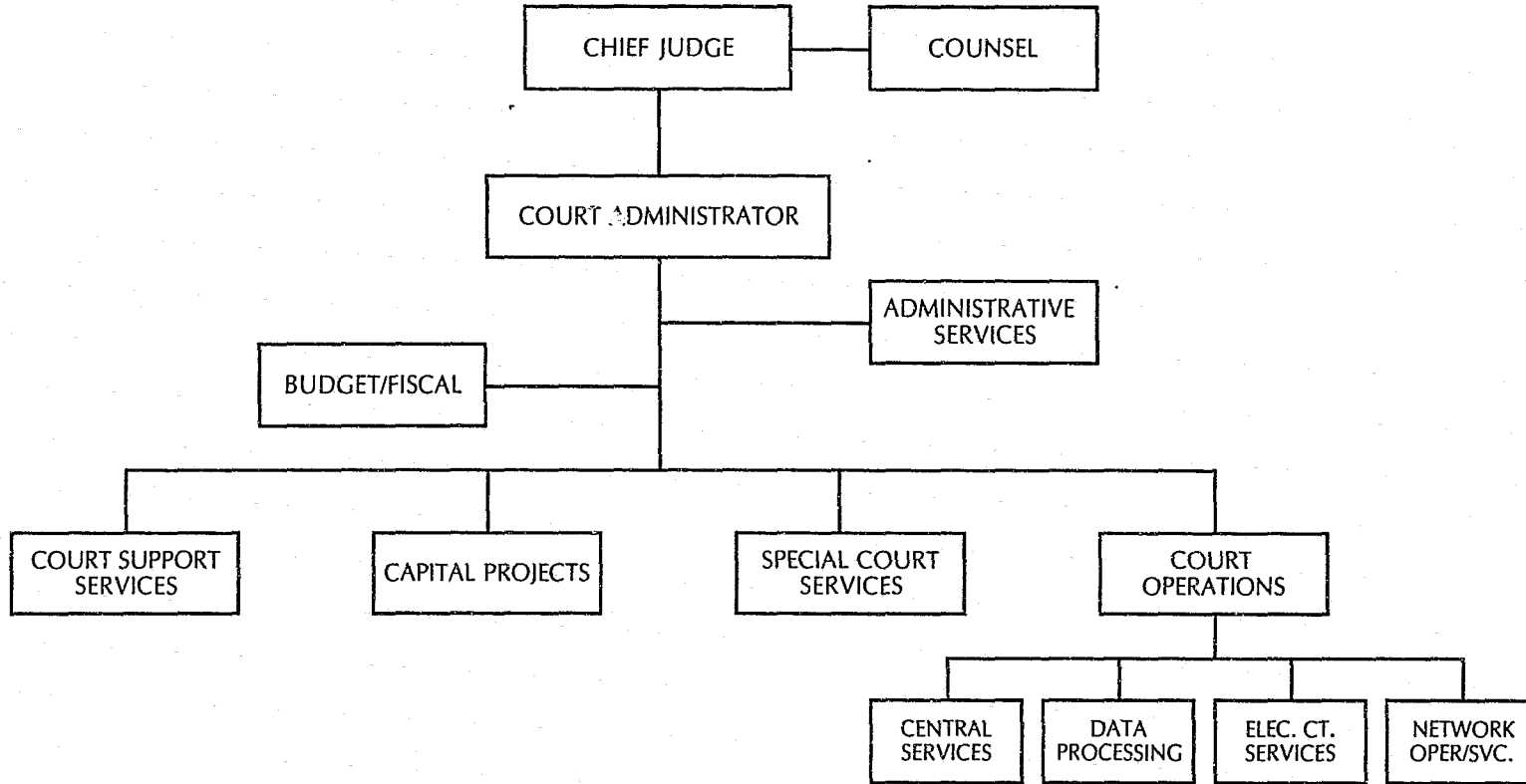
1. Court Administration

The Court Administrator serves directly under the Chief Judge, preparing the budget for the courts, administering personnel policy and managing a variety of services. The office also provides some support services to judges although judicial assistants and the divisional administrative judge handle individual caseload management. Hillsborough County uses an individual calendar system, and the administrative judge of the circuit criminal division provides caseload data to the circuit criminal bench. The Court Administrator's office is highly developed, offering many specialized programs, such as mediation and arbitration, and various sub-judicial positions such as General and Special Masters and Traffic Hearing Officers.

Among its criminal court services are witness aid, video operations (primarily for handling preliminary presentation and arraignments), and Drug Court support.

To accomplish these and its many civil tasks, the Court Administrator operated on a budget of \$4.7 million and a staff of 116 in 1993. Most funding comes from county sources although there are six positions jointly funded by state and county. The circuit has recently refilled the position of Court Administrator.

Figure 5.4
Hillsborough County Office of the Court Administrator Organization



2. Circuit Court

The circuit criminal bench has nine judges. Of these, two are dedicated trial divisions. (All divisions do hear trials if and when individual calendars allow it.) In 1992, felony charges were filed against 11,500 defendants. The number of defendants since 1980 has fluctuated without exhibiting any long-term trend.

The administrative judge of the division regularly distributes caseload detail to individual judges.

3. County Court

There are five full-time judges assigned to criminal divisions in the Tampa court complex. In addition, a county court judge handles both preliminary presentations and emergency cases.

Typical of courts with similar jurisdiction nationally, the Hillsborough County Court is characterized by a high volume of cases. In 1992, about 21,000 misdemeanors and nearly 33,000 criminal traffic cases were disposed. As in the Circuit Court, there has not been a consistent trend in total filings over the past decade. Nearly all criminal traffic (91%) and most misdemeanors (71%) were disposed of by plea, but there are substantial numbers of nonjury trials as well (15% of dispositions in 1992, up from 5% in 1988).

4. State Attorney

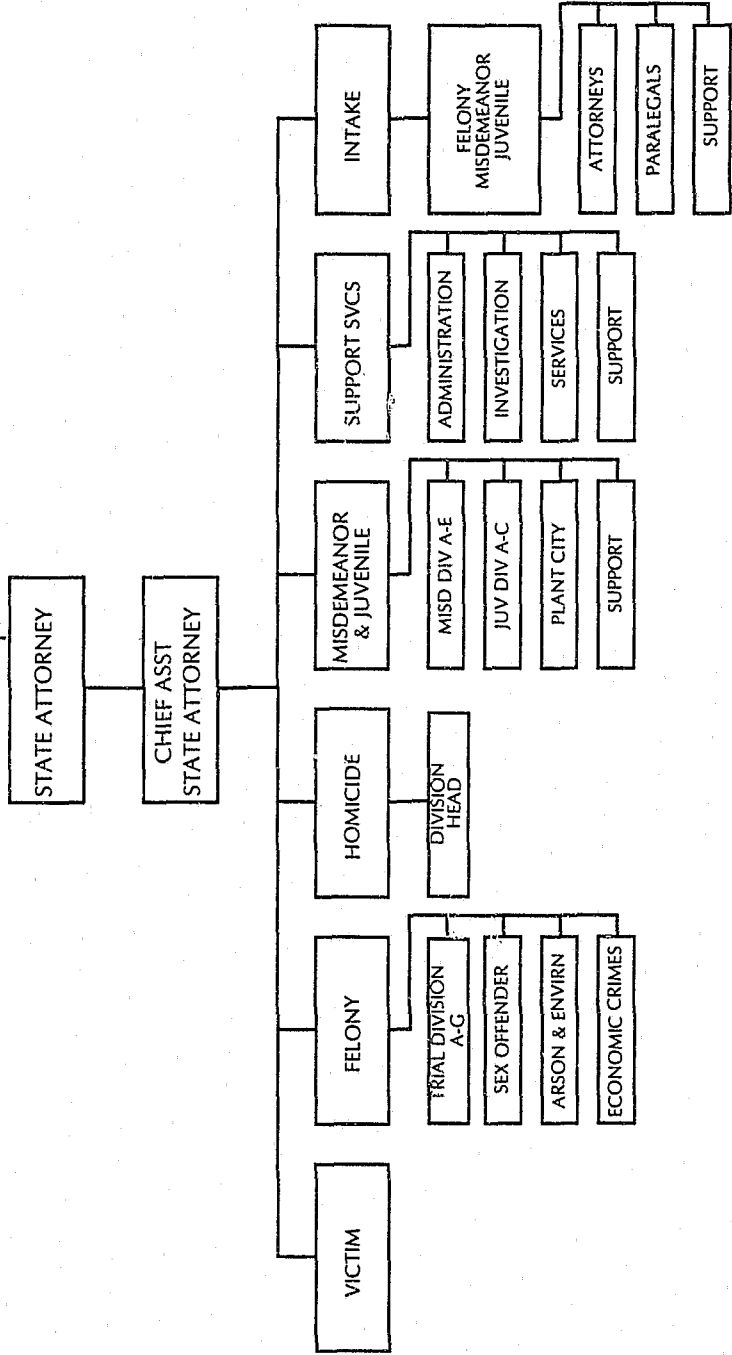
The State Attorney is an independently elected constitutional officer with a major role in the overall criminal justice system. Through its prerogative to file criminal charges, the State Attorney's Office largely controls the front door to the criminal court system, specifically through intake and charging policies. And in prosecuting criminal offenders, the office of the State Attorney continues to play a major role throughout the processing of a case up through sentencing. This office sets fundamental policies about the types of crime that will be prosecuted and how.

The office has recently changed administrations, which typically results in shifts of policy and changes in practice. This is true in Hillsborough County where the current leadership has begun to play a larger role in system efforts to address criminal justice, specifically through its membership in and its proposal to expand the County's Public Safety Coordinating Council (CPSCC).

For 1993-94, the State Attorney has a general revenue budget of \$10.1 million and a staff of 261, of whom 92 are attorneys (1.8 other staff per

attorney). The staff has grown from 159 in 1983-84, when there were only 1.4 other employees per attorney. There is also a county-funded appropriation of \$2 million, two-thirds of which is for the Victim Assistance program and the rest operating (not staffing) expenses.

Figure 5.5
Office of the State Attorney Organization, Hillsborough County



5. Public Defender

The office of the Public Defender in Florida, unlike many states, is an elected constitutional position. While it does not influence public policy and approach toward crime to the same degree as the State Attorney, its duties do have policy implications. Specifically, practices of the Public Defender in negotiating pleas, seeking speedy trials and advocating for the rights of the accused all influence case processing and the perception of justice locally.

Under a recently elected Public Defender, the office has undergone substantial reorganization. In addition to the expansion of an intake unit, staffed by one lead trial attorney, five staff attorneys, an investigator and three interviewers, there have been administrative changes in the heads of the misdemeanor and felony bureaus.

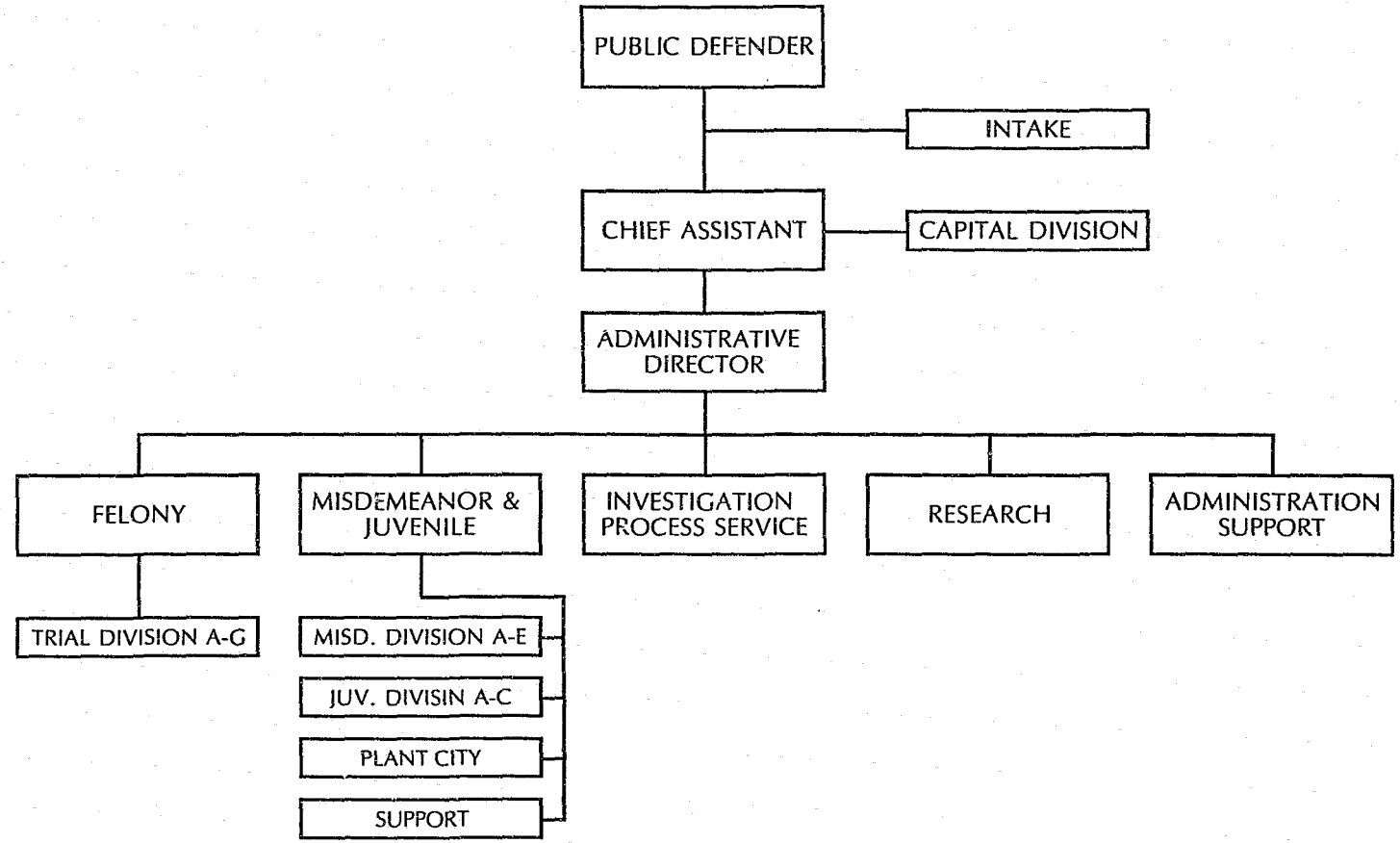
Three assistant public defenders and one lead trial attorney are assigned to each felony criminal division. There is also a research division, staffed by a lead trial attorney and paralegals who prepare motions on issues that tend to reoccur.

Among the policy changes identified as office goals are:

- Making an effort for persons in jail to see an attorney before arraignment;
- Improving motion practice to include prompt bond reduction motions and other evidentiary matters to increase pretrial release and to expedite pretrial resolution of cases;
- Demanding more speedy trials;
- Being prepared at an earlier stage to take more cases to trial in order to reduce jail overcrowding and reduce pending case load; and
- Making preliminary presentation more meaningful by challenging the sufficiency of probable cause for arrest, aggressively seeking pretrial release with motions for bond reductions, and entering pleas to misdemeanor offenses when appropriate.

The Public Defender, like the State Attorney, is a state office with an appreciable amount of county support. Total staffing in 1993-94 is 161 state-funded positions (72 attorneys) and 11 county-funded (9 attorneys). The county budget is proportionately higher since it includes operating funds: \$7.2 million from the state and \$876,000 from the county. Staffing has grown by 60 percent from 102 (all state-funded), in 1984-85.

Figure 5.6
Office of the Public Defender Organization, Hillsborough County



6. Clerk

The Clerk of the Circuit is the central data base of court as well as general county information; the Clerk's Office is synonymous with records. Its court-related responsibilities include civil and criminal records management, jury management, and the maintenance of official records such as vital statistics and property transfers. In addition, the office essentially serves as the county's data center, providing automated and manual records management for several other county functions such as tax collection, elections, and some payrolls. In FY 1992-93 the office had 363 court-related employees and a budget of \$14.1 million.

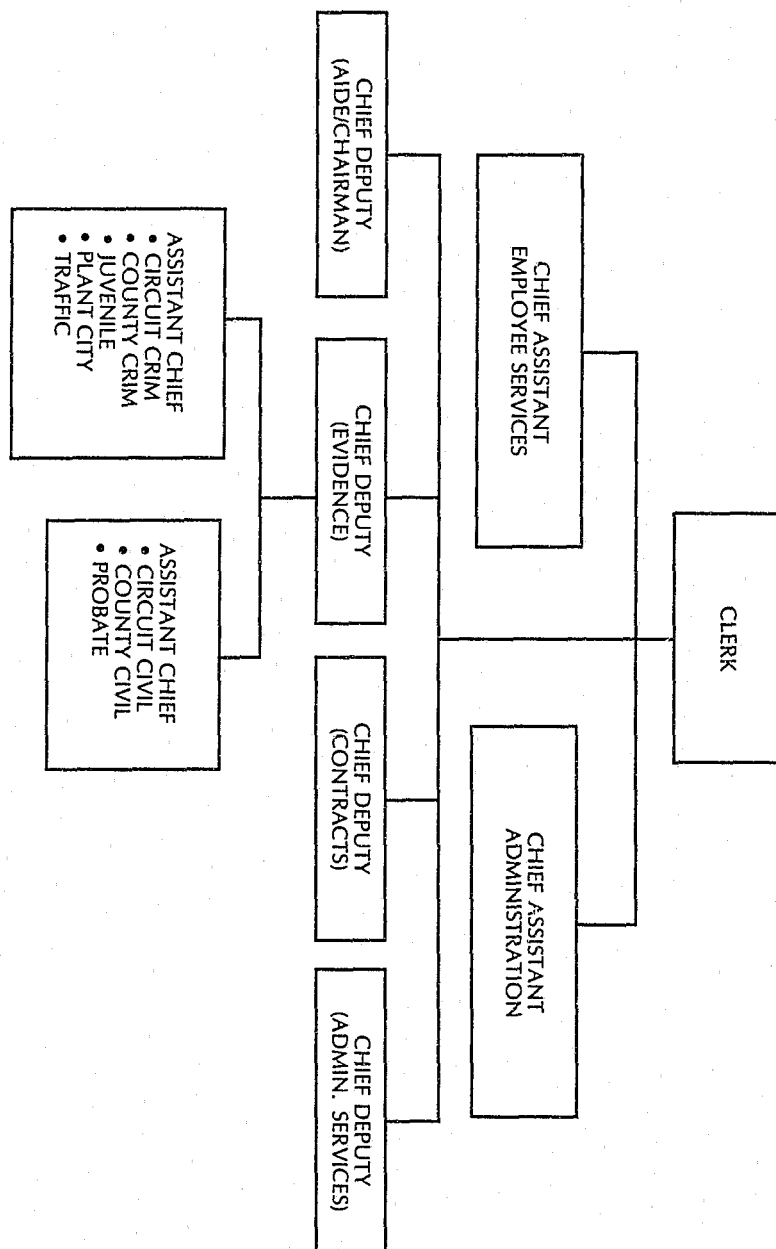


Figure 5.7
Clerk of the 13th Circuit Organization

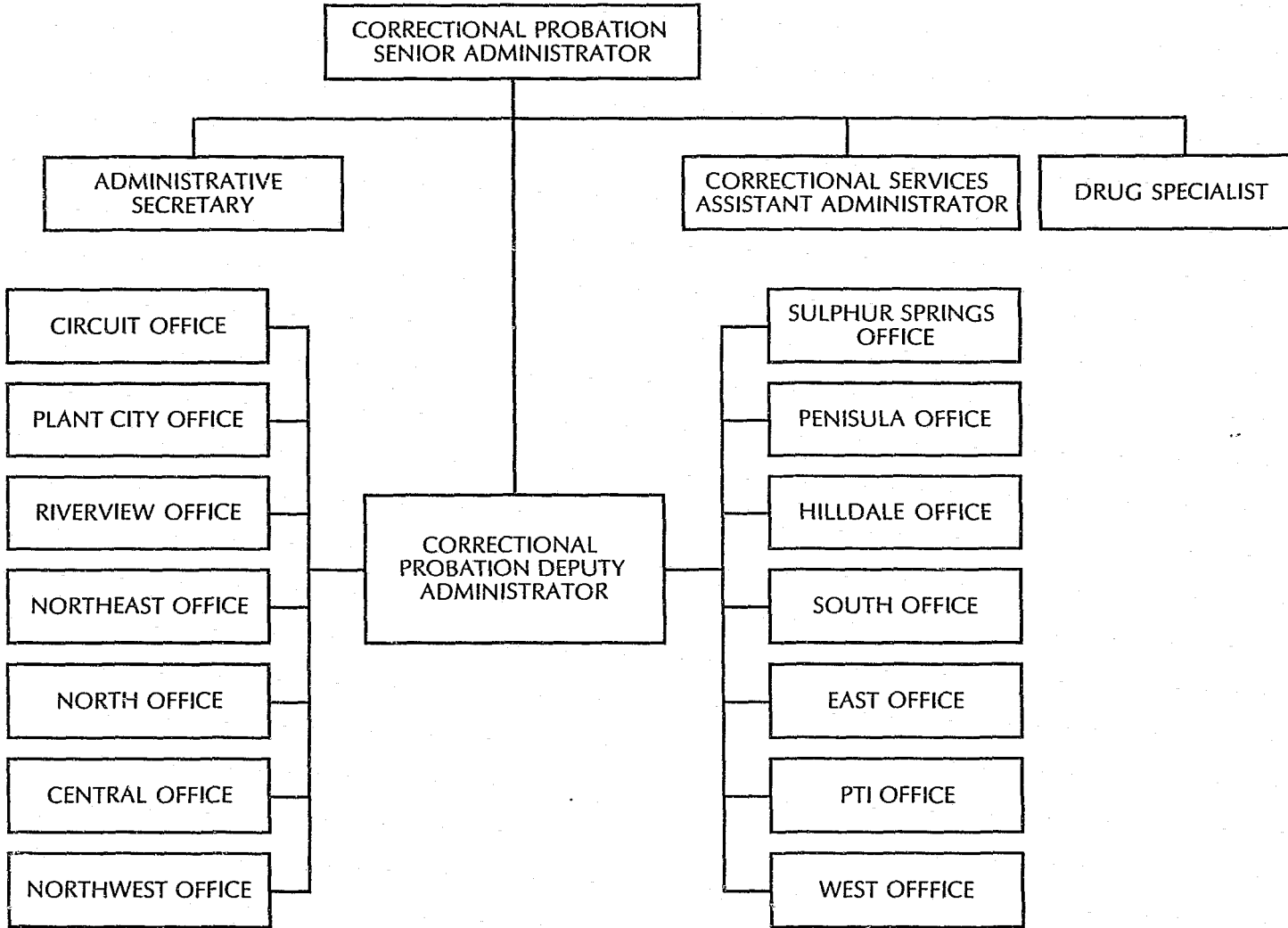
D. Alternatives to Incarceration

1. Department of Corrections, Probation and Parole Services

The Department of Corrections (DC) has a circuit Probation and Parole Services office in Hillsborough County which operates both pretrial and sentenced programs for felony level offenders. Many of its programs are partly funded by Florida's Community Corrections Partnership Act which sets aside money for use in local programs. The Probation and Parole Services circuit administrator oversees all programs offered for felony level pretrial detainees and sentenced offenders.

Probation and Parole Services has a total of 17 offices in Hillsborough County, which includes field offices, a residential drug program, an intake unit and an administrative/executive office. Total caseload has steadily increased over the years from a total of 8,200 in 1988 to 11,209 by September 1993. An annual budget in 1993-94 of \$11,974,680 represents an increase of only one percent over the previous year.

Figure 5.8
Department of Corrections Organization, Hillsborough County

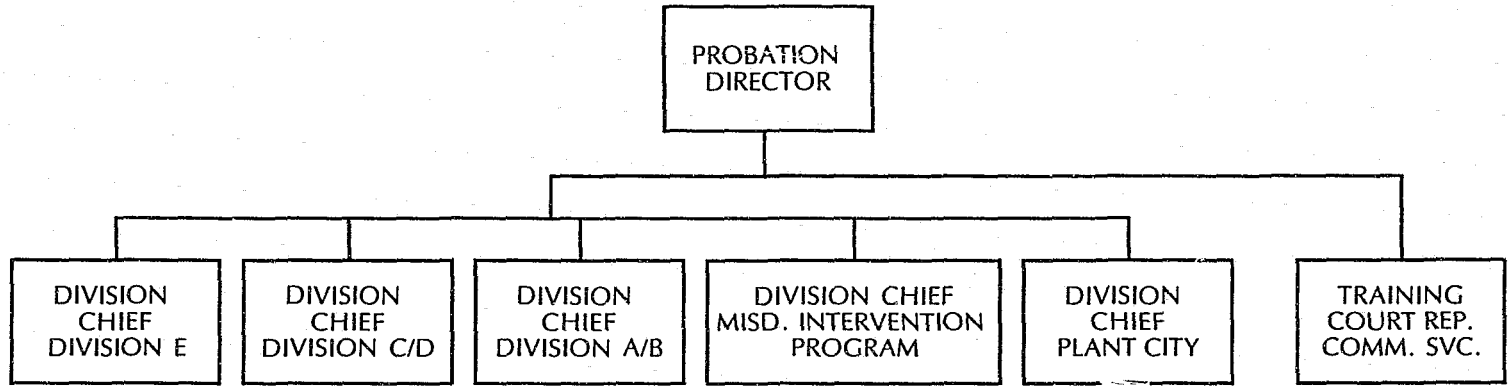


2. Salvation Army Probation

In 1975, the state of Florida ended the Department of Correction's operation of misdemeanor probation programs, in essence transferring responsibility to the county level. Many Florida counties created county-run departments to administer misdemeanor probation programs. Others, as in Hillsborough, have opted over time to contract out this function. The Salvation Army has run the county's probation program for several years, renewing its five-year contract with the county this year. Significantly, state money previously available to probation departments ran out in 1992. Since then, the Salvation Army Probation Department has operated its program entirely from client fees (\$40 per client per month; \$3 of this amount is paid to the Clerk for collection services). No money is received by donation or other Salvation Army programs. In 1992, the last year of state funding, the Salvation Army waived the cost of supervision for about 400 clients per month. In the first eight months of 1993, the client fee was waived half as often, on average, for 220 people per month.

Under this contract, the Probation Department provides community supervision of misdemeanor offenders out of its two offices, one in downtown Tampa and one in Plant City.

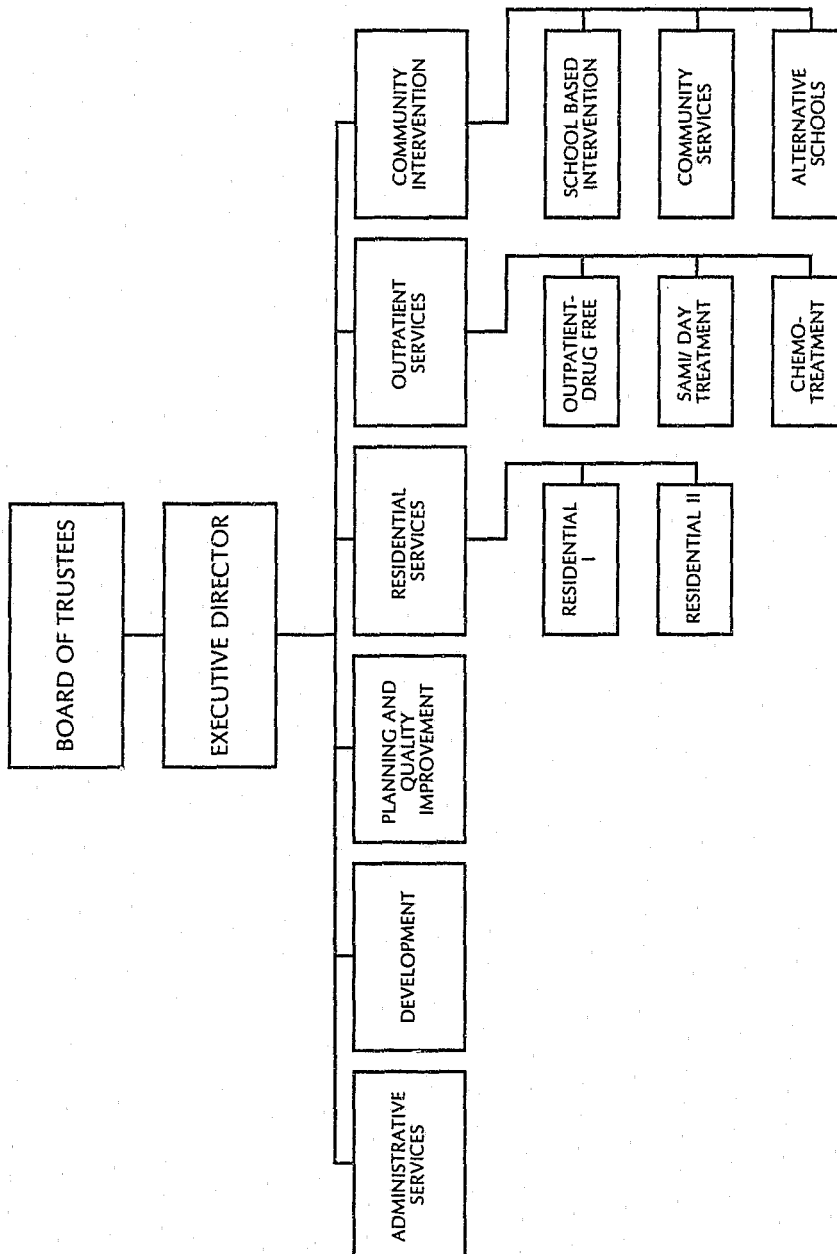
Figure 5.9
Salvation Army Probation Department Organization, Hillsborough County



3. DACCO

DACCO is the county's main substance abuse treatment provider for the criminal justice community. A Board of Directors which includes representatives from the court and the community oversee DACCO's mission, and an Executive Director manages and develops programs and funding. Federal, state and local grants and funds support the majority of the agency's budget. County ad valorem revenues and federal funds received from the county help pay for residential treatment and the drug diversion court program.

Figure 5.10
DACCO Organization



NOTES

- 1 Refer to 907.041(3), which articulates the State's "presumption in favor of release on non-monetary conditions." There is no statute which authorizes law enforcement aggregation of a judicially determined bail schedule.
- 2 Tampa International Airport, Temple Terrace, Plant City, University of South Florida, Division of Beverage, Florida Department of Law Enforcement, Florida Game and Fish Commission, Florida Highway Patrol, Florida Marine Patrol, City of Tampa, Sheriff's Office.

6.

Administration

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6. Administration

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Administration

"Across the entire system, there is too little research, policy analysis, and meaningful performance measurement, and too much statistical recitation." – Governor's Commission of Government by the People, Public Safety Committee (1991)

I. OVERVIEW

This chapter examines the *administration of criminal justice* in Hillsborough County. "Administration" includes resource and information management as well as system coordination. Because the county has limited ability to influence state funding mechanisms, this chapter looks primarily at the allocation of local resources. It also considers the role that the county, through the Board of County Commissioners (BOCC) and the County Administrator, can play in guiding the criminal justice system as a whole.

In summary, the review of overall management finds that the lack of a single person or body within county government to oversee, understand and evaluate county criminal justice spending limits the county's ability to get the most for its dollar. The County Public Safety Coordinating Council (CPSCC) is making important progress in bringing diverse groups together to discuss criminal justice in Hillsborough. A lack of working groups which answer to the CPSCC, however, limits the council's ability to have a tangible impact in streamlining costs. Finally, information management in the county's criminal justice system is not as automated as in other jurisdictions, but the high level of cooperation and communication among agencies overcomes many obstacles inherent in manual operations.

Administration of local criminal justice is hindered by the lack of a single person responsible for county criminal justice spending.

II. COUNTY GOVERNMENT

County government is often excluded from studies of criminal justice efficiency. Nevertheless, it is an integral element because it is county government which supplies most of the funding for individual agencies. The role of county government in criminal justice is to manage the overall system through authorization of funding and other forms of support.

Hillsborough County's government is overseen by a seven-member Board of Commissioners. Five of these represent regional districts and two are elected county-wide. The Chairman of the Commission is elected to a two-year term by the other Commissioners.

The County Administrator is appointed by the Board to direct county management generally. There are also currently a single senior assistant

county administrator and two assistant county administrators who oversee criminal justice along with all other county programs and services. None appears to be assigned explicitly to criminal justice. Although it is the major consumer of county general funds, there is no person in the CAO's office who specializes in the criminal justice system.

The county, through the BOCC, must determine the most appropriate balance of funding not only among criminal justice agencies but among all county agencies: education, health, public safety, and administration.

To do this, the BOCC must also work closely with criminal justice agencies to remain apprised of agency operations and policies. One of the primary ways the Hillsborough County BOCC accomplishes this task is to chair and actively work with the County Public Safety Coordinating Council, a group mandated by state law to manage correctional and other local justice issues.

There is no formal management-level link between criminal justice offices and county government.

◆ *There are no other structural links between county government and the offices of the criminal justice system. Such interaction as does exist occurs through informal working relationships.*

Communication and development of expertise about criminal justice funding is also hindered by the nature of an elected government which can turn over in relatively short periods of time. For example, of the Commissioners who reviewed and approved the county's general master plan completed by KPMG Peat Marwick in 1988, only one remains in office today.

There have been conflicts between some criminal justice offices and the county government over understanding and support of funding needs. In 1985, the Sheriff sued the Chief Judge of the circuit, the county and the Department of Corrections as equally responsible for jail population management. The Department of Corrections countersued. The two cases were consolidated and heard as one in Pinellas County. That judge concurred with the Sheriff's original contention.

◆ *The management structure of the Hillsborough County Government is not organized to allow administrator specialization.*

The two biggest funding allocations are to community services and public safety. Yet the county administrator and assistant county administrators manage both of these areas along with all other county programs without explicit assignment to any of them, nor do they have any specialized staff support. Despite the considerable abilities of the administrators, they do not have the time or energy to serve the county adequately in the management of the criminal justice system.

- ◆ *The nature of elected government at the local level discourages long-term planning goals and achievement.*

With regular turnover of elected officials and county administrations, it is difficult to make long-term commitments and even more difficult to fulfill them. Supporting the development of major multi-million dollar capital outlays does not mean much if those outlays will not actually be made for many years, at which point new leadership can reject them. This obstacle to long-term planning is inherent in local government and cannot easily be changed. However, it at least needs to be carefully acknowledged as future plans are developed.

The nature of elected offices which can turn over in short periods discourages long-term planning and implementation of criminal justice goals.

- ◆ *Recommendation: A criminal justice specialist should be added to the senior staff of the County Administrator's Office or county administration should be organized to formally assign responsibility of all criminal justice issues to a single assistant administrator.*

III. SYSTEM-WIDE POPULATION & JUSTICE MANAGEMENT

Hillsborough County has – because of statutory requirements and individual initiative – already created the mechanisms needed to approach jail planning as a fundamental system issue. These mechanisms, however, are not functioning optimally, and there are still institutional disincentives to coordinated jail population management at all levels of operations.

The County Public Safety Coordinating Council (CPSCC) is a mandated body composed of at least the key constitutional officers who play a role in public safety planning and operations. In Hillsborough County, the CPSCC is an active body that meets monthly. The council was recently significantly expanded to include representatives from the community and municipal governments of the county. Because the CPSCC is made up of key local *leaders* and has more responsibility for planning than for actual operations, there is a need for a larger infrastructure which can allow for the implementation of CPSCC goals and recommendations.

The Hillsborough CPSCC is among the most active councils statewide.

In summary:

- Hillsborough County has pioneered innovative programs to improve system efficiency but in some ways is still structured and operated to meet the needs of a small-town community.
- While there are coordinating groups at many levels of the system (CJIS, CPSCC), planning is still largely short-term, in response to problems and crises.

In addition to the findings derived from review of Hillsborough County, ILPP would add the following assumption:

- ◆ *No matter how many jail beds are constructed, there will never be a surplus of empty jail space. Empirical study has shown that use of jail space is driven more by its availability than by the crime rate or level.*

The National Institute of Corrections makes this point simply in its Jail Capacity Forecast Workbook: "Jail size is not a function of the crime rate... The demand for jail is a policy-driven demand." Population management planning is a way to streamline the local justice system and ensure that management is responsive and effective, not reactionary and desperate.

- ◆ ***Recommendation: Create a vertically-tiered Population Management Plan and Implementation Strategy.***

A. Structure

The structure of the population management recommendation contains four necessary elements. The goal of these different elements is to comprehensively address: the need for decision-making power and funding (BOCC); system-wide representation and input by local "experts" and the community (CPSCC); the ability to pursue goals and monitor change (working groups); and the need for staffing to perform the legwork of needed operations (staffing) and coordinate working level efforts.

1. Board of County Commissioners (BOCC) – decision-making body for proposals requiring major capital outlay or changes that require commission approval.
2. County Public Safety Coordinating Council (CPSCC)¹ – composed of representatives from the criminal justice system and the community. This group provides the overall leadership and direction of system management. Made up of key policy makers, this group is charged with reviewing, monitoring, and planning. Recently, the CPSCC substantially expanded membership and created an Executive Committee of the constitutional officers and two members from the private sector (as yet unnamed). The Executive Committee and the full CPSCC alternate months for meetings.

The CPSCC is charged with overseeing local public safety planning although it carries no statutory authority for controlling agency actions.

Eleven persons are members of CPSCC by law (Florida Statutes §951.26, amended 1992):

- Chairman of the Board of Commissioners or designate
- State Attorney
- Public Defender
- Chief Circuit Judge

- Chief County Judge
- chief correctional officer (Jail Director)
- Sheriff (same as Jail Director in Hillsborough County)
- Clerk of the Circuit
- State Circuit Probation Administrator
- County Probation Director
- Pretrial Intervention Program Director (optional, if it exists)
- Local Substance Abuse Program Director (DACCO)

By statute (F.S. §951.26), the CPSCC is charged with monitoring specifically a county's correctional (facility) needs. Hillsborough County has extended this focus slightly by extrapolating that correctional facility needs are driven by the policies and practices of nearly all criminal justice offices. In accord with this broadened focus, the Hillsborough CPSCC has expanded its public sector membership as well as added several private sector and community groups. These are as follows:

- Mayor of Plant City
- Mayor of Tampa
- Mayor of Temple Terrace
- Tampa Police Chief
- School Superintendent
- Executive Director of Children's Board
- Juvenile Justice Program Manager
- Apollo Beach Chamber of Commerce representative
- Brandon Chamber of Commerce representative
- Tampa Chamber of Commerce representative
- Ybor City Chamber of Commerce representative
- Crime Watch representative
- League of United Latin American Culture
- Local State Representative
- NAACP President
- Neighborhood Watch representative
- Tampa/Hillsborough Urban League

(Note: The CPSCC is the appropriate body to review the advantages and disadvantages of the current structure versus one with greater community/private sector involvement; this report should note comments received regarding the role the private sector/"community-at-large" should play in the CPSCC. The current Hillsborough CPSCC does not include the same degree of involvement as the Palm Beach County model upon which it is based, and non-public office members cannot chair the CPSCC according to current by-laws. Arguments for greater private sector involvement are to incorporate a strong "business" approach to system management and to add people with entirely different perspectives and potentially new ideas about old issues.)

Action groups, composed of managers from criminal justice offices, can carry out implementation of CPSCC-identified goals.

3. Mid-Level Action Groups – These groups are made up of the subsequent levels of management that tend to handle and therefore be more aware of the day-to-day issues of criminal justice administration in the county.

These groups can report on progress and refer issues for discussion by the CPSCC. They identify problems and submit solution proposals to the CPSCC.

The following groups already exist, either formally or informally:

- Criminal Justice Information System (CJIS) group – The highly effective CJIS group has user and technical committees to address concerns of specific groups. The CJIS committee should include long-term needs as part of its agenda.
- Jail Population Updates – Jail personnel collect and provide monthly reports on jail statistics to the CPSCC currently as a courtesy in light of previous jail crowding. Data geared to measure management progress should be collected and presented as a regular procedure.
- Neighborhood Policing – Coalition of community, government and law enforcement groups.

The following groups should be added:

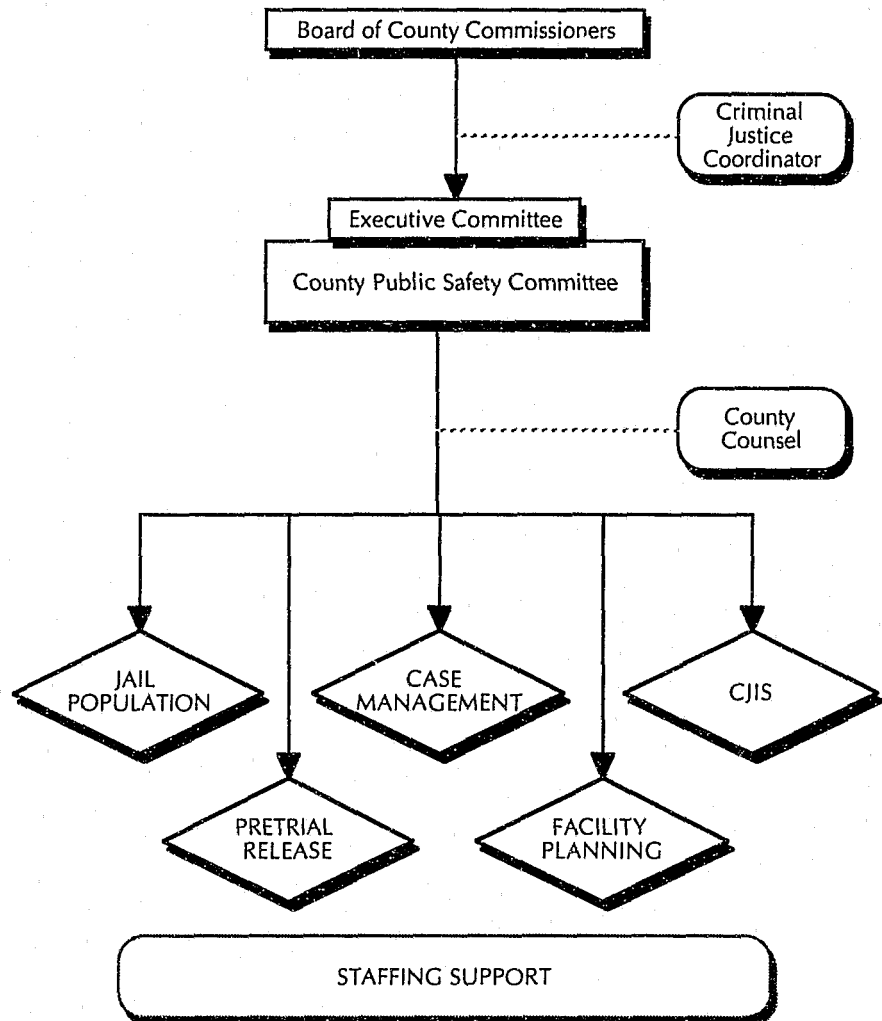
- Case Management Reform Group – Evaluation of the recommendation for differentiated case management, other case processing recommendations in this report, recommendations previously identified by the courts and development of uniform courtroom procedures should be reviewed by a representative group which at least includes the courts, Clerk, prosecution and defense. The goal of this committee will be similar to that of the CPSCC in that it provides a multi-user forum to consider different viewpoints on issues that affect everyone.

- Correctional Facilities Planning Group – should consider issues relevant to facility development (users, finances, population characteristics) and review system-wide implication of development decisions. This group attempts to integrate building issues with functional and policy issues to support a long-term planning approach.
 - Pretrial Release – the director of a pretrial release agency should report to the CPSCC on use and effectiveness of the pretrial release process.
4. General Staffing – This is the legwork of operations: data collection and monitoring. The previous levels must each clearly define tasks assigned to staffing and then jointly delegate data collection and other research duties to appropriate agencies. Currently, the Hillsborough County Sheriff's Department provides staff support for the CPSCC's meetings (preparation and distribution of agendas, minutes, etc.). An attorney from the county attorney's office is also on hand to address legal implications of committee discussions.

ILPP recommends a formal staffing complement similar to the Palm Beach County Criminal Justice Commission upon which the Hillsborough CPSCC is based. This would include an executive director and two staff members. Of the staff members, half of one employee's time should be funded by and located in the County Administration. The goal of this arrangement is to improve the accountability of the county government to the local criminal justice system.

(This time could be combined with ILPP's recommendation previously in this chapter to include a criminal justice specialist to the county administration office. The criminal justice specialist might be culled from existing county administrative personnel by reorganizing workload to consolidate criminal justice management issues into a single person's workload versus dispersing it and fragmenting management by dividing the workload among many.)

Figure 6.1
Population Management Plan Organization



B. Implementation

The successful implementation of the population management plan relies on three things: 1) clear goals and a mission for the overall plan and for groups at each tier; 2) strong and decisive leadership within every group; and finally and most amorously, 3) a consensus that jail population management and new facilities planning is the responsibility of all members of the justice system.

The CPSC should create explicit implementation measures that add a degree of structure and solidity to its activities:

- Gather and establish a philosophical mission statement that embodies the group's beliefs.
- Create realistic and specific goals and objectives toward meeting the mission. For example, eliminating jail crowding is not realistic; limiting inmate growth to a certain percentage per annum and creation of targets for pretrial release rates is.
- Continue the CPSCC's regular schedule, and allow for unscheduled meetings as issues arise.
- Put in writing ground rules for discussion and decision making. This includes basic issues such as recognizing that every member has a voice; fostering an environment of candor by not reacting to opinions with subsequent retaliatory actions; having clear times allotted to discussion of issues and action on issues.
- Whenever possible, establish time lines for addressing and resolving problems. Assign individuals or small groups to monitor progress and report difficulties.

The rest of this chapter reviews cost and information management of the overall local justice system.

IV. LOCAL CRIMINAL JUSTICE COSTS

Criminal justice, like any other public function, is faced with striking a balance between the benefits of a service and its costs. The service, in the broadest sense, is the maintenance of public safety. It is a truism in public finance that the public demands more services than it is willing to pay for. A tradeoff must be made, yet there is no objective way of doing so. In practice the determination is made, rather crudely, through the political process, and the balancing point is a function of local preferences.

Criminal justice must inevitably strike a balance between the benefits and the costs of its service.

However, a destination can be approached by many different paths. Even supposing Hillsborough County is attaining exactly the desired levels of enforcement, detention, and adjudication, the way in which those are attained may not be the most cost-effective. This discussion will attempt to point out some areas where there may be inefficiency due to current justice policies and procedures.

A review of the criminal justice budget may place the issue in context. The overall budget of Hillsborough County as proposed for FY 1994 is nearly \$1.6 billion. However almost \$1 billion of this does not go for operating expenses; it is capital improvement, inter-and intra-fund transfers, and reserves. Another \$100 million goes to roads, public utilities (water, sewage) and solid waste, activities financed through gasoline taxes and user fees.

Most local justice offices rely on state funding, with the exception of the Sheriff's Office.

About \$550 million of locally raised funds is available for general purposes and a broad range of supplementary activities serving the general public. (These are the General Revenue, General Revenue Special Use, MSTU General Purpose, and MSTU Special Use funds.) Of this, \$432 million is spent on current operations, and the balance goes to interfund transfers and reserves. Most of the funds are raised through the property tax, with a substantial contribution from the local sales tax and other revenues. The justice system consumes about 38 percent of these expenditures or \$167 million. A small portion of this goes to non-criminal justice functions, primarily in connection with civil justice, but the great bulk (\$138 million) is allocated to the Sheriff's Office.

Most of the county's "general government" operations are supported by these broad-purpose funds, the two other largest being the indigent medical assistance program and the Fire Department. These costs do not, of course, include the state outlay for operating the Department of Corrections' (DC) Probation and Parole Services or for staffing the judiciary, the State Attorney, and the Public Defender.

Figure 6.2
Local Sources of Criminal Justice Funding, FY 1994

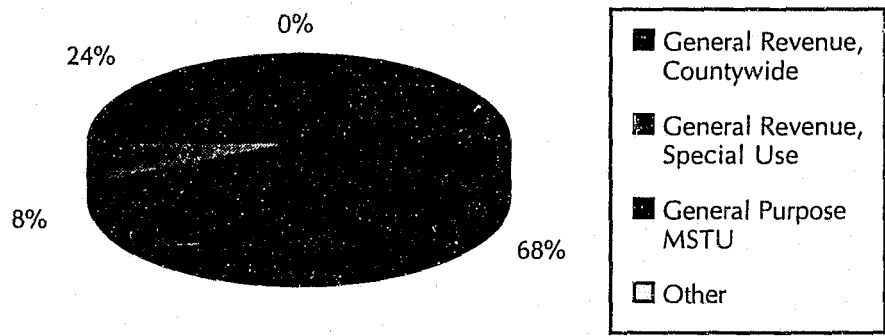
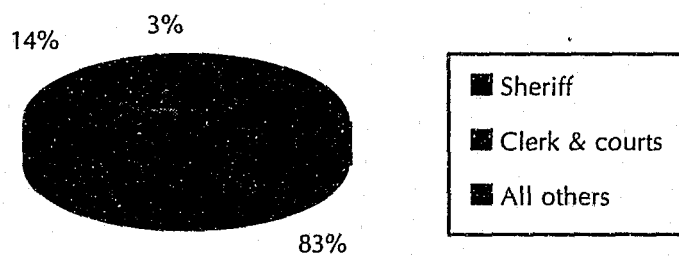


Figure 6.3
Uses of Criminal Justice Funding, FY 1994



Since FY 1991, there has been no noticeable upward trend in the proportion of county funds spent on the justice system or in the Sheriff's share of the latter. This is a favorable indicator because it shows that criminal justice is not out of control, as it is in many jurisdictions where justice expenditures have been steadily increasing their share of the total. Still, since any money that is used for criminal justice is in effect taken away from other community services, the county is obligated to ensure that its justice funds are used as efficiently as possible. Much of the focus must be on the Sheriff's Office because it consumes five-sixths of the entire justice budget, but that focus does not imply that it is less efficient than any other agency.

County criminal justice spending is not increasing relative to other county expenditures.

- ◆ *Criminal justice system expenses, for the present at least, remain in balance with the county's other programs and activities.*

V. INFORMATION MANAGEMENT

A. Overview

The Hillsborough County criminal justice Management Information System (MIS) is actually a network of three interconnected systems operated by different agencies. Each of the agencies addresses primarily its own needs, but there is continual data interchange among them and many other users. A three-part interagency committee coordinates this interchange.

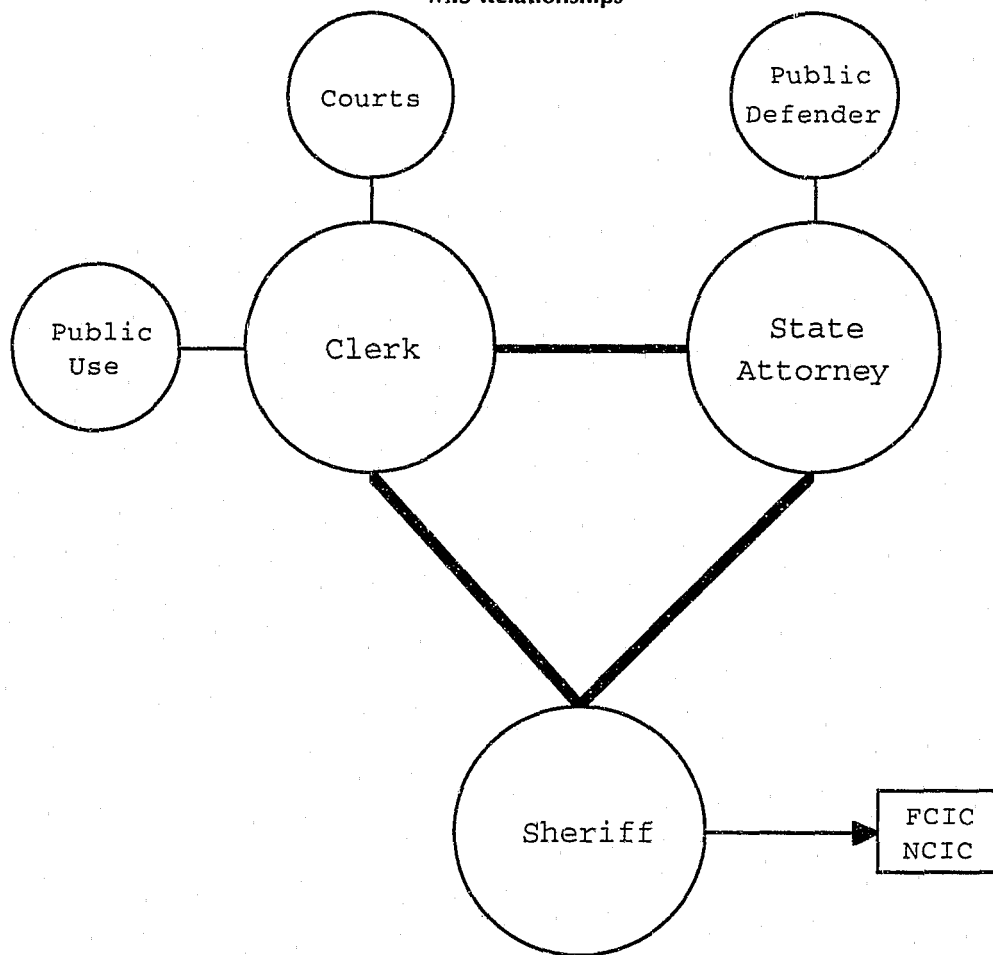
The three major computer systems constituting the Hillsborough Criminal Justice Information System (CJIS) are the systems belonging to the Hillsborough County Sheriff's Office, the State Attorney's Office, and the Clerk of the Courts (Clerk).

The three major computer systems of criminal justice are those of the Sheriff, the State Attorney and the Clerk.

Each has a different hardware configuration. The Sheriff has a mainframe UNISYS 2200/622 using the "Mapper" data base application. It is used both for law enforcement and jail management. The State Attorney has four VAX minicomputers (Digital Equipment Corporation). These have separate functions: one is assigned to the State Attorney's Office, one to the Public Defender, one to external communications, and the fourth to further system development. The principal application is called "2100" and was developed locally. The Clerk has several systems: a Hitachi ES-60 mainframe is used for adult criminal information, and five Hewlett-Packard (HP 3000) minis are dedicated to other functions.

The three systems are interconnected and can share information despite the fact that they are the products of different manufacturers. A number of other county, state, and private justice system participants are also connected.

Figure 6.4
MIS Relationships



Hillsborough County's Criminal Justice Information System (CJIS) steering committee effectively addresses and solves many information management problems.

There is a commendable degree of coordination among the system components. The Criminal Justice Information System Steering Committee consists of high-level representatives of the three system operators plus the Public Defender and the Chief Judge. Reporting to it are the Technical Committee, with about a dozen members, and the User Committee, with nearly 30. Membership on the User Committee is open to any interested party. Normally, the same individual does not sit on more than one of the three committees. The Technical and User Committees meet regularly on alternate weeks and the Steering Committee meets monthly. This structure was established by a formal agreement in 1988 and is judged successful by most participants.

ILPP's review is not intended to be a technical evaluation of the information management system. Its much more modest goals are to examine how well the system works for its users and how well data is interchanged among them.

B. Sheriff's CJIS

The Sheriff's Unisys mainframe serves both law enforcement and the jail. The department is heavily automated. Most users have "dumb" terminals, but PCs (personal computers) are being phased in. Each building has its own LAN (local area network), and these are being tied together for electronic mail. The system was featured in 1989 as a successful example of law enforcement automation in *Computers In Criminal Justice Administration and Management*.

1. Law Enforcement Uses

Most of the local law enforcement agencies are also connected to CJIS, especially to the Sheriff's Office. These include the Tampa, Temple Terrace Plant City and University of South Florida Police and the Florida Highway Patrol. However these are not county or circuit agencies. One technician at the Tampa Police Department was contacted, but the agency was not extensively interviewed for the CJIS portion of the report. Discussion of law enforcement information management focuses on Sheriff's law enforcement operations.

Each HCSO patrol car has a small mapper terminal which allows extremely rapid answers to queries on vehicle license plates or individual IDs, though it is not possible to verify the identification itself.

The communication section, which contains the 911 emergency response system and the Sheriff's dispatch, is almost completely automated. All 911 calls come here first. The location, phone number, and responding unit (county, city of Tampa, etc.), are displayed automatically, and a geographic location file calculates the response zone from the address. The calls are transferred to fire, emergency medical, or Sheriff's dispatch with a single button. The information given by the caller is input to the system by the operator. On the (typical) day before ILPP's visit, the system handled just under 2,000 calls.

In the dispatch area (housed in the same room), the computer suggests the closest patrol unit to send, but the operator can override the recommendation, for example, to send a deputy who has special training in a particular type of crime (sex offenses, domestic violence, arson, etc.). The system shows the names and locations of all on-duty units, and has an extensively indexed list of the specialists. One piece of old-fashioned

technology is the teletype link to FCIC/NCIC, the state and national databases for offender information on warrants and criminal history.

Every deputy who has responded to a call for service prepares a hand-written incident report. These are delivered to the Records Section and are indexed for filing.² Because interpretation of the information is needed, most of the 22 employees in this section specialize in handling particular types of reports. The original documents remain in the Records Section (except briefly; see below), but copies may be sent to investigations or Forensics. The index, not the contents of the report, is what resides on the computer system; it comprises an elaborate system of cross-references.

This type of system is commonly known as a computer crime file and is a valuable resource for crime fighting and the management of investigations. Given a few relevant pieces of information about an incident, it is possible to search the index for it. It is not necessary to be exact about times, locations, etc. as the system will present all the relevant cases within the designated range. As the files grow older they are microfilmed but remain on site. The complete indexing system dates from 1987, and there is a name index going back to the 1940s. A State Attorney terminal in the Records Section allows determining the progress of a case through the courts.

Although staffing is adequate to cover these daily workloads, unit supervisory personnel assert that it lacks the depth to cope with sickness or vacations.

The Sheriff's data processing department has been very cooperative in trying to meet the unit's automation needs. Stolen items are the one subject not appearing among the automated indices. The task of the validation unit is to ensure that the reportedly stolen item is still missing, and it must send letters periodically to the victims to obtain confirmation of this.

◆ *Law enforcement, communications, and records appear to be adequately automated. No serious deficiencies are apparent.*

2. Uniform Crime Reporting

Uniform Crime Report (UCR) statistics are compiled and transmitted to the Department of Law Enforcement in Tallahassee. ILPP observed some problems in this process, some of which are not within the control of the county.

The original crime reports, after being indexed, are carried across the street from the Records Section to the statistics unit to be interpreted. This is not a desirable practice: no copies are maintained in the Records Section, so that any mishap which might occur while crossing the street

could result in the loss of the information and a breach of confidentiality. The reports are kept in the Statistics Section for about half a day and are then carried back for permanent filing.

The statistics clerks read and classify each incident. Because of the need for individual interpretation, complete automation of this step is currently impractical. State definitions of a crime (e.g. the distinction between felony and misdemeanor larceny) do not necessarily correspond to the federal definitions used for the Uniform Crime Report (UCR), and the clerks need about a year of experience before becoming fully competent. The record is entered by hand onto a coding sheet; this step could be carried out at a terminal, and it is not clear why this is not done.

However, since the entry is manual there is initiated a data transfer sequence which seems inefficient. The coding sheets are boxed and sent from Tampa to Tallahassee. Tallahassee returns them to Tampa to a commercial keypunching firm. There they are put onto tape, reportedly with a number of errors, and finally, delivered to the Florida Department of Law Enforcement (FDLE) in Tallahassee for automated compilation. FDLE checks them for consistency and returns to the Sheriff any with detectable errors, but the records unit claims that the great majority of the errors are made by the keypunchers.

In contrast, the Tampa Police Department makes its entries directly to tape and transmits them to Tallahassee in that form, saving time and eliminating the problematic middle stages.

The most laborious part of the UCR process is collating the original report with any supplements. However, because the reports are about ten days old when they are received, most of this collation has already been done by the Records Section.

- ◆ *Hand-carrying of the original incident reports across a public street puts the county at risk of losing irreplaceable records and breaching confidentiality.*
- ◆ *UCR statistics gathered by the HCSO are recorded by hand, which delays their processing and leads to the introduction of errors.*
- ◆ *Recommendation: Find space for the statistics unit within the expanded Sheriff's Operations building.*
- ◆ *Recommendation: Automate the entry of UCR statistics by HCSO.*

3. Detention Operations

In this section, ILPP reviews the automation of intake, classification, and release rather than that of day-to-day inmate management, facilities, or logistics. All booking is carried out at the Orient Road Jail (ORJ). There are two booking desks. At intake booking, booking and PIN numbers are assigned and the clerks record personal information and check for local or FCIC/NCIC warrants and holds. A Clerk's terminal is available to check the progress of any pending proceedings. At detailed booking (where the inmate is not present), the clerks interpret the arrest affidavit and assign the tentative charges; those in turn generate the bail amount and the first appearance date.

In between these, the new inmate is photographed and finger-printed. Both of these processes are computerized. The electronic mug shot is of good quality and is reproduced in miniature on the bar-coded wristband issued to the inmate. The prints (inkless) are also of high quality. The print is not analyzed at Orient Road but is transmitted by phone line to the Morgan Street Jail for classification and matching (both processes are manual). The transmission takes 10-15 minutes.

The Classification Section reviews the information received at booking and makes an initial determination of the classification level. This information is entered into the computer, generally within an hour or two after booking. A paper classification file is also opened for the inmate. Prior conviction histories, from the county rap sheet at the Morgan Street Jail and (a second) access to FCIC/NCIC, may take longer to obtain, especially if there is any problem in establishing the inmate's true identity and aliases.

Thorough inmate data is collected and tracked, but it is not used for managing future jail growth and preventing crowding.

- ◆ *Initial jail booking and classification data are automatically entered into the Sheriff's data base within a few hours after the new detainee's arrival.*
- ◆ *Jail population data is used primarily for inventorying population characteristics and not for management and planning purposes.*

The Detention Department reports regularly to the CPSCC on jail population changes. This information includes number of inmates, releases, and bookings, but is not accompanied by goals and achievement in meeting them.

4. Overall Observations

The Sheriff's information management system undergoes constant modification. In addition, a high-level, system-wide review and restructuring is under way. Most of the users volunteered that the data management section was very responsive to their needs, adding screens and procedures

fairly soon after request. Perhaps it is a little too cooperative; adding procedures to an already complex system can lead to redundancy of data storage and interference with other processes if not done very carefully. It appears that data redundancy, at least, has occurred, although this suspicion is difficult to confirm without a study in much greater depth. The high-level restructuring now going on should remove some of these complications and improve the efficiency of the system, but manpower restrictions may limit the rate of progress in this direction.

There is frequent exchange of information with the State Attorney's and Clerk's systems, but it is generally on an inquiry basis; that is, the Sheriff is not automatically updated by the other two systems, and there is some manual reentry of data. ILPP observed several instances where it was necessary for Sheriff's personnel to look up supplemental information on each of these other systems on the foreign terminals at their workstations. Since those two systems work internally quite well, the task did not appear to be seriously time-consuming. Nevertheless, it would be useful if, for example, warrant information appeared automatically at the intake booking stage.

- ◆ *The Sheriff's data processing department makes a conscientious effort to meet the needs of its users.*
- ◆ *Attention to user needs may have added to excessive system complexity and redundancy of data storage.*

C. State Attorney's and Public Defender's CJIS

The State Attorney and Public Defender share a network of four VAX Micro computers, made by Digital Equipment Corporation (DEC). Under present operations, one of these computers is utilized primarily by the State Attorney's Office for their case management system; one by the Public Defender for their case management system; one for communications between the State Attorney, Public Defender, and other agencies; and the last for development. All employees within the State Attorney and Public Defender (about 250 and 200, respectively) have a terminal or a personal computer to provide access to the offices' case management systems. (Most terminals are "dumb" at this point.) FCIC/NCIC access is through two Sheriff's terminals in the State Attorney's Office, but the department hopes to be able to use its own terminals for this (still connected through the Sheriff's mainframe). Both the State Attorney and Public Defender's Offices also have several terminals from the Office of the Clerk of the Court to provide the means for non-routine inquiries from both offices.

The State Attorney and Public Defender exchange data internally and with the Sheriff and the Clerk of the Court. The majority of this data

exchange occurs via direct data exchange which updates the case management system within the State Attorney's Office, and additional data is exchanged by individual inquiry. The Public Defender and State Attorney each currently maintain their own case management system in separate databases on the system.

Connections to the Hillsborough County Sheriff's Office are good. Connection to the Clerk's mainframe (adult criminal) is also good, although there is no direct connection between the Clerk's mini system (juvenile and traffic) other than by exchanging tapes for the purpose of data exchange. In addition, some 23 external agencies have inquiry access to data contained within the State Attorney's current case management system. Each agency uses one or more different personal identifiers for the offenders, which increases system complexity but apparently does not cause serious problems with regard to data exchange.

Both the Public Defender and State Attorney's Offices utilize a DEC product known as "All-in-One" for electronic mail between the two offices and limited word processing functions. The main word processing application is WordPerfect.

At the time of ILPP's site visit, there were two separate case management systems within the State Attorney's and Public Defender's Offices. The current Public Defender's case management system is a modification of the original case management system developed by the Office of the State Attorney and known as "2100."

The case management systems are used for following the process of individual cases. Custody status is displayed on appropriate screens, and in-custody cases are given priority by both offices. The information available includes defendant descriptive information, defendant ID numbers, case numbers, personal, incident and co-defendant data, initial and filed charges, victims, involved parties, assigned attorneys, and ultimate dispositions. ILPP observed that data retrieval was fast and simple.

System users report that the data managers are responsive to user needs within the Offices of the State Attorney and Public Defender. The system requires approximately one day of training, and there is a weekly in-house user meeting. In addition, there are online problem reporting systems, a user help desk, and a technician on call around the clock.

Monthly statistical reports are generated for each division within both the Office of the Public Defender and State Attorney, as well as monthly disposition summaries. Attorneys' caseloads and throughputs are tracked;

a few special requests are also generated each month by the Office of the Public Defender and State Attorney. State Attorney personnel were unable to estimate the time required to determine the percent of cases dropped or reduced by arresting agencies. This is a very useful statistic for monitoring faulty charging practices and should be instituted.

Some State Attorney data is not transmitted automatically to the jail. "No File" decisions are sent rapidly so the inmate can be released, but charge reductions are not sent because many involve sex or domestic violence offenders, and the State Attorney does not wish to allow such inmates to be released.

◆ *Statistical reports on caseloads are generated for internal management, but at least one important interdepartmental issue, the drop and reduction rate by arresting agency, is not monitored.*

During the site visit ILPP was told that a major restructuring of the data management system was under way but did not discuss it in much detail. Several months thereafter, the Public Defender's Office supplied the following information on the objectives and scope of that restructuring.

A re-engineering project will combine the State Attorney's and Public Defender's databases into a single shared data base using a joint application presently being developed under funding from the Governor's Innovative and Incentive Program Grant Office.

The re-engineered application will include a shared intake and disposition data entry function to be used by personnel from both offices in order to avoid redundant data entry and storage. In addition, the project includes the creation of automated work flows to improve the efficiency of personnel usage in each office. The new system is to be known as the Hillsborough Enhanced Legal Processing System (HELP). It will begin a move toward the use of transaction processing rather than the current time sharing methodology.

Much of the original input to the present case management system is entered manually. Both the State Attorney's and Public Defender's Office enter the information from the criminal report affidavit filed by law enforcement. Court date information is received directly from the clerk, but additional case and file tracking entries are manually entered by support staff. Disposition data is recorded by the trial attorneys at the conclusion of the case, and their disposition sheets become the primary source documents for the entry of disposition data into the system. By contrast, the new system will receive arrest information by direct data exchange from the Sheriff and court data scheduling directly from the Clerk's office.

All of the case tracking information currently available on 2100 will continue to be available on HELP. Other new functions will be added, and system performance and usefulness should be considerably improved.

D. Clerk of the Court's CJIS

The Clerk of the Court is the third element of the CJIS triangle. The Clerk's computer system is *de facto* the county data center as well, as it is responsible for a number of non-court functions such as data processing for tax collections, elections, and some of the county payroll. About 60 percent of its operations are devoted to court-related matters. Perhaps because this office is charged with maintaining the official court records, the Clerk appears to proceed cautiously in adopting new technologies or procedures.

Although the data center operates around the clock, the Clerk's Office itself maintains ordinary working hours. Nights and weekends are devoted to batch processing, system maintenance, and other such activities. For this reason, there are periods during which outside users, such as the booking desk at the jail, do not have access to the Clerk's system for routine inquiries. The Clerk has attempted to extend the period of access to 6 am - 12 midnight on weekdays and 6:30 am - 9:30 am on weekends and holidays, but the Clerk's Office states that because it must shut out outside users in order to conduct internal work, 24-hour access, which would be particularly useful to the jail, would require a major hardware and software expansion.

The Hitachi mainframe and the HP 3000 minis do not constitute an integrated system. Older terminals connect to one or the other. More recently, however, cross-platform public user terminals have been developed which connect to both. Some 400 of these are in operation at various public and private agencies such as bondsmen, attorneys, etc., and even in the courthouse for the general public to use.

The Clerk is piloting various advanced methodologies in areas outside of criminal justice. Imaging techniques are being applied to official records such as property deeds (1,500 a day). Knowledge-based expert systems are being used in the Department of Social Services to allow untrained interviewers to determine applicant eligibility in a consistent fashion. Building code violations are just beginning to be imported and treated as civil violations.

Several specific issues relating to the Clerk's CJIS are covered in Chapter 10, "Adjudication", and the associated findings will be presented there.

E. Other Users

1. Courts

Although the Sheriff, the State Attorney and the Clerk are the main data generators and users, a number of other entities are connected to the system and utilize the data.

The primary user is the judiciary, specifically the judicial assistants, though some of the judges themselves are quite computer-sophisticated. They are connected to the Clerk's system and, through it, to the Sheriff. There are also a few direct connections to the State Attorney's system.

The courts themselves are only partially automated. One successful example is the video court, used for preliminary presentations (first appearances), emergency bond-setting or release, all misdemeanor arraignments and one judge's felony arraignments. The video courtroom (Courtroom 6A in the courthouse) is connected to courtrooms in each of the jails. The judge, the defendant, and the opposing attorneys are all visible on 35-inch color monitors. The courtroom is in use every morning for preliminary presentations and emergency court (writs, bond hearings, etc.) and for all misdemeanor and one division's felony arraignments on three afternoons a week. For the remaining two afternoons it is used for video conferencing between the courthouse and the jail and for system maintenance. Thus, its use is about at capacity without being stretched. It appears to be a great convenience for court processing, especially for the preliminary presentations.

Courtroom 6A was designed specifically to be a video court. It is very small (there is very limited space for an audience) and the space thus saved is used for the elaborate video equipment. The entire setup for this courtroom cost something over \$800,000. A second courtroom has been partially adapted for video use and could easily be put on line. Since it would share much of the equipment with the first courtroom, it would be much less expensive. However, there has been no demand expressed by the judges for expanded video services. Furthermore, since there are at present no corresponding second video courtrooms at the jails, there would be moderate logistical problems in scheduling two video courts at the same time. (Use of, say, the chapel at Morgan Street and the library at Orient Road for this purpose would eliminate the latter issue.)

There are some problems, however, in supplying information to the judges. The problems are not great, but improvements could be made. Preliminary presentations ("PP") are the most obvious example of this. The PP hearing, at which the main decision is approving the bond as suggested by the jail, is a very rapid procedure; typically, 75 to 80 cases are handled in no more

than two hours. The judge receives a printout of the criminal report affidavit (CRA) and sometimes, the local arrest record. These documents are prepared at the jail (hard copies) and sent with the inmates. The judge does not get the FCIC/NCIC report or the classification analysis even though this information is easily available and often has been compiled at booking. The same is true for the record of traffic infractions or the dates of old warrants and capiases. All of this information would be of great help in the decision, but at an average of only about 90 seconds per case, the video courtroom clerks are too busy to spend time looking up this information. They have no direct connection to the Sheriff's system although there is a direct fax line for last minute updates.

Generally speaking, the other courtrooms have the same limitations on immediately available data, though where the time constraints are less severe, it is possible to obtain the information. The basic problem seems to be that the information is maintained on the three separate computer systems. Even though there are interconnections, the logic and formats differ. It is not as easy to obtain information from three systems as it would be if it were all on the same giant computer, or even on three separate systems which used the same language (e.g., UNIX). The principal users have designed their systems for their own use and have been rather successful at that. Although they make every attempt to cooperate with the judiciary — there is no dispute about that — it would require a massive and extremely expensive system overhaul to make data access equally convenient for everyone.

The Office of the Court Administrator has plans for some system improvements. A committee, including judges, is being formed to discuss computer applications and perhaps in the future, observe CJIS systems in some other jurisdictions to see whether they have some features which could be adapted for Hillsborough. The office also proposes to prepare statistical reports for the use of the judges on the defendant caseload, pending in-custody cases, dispositions, and other useful information.

- ◆ *The fact that criminal justice data resides on three separate systems makes it inconvenient for the judges when they need to get information from more than one system at a time.*

2. Community Corrections

Community corrections agencies are also on-line to the county CJIS. ILPP interviewed the Department of Corrections felony probation (DC), the Salvation Army (misdemeanor probation), and DACCO (drug abuse services).

DC Probation and Parole Services is connected to the statewide DOC system (prisons and probation/parole). Through this, they have direct access to FCIC/NCIC. All of Probation and Parole Services' 15 offices in Hillsborough County have State Attorney's terminals, and two have Clerk's terminals. They can access the jail through the State Attorney's system. The CJIS connections are used for a variety of purposes: verification of prior arrests and convictions, fingerprint and alias checks, for example. The arrangement is satisfactory and they do not need closer integration such as automatic updating. CJIS is cooperative and helpful, and DC Probation and Parole Services has its needs listened to at the users committee.

The Salvation Army is equally happy with the cooperation shown by CJIS. Their connections are primarily to the Clerk, whence they obtain information on holds, traffic warrants, jail records, and the like. The lack of access at night and on weekends is only a minor inconvenience. The Salvation Army likewise has its own system (Alpha micro mini) with a data base on offender and case information maintained for each of its county programs.

DACCO does not make much use of the CJIS system. They are connected only to the Drug Court; otherwise, they obtain information from hard copies or microfiches. This data is then re-entered into their own local PC network data base. DACCO has several tasks which would be facilitated by connection: monitoring rearrests of their graduates, tracking court appearances so they can prepare the paperwork, and identifying persons arrested on other charges who may have underlying drug problems. However, this has not been an agency priority; DACCO has not requested a Clerk's public access terminal and does not sit on the CJIS users committee.

- ◆ *Recommendation: ILPP recommends that DACCO initiate contact with CJIS in order to join the CJIS system, presumably by acquiring a public access terminal through the Clerk of the Court.*

3. Neighborhood Policing

The discussion of the CJIS system would not be complete without discussion of a novel experiment on "neighborhood policing" being conducted through a joint effort of several ordinarily unrelated county agencies. This is a scheme for reducing crime following the "Broken Windows" paradigm of Prof. James Q. Wilson: a run-down neighborhood breeds first, disrespect for order and eventually, crime. The Sheriff, the Housing and Community Development Department, and the Citizens' Action Agency are just beginning a pilot project. Two unincorporated areas of a few square miles each ("University" and "78th Street") have been selected for the test. The hypothesis is that physical deterioration

and lawless behavior will occur together and reinforce each other. The county's GIS will expand to incorporate housing condition and code enforcement data and later, crime statistics.

Next, the agencies will identify (mostly private) community organizations and support groups and work with them to improve the neighborhood situation. The neighborhood policing effort will be evaluated by following the appraised property values and correlating these with building condition and crime.

Some linkages need to be developed, but the system components are already in place. ILPP is not aware of similar efforts elsewhere, and the results of the study should prove very instructive regardless of the outcome.

F. Findings and Recommendations

- ◆ *The most striking finding on Hillsborough's CJIS system is the observation by virtually every user of the spirit of cooperation among all system participants.*

Apparently, this was not always so, but in the last several years, the individual departments have made serious efforts to meet the needs of their own users and have met with each other to solve system-wide problems. Many issues have been resolved in this way, often at the level of the user committee without requiring any high-level policy decision. It is frequently the case that one user has information that another could use but is simply not aware of this need. Once such a need is communicated, the problem is easily solved.

Not all Florida jurisdictions share this commendable approach to the sharing of information. It appears that given adequate resources, Hillsborough County is determined to meet its criminal justice information problems.

This being said, there are still issues which need attention. One is increased automation of courtroom proceedings. At present, these are noted manually and later transcribed, thus requiring the data to be recorded twice. The Clerk's MIS Department is aware of these needs but has not devised procedures to solve them yet.

Another problem is combining information from more than one of the three systems for users such as the judges so that it becomes more easily and quickly accessible. The fact that the information resides on separate platforms is a hindrance to the ready use of data for outsiders, especially those who do not have the time for lengthy searches. Given each agency's considerable investment of both money and effort in their systems, it is not likely that those will be physically combined. It may, however, be possible to integrate the existing systems more tightly.

Users outside of the three major departments may not be asking for all the information that they could have. The cooperative nature of CJIS in Hillsborough is such that the biggest barrier to progress may simply be lack of awareness of the possibilities. Education of the judges, particularly, on this point could result in major improvements.

- ◆ *There does not appear to be much use of imaging techniques except for fingerprints and mug shots.*

Imaging is a useful way of storing large amounts of data in diverse formats without the need for standardization or keyboard entry. The Clerk is experimenting with imaging for official records, and presumably, the technique will be expanded to other functions as the office develops expertise in this area. It would also be of use for law enforcement.

- ◆ *Recommendation: Prepare to phase in imaging technology in areas where large amounts of information must be stored intact.*
- ◆ *Recommendation: Given the expense of maintaining prisoners in the jail, the county should devote more time and imagination to analysis of the inmate flow and processing following some of the procedures outlined in this report.*

In any flow system, there are bottlenecks. In a system as complex and fluctuating as criminal justice, these bottlenecks shift and re-form over time. Identification of such locations should allow the county to manage its population more efficiently and shift some of its resources to other desirable uses.

The county could perform an inmate tracking analysis once or twice a year and examine the results to see where there are unnecessary delays. The percentage of less serious and low level offenders should be monitored as these are the best candidates for alternative sanctions.

Jail population projections should be adjusted annually. Because projections are inherently speculative, adherence to realistic growth expectations is crucial to the ability of projections to act as a planning tool.

NOTES

- 1 Refer to Florida Statutes §951.26 for a description of minimum mandatory membership, responsibilities and authority.
- 2 In the city of St. Petersburg, police officers in the field write their incident reports on laptop computers and download the information directly to the mainframe at the end of their shifts. Because of county requirements, they must still file the arrest affidavits as hand-written forms, but a departmental spokesman saw no problem in expanding the automated procedure to include the affidavits as well.

7.

Law Enforcement

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7. Law Enforcement

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Law Enforcement

"Our vision for the year 2000 is a Florida Public Safety System which...recognizes that community efforts are the basis for the most effective prevention and solution to crime problems." – Governor's Commission on Government by the People, Public Safety Committee (1991)

I. OVERVIEW

This chapter evaluates law enforcement's ability, given available resources, to balance jail use and crime response.

The reason why people do or do not commit crime is difficult to isolate, but one crucial component is the fear of getting caught and being punished. One of law enforcement's clearest goals is to apprehend the criminal. And then what? Write a ticket? Let the offender go? Or, arrest and transport to jail?

Letting the offender go or writing a ticket means the act of catching the criminal has very minor consequences. That is, without the ability to respond to crime with clear consequences, the fear of getting caught – one of many deterrents to crime – is minimized, if not eliminated. The point this lends to the Hillsborough County criminal justice system is the inseparable relationship between arrest and incarceration. The authority of law enforcement agencies partly lies in the ability to put offenders in jail or otherwise impress upon the minds of the community that the presence of law enforcement is meaningful.

The authority to arrest has the potential to be unintentionally abused through unmanaged overuse of the jail. Monitoring how jails are used by law enforcement agencies matters a great deal because jail space is a finite and expensive resource. Use of the jail to remove a drunk from a bar fight or take a drug user off the street – once standard and approved practice – magnifies into misuse when these offenders crowd out more serious criminals who are nonetheless eligible for pretrial release. The challenge for law enforcement is to effectively respond to all types of crime to assure community safety and ultimately, to have an impact on crime itself.

Law enforcement controls booking flow into the jail. Attempts to manage the jail population must therefore address law enforcement practices.

There are two areas in particular which affect this balance in Hillsborough County. These are use of citations in the field (notices to appear), issued in misdemeanor cases instead of arrest and booking into jail, and charging practices, especially use of multiple counts and then aggregation of bond amounts which virtually removes possibility of pretrial release. While these two areas could be improved to limit unnecessary use of jail

beds, local law enforcement agencies have made extensive efforts to coordinate with local groups in the area of community policing, seeking to work out problems before resorting to arrest and jail.

II. CRIME AND ARRESTS

The extent and nature of crime in the county provides a starting point for a discussion of crime and arrests. Uniform Crime Report (UCR) data for Hillsborough County were reviewed to assess crime in the county. ILPP reviewed UCR "index" crimes, which include murder, forcible sex, robbery, aggravated assault (violent offenses); and burglary, larceny, and motor vehicle theft (property offenses).

It should be noted that there is widespread disagreement about the accuracy of UCR data given inconsistent reporting practices across the state, internal system changes, and different definitions of crime categories at the state and local levels. Analysis of crime based on UCR data does provide a reliable sense of the **magnitude** of crime and crime rate, however.

Figure 7.1 shows the number of crimes in Hillsborough from 1980 to 1992, and Figure 7.2 shows the corresponding crime rates. The crime rate has been relatively constant; the growth in the amount of crime is primarily a function of population growth. There was a low period in the early 1980s which is also observed in the national statistics. Otherwise crime has risen fairly steadily over this period.

Property and violent crime are shown separately since 1985. (The violent crime rate is multiplied by five to put it on the same scale.) Both have grown in absolute numbers but it is difficult to compare them. Here the rates are helpful; the property crime rate has not changed much, but the violent crime rate has risen. Violent crime has become more important as a component of all crime in the last decade.

Figure 7.1
Hillsborough County Reported Index Crimes, 1980 - 1992

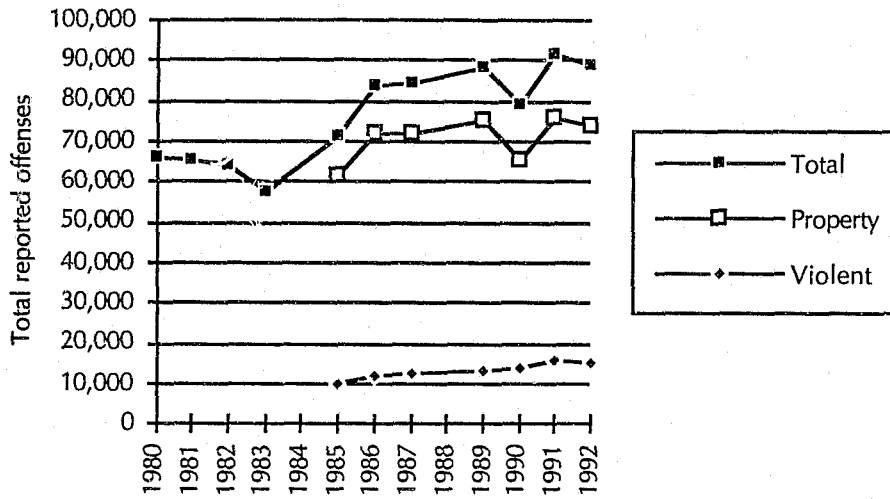
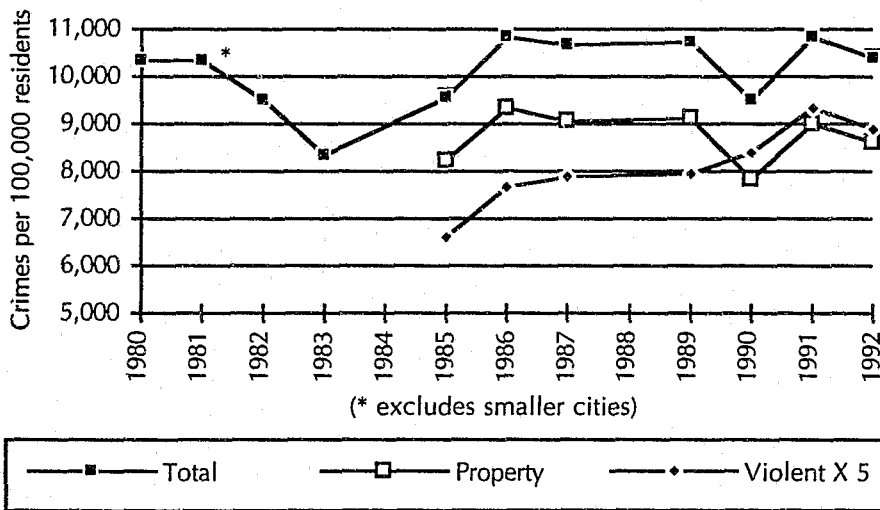


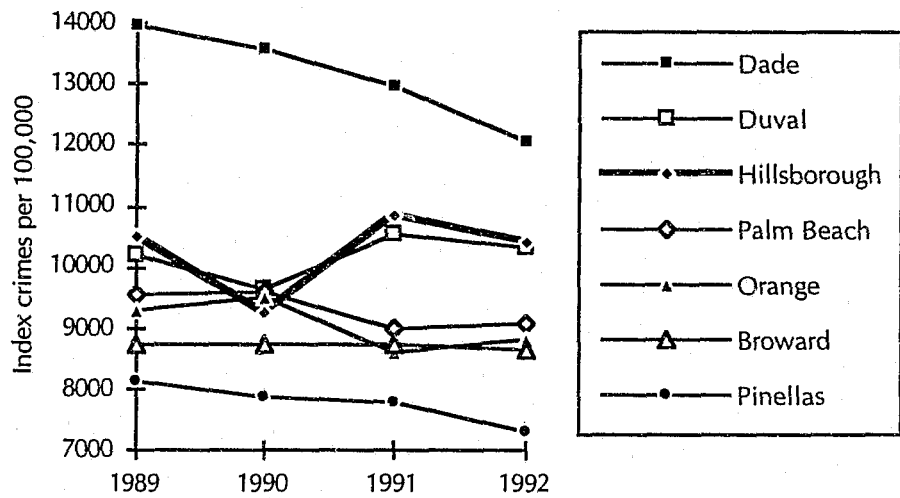
Figure 7.2
Hillsborough County Index Crime Rate, 1980 - 1992



The reported crime rates for Florida's seven largest counties are shown in Figure 7.3. While inter-jurisdictional comparisons are not very reliable, it seems that Hillsborough has a relatively serious crime problem (or a much more effective reporting system).

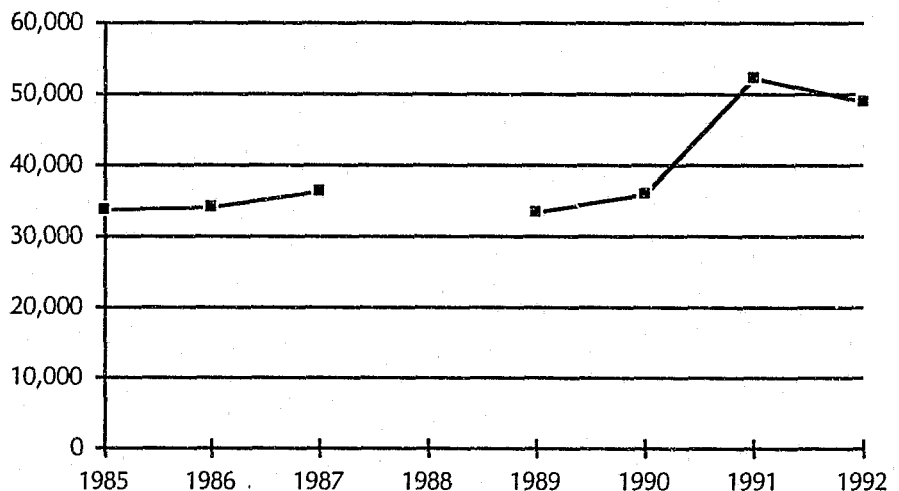
Violent crime shows an upward growth trend; property crime growth is flat.

Figure 7.3
Comparison of Crime Rates Among Florida's Largest Counties, 1989 - 1992



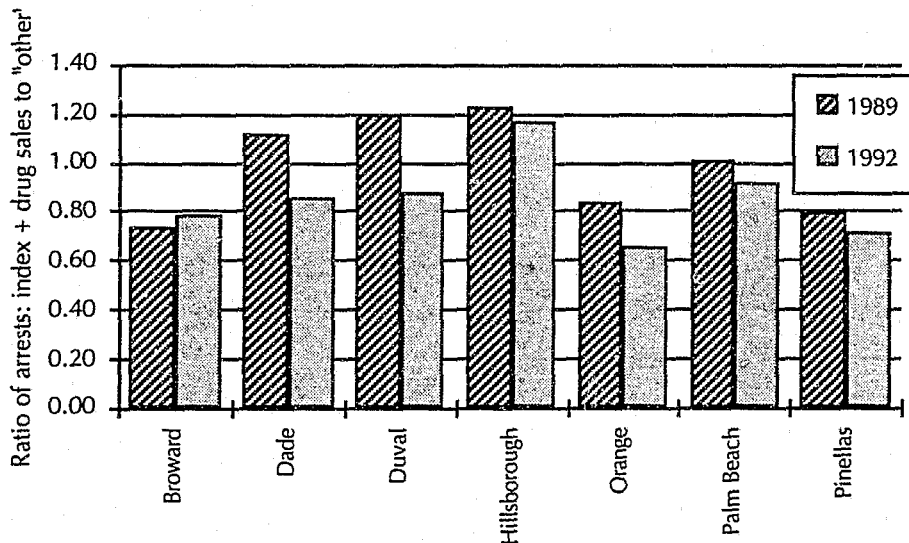
The number of arrests made in the county is shown in Figure 7.4. These are **all** arrests, not just those for the index offenses. For any particular crime category except murder, the reported offenses far outweigh the arrests. Both the reported crimes and the arrests fell from 1991 to 1992. Of the 49,000 arrests in 1992, 17,000 were for the index crimes (cf. 89,000 reported index offenses). Other major arrest categories were: 6,500 simple assault, 4,300 drug sales or possession, and 2,600 DUI. Nearly 14,000 arrests were "miscellaneous", a category which FDLE cannot explain, though it appears to include probation violation, many warrants, and criminal traffic other than DUI. There were fewer than 1,000 arrests for any other type of offense. Juveniles accounted for 9,000 of the total arrests.

Figure 7.4
Hillsborough County Total Arrests, 1985 - 1992



As an indicator of how law enforcement was deployed against criminal activity, a measure of "arrest seriousness" was devised for the seven counties, shown in Figure 7.5. The sum of index arrests plus drug sales as a fraction of total arrests was compared in 1989 and 1992. In both years Hillsborough County had the highest fraction of its arrests for these serious offenses. The county also had the highest ratio of arrests to offenses for index crimes in 1992 and the second highest in 1989. Hillsborough appears to be concentrating its law enforcement efforts on the most reliably reported serious crimes (robbery, car theft and burglary), meeting with reasonable success.

Figure 7.5
Comparison of Arrests by Seriousness of Offense, 1989 & 1992



What is the outlook for crime over the next 20 years? It is, of course, impossible to predict exactly, but one important contributing factor is known.

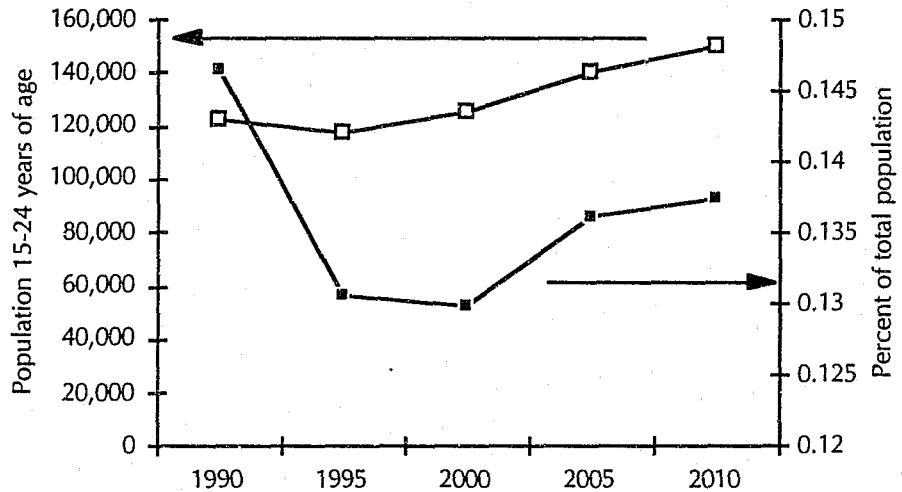
For criminal justice purposes the most important segment of the population is young adults since they commit most of the crimes and fill most of the jail beds. BEBR's May, 1992 county population projections break out the residents 15-24 years of age. They will decrease in absolute numbers until 1995 and then begin to rise; presumably, the number of criminal acts will begin to rise then also.

The aging of the baby boom means that those most likely to commit crime, people aged 18 to 24, will make up a smaller percentage of the county's population than currently.

On the other hand, the **proportion** of that group in the county's population — 14.6 percent in 1990 — will begin to rise slowly only in 2000 and will not have reached the 1990 level by 2010. Their per capita burden on society will be less severe than at present, assuming all else is equal.

Males aged 25 to 44, also significant contributors to the demand for justice, show more extreme behavior; their numbers peak slightly in 1995 and decrease steadily thereafter. Their proportion drops from 16.8 percent in 1990 to 12.2 percent by 2010. The number of persons in the 18-44 age group is nearly constant for the rest of the century and grows only slowly thereafter. (See Figure 7.6.)

Figure 7.6
Projection of Hillsborough County Young Adult Population, 1990 - 2010



Unless there is a change in potential offenders' behavior patterns, which is by no means impossible, it appears that crime will grow more slowly than population; the crime rate will drop over the next 20 years as a result of these changing demographic factors. The county population projections ought to be monitored as they are revised periodically, so that the justice system can anticipate and prepare for coming trends.

- ◆ *Hillsborough County's property crime rate has leveled off, but violent crime is increasing.*
- ◆ *Arrest patterns in the county show that the most reliably reported serious offenses are being targeted.*
- ◆ *Because age is strongly correlated with criminal behavior, the aging of the baby boom will mean that the crime rate should grow slightly slower than the general population growth rate.*

III. CAPIAS/WARRANTS

The Hillsborough County Sheriff is responsible for serving warrants and transporting detainees to jail for booking.

The HCSO is currently submitting a budget request for funds to establish a letter-of-notification procedure on unserved summons. Other jurisdictions have found that a surprisingly high percentage of those contacted by letter will come in to appear in court or deposit the fine/bail rather than face an inconvenient arrest.

◆ *Establishing a notification unit for capiases conserves law enforcement resources and jail beds.*

ILPP has not audited the logistics of the current proposal, but suggest that consolidation of this function with a newly created pretrial release agency could streamline the notification process. One responsibility of the proposed pretrial release agency would be preventing failures to appear by notifying defendants by telephone and in writing shortly before the set court date. A similar procedure could be performed in the case of capiases with personnel already set up to carry out this task. See Chapter 9 Alternatives for a discussion of a pretrial release agency.

IV. USE OF NOTICES TO APPEAR

In many minor misdemeanor arrests, practical considerations dictate the issuance of a Notice To Appear citation (NTA) in lieu of transporting the arrestee to the county jail. The NTA process is encouraged by Florida statute and required by administrative orders of the law enforcement agencies and the 13th Judicial Circuit Court for Hillsborough County.

Use of citations, instead of arrest, is required by administrative order for minor misdemeanor offenses and infractions.

A special NTA data run furnished to ILPP by the Clerk of the Circuit Court provided the following summary information regarding use of the NTA option by the Tampa Police Department (TPD) and HCSO.

Table 7.1
Misdemeanor NTAs, 1992

Agency	Citations issued
CSXT Transportation	5
Dept. Agriculture	1
Dept. Corrections	1
FL Aud. Gen.	5
FL. Div. Beverage	297
Fish and Game	479
FHP	32
FL Marine Patrol	292
Hills. Co. Animal Control	4
Hills. Co. Transportation	1
Hills. Co. Stand. Enf.	4
Housing Development	3
Plant City Police Dept.	238
State Attorney's Office	2
Seminole Police Dept.	7
Tampa Intl. Airport	10
USF Police Dept.	73
Tampa Police Dept.	2,340
Hills. Co. Sheriff	1,997
TOTAL	5,791

Although it is common in many jurisdictions to cite the majority of non-violent misdemeanors, Hillsborough County's law enforcement agencies average only six citations each day.

The data show that for the Tampa Police and the Sheriff, an average of six and five NTAs per day, respectively, are issued. Available data¹ indicate that the Tampa Police made between 8,000 and 13,000 misdemeanor arrests in 1992, translating into an average of 18 - 29 percent of misdemeanor arrests resulting in a citation. It is not uncommon in large, urban jurisdictions for nearly all misdemeanors to be cited.

Use of an NTA may not always be a viable option for law enforcement personnel. In some cases, the most important goal is simply to remove an individual from the scene to insure against instant reoffense. In some of these cases, an NTA may not accomplish this immediate objective, but booking and incarceration are excessive.

The administrative order which requires use of NTAs also leaves the officer with large areas of discretion in deciding to arrest. The order specifically excludes required use of an NTA if the officer has a "reasonable belief" that the person may have a hold, may have failed to appear in court in the past, or may otherwise present a safety risk. "Reasonable belief" is not

defined within the order, and its application varies by individual.

- ◆ *Use of NTAs is encouraged by state law and required by local administrative order. But the language of the order leaves large areas open for interpretation in actually using a citation or not.*
- ◆ *Use of NTAs by the two major law enforcement offices is relatively low in comparison with other metropolitan areas.*
- ◆ *Data to track the number of NTAs issued, and thus the effectiveness of their use, is not used by either the Tampa Police or the Hillsborough County Sheriff.*

Neither the TPD nor HCSO routinely review summary data as a control over utilization of the NTA option. The last study brought to the attention of ILPP by HCSO reportedly showed a total of 15,000 over a year (the year and names of agencies covered by the report was not provided). However, a recent HCSO internal memo says that this figure is much too high. The State Attorney recorded a total of 5,801 NTAs in 1992, of which 1,997 were HCSO-initiated. The 15,000 figure may include other types of notice such as subpoenas, notices to attorneys and bondsmen, and civil actions. There is no automated process to track NTAs.

A periodic NTA summary report (either semi-annual or annual) would enable management to determine the level of compliance to the administrative policy.

- ◆ *Where a field NTA may be inappropriate, and booking into the jail may be excessive, a jail citation would be appropriate.*

Intermediate options could be used between a citation and an arrest. These include diversion to program center (e.g., detox) and use of a jail-issued citation. In the latter case, the objective of removing the perpetrator from the street is accomplished without unnecessary use of jail bed space.

V. CHARGING PRACTICES

Charging practices contribute to criminal justice system flow by determining who will stay in jail due to crime severity and who will be allowed bond. Coordination of charging practice with prosecution policy can improve conviction rates and minimize charge reductions and dismissals which result in poor jail space use. Thus, this area is one to be monitored closely by criminal justice decision makers.

- What is the filing and conviction rate, by law enforcement agency, compared with arrests and charging affidavits? A low rate suggests lack of coordination or some other discrepancy between the practices of law enforcement and the strength

of cases. The rate of reductions to misdemeanors at filing is another indicator.

- How common are multiple counts on charging affidavits? Tracking extremely heavy multiple charging (ten or more counts per incident) can identify obstructions to pretrial release.

There are some areas where ILPP observed anomalies of charging practice which can impact appropriate jail use. These are resisting arrest with violence and drug charges.

- ◆ *Track notices to appear (NTAs) within the law enforcement agencies rather than relying on the State Attorney's Office or the Clerk.*

NTAs are preferable to arrest and booking for minor offenders, but law enforcement agencies do not track their numbers or make comparisons with similar agencies in other jurisdictions. The NTA numbers reported by the Clerk appear to include other types of notice and are not useful for law enforcement management purposes.

A. Resisting Arrest With Violence (RAWV)

Eight percent of all violent felony bookings into the jail during August, 1993, were for resisting arrest with violence. According to arresting officers, they often add the charge resisting arrest with violence (RAWV) when an arrestee does not cooperate by following the instructions of the officer. The scenarios given anecdotally fall short of the traditional definition of RAWV, however. These include refusing to sign traffic citations, mild resistance to having handcuffs put on and so forth. These situations, in which the officer must physically control the suspect, can lead to a citizen's complaint. The officers, accordingly, often routinely add the failure-to-cooperate charge to create a record of the circumstances justifying their actions. The RAWV charge increases the arrestee's bail and inhibits eligibility for release. Inasmuch as the added "crime" is another factor likely to increase the jail population, a system solution should be explored (e.g., noting the RAWV elsewhere on the arrest report so it does not influence the amount of bail required).

- ◆ *Adding RAWV as an additional charge to an affidavit raises bail and virtually eliminates possibility of pretrial release.*

On the street, resisting arrest is never the primary reason for an arrest (i.e., the officer first must have a reason to make an arrest before it can be resisted). Yet a charge of RAWV generally becomes the most serious one and the one on which bond will be determined. ILPP found that 25 percent of RAWV had no additional charges. Thus, the goal of the law enforcement officer to note some resistance or to "punish" the arrestee

for non-cooperation backfires, tying up jail space by offenders whose underlying charge is a minor misdemeanor offense.

◆ *The practice of charging arrestees with RAWV may be a preemptive attempt by law enforcement to protect against possible citizen complaints.*

This is only suggested by observation of data in which a number of arrestees booked into the jail system during the period of study had, as their most serious charge, a count of RAWV. Because people are not stopped for resisting arrest, there is an assumption of the existence of another crime, the apprehension of which resulted in the resisting arrest charge. This raises the question of the seriousness of the original crime. It is not clear if law enforcement officers are using explicit guidelines in the application of RAWV charging or if these charges reflect some other motivation such as an attempt to preemptively defend against citizen complaints or make a felony level arrest and increase the likelihood of jail time.

B. Drug Charges

ILPP has, in this and the July, 1993 report, documented what the county's decision makers have already come to know from their own experience: substance abuse is a considerable problem among the county's criminal population, and drug possession is commonly the main or underlying charge of many offenders in jail. The county has created an impressive array of diversion and sentencing options to address this type of offender as he or she *exits* the system. There is currently, however, little coordination among criminal justice agencies to address the *influx* of this offender into the system in the first place.

Arrest of drug users clearly has an effect on the jail's population. These offenders, especially those charged with drug **possession, delivery, or intent**, take up space. The following table summarizes arrests for drug sales and possession in 1992 by the Tampa Police and the Hillsborough Sheriff.

Table 7.2
Arrests for Drug Possession and Sales, 1992

Agency	Sales	Possession
Tampa Police Dept.	770	1,905
Hills. Co. Sheriff	687	677

Drug users are becoming the classic example of the prototypical jail inmate: a non-violent offender who, through multiple charges, an extensive history of drug use and mandatory sentencing requirements,

takes up space in jail while more dangerous offenders exit the system with minimal or no supervision. Is this happening in Hillsborough County?

To some extent, heavily charging (multiple counts of possession, delivery and intent) and jailing this type of offender inevitably forces out of the jail the type of offender with a more clearly identifiable victim. According to the county's current order to keep the jail population within legal limits, persons facing second degree felony charges can be released from jail with no supervision while drug addicts who predictably continue to use drugs while on probation will be denied bond and kept in jail without treatment.²

The courts, responding to the problem of persistent substance abuse, have already established a pretrial drug diversion court and have now moved forward with plans to devote one circuit criminal division to drug cases (use and possession). However, the existing drug court and the new drug division will not capture the entire drug-using population in jail. (Drug Diversion Court does not take persons in custody.) The prospect that continuing to arrest and heavily charge drug abusers will somehow end use is unlikely. Furthermore, the longer that this cycle is perpetuated, the lengthier criminal histories become, and the eligibility for treatment options becomes ever more remote.

County leaders have recognized and responded to this dilemma in an active use of alternatives and implementation of law enforcement programs, such as community policing, which aim to accomplish law enforcement goals without resorting first to the most costly and least effective tool in combating drug use in the community.

- ◆ *There are many drug treatment options in Hillsborough County, but substance abusers still take up significant numbers of jail beds to the exclusion of other types of offenders.*
- ◆ *It is common practice to charge drug users with multiple offenses, effectively preventing pretrial release and tying up jail beds when treatment might be more effective.*

Three-quarters of persons charged with felony drug possession had additional charges (generally drug possession related).

Of 164 inmates charged with felony level drug possession, 73 percent had an additional misdemeanor or felony charge. Also, 66 percent of misdemeanor bookings for drug possession carried additional charges. Affidavits with up to twenty drug possession counts were also observed, though as a whole, they were not statistically significant.

- ◆ *Aggregation of bond amounts instead of taking the highest bond for the most serious amount may not be in accord with local order and existing practice statewide.*

When an inmate is booked on multiple charges, bond amounts are aggregated so that release is possible only on the sum of the bonds. This practice may not be in accordance with the state precedent of using only the bond for the highest and most serious offense. Interviews of judges and jail personnel indicated uncertainty as to whether or not this practice is allowed. The lack of a pretrial release agency minimizes the opportunities for non-financial pretrial release, ultimately resulting in the inability of many drug users to obtain pretrial release.

VI. COMMUNITY EFFORTS AND INVOLVEMENT

A. Neighborhood Policing

In a joint effort of community and public safety agencies, the Sheriff, the Housing and Community Development Department, and the Citizens' Action Agency are just beginning a pilot project called "neighborhood policing." Two unincorporated areas of a few square miles each have been selected for the test, which begins with the premise that there is a direct relationship between neighborhood dilapidation and criminal activity. The agencies involved in the program will feed building condition and code data into the county's Geographic Information System (GIS).

Next, the agencies will identify (mostly private) community organizations and support groups and work with them to improve the neighborhood situation. The neighborhood policing effort will be evaluated by following the appraised property values and correlating these with building condition and crime.

B. Other Efforts

The HCSO has already established a law enforcement program with a large commitment to prevention and community programs. These include targeting youth through school lectures and activities. An explorer program allows youth to become familiar with the duties of law enforcement officers.

In addition to neighborhood policing, the HCSO has "community coordinators" to improve accessibility and visibility of law enforcement. One program stations an HCSO officer in a public housing project to "reduce the crime rate by promoting community involvement and participation."

ILPP did not perform outcome evaluations on each of these programs. The existence of a large and diverse number of programs, however, is consistent with goals established in Florida for law enforcement. (TPD community policing data was not reviewed.)

- ◆ *HCSO operates a wide range and number of community policing programs, consistent with established Florida goals.*

VII. COORDINATION BETWEEN LAW ENFORCEMENT AGENCIES

ILPP found a high level of cooperation and goodwill among HCSO and TPD managers. This fosters the systematic exchange of information and sharing of facilities where practical. The two largest law enforcement agencies also have generally standardized written operating policies as a consequence of their common involvement in the accreditation process.

Some examples of information exchange and facility sharing are the known offender files and crime analysis. The HCSO maintains a computer file with physical descriptions and methods of operations (MOs) of county jail arrestees as well as state prison releasees who must register when they reside in the county. Investigators from both agencies access this file for suspects using physical descriptors provided by witnesses as the search parameters.

The two agencies both have a Crime Analysis Unit and the analysts frequently exchange information concerning crimes and suspects they develop from reports and research.

The TPD and HCSO are currently developing plans for expanded radio communication capabilities around incompatible voice systems – potentially a problem during circumstances requiring coordinated or joint field operations. The Sheriff's Office will make the changeover first with the Tampa Police Department moving to its new system at a future date to be determined by the availability of funding. As an interim measure, the Sheriff's Office will install 800 Megahertz equipment in the TPD communication center when the changeover occurs in order to provide some means of inter-agency radio communication.

- ◆ *Cooperation among the county's two largest law enforcement agencies is well developed and facilitates system efficiency.*

TPD and HCSO already have mutual aid agreements and coordination in key areas affecting operations: crime analysis and communications. ILPP observed a high degree of mutual respect between the two agencies and enthusiasm for strengthening working relationships. Significantly, this cooperation occurs at all levels from the executive positions to line officers.

VIII. COORDINATION WITH OTHER CRIMINAL JUSTICE AGENCIES

Both the HCSO and the TPD have a full-time officer to act as a liaison with the State Attorney's Office (SAO) Intake section to follow-up on paperwork problems which can slow the SAO filing process. The liaison officers also facilitate communication between assistant state attorneys (ASAs) and arresting or investigating law enforcement officers.

In turn, the Intake section notifies an arresting officer in every case it declines to file a charge. In each case, the computer-generated notification letter lists one of 28 standardized reasons for the "no file." These officer notifications are routed through the agency supervisors for review and forwarding to the concerned officer.

- ◆ *Despite formal liaison/coordinating links with the State Attorney's Office, neither the Tampa Police Department nor the Hillsborough County Sheriff's Office tracks the performance of their agency's filing success.*

IX. RECOMMENDATIONS

- ◆ *Recommendation: Go forward with plans to have training in the preparation of reports, and monitor the filing rate to track agency effectiveness.*

The current administration of the Sheriff's Office has provided the SAO with a two-hour block of time in the annual 40-hour, in-service training program for instruction in the preparation of reports, etc. The law enforcement agencies should use the "no file" data base for management control over arrests; for example, a periodic summary report on the percentage of their arrests which are not prosecuted by the SAO. Rates should be broken down by area, command, and perhaps even officer. The percentage of arrests that are prosecuted is an indicator of efficiency in case preparation by the police and adherence to sound criteria for an arrest.

- ◆ *Recommendation: Track notices to appear (NTAs) within the law enforcement agencies rather than relying on the State Attorney's Office or the Clerk..*

NTAs are preferable to arrest and booking for minor offenders, but law enforcement agencies do not track their numbers or make comparisons with similar agencies in other jurisdictions. The NTA numbers reported by the Clerk appear to include other types of notice and are not useful for law enforcement management purposes.

- ◆ *Recommendation: Create specific criteria for use of resisting arrest with violence (RAWV) as an official charge and develop other conventions to meet law enforcement goals in this area.*

ILPP recognizes the importance of documenting specifics and particularities of an arrest both to provide additional detail to the State Attorney and to provide background to possible citizen complaints. However, the charging affidavit is not the appropriate place to do it. With an inter-disciplinary committee of representatives from law enforcement agencies, the State Attorney's Office and the Public Defender at a minimum, criteria for arresting on this charge and procedures for fulfilling extraneous, non-arrest related, objectives should be explored.

- ◆ *Recommendation: Discontinue the practice of adding excessive drug offense counts to arrest affidavits.*

Strategies of drug crime control should be coordinated with other criminal justice and community groups to ensure a comprehensive and consistent approach. For example, a drug user without any history of trafficking could become ineligible for drug diversion court, one of the few real hopes for permanent behavior change, after two convictions on low level possession. Heavy charging combines with the practice of aggregating bond to almost eliminate the possibility of pretrial release, even in cases where there is no threat of violence or there is a great likelihood of appearance in court.

- ◆ *Recommendation: Clarify the policy regarding assignment of bond with the goal of setting bond for the highest, most serious offense.*

This will be the responsibility of the courts to define and the Detention Department to enforce. However, this adherence to policy will eliminate at least one of the incentives for excessive charging – preventing offender release.

- ◆ *Recommendation: Continue to emphasize alternative law enforcement approaches like community policing.*

Hillsborough County's law enforcement agencies are visibly committed to community policing and alternative techniques. This provides great hope in making the overall criminal justice system rational, comprehensive and effective.

NOTES

- 1 UCR data does not differentiate between misdemeanor and felony arrests.
- 2 It should be noted that the HCSO does operate a drug treatment program in jail, although it is not a long-term program and does not claim to cure the offender.

8.

Detention

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Detention

"Prison construction alone has neither prevented an increase in crime and violence nor alleviated prison overcrowding." – Governor's Commission on Government by the People, Public Safety Committee (1991)

I. OVERVIEW

Hillsborough County's jail system is operated, as in most jurisdictions nationwide, by the Sheriff. Unlike a sentenced prison facility, such as at the state and federal levels, local jails house both pretrial detainees and sentenced offenders for all types of offenses from shoplifting to murder. A second defining feature of the county jail is its proximity, both physically and politically, to the local community.

These factors combine to make jail management an extraordinarily complex task. Furthermore, inmate management is one of the primary ways the public forms opinions about the effectiveness of local criminal justice. Isolated cases of an inmate being released pretrial only to go on to commit terrible acts of violence, or pretrial release of an inmate despite the existence of a warrant on another crime, become instant headlines.

ILPP's assessment of correctional operations begins with the premise that jail management – how offenders get in, how they are managed once there, how they are released – is the responsibility of the entire criminal justice system. Thus, the jail population becomes a reflection of how the rest of the criminal justice system is being managed.

Overall, the detention system in Hillsborough County is professionally and efficiently operated; the largest impediments to long-term, efficient jail management is the lack of a pretrial release system which can manage and streamline an offender population *before* it gets into the jail system, taking up classification time and jail space. Classification information collected about inmates provides thorough and useful data about special needs, risk factors and criminal history, but this information is not used to its full potential; pretrial release decisions, use of diversion programs and filing decisions are made after additional independent collection and review of this same information.

Overall, detention is efficient but suffers from lack of pretrial release.

Finally, although facility use is covered in more detail in the space use section, there are some population management implications from operation of four facilities on separate sites (Orient Road Jail, Morgan Street Jail, Work Release Center, Falkenburg Road Temporary Jail). Currently, none of these facilities is operating at full legal capacity (not including classification and peaking factors).

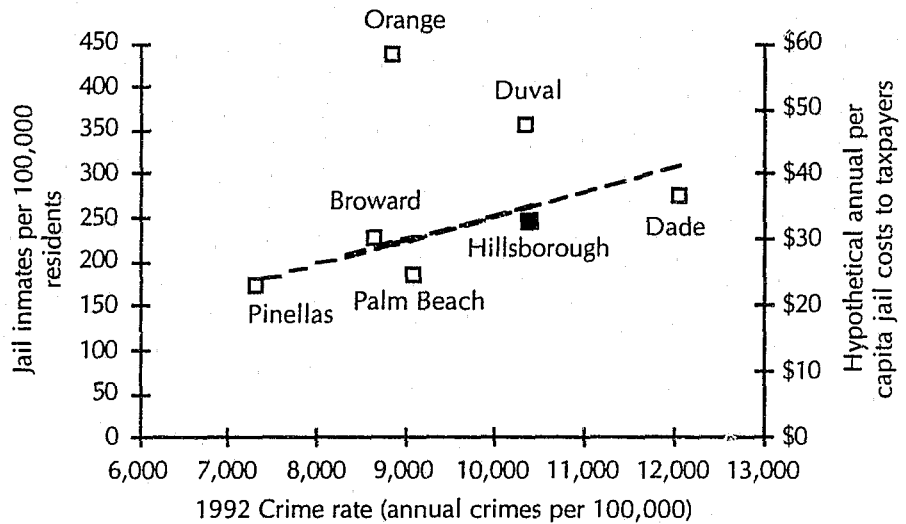
II. ORGANIZATION

A. Population

Hillsborough County's jail system had an average daily jail population in 1993 of 2,135 inmates. Compared with the other largest Florida counties, Hillsborough has one of the higher crime rates but cost and incarceration rates which rank at nearly the exact middle when compared to the other jurisdictions. These statistics are displayed in Figure 8.1.

Figure 8.1
Comparison of Cost, Crime and Incarceration Rates of Florida's Largest Counties, 1993

Hillsborough County is high in crime but average in custody costs, among Florida's seven largest counties.



The inmate population, based on a sample "snapshot" of inmates taken on October 8, 1993, indicates an overwhelming majority of minimum and medium level detainees. This classification determination is based on a review of criminal and violent history, current offense(s), community ties, and escape history.

Table 8.1
Hillsborough County Inmate Population By Classification Level (10/8/93)

Hillsborough County houses mostly minimum and medium security inmates.

Security Level	Men	Women
Maximum	18%	10%
Medium and Minimum	82%	90%

B. Facilities

The county's jail system consists of four separate sites which provide housing for all types of offenders, pretrial and sentenced. The rated capacity of the system is currently 2,324 beds.

The system is made up of a combination of direct supervision and traditional, linear intermittent supervision facilities. The two main buildings, Morgan Street and Orient Road Jails, are both high-security facilities. The Falkenburg Road site is being used for temporary housing with a 48-bed pod currently open. The opening of these beds was essentially compelled by the lawsuit against the county's jail crowding.

The Work Release Center is a non-secure facility that allows eligible inmates to work while serving sentences. The program also houses "pre-work release" trustees, inmates who have classified as low minimum. Finally, the Work Release Center also operates and administers the Sheriff's sentenced House Arrest program.

The county's jail capacity and population are shown below. For comparison, inmate population counts for one day in 1993 and one in 1994 are provided.

Table 8.2
Detention Capacity and Occupation, Hillsborough County

	Current Rated Capacity	End of '94 Rated Capacity	2/17/94 ADP	2/17/93 ADP
Morgan Street Jail	508	508	448	614
Orient Road Jail	1,714	1,714	1,495	1,550
Work Release Center	54	175	35	NA
Falkenburg Temporary Jail	48	336	36	NA
TOTAL	2,324	2,733	2,014	2,164

The population figures from 1993 and 1994 are not meant to be representative or indicative of population trends. However, they provide a rough sense of magnitude in jail space occupancy. At present, the Hillsborough County jail system population does not exceed legal limits.

At present, the population is at 86 percent of capacity.

Figure 8.2
Conceptual Schematic of Detention Facilities, Hillsborough County

Pop: Maximum
Cap: 508
Config: Linear, intermittent
supervision



Pop: Gen., Women, Med
Cap: 1714
Config: Direct supervision



Pop: Minimum
Cap: 48
Config: Temporary trailers
Secure perimeter



Pop: Low Minimum
Cap: 54
Config: Non secure



- ◆ *The jail population is composed primarily of medium and minimum security inmates.*
- ◆ *The overall detention system is currently operating well below legal maximums.*

In the last months of 1993, the jail population experienced sharp declines in both bookings and average daily population. The population began to rise slowly and appears to be continuing to do so in the first two months of 1994. Why the population declined so steeply is unknown, as is why it is now beginning to rise. In any case, current population numbers are well below legal limits and the system is less crowded now than at any point in the history of the county's jail overcrowding lawsuit.

III. BOOKING/INTAKE

In 1993, the HCSDD booked a total of 41,992 people. In August, 1993, felony bookings averaged 43 percent and misdemeanor bookings averaged 53 percent of all incoming detainees (the rest being out-of-county holds and other special cases). All booking and intake occurs at

the Orient Road Jail's large intake center. After booking is completed, inmates are housed in intake housing cells for up to 72 hours to monitor their initial orientation to detention and make appropriate housing assignments.

Booking of inmates is carried out in a relaxed, spacious, lounge-type environment, with telephone and coffee available. Sideboards on interview desks allows for some privacy. Staff report a low incidence of unruly or disruptive behavior in this environment.

The goal of this first intake step is to collect basic inmate information, enter the information on affidavits and identify any immediate issues that would affect an inmate's stay (e.g., suicidal or violent tendencies). Fingerprints and photos are both stored as digitized images. Staff use both FCIC/NCIC (Federal/National Crime Information Center) and the Sheriff's data base to search for warrants and holds. A videotape orients arrestees.

As part of the booking process a nurse uses a form to conduct a brief inmate medical screening immediately after initial search down, intake paper review, alias checks, photographing, fingerprinting and classification assessment. Screening includes medical health, substance abuse, mental health/suicide and placement recommendation. Anywhere from one to two weeks later, an in-depth medical assessment occurs, at which time, inmates are tested for tuberculosis (TB).

Pretrial release occurs at this stage primarily through posting bond. Release on Own Recognizance can be recommended to the preliminary presentation judge by jail classification staff but is not frequently used; 61 percent of misdemeanor ROR releases observed among August, 1993, bookings occurred after preliminary presentation. Staff attribute the low level of use to fear of taking a bad risk and having a releasee re-offend. The absence of a formal pretrial release agency that has the full backing of the entire criminal justice system reinforces this hesitance.

Use of pretrial release is limited.

◆ *The booking process appears to be efficient and thorough.*

Accurate and relevant information is collected at this point. Although TB screening does not occur until much later in the process, the HCSDD's medical staff is now working to screen immediately after booking. The problem may not be entirely solved, however, because the TB testing method used (a PPD skin test) can produce false negatives and does not produce results for three days.

◆ *Due to the lack of a pretrial release agency and the fear of making release decisions, the primary form of pretrial release is posting bond.*

According to ILPP's data, 61 percent of ROR decisions occur after preliminary presentation. There is nothing to indicate that waiting in jail for

three days to two weeks makes an inmate a better risk for release on own recognizance than after one day in jail. The causes of this are unclear, although jail staff themselves point out a reluctance to make a release decision that will turn out badly and reflect on their individual agency or unit. The need for a pretrial release system, in terms of efficient resource allocation and optimal use, can provide a rational system which includes all criminal justice decision makers in shared responsibility for release decisions instead of placing this admittedly awesome weight on individual classification officers and judges.

IV. CLASSIFICATION

Classification staff generally interview inmates shortly after booking, at which point, more detailed information, such as criminal history, can be obtained. After inmates are placed in temporary holding cells, classification personnel can verify information on employment and other community ties, criminal history, holds, court dates and any new information on special problems.

The detainee sits in a chair while being questioned by a civilian classification specialist who uses an additive points system based on the NIC/NCCD model. After manually determining the score, points and derived security level are entered into the computer.

Staff use booking data and computer screens from the Mapper database to supplement the interview with information on holds, criminal history, substance abuse history, and other data. Collection of data is thorough and the NIC model is consistently used.

Some observed classification interviews were conducted rapidly, almost mechanically. Some additional questions, particularly those which could further explore an offender's particular situation, were seldom, if ever, asked. ILPP notes staff comments regarding the process of placing inmates in an already overcrowded HIV ward instead of overriding initial classification and placing them elsewhere in less crowded quarters.

The transport list includes housing and custody assignments and warnings about special matters. Custody classification is noted by color-coded armbands, which also display a miniature of the digitized mug shot for instant verification of identity.

Medium and minimum custody inmates are housed in the direct supervision Orient Road Jail (ORJ) where they commingle, a common feature of direct supervision jails.

Maximum security inmates are housed separately in ORJ, and misbehavior often means transfer to the Morgan Street Jail (MSJ) where isolation and death row inmates are housed.

Reclassification occurs primarily when serious misbehavior merits discipline. It may also occur when new court decisions reflect the need for re-evaluation. Reclassifying is generally done by caseworkers who work in the pods.

- ◆ *The Detention Department uses a modern, objective criteria system to make classification assignments, but this information is not used to make pretrial release decisions.*

As already noted, ILPP found consistent use of this model and a high level of professionalism in keeping accurate data. The above finding is nonetheless crucial as the booking process is the first "valve" regulating entry into a correctional system. Delays, inaccuracies (which then are transmitted to other offices), and other inadequacies would have a significant impact on degrading efficiency overall in criminal justice.

- ◆ *Classification information which provides a nearly complete inmate record, similar to what the State Attorney's Office obtains to make a filing decision, is collected within several hours of arrest.*

In other words, valuable data on which supportable reasons for pretrial release, diversion or prosecution can be made is entered into the Sheriff's data base in under 24 hours. This information and the speed with which it is obtained is not capitalized in the county. Probation, pretrial diversion decisions, State Attorney research to complete sentencing work sheets, and even placement within the Sheriff's own detention system (to work release and house arrest) involve separate additional collection and review of inmate information. Hillsborough County can boast of one of the most modern and efficient classification units in the country, but no one else is taking advantage of its success. Again, a formalized pretrial release agency could consolidate screening tasks.

Valuable release classification data is available within 24 hours of booking.

- ◆ *Classification interviews, however, can be rigid, possibly limiting the department's ability to make specialized placement decisions.*

Obviously, the time constraints impact how much attention and involvement a given interviewer can offer. However, even a little extra exploration into a detainee's background can provide valuable information or make the classification score sheet recommendation obsolete, such as in the case of placement of HIV inmates.

Furthermore, disciplinary actions which impact reclassification are not entered into the data base and are not part of the scoring process. This should be changed so that disciplinary data becomes part of the automated data base for management information.

- ◆ *Segregated HIV housing is crowded and does not meet department goals.*

According to the HCSDD, "separation" of HIV inmates does not deny equal program access and is based upon the desire to limit complaints from inmates, their families and the media. The HIV pod is crowded, with no current plans for expansion to other areas. However, because HIV testing is not mandatory at booking, and many HIV positive individuals either are not aware of having the condition or are not willing to volunteer it, segregated housing provides a false sense of security and a trade-off with efficient housing placements. The segregation of these inmates therefore is likely to fuel faith in false stereotypes about how HIV is transmitted and whether it will be handled as a medical condition or a political issue.

V. PROGRAMS

There are several in-custody educational and vocational programs offered by the HCSDD. The Department does not operate any pretrial release programs, but offers two community corrections options for sentenced offenders: work release and house arrest.

A. Educational/Vocational Programs

HCSDD uses 28 teachers and education evaluators from the school board who carry out the following programs:

1. ABE (adult basic education)/GED
2. Computer lab for literacy, basic education, life and employability skills
3. Vocational assessment for placement in vocational training and higher education programs
4. Carpentry
5. Culinary Arts
6. Horticulture and Nursery Operations
7. Sewing and Alterations

An average of 430 inmates are regularly involved in educational/vocational programs.

Over 200 volunteers carry out the following Religious Services and Self-Betterment Programs

1. Religious Services
2. Bible Study

3. Job Hunting Skills
4. AIDS Awareness
5. Food and Nutrition
6. Parenting
7. Alcoholics Anonymous
8. Narcotics Anonymous
9. Inmate Tutoring

B. Substance Abuse Program (SAP)

The Substance Abuse Program at the Orient Road Jail lasts for 5.5 weeks and averages 65 inmates per month, according to the HCSDD. Staff trained in drug/alcohol counseling are assisted by selected and trained former addicts and recovering alcoholics. A "relapse prevention" model is used by the HCSDD.

Although the HCSDD program does not use the 12-step approach in its program (unlike DACCO's programming), inmates in the program also attend AA/NA meetings, AIDS education groups (conducted by counselors from Tampa-Hillsborough Action Plan) and GED classes if they do not have a high school diploma.

◆ *In-custody substance abuse programming uses a different model than DACCO, the county's main drug treatment organization.*

Many inmates sentenced to a DACCO program either spend pretrial time in jail or post-sentence time waiting for a program opening. Continuity of inmate programming from custody to the community is desirable.

◆ *While data on substance abuse history can be collected at booking and classification, intake for outside substance abuse programs (DACCO and drug court) occur much later in the custody process.*

HCSDD and DACCO share a strong and positive working relationship, but there is not yet a coordinated approach to integrating the intake process with an in-depth substance abuse screening. DACCO is independently developing a proposal to accomplish this, although that office has not yet worked out logistics with the Detention Department.

C. Exercise/Leisure Activities

Inmates in each pod of the Orient Road Jail have access to an outdoor exercise area with one basketball hoop and exercise equipment that cannot be dismantled. Although access varies as to the time when the area can be used, it is available several hours per day to inmates.

One hour per day of exercise is offered at MSJ. Because special groups need to use the facilities on a scheduled basis, access time is limited.

◆ *Only one hour of recreation per day is offered at the Morgan Street Jail facility.*

While within legal limits, exercise time appears to be limited more by the physical deficiencies of the Morgan Street building than by inmate merit. In other words, because of the linear, cell-block style of this jail, there are only two recreation yards. Inmates must be escorted to them, requiring coordination of staff to escort and supervise and staff to monitor inmates in cells.

VI. SHERIFF'S OFFICE EFFORTS

The Hillsborough County Sheriff's Office has long tried to improve release and population management without consistent support.

The HCSO has a long history of developing and implementing programs which would streamline use of expensive jail beds. These efforts include active recommendation of ROR releases (ten years ago, ROR releases accounted for the majority of pretrial releases), use of work release and house arrest, and working closely with the bench generally to seek other improvements throughout the system. Findings and recommendations for the Sheriff's community corrections programs are discussed in the chapter on alternatives along with the other pretrial and sentencing options.

A. Work Release and House Arrest

The Sheriff operates two community correction programs: work release and house arrest. The work release center re-opened a little more than two years ago after being closed due to funding constraints. The center is located across the street from the Orient Road Jail, which provides inmate services such as laundry, transportation and food. Staffed by a lead sergeant, the office oversees deputies who supervise inmates and civilian caseworkers who collect information on inmate eligibility to participate. Renovations expanded capacity of the facility to 175 dorm-style beds, but staffing increases to augment the current nine deputies running the program will not be implemented until April 1994. The program allows sentenced inmates to continue employment while serving time. Although it has an operational capacity of 54, the center has on average 18 to 20 participants. In addition to this, the center is used to house

sentenced trusties (called "pre-work release trusties") who earn a low minimum score on the classification assessment. No pretrial or female inmates are in the program.

The center also administers the house arrest program with two deputies to monitor offenders. The house arrest program is authorized through administrative order to include pretrial inmates. However, with an average of 35 to 45 participants, no more than two to four are pretrial detainees. In many jurisdictions with a centralized pretrial agency, house arrest programs include pretrial detainees. This is especially appropriate given that the time spent in jail awaiting adjudication of charges may result in loss of employment, defeating the potential of this program to reduce recidivism.

In addition to these efforts, the Sheriff's Office has recently put forward two proposals, self arrest and a Reserve II Detention Deputy. These are described below.

B. "Self-Arrest"

The HCSDD has researched and developed options for a "self-arrest and jail overcrowding proposal." The self-arrest concept applies in cases where an unserved summons is sent to a defendant indicating the State Attorney's decision to file an information. However, written notice is often ignored, not received or sent to the wrong address (especially in worthless check cases where a false address is given to merchants). This means that the defendant fails to appear in court and a capias for arrest is issued. The self-arrest proposal would be a supplementary written notice to the unserved summons with follow-up to ensure that the notification was received, thus minimizing the chances of an FTA and the pressure these put on jail and law enforcement resources. It would allow defendants to voluntarily (versus law enforcement transport) come to the jail for booking or payment of bail/fines if appropriate.

Research collected by the Sheriff's Office from other counties indicated that implementation of this approach has been highly successful, streamlining allocation of law enforcement manpower and freeing the jail of persons who unintentionally fail to appear in court.

Typically, this function is one of many performed by a county's pretrial release agency. Many such units integrate this activity with a failure to appear (FTA) prevention notification system in which offenders are warned of impending court dates and also telephoned to prevent failures to appear.

- ◆ *A self-arrest program would save significant law enforcement hours and jail space by minimizing FTAs.*
- ◆ *The self-arrest program could be operated as part of a pretrial release agency.*

There are obvious efficiencies to be gained by consolidating two similar functions (FTA notification and self-arrest program).

C. Reserve II Detention Deputy

The Commander of the Orient Road Jail has proposed a Reserve II Detention Deputy concept which would bring in trained volunteers to augment existing, sworn staff. The goal of such programs is to maximize staffing efficiency and limit staff cost.

Whether the reserve deputy would have to work under the direct/over-the-shoulder supervision of a regular deputy is uncertain. Eleven reserve deputies have already been recruited.

- ◆ *The Detention Department has begun recruiting reserve deputies.*

The program's potential to improve staffing allocation and use is important. Expansion of the recruitment pool to take advantage of Florida's large retired population might facilitate recruitment efforts.

- ◆ *Detention volunteers may not need the "required" 274 hours of training, much of which regular deputies receive and which the Florida Criminal Justice Standards and Training Commission is supposedly requiring.*

The Bernalillo County (Albuquerque, New Mexico) Adult Detention Center, which uses approximately 1,000 volunteers, is one of the best nationally and does not require such a heavy training burden. Observation of model programs such as these will provide guidance in expanding the current effort in Hillsborough County.

VII. ASSAULTS ON STAFF AND INMATES

Assaults by inmates on inmates have decreased noticeably from 1992. Based on an eight-month experience, 138 assaults are projected for 1993, compared to 194 in 1992.

Fights among inmates have decreased dramatically in 1993. It was projected that 322 will occur in 1993, which is half as many as in 1992 (665).

Assaults on staff decreased by half from 52 in 1991, to 26 in 1992. However, based on the first eight months of 1993, it is projected that there will be 47 in all of 1993. No one seems to know the reason for this increase.

Vandalism has decreased significantly, from 147 to a projected 94 for 1993.

Suicide attempts have been reduced significantly from an average of 51 during 1983-90 to an average of less than eight over the past three years.

No suicide has occurred since 1990. The most each year before that was one.

- ◆ *Hillsborough's direct supervision facility is effective in greatly reducing interaction and relationship problems among inmates.*
- ◆ *There has been an increase in the past year of assaults on staff.*

VIII. RECOMMENDATIONS

Overall, the correctional system is managed well; management inefficiencies exist mainly in the lack of a centralized system for screening arrestees before they enter the jail system. Absence of a pretrial release agency and minimal use of existing classification information contribute to this problem.

- ◆ *Recommendation: Work closely with the County Public Safety Coordinating Council in further developing the pretrial release agency concept.*

The Sheriff's Office has already developed a cost estimate for running a pretrial release agency. The office should work closely with the other agencies of the criminal justice system in identifying who collects and processes information that is prerequisite to making pretrial release decisions (i.e., the State Attorney, DOC, HCSO, Clerk).

- ◆ *Recommendation: Aggressively pursue maximum efficiencies in operation of jail facilities. For example, consider consolidating staffing and inmates located at the underfilled Falkenburg Road site into the understaffed Work Release Center.*

Both the Falkenburg Road Jail's temporary beds and the Work Release site are under capacity. It is inefficient to fully staff two separate, underfilled buildings. Expanded use of the Work Release Center would be desirable given that renovations expanding capacity to 175 beds are now fully complete. Staffing needed to operate 175 beds will be in place in April, at which time the Falkenburg site could be closed.

- ◆ *Recommendation: Without clear medical indication, discontinue separation of HIV positive inmates.*

The practice does not ensure actual segregation and adds a layer of inefficiency to overall space and population management.

- ◆ *Recommendation: Encourage classification staff to "slow down" the interview and ask more questions to explore important areas.*

It appeared that some questions on the form were bypassed/not asked in the hurried interviews. Supervisors should explore this for training or revising the form.

- ◆ *Recommendation: Work with DACCO to discuss the possibility of consolidating corrections intake with substance abuse screening.*

The prevalence of substance abuse among the Inmate population makes clear the importance of consolidating intake functions to facilitate early and appropriate program placements. Implementation of this concept will require participation of the courts if DACCO and the Sheriff's Office seek to use any pretrial treatment options or to educate the bench about the types of programs that are available for sentencing.

- ◆ *Recommendation: Discuss coordination issues with DACCO for in-custody and out-of-custody programming.*

Use of identical treatment models may not be necessary, but the two agencies would benefit by addressing possible coordination issues as inmates leave one program and enter the other.

- ◆ *Recommendation: Explore options for recruiting reserve deputies.*

- Use the Council of Churches and the local religious community to seek out volunteers. This has worked very successfully in Florida traditionally.
- Tap various retirement groups, of which Florida has the most of any state.
- Recruit through recognized service organizations to eliminate "undesirables" which often appear when recruiting one-by-one.

- ◆ *Recommendation: Seek the opinions of line staff to determine why assaults on staff have increased.*

9.

Alternatives to Incarceration

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9. Alternatives to Incarceration

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Alternatives to Incarceration

"Our system suffers from a short-sighted focus on punishment rather than prevention...education, health care, rehabilitation, and employability." – Governor's Commission on Government by the People, Public Safety Committee (1991)

I. OVERVIEW

In terms of construction and operating cost, incarceration in a secure detention facility is the most expensive tool local governments have in holding accused and sentenced offenders. Equally important, the success of secure detention facilities in discouraging future criminal behavior is limited at best and, at worst, exacerbates criminal tendencies. Alternatives to incarceration for appropriate pretrial and sentenced offenders can provide decision makers with a range of intermediate sanctions in meeting their criminal justice needs more effectively and at less cost. This chapter reviews the extent of use of pretrial and sentenced alternatives to incarceration in Hillsborough County.

Effective alternatives can improve the cost efficiency and long-term public safety impact of the criminal sanction.

There are three types of alternatives covered in this chapter. First, there is **pretrial release** which allows accused offenders to await court appearance outside of a secure detention facility. Second, there is **pretrial intervention** which diverts appropriate offenders away from the court process and into a program. Finally, there are **sentencing alternatives (or community corrections)** for persons who have been convicted but who are not incarcerated in jail or prison.

In summary, use of programs is not maximized in Hillsborough County because of fragmented placement procedures and lack of outcome-oriented program management which could demonstrate a given program's impact. Contributing to fragmentation of program use is the fact that programs are operated by a variety of agencies and funded through different sources, meaning there is no single point of accountability for evaluating program effectiveness. This chapter discusses alternative programs with recommendations broken down by type. There is, however, one overall recommendation as follows:

- ◆ *Recommendation: Create a system for using and managing alternative programs with a clear point of accountability by having a single person responsible for coordinating and evaluating use of options.*

A single coordinator should evaluate all options in context with one another. The evaluation should be guided by the following questions:

- Is there an adequate supply of alternatives and do they meet special population needs for the common offenses of Hillsborough County?

- Are key system players involved in establishing criteria for using alternatives?
- Do key system players support use of alternatives?
- Is the process of placing offenders in appropriate programs timely and well-defined?
- Are there mechanisms in place to measure program effectiveness?
- What is the level of use of alternatives?

The overall goal of an alternatives system is to encourage use of effective alternatives and modify or discontinue use of ineffective ones. Table 9.1 below displays the alternatives available in the county and the current level of use.

Table 9.1
Existing Alternatives to Incarceration, Hillsborough County

Program Type	Supervised?	Who Decides/Runs?	Participation
Pretrial Release			
Bond	NO	Private sector	72% of felony releases; 91% of misdemeanors
ROR	NO	Courts	19% of felony releases; 7% of misdemeanors
NTA	NO	Law Enforcement	5-6 per day
House Arrest	YES	Sheriff	2 to 4
Pretrial Diversion			
Drug Court	YES	Courts	150
Probation Intervention	YES	Salv. Army, DC	avg. 600 misdemeanors; avg. 70-80 felons
Sentencing Options			
Probation	YES	Salv. Army, DC	avg. 5,000 misdemeanors; avg. 7,000 felons
Drug Offender Probation	YES	DC	420
House Arrest	YES	DC, Sheriff	1905 (DC) 35-40 (HCSO)
Residential Drug Trtmt.	YES	DACCO	100 - 135
Probation Restitution Ctr.	YES	DC	
Work Release	YES	Sheriff	18 - 20

II. PRETRIAL RELEASE

Pretrial release is both one of the most powerful tools in managing a jail population and one of the most controversial. This is because there is always the possibility that a release decision will result in a violent repeat offense. It is impossible to eradicate this risk because it is impossible to program human behavior. The challenge for local policy makers is to create a system that consistently minimizes risk to a negligible level, yet ensures court appearance and cost-effectiveness.

The current approach in Hillsborough County is typical of a jurisdiction without a coordinated release system: because decisions are subjective, placing major responsibility on individuals, the tendency is to restrict nonfinancial forms of pretrial release, creating, in effect, an unwritten policy that relies on the most conservative, and most expensive, option, pretrial detention. Unfortunately, "conservative" is not the same as "secure" as many dangerous offenders can obtain financial release. In this case, "conservative" means little risk to the decision maker.

Hillsborough County is unique among large counties: it has no system of pretrial release.

A. Citation Releases/Notices to Appear

Law enforcement has the authority, and in Hillsborough County, is required by administrative order, to issue citations instead of making an arrest in certain cases, primarily minor misdemeanor and traffic incidents. The use of notices to appear (NTAs) is discussed in Chapter 7, Law Enforcement. Uniform crime report data for 1992 show that an average of only five or six per day are issued by the two largest law enforcement agencies in the county, the Tampa Police Department and Hillsborough County Sheriff's Office.

In many jurisdictions of this size, nearly all non-violent misdemeanor cases are cited in the field or at the stationhouse. Common reasons that NTAs are not used more widely are: an arresting officer does not have a valid local address for the arrestee, or the arrestee may have an outstanding *capias*. In both cases, these doubts can be verified through a radio call, or in some cases use of a computer terminal in the officer's vehicle. Other factors (according to state law and local order) which prohibit use of these citations generally have to do with an officer's discretion regarding continuing criminal behavior and/or propensity of the accused to appear. Gauging more precisely which concerns should limit a citation would create more clarity and consistency about when and how to use citations and increase their use.

- ◆ *Use of NTAs is low in Hillsborough County.*
- ◆ *Information which would allow use of an NTA in the field is verifiable.*

B. Jail Book and Release

Book and release authority allows law enforcement to remove an offender from the scene without tying up jail resources. An arrestee is brought to the jail where fingerprints can be taken, and the offender is released with a notice to appear in court. Hillsborough County's Sheriff has the authority to make limited pretrial releases of offenders who meet certain criteria that can establish a likelihood to appear in court and not be a threat to community safety. This authority creates a fallback to law enforcement's use of citations. If the arresting officers feels a citation should not be issued, the jail has the power to override this choice and effect a release on a notice to appear in court. The inmate tracking sample showed that this authority is rarely exercised; jail staff estimate use of this option as occurring once or twice per week.

- ◆ *Book and release allows appropriate offenders to be removed from the scene without tying up jail space.*
- ◆ *Use of book and release, allowed via administrative order in Hillsborough County, is rarely used by the jail.*

C. Cash and Surety Bond¹

Surety bond is the most common method of pretrial release in Hillsborough County. There is no supervision of persons released on bond and no conditions of release aside from simply appearing at the next scheduled court appearance. Cash and surety bond together accounted for 91 percent of all misdemeanor pretrial releases and 72 percent of all felony pretrial releases in the inmate tracking sample. In addition to the availability of few other release options, bond is one of the fastest means of obtaining pretrial release, occurring generally within 48 hours. Public safety is not a direct basis for this type of release; criminal history, violent history, mental health problems, etc., are not used to raise bond amount.

Financial releases account for 91 percent of misdemeanors and 72 percent of felonies, the highest rates ILPP has observed.

Persons in jail on violent and serious felony charges understandably have high bonds; however, no-bond orders, high bonds, and high aggregated bonds still prevent some detainees with non-violent charges from obtaining pretrial release through this mode.

There are three categories of offenders who have prohibitively high bonds despite non-violent, non-serious charges. These categories are: persons in jail for a failure to appear in court (FTAs), persons who have violated probation (VOP), and persons charged with a large number of similar offenses (mainly drug possession related charges). Bond for a first time failure to appear in court is set by administrative order at \$1,000. Persons with more than one FTA are unconditionally excluded from consideration

for nonfinancial release, regardless of the nature of the offense or when the FTA occurred.

In the tracking sample, 37 percent of persons in jail for a technical felony VOP had no-bond orders. This group, however, included a majority who had already been sentenced. For those charged with felony VOP who had not been sentenced, 80 percent had no-bond orders. While there is no entitlement to bond for this category of offenses, some courts, particularly the county courts, have an informal policy of setting bond. The blanket use of no-bond orders in these cases does not discriminate between serious probation failures, such as absconding, and others, nor does it differentiate those who are likely to appear in court at a revocation hearing.

Finally, the current practice of setting bond in Hillsborough County is to total the bond amounts for all charges at the time of arrest. Such bond setting exacerbates the impact of overcharging, particularly in non-violent drug use cases, and further limits the ability to obtain pretrial release. In other Florida jurisdictions and nationally, bond is set at the amount for the most serious charge only.

- ◆ *Use of bond predominates all other types of pretrial release in Hillsborough County and there are few other release options.*
- ◆ *Bond is an unsupervised form of pretrial release. Eligibility for bond is not based on public safety.*
- ◆ *Practices toward FTAs, felony VOPs and multi-count aggregation of bond prevents bond releases for many detainees even when the person is not charged with a serious or violent offense.*

D. Release on Own Recognizance

Release on own recognizance, or ROR, is the most basic type of pretrial release. It allows detainees who can demonstrate that they are likely to make court appearances and not be a threat to the safety of the community to be released from custody on their own recognizance. There are many types of ROR programs; they are typically categorized as supervised or unsupervised.

ROR is inexpensive and flexible but not effectively used in Hillsborough County.

Hillsborough County has only unsupervised ROR. ROR decisions are based on an objective set of criteria based on a modification of the original national model (Vera points system) and implemented by the jail's classification staff. After reviewing a detainee's score in the areas of criminal history, violent tendencies, ties to the community and other determining factors, jail staff can submit information to the judge for ROR consideration. The inmate tracking sample shows that most RORs do not

occur until well after preliminary presentation, however, and there is no evidence that these later releases are based on the established criteria.

The HCSO estimated the annual cost of establishing and operating a supervised ROR program at \$646,584 if an outside agency operated it and around \$300,000 annually if the Sheriff ran it as part of a pretrial release agency. The cost estimate appears to be fully loaded, including the cost of personnel, equipment and overhead. If the county established a consolidated pretrial release agency which used existing information already collected during jail booking and classification, administration of a supervised ROR program would logically be one of its roles, making the estimated cost appear high. The cost proposal also does not state what would be gained, in terms of jail beds saved, for this cost. This is an important measure of the wisdom of this investment.

Supervision would occur through physical and telephone supervision of pretrial defendants by field officers. Determination of eligibility is through classification data, the same as is currently used to make unsupervised ROR decisions. Supervised ROR programs, according to the 1990 National Pretrial Reporting Program in which Hillsborough County participated, have a failure to appear rate of 14 percent.

Supervision provides an intermediate option between an unconditional release back into the community and the high cost of incarceration. The potential for impact on jail bed savings is consequently great, as effective supervised ROR programs considerably reduce the fear of making a bad, unsupervised release by maintaining a large degree of offender control without the cost of offender housing and services.

- ◆ *Most ROR decisions now made do not occur until arraignment or later, although classification information that evaluates risk factors is available at preliminary presentation.*
- ◆ *RORs after preliminary presentation may not be based on the established criteria, but on informal policy to correct or offset "system" problems.*
- ◆ *The cost estimate submitted to establish a supervised ROR program would be lower if the program were one function of a system-wide pretrial release agency.*
- ◆ *Development of a supervised ROR program should state program goals and expected jail bed days to be saved.*
- ◆ *Supervised ROR allows the system to maintain control over the offender for much less cost than secure detention housing.*

E. Jail Overcrowding Lawsuit Impact on Pretrial Release

In light of the county's jail crowding, the courts have extensively addressed use of pretrial release, making substantive requirements to expand its use. These changes are most recently articulated in Administrative Order 93-88. The order creates exceptions to existing practices, essentially liberalizing pretrial release usage. The major requirements are briefly summarized below:

- Required use of notices to appear (NTAs) by law enforcement officers instead of arrest for all minor misdemeanor and criminal traffic offenses that meet arrest standards.
- Required use of NTAs by jail booking officers for the same offenses where arrest standards, such as identification or current address, could be verified.
- Based on objective criteria, jail classification staff should evaluate and score all misdemeanor and up to second degree felony cases for release on own recognizance. Cases which are eligible for ROR through the scoring process are to be referred to the preliminary presentation judge.
- Allowed the Sheriff to release certain inmates in jail on an unserved summons for a worthless check or battery charge.
- Articulated the authority of the State Attorney to authorize releases when the office has made a decision not to prosecute the accused on the instant charges.
- Reaffirmed that the pretrial eligibility status of persons with a history of failing to appear in court or of violating probation would not be expanded.
- Identified the authority of the Sheriff to make placements of pretrial inmates meeting specified criteria into alternative programs (house arrest, work release and work crew).
- Required the Sheriff to critique eligibility of all pretrial detainees for participation in its house arrest program.

The order effectively identifies most areas where pretrial release could be expanded. However, in the several years since the institution of the original order addressing pretrial release, expanded use of pretrial release has not been substantially demonstrated. There are two probable reasons that pretrial release rates and usage are low.

First, the order provides for a lengthy set of exceptions to the requirements above. It also uses ambiguous language in requiring use of certain types of pretrial release. For instance, law enforcement officers are required to issue an NTA unless the officer has a *reasonable belief* that the person has an unverifiable address or identification, may have failed to appear in

court in the past, may present a danger to himself or others, or the person may be wanted in another jurisdiction. These criteria are generally known as arrest standards. There is no requirement that any of these criteria be verified or reviewed by a supervisor before making an arrest and transporting the accused offender for booking. In the case of State Attorney releases, data collected in the inmate tracking sample show that this type of release accounts for less than one percent of all pretrial releases. And, although the Sheriff has the authority to release persons booked on unserved summons for worthless checks or battery, this authority is seldom exercised.

A second deterrent to following the administrative order is the lack of enforcement mechanisms to monitor compliance. There is no monitoring of the number of inmates released through the order. There is no "negative check-off" approach in which covered agencies are required to give the court verified reasons for *not* making a release. Instead, the order provides no oversight or goals in making discretionary pretrial release decisions.

- ◆ *The administrative orders which required expanded use of pretrial release have not had a significant impact on increasing current use of nonfinancial pretrial release.*
- ◆ *Failure to follow the provisions of these orders is exacerbated by ambiguous language, unmonitored discretion of subjective release decisions and lack of enforcement mechanisms to enforce compliance.*

F. Pretrial Release Committee

The Chief Judge of the Circuit appointed a pretrial release committee which meets to discuss the possibilities of expanding use of pretrial release options. Before ILPP's initial population analysis (July, 1993), the Pretrial Release Committee submitted the following recommendations to the Chief Judge.

- Implement a Sheriff's Jail Work Crew Program.
- Implement pretrial release electronic house arrest.
- Authorize the Sheriff to ROR persons booked on unserved summons for worthless check or battery violations.
- Delete the automatic exclusion from ROR of persons arrested for prostitution or possession-related drug offenses.
- Revise the point system of determining ROR eligibility.
- Establish a pretrial release agency.

These changes represent existing practices with the goal of generally expanding opportunities for safe pretrial release decisions. Review of all bookings in August, 1993, show that the pretrial release rate was, overall, not substantially affected (and in fact declined slightly) by these adjustments.

The Sheriff estimated a cost of \$383,787 to run a pretrial release program out of existing facilities or up to \$1 million to set up an independent office run by another agency. The HCSO estimate included a full complement of staff based on existing ADP.

- ◆ *The lack of a structure which articulates system values and enforces program use will continue to subvert consistent application of appropriate nonfinancial pretrial releases.*
- ◆ *Despite continued emphasis on pretrial release needs by a multi-agency committee, pretrial release rates are not changing, even after new programs have become available.*
- ◆ *The pretrial release agency proposal developed by the Sheriff's Office does not thoroughly explain the responsibilities of this agency; nor does it include goals (jail bed savings anticipated, percentage of releases as a target).*

G. Pretrial Release Recommendations

One of the greatest advantages of a formal pretrial release system is the participation of all criminal justice policy makers in establishing agreed upon standards and criteria for making releases. Thus, instead of individual officials taking risks on individual release decisions, there is a system created, tested and supported by all leaders that can be objectively implemented by individuals.

The courts have indirectly attempted to create more pretrial release through the issuance of administrative orders requiring release. However, while these orders identify important goals and current needs, they have not been able to monitor actual use.

- ◆ *Without a concrete means of ensuring consistent use of pretrial release programs, the county will continue to suffer from fragmented use of programs, redundancy of information gathering, and no certainty that use of pretrial release is resulting in population management or community safety.*

Specific recommendations are set forth below. These are followed by the major recommendation to create a pretrial release agency.

- ◆ *Recommendation: Increase use of notices to appear issued by law enforcement and by the jail.*

- ◆ *Recommendation: Review procedures for setting bond and relevant bond proposals which effectively allow better and more efficient pretrial release without compromising public safety. Clarify precisely when no-bond orders may be used, aggregation of bond amounts should occur and authority of the preliminary presentation judge to make bond allowance and reduction decisions, including in cases where there is a failure to appear.*
- ◆ *Recommendation: Expedite ROR decisions to encourage their use for appropriate cases at preliminary presentation.*
- ◆ ***Overall Recommendation: Establish a Pretrial Release Agency that is administered through BOCC funding and controlled by the County Public Safety Coordinating Council.***

Hillsborough County is one of the only large jurisdictions in the nation without a formal way of monitoring and applying pretrial release. There are a limited number of available programs and almost none which offer supervision. Use of programs is inconsistent, and court orders to compel use of pretrial alternatives has failed. **The Chief Judge's Pre-Trial Release Committee recommended the creation of a pretrial release agency last year.** Yet there has been no implementation of this recommendation.

The recommendation of housing the pretrial release agency under the advisory management of the CPSCC and funding of the Board of County Commissioners is based on the following rationale:

- Pretrial release is the single most important leverage point in controlling pretrial flow into and out of the criminal justice system;
- A **system** of pretrial release does not currently exist in Hillsborough County. Different agencies and private sector companies influence different kinds of pretrial release options. Pretrial release programs have been created **in response to** jail crowding problems and not **in anticipation of** criminal justice needs.
- Pretrial release is an essential component of effective jail management. County government should be accountable to this relationship by having an **administrative** role in pretrial release agency operations (e.g., funding).
- Pretrial release decisions should be **controlled** by those public representatives who have been elected by the community to articulate and enforce criminal justice values (e.g., the CPSCC's constitutional officers). Where an agency is housed and who will run it is not as important as who will determine release criteria and priority of release decisions.

- A pretrial release agency is **not** the same as the programs it might run. That is, a recommendation for the existence of an agency is to create a coordinated system, not advocate for particular programs. Under the recommended pretrial release management structure, the county's leaders might decide to use or not use a variety of programs such as unsupervised ROR, supervised ROR, house arrest, electronic monitoring, and so forth. In considering the value of such an agency, it is important to discriminate between weighing the usefulness of an agency/system and the effectiveness of particular programs.
- The impact of systematizing current practices will be a screening mechanism which consistently incorporates **public safety** as a primary criterion for release. Thus, some people who currently do not obtain pretrial release will be able to do so. Equally important, some people who now obtain unscreened financial pretrial release will be held in jail based on safety concerns.

The potential problems of this arrangement are the lack of jurisdiction of the CPSCC over pretrial release and the impact that operation of an agency may have on the CPSCC if the council has its own "turf" to protect. ILPP finds that the advantages of providing for system-wide input is valuable and outweighs turf issues. And jurisdictional limitations can prevent the CPSCC from overstepping its bounds into the jurisdiction of any other constitutional office. Through a carefully devised administrative order, the court can specify exactly what role the CPSCC should play in overseeing pretrial release decisions and also delegate authority to make recommendations and limited releases in accordance with state guidelines.

Implementing a pretrial release agency requires a fundamental creativity in designing a system that best meets all of the many needs around this issue: community safety and community control, political ramifications and cost efficiency.

The most effective pretrial release agencies are those which respond to the specific needs and resources of the local community. To identify the best program model to adopt, Hillsborough County's justice leaders must ask themselves how the community wants to use its jail: to house misdemeanants, hard core felons, or others. Who the county wants to keep in jail and who it can afford to keep in jail may produce entirely different answers.

1. Program Goals

The required elements for safe and useful pretrial release are well known.

The critical element in creation of a pretrial release agency is the establishment of clear goals and evaluation tools:

- **Use of objective, verified criteria** to rank eligibility of defendants;
- **Full court confidence in information and delegation of limited authority** to make release decisions;
- **Accountability to all system players** through regular reporting and comparison of goals with actual release rates of all pretrial release programs;
- **Cost effectiveness** through savings in limiting failures to appear, unnecessary use of jail space, and efficient use of all existing resources; and
- **Outcome-oriented management** and monitoring of all pretrial release programs, which emphasizes the *results* of pretrial release policies and their effectiveness in achieving system goals.

2. Implementation Steps

- Contact resources and observe model jurisdictions to develop a sense of the field.

Palm Beach and Alachua Counties have established pretrial release systems that represent the input of all agency heads. A national resource to contact would be the Pretrial Services Resource Center (PSRC) in Washington, DC. This federally funded, nonprofit organization is supported by the Department of Justice; it does research and provides technical assistance to counties in the area of pretrial release. The PSRC also maintains data on the cost to establish and operate a pretrial release program.

- Establish criteria for release decisions.

Criteria would be similar to those used during the booking and intake process at the jail. The goal should be to identify and quantify the risk of the defendant to community safety and likelihood of making a court appearance. These criteria should be specified in a format such as a scoresheet which makes decisions objective ones.

- Expand the number of available programs.

The pretrial release agency must have a range of programs to address different levels of offender seriousness. These could include:

- * Implementation of supervised ROR to attach conditions to release decisions, such as victim "stay away" orders and use of electronic bracelets;
 - * Coordination with probation agency programs (Salvation Army and the Department of Corrections) and HCSO Detention Department programs (House Arrest and Work Release) to consolidate as much as possible screening tasks; and
 - * Establishing a pretrial court appearance notification unit to alert defendants with unserved summons and others on pretrial release of upcoming court dates to minimize the costly occurrence of an FTA and subsequent *capias*. One study of the Washington, DC bench warrant unit found that the cost of the notification system averaged \$61.15 per warrant compared with \$1,132.36 for making a simple warrant arrest.
- Create an outcome-oriented monitoring system to evaluate success.

The county's pretrial release system should be responsive to changes in crime, inmates and space. It will be crucial to prepare expectations and success definitions before an agency is implemented.

Key outcome indicators include, but are not limited to the following.

- * The number of failures to appear, by release mode (bond, ROR, supervised ROR), of defendants granted pretrial release.
- * Frequency of use of all pretrial release modes. Continued low use of ROR (supervised and unsupervised) should be carefully monitored.
- * Reasons for denying pretrial release. In the form to evaluate release eligibility, there should be a required space in which to specify any reason that a defendant is found ineligible. Attention should be paid to whether a certain class of offenses is regularly excluded from release for reasons not directly related to community safety or likelihood of appearance in court.

3. Implementation Scenarios

The following scenarios attempt to identify the various development options available to Hillsborough County in order to create a pretrial release agency. These are conceptual options used to develop a final recommendation. Presentation of a variety of organizational structures helps provide local decision makers with an understanding of the

Implications of different models. Again, the critical issue in agency development is not its location but the creation of explicit goals and accountability to the community's values.

Evaluation of the different alternatives is based on how well they meet the program goals described above.

3a. County Department of Corrections

- Description: Transfer jail operations to a county-run Department of Corrections with the additional responsibility of operating pretrial release.
- Analysis: The option provides maximum consolidation of release and detention functions and theoretically, therefore, fluidity of the overall process. An additional rationale is creating greater county accountability to its second largest general fund expenditure, the jail, and increasing the potential of pretrial release as a management tool of this expenditure. The established system in Hillsborough County in which the Sheriff operates the jail would make implementation of this scenario more cumbersome than others which do not require as great a fundamental system reorganization.

3b. County Department of Community Corrections

- Description: Consolidate pretrial release and county community corrections management to a single agency funded by the county.
- Analysis: This option would be less disruptive to implement than Option 1 and still allow for substantial consolidation of alternatives to corrections programs. In particular, misdemeanor probation and negotiation of any county contracts with private agencies (e.g., substance abuse treatment) would occur through this department. This option encourages increased county government budget accountability to criminal justice and a more specialized, criminal justice oriented liaison for outside agencies to work with. Implementation of this option would require system-wide support and major modifications of some existing arrangements (e.g., misdemeanor probation).

3c. Court-Operated Agency

- Description: The courts, either as a part of court administration or as a separate department, would oversee the pretrial release function.

- Analysis: This arrangement is common nationwide. It brings together the agency with the statutory authority to grant pretrial release with the staffing and administrative support to directly implement this authority. However, in Hillsborough County, this option does not take advantage of the significant classification information collection and interviews that now occur during the booking process. Second, this option does not involve other system actors; by tying the powers of authority with those of implementation, there is no built-in reason that other actors would be consulted or involved.

3d. *Sheriff-Operated Agency*

- Description: The Sheriff would augment existing classification personnel.
- Analysis: This option makes the most use of existing resources such as information verification and physical space (the agency could be located at the Orient Road Jail, for example). However, the Sheriff's Office has been delegated limited authority to make or recommend releases, yet there is still heavy reliance on the private bond industry. Second, there is a possible conflict of purpose in requiring the agency charged with law enforcement and detention duties to also be responsible for release. This conflict may be offset by the efforts to avoid future or continued litigation over jail crowding if bed space is not expanded. Finally, as with Option 3 (court operation) this scenario effectively creates a discrete unit with both authority and ability to make release decisions and policy, closing off the need to be accountable to the rest of the justice system's representatives.

3e. *County-Operated Agency*

- Description: The BOCC would create a pretrial release agency and hire a director to manage it.
- Analysis: This option offers improved accountability of the county to its largest funding allocation but does not create direct accountability to corrections. Instead, the link is in the county's responsibility over controlling the flow *into* detention which is nonetheless the instrumental one. While a county-run agency could create continuity in the use of pretrial release options, there is still fragmentation with the detention and community corrections function. It also does not maximize use of existing jail information.

3f. Private Contractor

- Description: The BOCC would use the RFP process to select a private agency or group to perform the pretrial release function (e.g., Salvation Army, bondsmen's association).
- Analysis: This option avoids conflict of interest issues and could be the least costly but discourages continuity among corrections and community corrections agencies. It would essentially operate in the same manner as the county-run agency (Option 3e) but without producing county accountability to and involved management of criminal justice. There may be legal obstacles to delegating this function to a non-constitutional office. Without system acceptance of these services and court willingness to delegate authority, this option is the most likely to fail.

3g. CPSCC-Operated Agency

- Description: The Executive Committee of the CPSCC hires and oversees a pretrial release agency director and agency operations.
- Analysis: This option provides maximum involvement of all system representatives and the ability to regularly monitor pretrial release activities (e.g., at monthly CPSCC meetings). However, the CPSCC does not have the legal authority to make hiring, firing, or pretrial release decisions. These would be accomplished through delegated authorities of bodies which do (e.g., the courts). Second, and perhaps more important, giving the CPSCC its own agency to operate removes the neutrality of the council in monitoring the effectiveness of system-wide policies in addressing public safety.

4. Conclusion

Assessment of the inmate population and review of pretrial release clearly demonstrates that system control over inmate management and community safety could be increased. The most direct means of doing this is to establish a public agency as recommended by the court in 1993. How this will be accomplished is the primary challenge for Hillsborough County's justice system leadership, requiring both thorough input from the community and maximum support by the county.

III. PRETRIAL INTERVENTION

Pretrial intervention allows diversion of offenders out of the court system and into treatment options and other programs. Intervention ideally can alleviate pressure on judicial resources in simple cases which could be addressed as effectively through a diversion program. Hillsborough County has specialized diversion for drug offenders but otherwise does not target specific populations such as domestic violence offenders and traffic offenders.

Hillsborough does not have targeted traffic or domestic violence diversion.

A. Probation Intervention

The Salvation Army and the local circuit office of the Florida Department of Corrections' (DC) Probation and Parole Services each operate a pretrial intervention program for misdemeanants and felons, respectively. The diversion program is the same as sentenced probation, with monthly check-ins, restitution, fines and relevant conditions (drug testing, community service, etc.).

The two agencies receive affidavits and obtain criminal history information from the State Attorney's Office and submit recommendations back to the State Attorney. The State Attorney then makes diversion decisions.

A total of ten Probation and Parole Services officers (excludes administrative and support staff) handle the felony caseload.

Salvation Army staff state that the Misdemeanor Intervention Program (MIP) could be used to a larger degree. Many of the offenders eventually sentenced to probation meet the eligibility requirements for participation in the pretrial diversion program. Lack of awareness of the program among the State Attorney's Office, potential participants and judges is cited as the main reason for its current low level of use (600 active cases in 1993).

◆ *Although the State Attorney has more direct and immediate access to recently arrested people, the probation agencies screen for pretrial diversion participation.*

The effect of having two agencies screening the same people for separate purposes fragments the process of intake overall. Logistically, this arrangement is less efficient than using State Attorney intake as a central, "one stop" affidavit review. Not only does this process create a fragmented, uncoordinated approach, it more importantly slows down the process of diversion. The multi-agency screening approach as exists in Hillsborough County is shown in Figure 9.1. Then, Figure 9.2 displays the more direct process of consolidating screening into a single office.

Figure 9.1
Hillsborough County Diversion Screening Process

Diversion is fragmented.

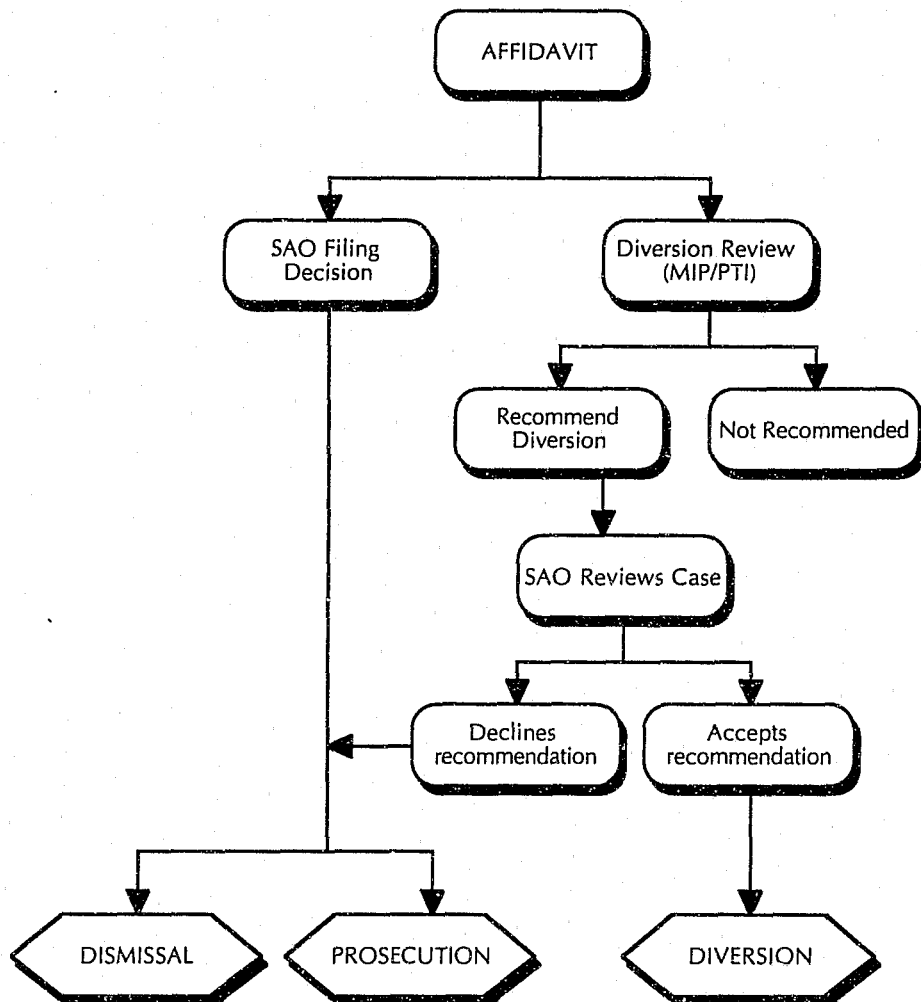
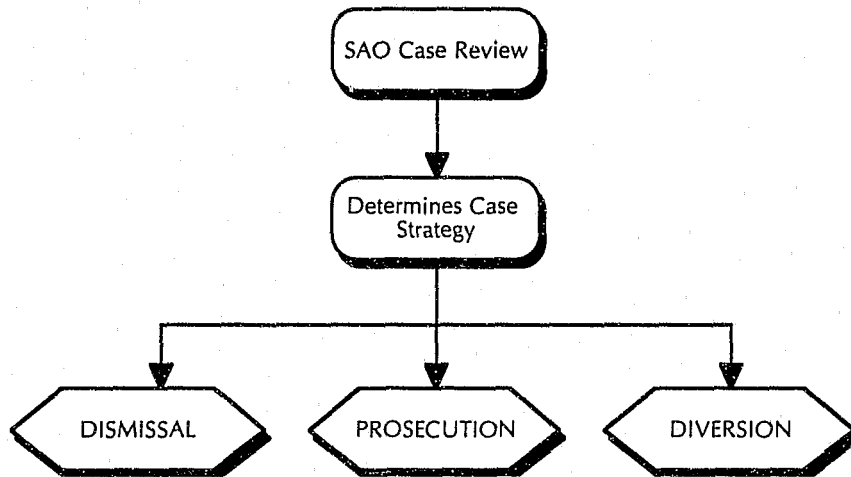


Figure 9.2
Single Agency Diversion Screening Process



B. Drug Diversion Court

The highly successful drug diversion court, developed by Chief Judge Alvarez, is administered through federal and state (HRS) money. Probation and Parole Services administers admission into the program by screening arrest affidavits to make recommendations for participation. First and second time offenders with no prior felony convictions are eligible to participate. Total program capacity, through the current grant period (16 months), is 150. In addition to several levels of criteria, the State Attorney's Office, DACCO, and the court must all approve participation. Estimated cost of the program is approximately \$6 per day per client. Participants waive their right to speedy trial.

Primarily aimed at long-time drug users, the program involves an intensive treatment element requiring periodic check-ins with the court and frequent visits to a DACCO facility for drug testing, acupuncture, counseling and education.

Eligibility criteria, which were last modified in November 1992, are being reconsidered (consistent with ILPP's June 1993 report) to allow persons with one prior drug or one prior non-serious felony conviction to participate. (Persons with misdemeanor convictions were eligible under the original criteria.)

Program success is difficult to measure as the program completes only its second year. However, participants (both clients and the agencies running the program) enthusiastically note that there are so far no failures, where failure is defined as another arrest to date.

◆ *Drug Court is an essential part of a substance abuse treatment "continuum."*

While long-term success is not yet established, the program has proven itself in providing an alternative to the more expensive and less effective option of incarceration. The program also supports DACCO's approach to substance abuse treatment of providing a range of services to clients that both address different treatment needs and allow for phasing the substance abuser into a non-abusing lifestyle.

◆ *The success of drug court lies partly in the personal energy involvement of its administrators, qualities which are difficult to plan for or stipulate in proposals.*

Like drug courts nationwide, part of this program's success must be attributed to the personalities in charge of it. The Chief Judge who administers the program is closely involved in the process – easily calling participants by their first names and developing the kind of interpersonal bond which can produce a personal accountability that the standard and sometimes alienating court process may not.

Just as the Chief Judge's involvement must be lauded, it is important to note that another kind of personality may not be as effective. Future administrators of the program should be chosen for just those intangible qualities – visible enthusiasm, personal involvement, sense of humor, flexibility – which facilitate program success but cannot be articulated in a procedures manual.

◆ *The definition of a drug court success is limited to no new criminal drug offense during the period of participation. This is a limited measure that does not evaluate the ability of programs like these to have an impact on long-term drug use and criminal recidivism,*

Does the current definition of successful participation (no new criminal offenses so far) best measure effectiveness? As the program expands and continues, the definition of success should continue to emphasize outcome issues like no new arrests. However, outcome measures short of repeat law enforcement involvement should be included. This could involve monitoring clients through random drug tests over a sample period.

◆ *The potential of drug court to prevent jail overcrowding is not currently realized, although it has long-term potential for removing drug users from the criminal justice net through successful treatment and rehabilitation.*

Providing an alternative with the potential of removing an individual entirely from the criminal justice net will obviously have a great impact on resource allocation and, inevitably, jail management in the long-term.

However, none of the persons selected for drug court during the period of this study were in custody at the time they were selected. To this extent, drug court has little impact on alleviating jail crowding in the short-term. De facto policy to exclude persons in custody also may be a self-defeating practice. This is because so many people in jail, who cannot or do not bond out, are in custody on possession of cocaine, which is a felony. In the tracking sample, 92 percent of those booked for felony drug possession had bond set in excess of \$2,000. The potential to both remove these offenders from the jail system now and in the long-run by providing a rational treatment and punishment option will reduce the county's jail population immediately and save dollars in the long term.

None of the drug court offenders was in custody, so there is little immediate impact on jail population management.

Equal access to justice provides a final justification for inclusion of in-custody offenders. The inmate tracking analysis shows that many of those who stay in jail do so because of a lack of non-financial pretrial release options combined with an inability to pay high bond amounts. This results in disproportionate representation in Drug Court of those who are different from jailed defendants only in their ability to make bond. Drug Court personnel note that a major reason behind the informal policy to exclude inmates from participation is the level of client commitment required by the program. Jail inmates may be willing to falsely commit to program participation and a life without drug use as a way of obtaining release from jail and diversion from the court system. This, too, should be weighed in a policy to include in-custody offenders.

C. Pretrial Intervention Recommendations

- ◆ *Recommendation: Consolidate screening duties for pretrial diversion (MIP and pretrial intervention) within the State Attorney's intake unit.*
- ◆ *Recommendation: Examine and resolve reasons behind delays in State Attorney approval or denial of program participation.*
- ◆ *Recommendation: Reorganize the drug diversion court intake process to aid jail population management by re-examining the inclusion of jail inmates.*

While the Pretrial Intervention (PTI) program (Florida Parole and Probation Services) provides thorough intake screening, the opportunity to at once provide a rational alternative for drug users and effectively manage the jail population is not currently realized.

Drug court screening should be incorporated with the recommended Pretrial Release Agency (although PTI and DACCO personnel would still accomplish the screening). The CPSCC should discuss the logistics of consolidating this function into Pretrial Services, perhaps including the following requirements:

- Place a PTI staffperson at the pretrial release agency to facilitate and approve participation recommendations;
 - Place a DACCO intake staffperson at the pretrial release agency to assess appropriate treatment recommendations; and
 - Set time standards to evaluate PTI and DACCO recommendations by the State Attorney.
- ◆ *Recommendation: Establish a program monitoring system for drug diversion court.*

The current definition of success is incomplete because it examines only short-term success and because it catches the failures only after they have fallen back into the criminal justice "net." Identifying potential failures or minor relapses before additional criminal acts occur is crucial to long-term success.

The program's existence has been too brief to evaluate long-term success and the drug court program does require clients to check back into court regularly. Nonetheless, a more formal monitoring plan will both provide empirical support for continued funding (assuming the program does generally produce permanent sobriety) and allow the program to adjust procedures to meet the goal of offender rehabilitation. Success measures could include number of re-arrests, ability to remain clean and sober during and following program completion, and eventually, jail beds saved.

IV. SENTENCING OPTIONS

Sentencing options are inconsistent and fragmented.

The main alternative sentencing options available in Hillsborough County are the various programs offered through the Florida Department of Corrections' Probation and Parole Services (DC). There are a number of these and the office coordinates frequently with local contracting agencies (e.g., DACCO). In addition, there is sentenced misdemeanor probation, a newly created drug division in the circuit court, and the Sheriff's work release and house arrest programs.

A. Pre-Sentence Investigations

All offenders convicted of a felony have either a pre-sentence investigation (PSI) or a post-sentence investigation performed. This investigation provides information on characteristics of the offender that are relevant to making a sentencing decision and assigning conditions of probation (restitution, drug testing and treatment, etc.). In the investigation form is a space for the probation officer to make a recommendation for conditions and treatment. The Department of Corrections estimates that

it prepares approximately 100 presentence investigations (PSIs) per month at the request of a judge, usually in high profile or violent cases. (Use of misdemeanor PSIs is minimal, corresponding with the low offense severity of the misdemeanor probation population.)

The DC reports that judges generally accept recommendations submitted with PSIs and use these reports to tailor sentences to the needs of the particular case. However, post-sentence investigation recommendations require a formal modification to the sentence by a judge. In other words, the DC does not have the authority to adjust the terms of a probationer's conditions, such as transferring an offender from the standard probation program to the more specialized drug offender probation or community control (house arrest). Instead, if the DC feels a post-sentence investigation recommendation should be acted on, the officer can send the probationer back to court on a technical violation of probation or request a hearing to modify conditions and alert all interested parties, such as the State Attorney's Office.

◆ *PSIs are used to tailor sentences, but the more frequently used post-sentence investigations require a cumbersome process to act on.*

Post-sentence investigations are carefully prepared by probation officers and contain important information that would facilitate determining the most appropriate terms of conditions. However, the post-sentence investigation remains unused in a client's file. Obtaining a judge's acceptance of recommendations in this report requires returning to court, often through a technical violation of probation hearing, to formally modify the existing sentence.

B. Probation

Felony and misdemeanor probation are handled by two separate offices, the state Department of Corrections and a privatized contract with the Salvation Army.

Of the DC's 11,209 active cases in 1993, felony probation accounted for approximately 7,000. Probation officers are required to spend 64 hours per month in the field checking on probationers, including at random times all day and at night. Offenders check in monthly and report on compliance with conditions—restitution, fines, counseling, and community service.

The misdemeanor probation format is straightforward. Probationers are generally sentenced to a year or so. Clients report monthly to probation counselors, report progress on meeting conditions and schedule the next meeting. Criminal offenses and technical violations of probation are grounds for re-arrest. The average active total caseload for the first six

months of 1993 was 4,976 compared with 4,795 in 1992. The Salvation Army operates this program by contract with the county based on the recommendation of the court.

While the state of Florida has allocated funds for expanding community corrections in localities (via the 1991 Community Corrections Partnership Act) at the felony level, misdemeanor supervision is largely the responsibility of the county alone. In Hillsborough, this has produced the existing privatized system of probation. The county has already realized one advantage of privatization in that the cost of misdemeanor probation is entirely paid for with client fees.

However, there are some potential costs to this arrangement. First, the existing five-year contract does not include any outcome oriented measures to evaluate the effectiveness of the program or the success of probationers. Instead, only *inputs* are specified (so many cases per officer, so many conditions and requirements to be administered). What is misdemeanor probation supposed to accomplish? Assurance that clients do not commit crimes *only while they are on probation*? If there is a larger goal, such as having a more long-term impact on offender behavior, additional program definitions of success and goals are needed.

In other probation departments operated by the Salvation Army throughout Florida, many programs are offered, including house arrest, anger management/domestic violence treatment programs, drug treatment programs and coordination with other Salvation Army services (GED testing, job training, housing assistance). Inclusion of additional programs that the Salvation Army offers requires the commitment and participation of the bench who would make use of these options. This commitment begins with an assessment of the goals of misdemeanor probation in Hillsborough County.

◆ *The misdemeanor probation system has only one sentenced program option with limited goals and ability to have a long-term impact on the offender.*

C. Drug Offender Probation (DOP)

Created by the Community Corrections Partnership Act (CCPA) in 1991, Drug Offender Probation is run by DC Probation and Parole Services to provide more intensive supervision of offenders with clear substance abuse problems and history than standard probation. There are currently around 420 offenders in the program and a total of five officers to manage the caseload. DOP offers a greater degree of supervision than probation through increased home checks and random drug testing. The DOP caseload is by officers who handle only these cases and so ideally can specialize in the needs of the drug offender. A caseload of about one

officer for 85 cases seems burdensome if the goal of the program is to provide more intensive supervision than standard probation.

It may be too early to measure the impact of DOP in preventing recidivism among the substance abusing probation population. However, data to monitor recidivism rates and evaluate specific program components, including reasons behind current level of use, in meeting CCPA goals is not collected. According to the sample profile of inmates in the Hillsborough County correctional system, at least one-third of men had a documented history of substance abuse, and 20 percent were in jail specifically on drug-related charges. The data overwhelmingly support the need to target this population, and effectiveness of options should be an element of program design.

- ◆ *DOP caseload appears high with an average of one officer for 85 offenders.*
- ◆ *DOP captures a small percentage of the offenders who could possibly benefit from the program.*

DOP accounts for about four percent of the total felony probation caseload, while felony level drug bookings averaged 16 percent of all jail bookings during a representative month in 1993. While the two figures should not precisely correlate, it is clear that the number of probation clients with substance problems and needs well exceeds the four percent that currently participate in DOP. Judicial awareness of this option may be a substantial cause of the discrepancy, as is the PSI process in which Probation and Parole Services cannot make recommendations.

D. House Arrest

The Sheriff and the Department of Corrections both operate house arrest programs. The Sheriff's program uses electronic bracelets to monitor offenders. Two Sheriff's deputies manage the caseload, with other support (participation screening, administration) coming from the Sheriff's Work Release Center. Of an average of 35 to 45 participants in the house arrest program, only two are pretrial detainees. As noted earlier, the Sheriff is currently required to critique pretrial inmate eligibility for this program and so the number of pretrial participants appears excessively low. At any rate, current use of pretrial house arrest is having very little impact on jail population management.

The Department of Corrections program is for felony offenders. The current caseload is around 1,900 with 72 offices to manage it. DC uses electronic monitoring equipment (215 BI units available). Only sentenced offenders court-ordered into the program are eligible for participation.

A caseload comparison shows that the DC has a slightly higher number of cases per officer (26 versus 22 cases per officer in the Sheriff's program). Additionally, the DC population would tend to be more serious, composed entirely of felonies where the Sheriff's program is mainly misdemeanants.

- ◆ *Pretrial participation in the Sheriff's house arrest program is low.*
- ◆ *The Sheriff's house arrest program could expand its total caseload.*

E. Probation Restitution Center (PRC)

The Department of Corrections' PRC is a residential center for felony offenders, mainly probation violators. During a VOP hearing, the probation officer can recommend placement into the program as an intermediate option between return to probation or commitment to prison. The PRC averages a three- to six-month length of stay. Failure in the program (by walking off, non-compliance with rules or missed attendance at counseling/ classes) will result in loss of privileges in the center at a minimum or a violation of probation (and thus possible return to prison) at a maximum.

The success rate, defined as graduating from the program without returning to prison, is said by staff to be around 80-85 percent. Returning to prison is a serious failure, however, and the PRC should create additional measures of success, such as remaining clean and sober, minimizing the number of new arrests and adhering to center rules.

F. Violations of Probation

Case processing of violations of probation occurs rapidly and efficiently in Hillsborough. Violations of probation (VOPs) are handled in two ways. For both felonies and misdemeanors, if the violation is technical or a minor criminal reoffense, the offender will usually be sent a notice of hearing (NOH), which is notice by the probation officer to the probationer to appear at a probation violation hearing. Violators may be recommitted to custody but are more often either returned to probation or a more intensive program, such as community control, drug offender probation or residential drug treatment.

Use of notices of hearing which alert probation offenders of pending VOP hearing dates saves significant resources by avoiding use of capias. This approach would be useful for misdemeanors in cases of minor re-arrests for a new offense similar to that for which the offender is under supervision (e.g., DUI or DWLS). The probation department has proposed such an approach to the county bench.

Both departments report that capiases for technical violations are generally only issued in major violations such as absconding. However, the inmate tracking analysis data indicate that of all bookings into the jail that involved a violation of probation, 69 percent had no other charge (i.e., were technicals).

- ◆ *Case processing of VOPs is efficient and timely, but a large percentage of bookings into the jail are for technical probation violations.*
- ◆ *Some capiases, issued when a misdemeanant commits a minor crime similar in nature to the original offense which resulted in probation, could be avoided by expanded use of NOH.*

Use of Notice of Hearings In lieu of issuing a capias for arrest substantially saves resources like law enforcement personnel time and jail bed use.

G. Work Release

Work release allows sentenced inmates to continue employment while serving time. Although of a current operational capacity of 54, the center has on average 18 - 20 participants. In addition to this, the center is used to house sentenced trusties (called "pre-work release trusties") who earn a low-minimum score on the classification assessment. No pretrial or female inmates are in the program. The program facility was recently renovated, expanding capacity to 175. The Sheriff's Office reports that additional staff necessary to operate at full capacity will not be available until April, 1994.

- ◆ *The work release center houses primarily sentenced trusties.*
- ◆ *The center uses its own "caseworkers" to screen and investigate inmates for participation, although similar information is collected and verified by classification personnel.*

H. Drug Division

The 13th Judicial Circuit has formally committed to establishing a drug division at the circuit level. Implementation of this division will wait until authorized judgeship positions and vacancies are filled. The drug division is different from the existing drug diversion court because it is not a pretrial intervention program. Offenders would go through the normal court process. The Department of Corrections will screen those offenders who guideline to three and a half years or less to evaluate if there is a substance abuse problem. Offenders must agree to participate. The number of drug possession bookings in the jail, as documented in the inmate tracking analysis, show that the number of these bookings is large enough to merit a full division to these cases.

The advantages of a circuit division dedicated to drug offenses is the consolidation of case handling. A single judge can remain informed of available programs and capacities as well as become more familiar with the types of cases in the county and the responses that seem to be most effective.

- ◆ *The 13th Circuit will soon dedicate a circuit division to drug possession cases which should expedite case handling and produce better specialization.*

I. DACCO

Hillsborough County has several drug and alcohol treatment providers, and DACCO is the major substance abuse treatment agency for the criminal justice population. DACCO has a special unit (Treatment Alternatives to Street Crime - TASC unit) which is in charge of identifying and evaluating needs of criminal offenders. It then can make placement recommendations into its range of programs, referred to as the program "continuum" as they provide an array from intensive supervision and treatment to outpatient day classes. The significance of the substance abuse problem among the criminal population has been well-documented in Hillsborough County, resulting in the creation of a drug diversion court and now a dedicated drug division.

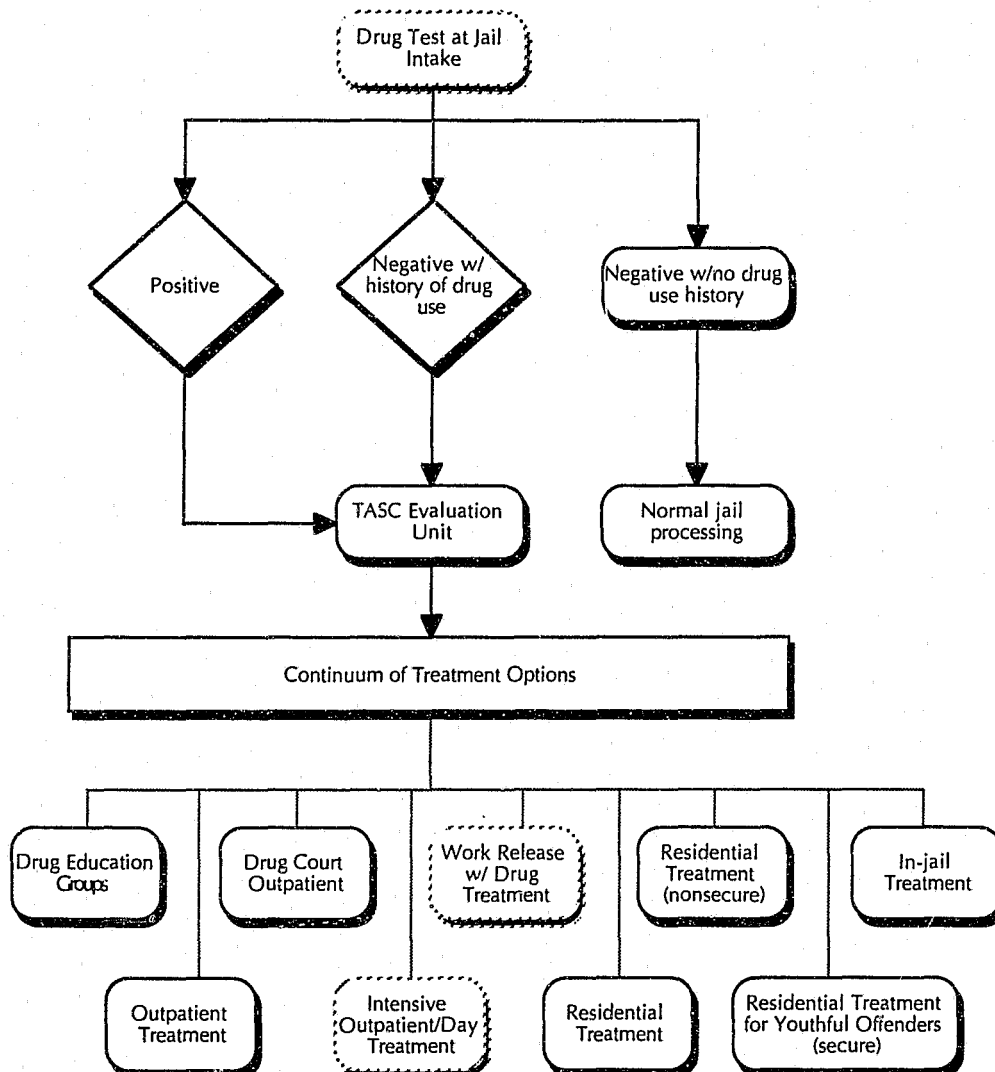
DACCO programs are generally for those sentenced offenders who have been court-ordered or referred into treatment. It operates two residential facilities. The 50th Street facility is supported by the Department of Corrections and houses all sentenced criminal offenders. A second facility on Columbus Drive houses both criminal and noncriminal justice clients. On average, there is a 40-person wait list for DACCO's residential programs. Inmates wait in jail until a space opens.

DACCO's approach focuses on long-term, phased treatment. Participants generally are placed into intensive treatment programs and can earn their way into less intensive treatment components.

DACCO is in the process of developing a concept of consolidating its agency's intake process with the jail booking process. Currently, two DACCO intake personnel interview inmates based on referrals from the court, public defender, family, and the inmates themselves. The number of assessments completed is limited by having only two employees, and it may take several days to weeks before intake personnel can screen all referrals. A drug test at the booking of all incoming inmates would be a more direct and orderly way to identify needs and direct offenders into DACCO's and other providers' treatment "continuum" (Figure 9.3). The concept of consolidating a substance abuse evaluation at booking has not yet been funded or worked out with the Detention Department. While

It is an untested intake model, the DACCO proposal offers the system something it does not currently have: consolidated screening of substance abuse treatment needs.

Figure 9.3
DACCO Treatment Continuum Flow Chart



Dotted lines indicate programs or steps which do not now exist.

- ◆ *DACCO's long-term, phased approach is an effective strategy supported by national studies of drug treatment programs.*
- ◆ *The DACCO proposal to consolidate the jail intake process with an initial substance abuse screening could improve intake efficiency and the targeting of this particular population.*

- ◆ *Because of wait lists, inmates who have been approved for a residential program wait in jail until space is available.*

DACCO continues to expand its bed spaces through grant applications, however, the demand for residential drug treatment services will likely always outpace the supply of resources. The county must then attempt to limit the impact of this inevitability on jail space use.

- ◆ *Use of drug treatment programs is mixed.*

According to data collected by DACCO on program usage, there are large discrepancies in use of options: some judges extensively use these programs, others almost never do. DACCO reports that it has attended judges' meetings and offered tours of facilities and programs to orient the bench on its offerings.

J. Domestic Violence

Domestic violence is a pervasive problem in Hillsborough County, as identified both in ILPP's analysis of inmate and caseload and by representatives of the county's own justice system. Approaches to this serious criminal offense may range from long-term incarceration to outpatient treatment. Because domestic violence case handling plays a major role in effectiveness and timeliness of treatment, and because the courts have a primary role in disseminating the message that the offense will be treated as a criminal one with serious consequences, it is addressed in Chapter 10, Adjudication.

K. Sentencing Recommendations

Two issues stand out after reviewing sentencing options. First, use of options is not consistent. Second, screening for and placement into programs is fragmented. Thus, the main recommendations in this area are below, with specific recommendations following.

1. Emphasize outcome measures for all programs. Alternatives to incarceration in particular must justify their existence by proving they are indeed alternatives – are jail beds being saved?
2. Consolidate screening and intake for all alternatives (pretrial release, diversion, sentencing) through creation of a pretrial release agency, improved State Attorney review at intake and expanded authority of Probation and Parole Services to make recommendations and placement decisions.

- ◆ *Recommendation: Give DC limited authority to make program placements once an offender is sentenced to probation and a post-sentence recommendation is completed.*

This could occur through administrative order, similar to the one issued to the Sheriff allowing that office to extend the limits of an inmate's confinement. Having to go through a VOP or other formal court hearing is excessively cumbersome and discourages the DC from seeking modifications in sentences in all but the most extreme cases.

- ◆ *Recommendation: Develop a mission statement for Salvation Army Probation with the bench, and use it as a guide to development and expansion of programs and contract arrangements.*

Misdemeanor probation has many requirements on how a service is provided (submitting reports, etc.), but there are few requirements regarding what impact the program has on rehabilitating the offender. The bench must be involved to provide input into the types of programs that would be most useful both in terms of improving efficient use of judicial time and effecting real offender change. Consideration of a house arrest program and other Salvation Army programs which can alleviate use of jail space should be considered. Also, the bench should restructure future contracts to emphasize outcome measures that target success instead of inputs that can only monitor methods. Data should be collected on re-arrests, clean drug tests, employment status and other evidence that the offender is doing more than going through the motions of a monthly office check-in.

- ◆ *Recommendation: Educate the bench on DC probation program options.*

The relatively light use of DOP presents the clearest example of untapped resources. Although the office has already worked with the courts to review programming, a refresher course combined with the preparation of a brief, one-page "program guide" will encourage greater use of all available programs. The program guide should include a summary of the program's goals, conditions, spaces available and current caseload. In addition, seek bench input on how to make programs more appealing as sentencing options by discussing conditions and establishing monitoring goals to evaluate program effectiveness.

- ◆ *Recommendation: Expand use of the Sheriff's house arrest program for pretrial offenders.*
- ◆ *Recommendation: Consider increasing the overall caseload of the Sheriff's house arrest program.*
- ◆ *Recommendation: Examine the process of misdemeanor VOP case handling for minor re-offenses with similar crimes (especially DUI, DWLS).*

VOPs are generally resolved quickly in Hillsborough County, and the use of notices of hearing is an important efficiency. Allowing notices of hearing to be used in minor misdemeanor re-offenses similar to the original

offense where the offender has volunteered the violation and shows a great inclination to make court appearances would limit the costly *capias* process.

- ◆ *Recommendation: Use the work release center as housing for pretrial and sentenced work release inmates.*

At the time of ILPP's site visit, the Work Release Center had an operational capacity of 54 beds. Of these, about 18 were used for sentenced work release inmates. The rest were occupied by "pre-work release" sentenced trustees. In other words, the Work Release Center is used as overflow housing for general population inmates who are classified as low risk. Classification of inmates at the currently underfilled Falkenburg Road temporary jail are similarly "low risk." Thus, there are two detention facilities which are not fully used. Maximizing efficiency of the use of these facilities (generally by minimizing operational costs) should be reviewed. For example, perhaps general population inmates now housed at the Work Release Center could be consolidated to fill empty beds at the temporary jail on Falkenburg Road. Alternately, low minimum classified inmates might be transferred to the Work Release Center once the center's additional 121 beds become operational.

- ◆ *Recommendation: Consolidate screening for the program with jail classification staff duties.*
- ◆ *Recommendation: Go forward with DACCO's proposal to consolidate drug use screening with the jail intake process.*
- ◆ *Recommendation: Use alternatives to incarceration for people awaiting placement in a residential drug treatment program.*

Where a non-secure residential drug treatment program has been found an appropriate sentencing option, housing these offenders in jail is a misuse of limited space and can displace more serious offenders. Use of alternatives such as house arrest with electronic monitoring or some other supervision is more appropriate and more efficient.

- ◆ *Recommendation: Meet with the bench to identify and address reasons behind mixed program usage.*

Bench involvement in identifying important eligibility criteria and program components can generate support for more consistent program usage by allaying concerns. Other actions could also encourage use, such as county monitoring of programs through quarterly or annual reports of success and recidivism rates and other relevant outcome measures.

- ◆ *Recommendation: Through the recommended domestic violence task force (Chapter 9) identify the need for treatment programs and the deficiencies with the current system.*

NOTES

- 1 During the course of this study, ILPP became aware that a bond liberalization proposal had been prepared by the local bond industry. ILPP twice interviewed bond industry representatives and requested a copy of this proposal and other relevant information several times; none was received. Thus, a review of private sector pretrial release proposals could not be made.

10.

Adjudication

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10. Adjudication

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Adjudication

"By its nature, the criminal justice system is adversarial...This is necessary in the prosecution and defense of individual cases, but overall management of public safety should be...cooperative and cost-effective." – Governor's Commission on Government by the People, Public Safety Committee (1991)

I. OVERVIEW

This chapter examines the process of adjudicating criminal cases in Hillsborough County. It is organized by process phase: preliminary presentation, filing the information, arraignment, trial and sentencing, when an offender leaves the local system and thus ends impact on local court resource allocation.

The major obstacles to maximizing efficiency in case processing, particularly in cases where the defendant is in custody, have already been identified by Hillsborough County's Courts. As part of the final order on jail crowding the Hillsborough County Chief Judge put forth the following changes as potential means of limiting excessive use of the jail:

- Acceleration of misdemeanor violation of probation cases (VOPs) so that they would be heard within 48 hours of booking;
- Acceleration of felony VOPs generally;
- Investigation of the possibility of having arraignments immediately after preliminary presentation court;
- Implementation of a strict non-continuance policy on all jail cases; and
- Expedited trial schedule, doing away with disposition dates and setting trials usually no longer than two months (60 days) from arraignment.

Identified reforms, which would have expedited criminal case processing, especially when the defendant is in jail, have not occurred.

For the most part, however, these actions have not been implemented. Where they have, use is inconsistent across courtrooms. This chapter reviews case processing by asking, "What has happened to the ideas of almost a decade ago?"

The summary findings of the adjudication process are as follows. The early stages of criminal case management (particularly for felonies) are not being effectively used to move cases toward disposition, whether this is a plea or trial. Misdemeanor case management is efficient overall, although there are three particular types of cases where improvements could be made to produce more effective use of judicial time. Finally, circuit court case management displays little uniformity as shown in widely disparate caseloads among divisions.

II. PRELIMINARY PRESENTATION

Persons arrested and held in custody are required to have a preliminary presentation before the court within 24 hours of booking. This will be the first contact that a defendant has with the court. The purpose of this initial appearance is to receive formal notice of the counts on which the person was detained, consider pretrial release eligibility (through bond, release on own recognizance, etc.), and determine possible reductions or enhancements of charges. Theoretically, this stage can also be used to appoint defense counsel.

Preliminary presentation is a fast formality, without maximum use of appropriate pretrial release.

In Hillsborough County, all preliminary presentations are heard by a single county court division. The division estimates that it processes between 60 and 80 cases in a two-hour period every day, a high volume of cases. Appearances are handled via closed circuit television, with the judge located in the downtown courthouse and inmates and a public defender at a jail courtroom. On weekends the responsibility for this appearance is rotated by all divisions (including civil). Observations and discussions with court personnel note that civil court divisions are less likely to allow pretrial release, even in cases where it would be appropriate or has been recommended by the jail after a classification assessment.

A. Pretrial Release

Because of the rapidity with which cases are heard, there is little time to substantively consider pretrial release, although 39 percent of misdemeanor releases through ROR are granted at this appearance. But for violation of probation and felony cases, this stage serves mainly to meet the statutory requirement to appear before a judge within 24 hours and little else.

B. Bond In FTA Cases

The number of inmates in jail because they failed to appear (FTA) at a previous court hearing is not nearly as significant as in other Florida jurisdictions. Hillsborough County, however, does handle FTAs in a typical manner by generally denying bond (no-bond) or setting extremely high bonds for felonies. For misdemeanors, setting high bonds generally occurs only when there are multiple FTAs on the same charge. Though the practice of issuing no-bond orders is less prevalent, such orders are still issued and the inability of the Preliminary Presentation (PP) judge to allow bond in these cases is a substantial bottleneck in facilitating appropriate pretrial release.

Misdemeanor FTA cases are referred at preliminary presentation back to the issuing judge for consideration of bond allowance (by revoking a no-bond order) or reduction, as there is no explicit policy allowing the preliminary presentation judge to do this. However, many reductions and revocations of no-bond orders on these misdemeanor cases do occur at arraignment, generally seven to ten days later, regardless of whether the arraignment judge was the issuing judge.

The outcome of this practice is that defendants who eventually obtain pretrial release through reduced bond at arraignment could have obtained release at preliminary presentation, if the preliminary presentation judge had explicit authority and bench support to do so.

C. Public Defender Participation

The stated purpose of Public Defender intake attorneys who appear at preliminary presentation is to review the sufficiency of probable cause and the appropriateness of current bond. In addition, they are present to advise clients who wish to enter guilty pleas to misdemeanor charges, having the overall goal of resolving cases as early as possible in the proceedings. Subsequent to the time of preliminary presentations, the Public Defender intake attorneys file motions for reduction of bond or allowance of ROR. During ILPP's site visit in October, 1993, Public Defender intake personnel interviewed reported that an average of two to eight objections (for bond reduction and on probable cause) were made per day, although these averages obviously fluctuate and are currently averaging five to 15 per day.

The timing of bond reduction motions occurs, by Public Defender policy, as soon as possible after arrest. The office reports that felony clients are interviewed within 72 (working day) hours from arrest, and bond motions are set about one working day from arrest. In making motions, the intake attorneys inform the court of "personal intangibles" such as family relations, community ties, church involvement, employment history, health, or other special matters which may not be known at the time an inmate is booked into jail. This information is nearly identical in nature to that which would be collected by a pretrial release agency.

The office reports that cooperation with the State Attorney's office has shaved 24 hours from the time of filing a motion to having it heard. Thus, the coordination of these two offices has allowed bond reduction motions to be heard in half the time allowed by administrative order (48 hours) from the time of filing the motion.

D. Findings

- ◆ *Organizationally, a single county division assigned to preliminary presentations is efficient, and a good example of economy through specialization.*

The combination of a dedicated division and the use of video technology makes preliminary presentation one of the fastest among Florida jurisdictions.

- ◆ *There is a trade-off, however, between rapid PP service and use of this intake stage to produce efficiencies in other parts of the system, most notably in facilitating pretrial release when appropriate and assigning defense counsel.*

If felonies and more misdemeanors could be granted pretrial release within the 24-hour time frame of preliminary presentation, the jail population would be measurably affected. As noted earlier many of these releases are occurring at arraignment.

Furthermore, within 24 hours of booking many inmates have undergone a complete classification assessment by the jail staff. For ROR candidates, this assessment collects and verifies information such as criminal and arrest history, substance abuse history, employment, and ties to the community. This is precisely the information which would help the preliminary presentation judge to make accurate pretrial release decisions. However, there is no computer link-up, and existing clerk staff cannot handle the additional responsibility of sorting through inmate information to obtain this data, especially considering the division averages 90 seconds per case.

- ◆ *The preliminary presentation judge cannot reduce or allow bond for FTAs although the arraignment judge can do so.*

At preliminary presentation, a no-bond order will not be revoked and bond will generally not be reduced. Instead the case is referred back to the original judge for action. Nevertheless, bond is often reduced at arraignment if the defendant is still in custody, whether or not the hearing is before the issuing judge. If the arraignment judge can make a bond decision, there is no clear explanation why a preliminary presentation judge cannot.

- ◆ *Weekend coverage of preliminary presentation by county civil court judges results in less use of pretrial release than during the week.*

Weekends are high volume days for arrests and jail bookings, magnifying the impact of underuse of pretrial release options. Civil court judges, who may be familiar with the criminal bench through rotation, are apparently more hesitant to make release decisions, not having the same immediate familiarity with defendants as the regular PP judge. Although complete classification information is not provided to the PP judge, he does receive

a package of arrest and traffic history prepared by the jail on each defendant. It is not clear if weekend judges receive this information or know that it is available.

Finally, the lack of explicit authority to make bond decisions that limit the PP judge's use of pretrial release has the same impact on civil court judges.

◆ *In its motion practice, the public defender's intake unit has assumed functions that would normally be performed by a pretrial release agency.*

Requesting ROR by providing the court with information on family and community ties is clearly a pretrial release agency function, but no such agency exists in Hillsborough County. It would be more efficient for a centralized unit to handle these efforts by expediting information gathering duties and limiting duplication.

III. INTAKE

The importance of intake in controlling criminal court workload cannot be overestimated. In this discussion, intake refers to all actions relevant to allowing cases into the criminal court system. This includes preparation of the arrest affidavit; screening, filing and diversion decisions by the state attorney; and case information management by the Clerk. How intake is managed is directly reflected in caseload and workload for all court and court-related offices.

Intake in Hillsborough County occurs early but is not effective in managing the flow.

On another level, intake reflects policy and value positions. At State Attorney intake, decision-making about what kinds of cases are considered priorities occurs through the choice to file, divert or dismiss.

A. State Attorney Intake

Most intake units are staffed by senior attorneys with trial experience augmented by paralegal staff who together can quickly and accurately evaluate the strength of a given case primarily from affidavits. The intake unit sorts out cases set for prosecution (by filing a bill of information), cases ideal for diversion programs, and cases that will eventually be dropped.

According to state law, the State Attorney has 21 days to file a felony information, after which the office must show good cause for not doing so or relinquish the case.

The State Attorney's intake unit makes filing decisions and is headed by a team of attorneys with extensive trial experience. The unit is divided into subunits (felony, misdemeanor/juvenile and traffic) which review affidavits

and proceed to filing decisions. Intake attorneys average 40 filing decisions each week, or less than an hour per case.

In some communities the attorney who files an information is typically responsible for handling the case through disposition (vertical prosecution), producing direct accountability for case management. (Pinellas County uses this system.) Hillsborough's size and urban demographic structure prohibits this approach, but previous administrations created accountability through tracking the dispositions of cases filed by different intake staff to monitor convictions and dismissals. It is not clear how well current monitoring efforts are going.

In its July, 1993 report, ILPP identified, through quantitative observation of the jail population, that the time it took to file felony informations hindered overall case processing and impacted overuse of the jail as defendants waited in custody for a decision to be made about their case. The July, 1993 report suggested that a ten-day filing time frame for felonies would facilitate faster scheduling of arraignments and therefore dispositions.

The State Attorney's office adopted the ten-day goal on a pilot basis, but written goals and procedures, such as identifying cases in which filing decisions could easily be made or determining for what types of cases it would be appropriate to forego certain steps such as sworn victim/witness affidavits, were not established first. Instead, a ten-day time-frame was applied across the board for all cases forcing the intake unit to reduce scrutiny of cases. The result was an overall increase in filings, which did nothing to the jail population and increased the workload of the courts and attorneys.

B. Multiple Defendant Cases

It is State Attorney policy to file a single information in cases with multiple defendants. The Clerk then opens a single case file for this information. Cases with multiple defendants are hard to track when one defendant is dismissed. There is currently a full-time employee in the Clerk's office to track such expungements.

C. Findings

- ◆ *The intake function is well staffed in terms of skill to make intelligent screening decisions.*
- ◆ *The office overall is committed to reducing filing times; how to do so requires attention by the office with the aid of other system actors. The State Attorney's Office attempted a reduction of information filing times with mixed success.*

- ◆ *The State Attorney's practice of filing one information with multiple defendants creates record management problems for the Clerk.*

IV. ARRAIGNMENT

At this stage the defendant is formally charged with a crime or crimes by the State Attorney. For misdemeanors, arraignment generally occurs within seven to ten days of when the State Attorney receives the affidavit. For felonies, this appearance happens anywhere from three to five days after the State Attorney files an information, or almost four weeks or more after receiving the affidavit. A public defender will be appointed if one had not been already.

Arraignment does not result in many early dispositions.

Arraignment stands out as one of the most important court stages in terms of facilitating cases where the defendant is in custody. Arraignment is one of the first stages of case processing. Empirical study and common sense indicate that the earlier that cases can be controlled and handled, the less they will contribute to court backlog and jail population increases.

The court identified the potential of expediting this stage by formally considering expediting arraignments so that they would occur immediately after preliminary presentation. Realization of this timing would require the active participation of the defense, and especially of the State Attorney, which carries the burden of reviewing cases to make filing decisions.

A. Use of Plea Bargains

By the time of arraignment in Hillsborough County, comprehensive inmate and case data have already been collected. Informal discovery begins when the State Attorney provides a copy of the police report, the sentencing guideline score sheet and any lab work done in the case. At this time, the State Attorney has completed a sentencing guideline worksheet and reviewed the strength of the case.

Data suggest and observations confirm, however, that the time between preliminary presentation through arraignment and up to the pretrial conference is not meaningfully used to develop and discuss plea options, and in felony cases, pleas typically occur no earlier than the pretrial conference.

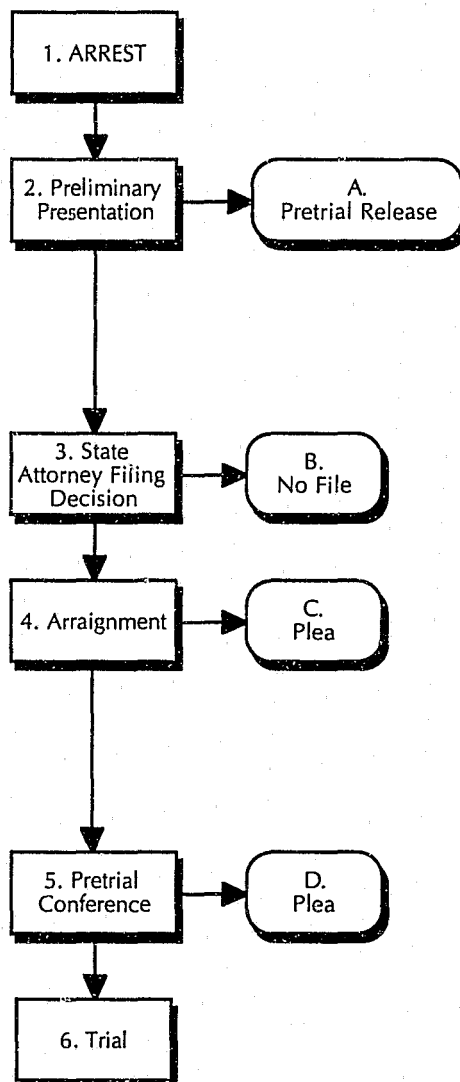
Why aren't felony pleas negotiated earlier? Some defense attorneys claim that felony pleas offered at arraignment are generally set toward the maximum end of the sentencing recommendation and that both parties know a better offer will be tendered later.

Felony charges in the men's profile sample are predominated by burglary or property crime (25%), drug charges (20%) and probation violations only

(i.e., no other charges; 17%). These three types of case account for the majority of the circuit criminal caseload both in time taken to disposition and in sheer volume. None of these charge types directly involves violence and the vast majority do not result in trials, more commonly ending in a negotiated plea.

The figure below presents a simplified rendering of the major criminal court stages and the options at each of these hearings to remove the offender from the system and thereby minimize impact on use of resources. Time is conveyed by the spacing of boxes. In the current operation, the majority of felony pleas are not negotiated until the pretrial conference or later ("D"). The time between arraignment and the pretrial conference shows the impact on jail space for defendants who are in custody.

Figure 10.1
Court Flow



B. Use of ROR

The frequent use of ROR by the courts at arraignment and beyond provides an indicator of the lack of preparedness to make more deals at arraignment. Such releases occur where the State Attorney is not prepared to go to trial and requests a continuance (court authorization to continue scheduled hearings to a later date). The time frame for ROR releases can thus be explained in part by case handling delays in the State Attorney's Office, which has undergone major changes in staff.

C. Impact on Jail Space

Disposition data indicate that the amount of time it takes to complete a trial is not much different from the time required to effect a felony plea bargain. (Misdemeanor cases are not at issue here since the majority are pleaded out at arraignment.)

Aside from the impact on judicial resources of going through the motions of trial preparation to get to a plea, the low use of pleas for felonies at the earliest possible stage of processing is a major cause of jail overuse.

Inmates who will eventually be sentenced to state prison or probation will take up county jail space for months, during which nothing is happening to move the case closer to disposition.

D. Findings

- ◆ *Although sentencing worksheets are completed by arraignment, few felony pleas occur until just before a scheduled trial.*
- ◆ *The amount of time it takes to dispose of a case by plea is not significantly shorter than to dispose of it by trial.*
- ◆ *Releasing defendants from custody on ROR after arraignment appears to be a reaction of the courts to State Attorney lack of preparedness.*
- ◆ *There is no consistent policy for allowing pretrial release where a continuance is requested by the State Attorney.*

Specifically when a witness is unavailable or discovery is not yet complete, the defendant is arbitrarily penalized due to circumstances outside his control. Some judges grant pretrial release on recognizance at this point.

V. PRETRIAL CONFERENCE

Although nearly complete case information is available at arraignment, dispositions do not occur quickly.

Pretrial conference scheduling varies by judge, although they are generally set a week or two before trial. This is the first real occasion for the two sides to address plea possibilities, despite the large amount of information collected by arraignment as discussed above. This is the reason that in Hillsborough County the time for disposition through a plea is not much less than if the case had gone to trial.

Granting of continuances at this stage or earlier at the request of the state is not uncommon and highlights two significant areas deserving of attention. First, despite adoption of a policy not to grant continuances when the defendant is in custody (as part of the jail overcrowding lawsuit), in practice this is not consistently followed. Some divisions readily grant continuances while others do so as the rare exception rather than the rule.

Second, scheduling of pretrial conferences is not uniform. While nearly all divisions set the conference within a two week time frame, the fact that there is no explicit consistency at this stage allows for inconsistency in setting firm trial dates. If pretrial conferences were set within a period which would allow attorneys to be entirely prepared for trial, it would reinforce firm trial dates with little excuse for granting continuances. Maintaining a firm trial date is a common indicator of court efficiency.

◆ *There is no consistent policy on the granting of continuances creating inconsistent treatment of defendants and use of jail space for reasons not related to guilt or seriousness of crime.*

ILPP observed widely disparate practices in the granting of continuances. In tightly managed circuit divisions, continuances are granted as the exception rather than the rule. In other divisions, policy regarding continuances is either nonexistent or controlled by the attorneys who request them.

Delay and inconsistent approaches are problems in case processing.

Common reasons for requesting continuances, such as unavailability of witnesses or incomplete discovery, can be solved through better early case management.

While continuances may reasonably be requested in complicated and serious cases where the offender would be detained in jail prior to trial anyway (e.g., capital crimes), many offenders who are defined by jail classification staff as nonserious may be detained in jail for continuances requested for complete trial preparation. In ILPP's initial 1993 analysis of the jail population, one-fifth of the sample had no court date set; nearly ten percent had their last hearing continued.

VI. TRIAL

As with the granting of continuances, the court's adoption in the jail overcrowding lawsuit of a policy to schedule trials within 60 days of arraignment and dispense with disposition dates has in fact had scattered application. In many cases, it should be possible to meet this expedited schedule, particularly for minor drug possession or simple trafficking cases and nonviolent property crimes. One organizational development has been the designation of two dedicated trial divisions within the circuit court. This system is reported almost universally to work very well in consolidating and achieving efficiencies through specialization of functions.

A. Jury Management

There does not appear to be optimal interaction and coordination between the jury management office, which is run by the Clerk, and the courts. The office receives a schedule of judges' arraignments for available courtrooms at the beginning of the year. This is essentially the master trial schedule; to find out what trials are actually scheduled at a given time, staff must call each court to find out how many trials have been set and what kinds of cases are involved to determine how many people have to be summoned as potential jurors. Occasionally, there will be trial days when there are not enough juries because more courtrooms are available or there is a complicated capital case.

Jurors are summoned for two different trial days, Mondays and Wednesdays. There is over 100 percent usage of jurors for Monday trial calls but usually less than 50 percent for Wednesday trial calls, according to the Clerk's jury management data and interview of the jury management coordinator.

The office is virtually unautomated. The only automated support for jury management staff is the computer-generated summons. Everything else, such as preparing reports and juror attendance lists, is done by hand or typed. There is, however, a project now under development which will add automated monitoring of jurors while they are in attendance.

Hillsborough County has a "one day/one trial" policy, an innovative system, but lacks modernity in other aspects of jury management. There is inadequate telephone standby. The jury pool is taken only from voter registration lists; in the future, the pool will include registered drivers. Appearance rates are low; at the time of ILPP's first site visit, less than 25 percent of those summoned actually appeared for the most recent trial day.

B. Witness Aid

Witness Aid, run by the court administrator, is responsible for coordinating all witness appearances. (The office also operates the Civil Traffic Hearing Officer Program and Court Information Booth.)

Witness Aid, a relatively unautomated office, handles a tremendous volume of subpoenas, including a monthly average of 1,300-1,500 from the Public Defender and 11,000-13,000 from the State Attorney. One factor in facilitating efficient flow of operations is placement of responsibility on witnesses to call and check on whether a trial is actually going to happen, an unusual convention.

Use of telephone standby allows witnesses to maintain employment and family duties and still be ready for trial. However, standby is unavailable in nonjury trials to law enforcement and civilian witnesses. Given the large number of trials that fall through at the felony level, telephone standby could save substantial witness time and for law enforcement officers, limit time away from patrol.

Fifteen percent of misdemeanor cases (slightly over 3,000) in 1992 ended in a nonjury trial.

C. Findings

◆ *Attempts to streamline trial scheduling have had limited success.*

The circuit organization of dedicating two divisions to criminal trials appears to facilitate more efficient case processing.

The 60-day time frame for felonies is not being met, and because there is no consistent policy in granting continuances, firm trial dates are not a certain thing.

◆ *Firm trial dates facilitate efficient overall case processing.*

Aside from the immediate benefits of setting firm trial dates, such as adding reliability to individual calendars, firm trial dates as a long-term policy put attorneys on notice that preparation is not optional and may not be delayed. This makes for better preparation earlier and improves the ability of every preceding court date to produce a meaningful action toward disposing of cases.

◆ *The present jury management system would benefit from technical assistance from the state.*

A juror usage rate of less than 50 percent is generally unacceptable. If Wednesdays are essentially a waste of the juror's time, they will also be a waste of county resources.

A county with the size and diversity of Hillsborough should have a system with representative juries and encourage widespread participation. Nearly all modern jury systems use several sources to create an eligible pool of jurors, such as utility lists and telephone books, in addition to voter registration and Department of Motor Vehicle lists¹. All have telephone standby to avoid problems such as running out of jurors on a given trial day. Excuses should be discouraged, primarily to ensure that persons with a wide range of occupations and life experience can serve as potential jurors. Many jurisdictions require a summoned juror to appear on trial day to obtain authorization from the trial judge to be excused for reasons other than illness or vacation.

To avoid problems of underuse of jurors, there should be better cooperation between jury management and the courts to determine how trials should be calendared; serious attention should be given to selecting all juries at staggered times on Monday to report on Wednesday if needed or arranging for all trials to start at staggered times on Monday.

◆ *Telephone standby is unavailable in nonjury trials.*

Telephone standby for regular witnesses is available only for jury trials. If the trial goes as scheduled, the witness is given one hour's notice to appear. Law enforcement witnesses are placed on telephone (versus physical) standby for jury trials. For nonjury trials, all witnesses – civilian and sworn alike – must appear on scheduled trial dates, even though nearly all of these cases are in County Court where many are settled quickly.

◆ *Witnesses are responsible for determining case status.*

All witnesses are responsible for calling the office to find out if the case has been resolved before trial. This essentially creates a system of witness self-management.

VII. SENTENCING

There is potential for system blockage after sentencing because of the time required to complete paperwork to transfer inmates to the state prison system.

Delay in sentencing continues to be a problem.

The Clerk's Office currently has four staff people working on DOC commitment packets for which there is an office standard of five days for completion. Although management reports the standard is being met, logs for commitment packets for the month of June and July, 1993, indicate that delay in this time frame is not uncommon.²

The longest delay is in getting information verified. In July, only two percent of the cases had verified information within three days; only seven percent within four days. (This means that in July, only seven percent of the packets were prepared within the office time standard, assuming one day of preparation time.) The remaining cases were equally split between five to nine days and more than ten days for verification.³ Once information in a defendant's file has been verified, staff can complete a packet within one to two days.

Staff estimated that verification problems in 35 percent of the cases were due to incorrect information, such as wrong degree of offense, statute or sentence. Assuming this proportion is correct, the result is that the delay in approximately two-thirds of the cases is due to staffing shortages or problems in getting information out of the Clerk's system.

There is additional delay in the completion of commitment packets due to problems in getting the packets signed by the sentencing judge. About three-fifths of all the commitment packets completed in July required more than three days to be signed and returned to the Clerk's Office; nearly one-fourth of the packets remained unsigned for more than one week. The Clerk's five-day time standard is from the time the file is received (sentenced date) and sent to the judge. As a result, delays in getting the judge's signature are in addition to any delays in completing the packet within the Clerk's Office.

◆ *Information verification and obtaining judge signatures continues to delay commitment packages.*

VIII. CASE MANAGEMENT ISSUES

A. Caseload

Data reported by the Clerk to the state showed that of a total active felony caseload of 2,840 for the quarter ending March, 1992, 275 had been pending for more than 180 days. This is nearly ten percent of the overall caseload. This represents a slight increase over the previous year.

There has been a significant increase in felony jury trials, which began over two years ago. In 1985, there were less than 100 jury trials, but this number increased to approximately 400 in 1988. In 1992, there were about 300 jury trials. Filing and disposition information for the circuit court are displayed in Figures 10.2 and 10.3 below.

Figure 10.2
Circuit Court Filings, 1978 - 1992

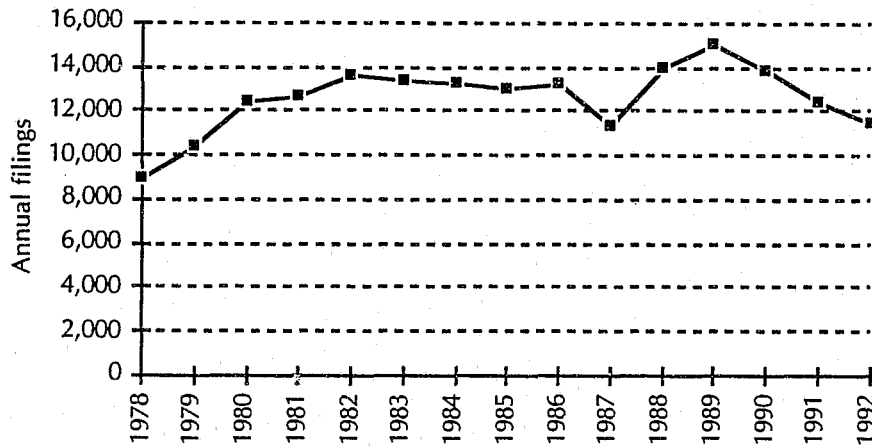
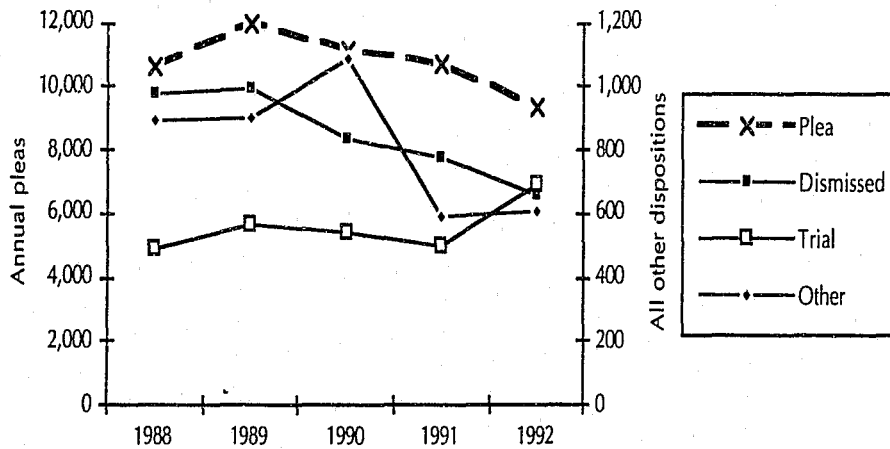


Figure 10.3
Circuit Court Dispositions, 1988 - 1992



In county court, the number of nonjury trials increased significantly in 1992 to just about 3,000 versus approximately 1,700 in 1991. Pleas have also declined significantly in county court over the period 1988 - 1992. The reasons for the significant increase in misdemeanor nonjury trials with the concomitant decrease in pleas is unknown. (Figures 10.4 and 10.5 below.)

Figure 10.4
County Court Filings, 1978 - 1992

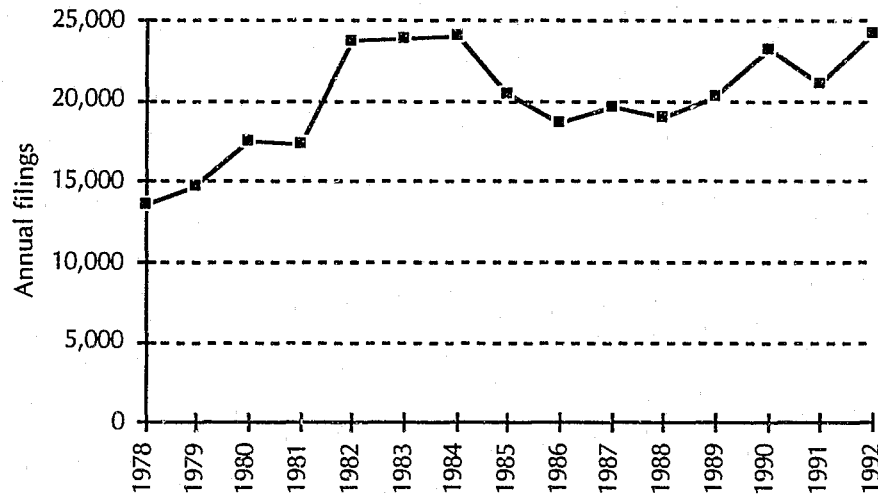
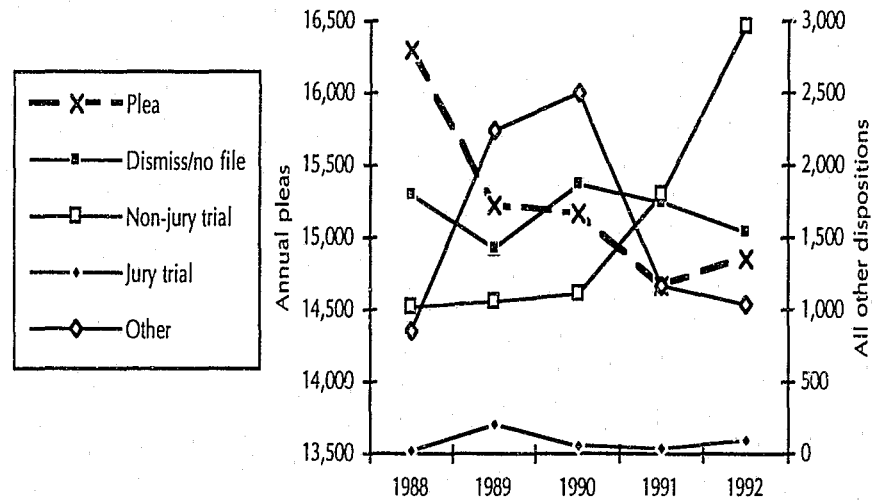


Figure 10.5
County Court Dispositions, 1988 - 1992



There is disparity between circuit division caseloads.

Because cases are assigned randomly by computer, the wide disparity between divisional caseloads suggests inconsistent practices from courtroom to courtroom. In Figure 10.6, 1993 monthly caseloads for all circuit divisions is compared. Figure 10.7 shows divisions with the largest and smallest caseloads to display the large difference in extremes. The lack of any common trend and the significant differences in caseload suggest major differences in efficiency and practice. Figure 10.8 shows average 1993 caseload by division. (In all cases random numbers have been assigned as division labels.)

Figure 10.6
1993 Monthly Circuit Court Caseload, By Divisions

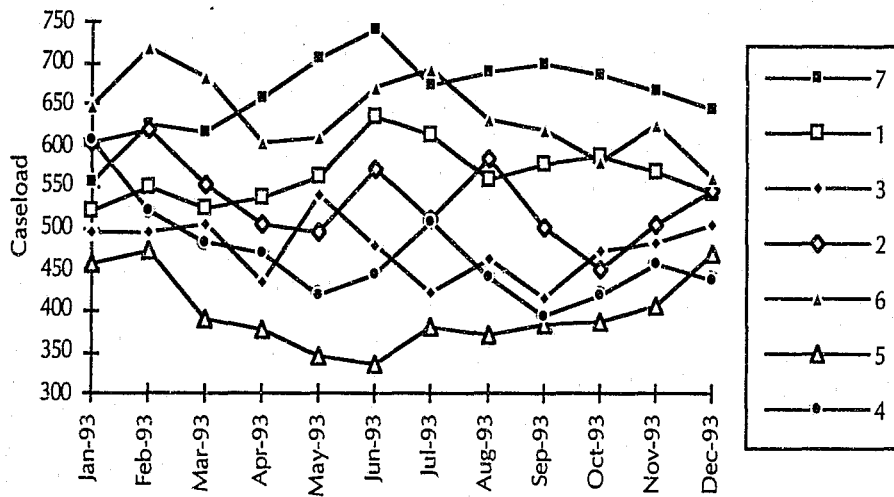


Figure 10.7
1993 Monthly Circuit Court Caseload, Fastest and Slowest Divisions

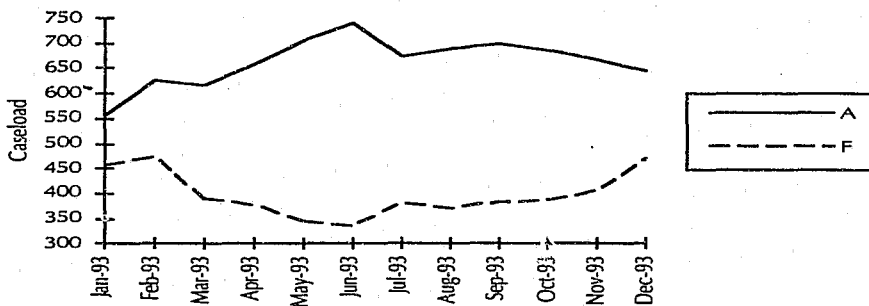
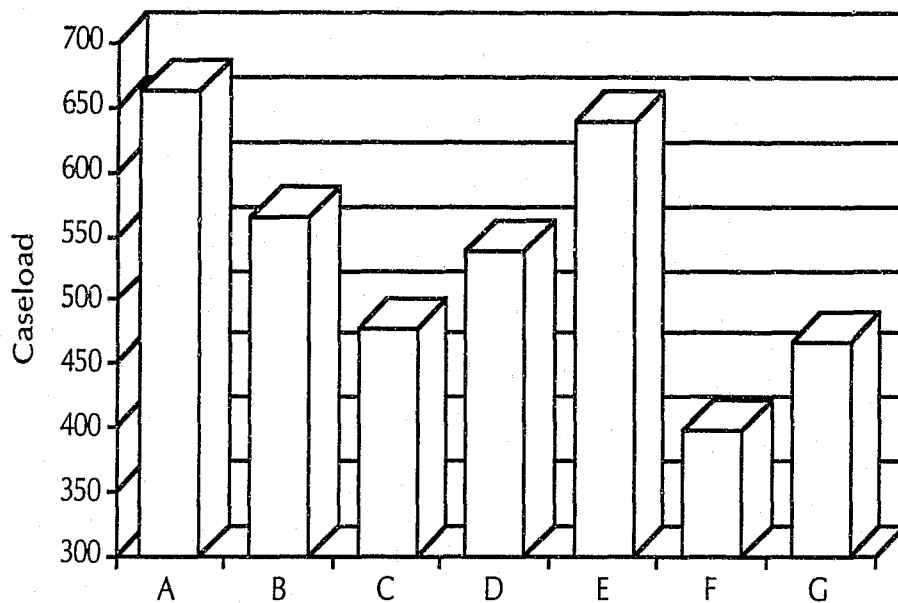


Figure 10.8
1993 Average Circuit Court Caseload, By Divisions



- ◆ *There are significant differences between criminal division caseloads that cannot be explained by disproportionate assignment of number or type of cases.*
- ◆ *Widely varying caseloads and backlogs among division result in widely varying amounts of time to adjudicate similar cases.*
- ◆ *Caseload information distributed to judges is difficult to interpret and read.*

The circuit court judges receive information on caseload which could substantially aid self-management of caseloads, but the information is confusing and includes several categories that judges do not have the time or interest to study.

B. Administrative Orders

Administrative orders carry the authority of the court in many areas, from allowing the Sheriff authority to extend the limits of an Inmate's confinement to setting courtroom procedure. They are, in effect, both a management tool of the bench and the articulation of the bench's role as interpreter of the law.

The current judicial administration has aggressively used administrative orders to effectively expand and encourage the use of alternatives to incarceration in Hillsborough County. Though several orders have been promulgated to standardize the practices of the criminal courts, these

orders have been less effective since they have not been uniformly adopted by members of the bench.

◆ *Administrative orders are not regularly followed.*

In interviews, some members of the bench stated outright either their decision not to comply with administrative orders, or a lack of awareness of those orders. Furthermore, attorneys interviewed could not identify or were unaware of the provisions of the key administrative orders regarding original court procedure. Administrative orders are only as strong as their support among all members of the bench (in administrative orders covering court procedures and policies). Because judges are independent officers of the state, it is impossible to mandate uniformity of courtroom practice. Instead, the most effective courts in systems like Florida's are those in which the bench is able to build consensus and develop administrative orders that have widespread support.

Administrative orders are not consistently supported or followed.

C. Information Automation

There are some problems in the acquisition and transfer of criminal case information. Most of these lie with the Clerk because the office is the repository and manager of official records, although this does not imply negligence on the Clerk's part.

Although automation in criminal justice has long been a concern of the Clerk's office, there are gaps in its application. This is nowhere more evident than in the way court proceedings data are entered. In lieu of separate documents which go into a defendant's file, created in the courtroom either by computer or by the courtroom clerk as done in some other jurisdictions, the results of court proceedings are entered directly by hand onto the computer-generated docket. These dockets will have several cases per page. As a result, there are no hard copies of any court minutes in any files. Instead, a shift of Clerk staff comes in at night (4 pm to midnight) to enter the handwritten minutes on the dockets into the computer.

Such entry, however, is only done for the Circuit Court. Courtroom clerks assigned to County Court have to make their own entries regarding that day's court proceedings. These entries are written on the inside cover of the file for each case that was on the docket.

However, in the Clerk's defense, it must be noted that the speed of courtroom proceedings, especially at preliminary presentation, makes this a difficult technical problem. The problem is under study, and new techniques such as bar coding for immediate file access may make it feasible.

The lack of information that is both readily accessible and accurate can cause delays in several ways.

- When a person is arrested on a new charge but had been placed on probation on another case several years ago, or the judge or State Attorney wants to review the old case for sentencing purposes, the file must literally be rebuilt from information on microfiche, since case automation was inadequate before 1989. The time required to rebuild a file adds to the overall adjudication process. Since cases after 1989 are accessible, this problem will recede over the years.
- The computer system contains old warrants and capias going back to 1986, the last time the system was purged. There is no procedure for initiating a purge which requires a court order requested by the State Attorney. Old warrants may cause delays in the disposition of traffic and misdemeanor cases. The preliminary presentation judge is unwilling to dispose of cases involving FTAs because he does not know the age of the capias. In these cases, it will be sent back to the issuing judge. Because the defendant must wait until the next available hearing date on the issuing judge's calendar, there can be a delay of at least one week simply to determine the disposition of the capias.
- ◆ *While the Clerk's office overall is highly automated, the criminal justice functions of this office and of the courts is not.*
- ◆ *The county's Criminal Justice Information System group is a productive forum for obtaining tangible solutions to existing problems. The group does not, however, have a planning focus to discuss long-term automation goals and needs.*

IX. SPECIAL CASE TYPES

The following discussion looks at the kinds of cases that contribute the most to unnecessary delay or use of court resources. These are domestic violence, worthless checks and drivers' license suspensions.

A. Domestic Violence Cases

Domestic violence as a category of crime makes up a significant proportion of the offenses of the misdemeanor inmates studied.⁴ The courts have already identified the seriousness both of the act itself and the impact of these cases on the court system by beginning establishment of a domestic violence division.

In terms of criminal justice system impact, domestic violence offenders are intensive users of jail and court resources as a direct result of intake,

prosecution, diversion and sentencing practices. Because of the seriousness of this particular kind of violence, which is not random or short-term, the criminal justice system response must be coordinated, explicit and comprehensive.

The State Attorney has a de facto policy to file charges without necessarily contacting the victim. This filing practice clogs both the court and corrections systems: one-third of a county judge's docket might involve domestic violence, yet up to three-fourths of cases will be dismissed or nolle prossed (dropped by the State Attorney) due to witness unavailability at the time of trial. Thus, the intake and prosecution of these cases has not yet proven effective in facilitating long-term change in the offender.

Second, the involvement of the courts in many instances of domestic violence may have as much to do with public outrage over this crime as the effectiveness of the court in ending the violence. Use of diversion, development of a wide range of treatment options and counseling, and other alternatives which emphasize offender *change* versus offender *punishment* usually garner little public support. This places all actors of the criminal justice system in a precariously balanced position: arrest, jail and prosecute the batterer or divert the offender and risk fostering a perception that justice is not being done?

Third, all but one of the cases involving domestic battery in the tracking sample obtained pretrial release in less than one day by posting bond. Bond does not provide conditions or supervision which can adequately protect the victim where such a risk exists. However, the county does not have a pretrial release system which could place such offenders on conditional release (e.g., supervised ROR) with a restraining order or other safety mechanism. Where domestic violence is an issue, supervised ROR releases provide more protection to the victim through the imposition of conditions, such as no contact with the victim, in contrast to bond releases where there is no supervision of the offender or protection of the victim.⁵

Fourth, there is only one main treatment option, SPRING, Inc., noted by local justice representatives. This 26-week program for convicted offenders bills itself as education and not a *treatment* program, and it does not offer different approaches for different types of offenders – long-term, first-time offender, sibling, parental, and gay partner violence.

◆ *Domestic violence is a serious problem in Hillsborough County both in the numbers of cases that come through the court system and in the lack of a comprehensive strategy to combat this phenomenon.*

There has been significant national study on strategies for successfully addressing domestic violence. Two key issues are the effectiveness of an arrest policy and the consideration of domestic violence as a serious

The practice of presenting cases without contacting the victim backfires and exacerbates court backlog.

Public perception of and reaction to domestic violence can drive policy as much as the crime itself.

Most persons booked into jail for domestic violence bond out with no supervision.

crime.⁶ That is, actions which confirm in the mind of the abuser that this kind of violence will be taken seriously and prioritized by the community generally have the most success in limiting repeat violence.

There is no systematic response to domestic violence. The result is inefficient use of the courts and inadequate treatment and punishment of the offender.

The Hillsborough County system is paralyzed by the lack of an orchestrated response by involved agencies. Ironically, individual agencies take a very serious approach to domestic violence, but the combined impact is a fragmented, inconsistent result. Most batterers are released in less than a day by posting bond, and prosecution does not consistently produce a high number of convictions and treatment program placements. At the same time, court time and jail space is heavily used.

◆ *Domestic violence is a social as well as a criminal problem.*

The ability of the justice system alone to solve domestic violence is limited if the factors which motivate this type of victimization are not also addressed.

◆ *Case processing for domestic violence offenders is treated alike across the board regardless of the strength of a given case.*

State Attorney screening of these cases may not result in higher conviction outcomes. Furthermore, standardized treatment of a crime in which there are many levels of seriousness subverts getting the most appropriate treatment option. This approach may also alienate the victim's willingness to participate if it is felt that prosecution will not really change anything and may, in fact, produce retaliation.

◆ *There are no diversion options for domestic violence offenders; there is a reliance on one program to handle sentenced offenders.*

The first opportunity for an offender charged with domestic violence to get treatment is at the end of a potentially lengthy court process. By this time, the offender may have been arrested, taken to jail and waited in custody (perhaps losing employment) to find himself sentenced to the only program option available in the county. Second-time offenders may be reordered into the identical program. Where it failed once, it will likely fail again.

In addition to the work of the courts, domestic violence has received attention from other agencies, community groups and the public. The most notable manifestation of this is the Hillsborough County Needs Assessment - Household Violence Task Force. This group includes representatives from various constituencies and was formed along with several others as a part of the overall Hillsborough County Needs Assessment Partnership which created groups to address the wide range of human service needs of the county. The commitment of the entire

community and its desire to create strategies to combat household violence is thus well demonstrated.

The energy and infrastructure that currently exist can be harnessed now to address the specific findings of this report:

- Domestic violence offenders make up a significant proportion of the jail's inmate population;
- Lack of a dedicated "domestic violence" offenses statute makes identification of these cases more difficult;
- There are few programs that exist in Hillsborough County to meet the identified need for service;
- Of programs that exist, there are no treatment and expectation standards established jointly by, or in consultation with, all of the groups involved and affected by this crime.
- Agencies are working hard on this issue, but without maximum coordination that would provide a "continuum" strategy of responding to this kind of violence in a proactive manner and in diverse ways;
- There are several different coalitions without a single committee having precedence, thus diluting system-wide goals for obtaining consensus and implementing solutions; and
- A group that includes decision makers from affected groups and public offices is not yet in place.

B. Worthless Check Cases

Many worthless check cases involve unserved summonses, where written notice of a court appearance is sent to the defendant, but there is no formal service of an information being filed. If the defendant fails to appear, a capias is issued and the defendant can be booked into jail.

Persons arrested on worthless check charges with unserved summonses are routinely released ROR at preliminary presentation. The cost to the county of this overall process for a relatively minor crime is large. One cost is use of jail beds: one overnight stay in the jail is approximately \$52. Because of the large number of cases with unserved summonses, the total cost is quite substantial. Over three-fourths of the misdemeanor worthless check cases in the tracking sample had unserved summonses.

Using 1993 annual bookings (42,000) combined with ILPP's inmate tracking analysis, one has a rough idea of the costs involved. The tracking analysis says 54 percent of bookings were for misdemeanors (22,680). Two percent of these bookings were for worthless check cases with unserved summons (454), which at \$52 each, costs \$23,600 annually.

The cost of worthless check processing is misplaced system priorities.

Other costs inherent in worthless check processing are equally substantial. These include the costs of booking and classification and use of law enforcement personnel to arrest and transport defendants. Finally, there is an opportunity cost of having these non-violent, minor offense capias crowding the overall workload of the Sheriff's warrant section, which at the time of ILPP's site visit had approximately 69,000 active capias.

Worthless check complaints are consistently made by the same small number of merchants. Furthermore, failures to appear in court are almost guaranteed by the low number of correct addresses provided in complaints when an unserved summons is unintentionally ignored (if it is sent to the wrong address). It appears that some merchants are using the criminal justice system as a collection agency, at no cost to the business but at great cost to the criminal justice system.

C. Driver's License Suspensions

The criminal record-keeping by the Clerk's Office is allocated among the traffic, misdemeanor and felony divisions.⁷ Of these three, traffic appears to be the most automated. In addition to its own computer system, the traffic division is connected to the DMV in Tallahassee, giving it the ability to suspend or reinstate driver's licenses. The Clerk can reinstate driver's licenses in cases involving a Hillsborough County traffic ticket or where the license was suspended due to a failure to pay a fine or to appear in court.

The Clerk has the authority, based on an administrative order, to grant a 30-day extension of time to pay fines on traffic infractions or in cases where the court has set another payment date. After 30 days, if the fine for a traffic infraction has not been paid, the computer will automatically prepare a D-6 (the form used to notify DMV to suspend a license). The Clerk will hold the list for one day before sending it to Tallahassee.

Traffic license cases drain resources throughout the entire criminal justice system and perpetuate backlog.

However, for *criminal* traffic tickets, the computer will generate both a D-6 and a capias if the person fails to come to the Clerk's office to set a court date within ten days of receiving the ticket. The D-6 will be held for 30 days, but the capias will be issued immediately. Many people are booked into jail on outstanding FTA capias for criminal traffic offenses. Bookings in these cases represent situations where the person was not guilty of failing to appear in court but simply failed to schedule a court date. (Note: The capias issued for failure to set a court date occur only with tickets for a criminal traffic violation which cannot be resolved without a court appearance.)

- ◆ *The issuance of capias for traffic infractions results in unnecessary expenditure of criminal justice resources and jail use.*

Law enforcement agencies are sent copies of the courts' arraignment calendars which gives them court dates based on the arrest date and the courtroom based on the person's last name. Traffic FTAs which are the result of a failure to set a court date could be avoided by having the arresting officer enter a court date on the ticket.

The issuance of a capias where there is a failure to pay a fine multiplies the impact of these cases on using court and correctional resources. Generally, the fine is not recovered, nor is the cost of taking up jail space and court time.

X. RECOMMENDATIONS

The Hillsborough County court system boasts of many efficiencies including judges specializing in preliminary presentation and trials and a drug diversion court. Even greater efficiencies with specific impact on reducing jail population could be achieved through:

1. A court-wide differentiated case management system (fast tracking of common cases that do not typically go to trial);
2. Serious commitment backed up with judicial enforcement of making all court appearances meaningful. Specifically, preliminary presentation and arraignment should be scheduled and structured to encourage appropriate pretrial release and plea decisions;
3. Automation improvements in the criminal court system; and
4. A system-wide strategy for dealing with domestic violence that does not unnecessarily, or to the detriment of victims, involve the courts and correctional systems as the first and only response.

A. Preliminary Presentation

- ◆ *Recommendation: Transfer responsibility for pretrial release recommendations at preliminary presentation to a pretrial release agency.*

This agency is described in Chapter 9, Alternatives. Use of preliminary presentation as a way to improve optional use of the jail should be unaxiomized, but this function would be most efficient if coordinated with an agency that routinely collects the data necessary to make release decisions.

- ◆ *Recommendation: Revise the policy for handling FTAs to screen out nonserious cases as early as possible.*

To do this requires:

- Giving the preliminary presentation judge explicit authority to deal with certain FTA capiases, such as those involving traffic offenses and other minor misdemeanors, including public nuisance offenses and ordinance violations;
- Eliminating the practice of no-bond orders in FTA capiases; and
- Establishing uniform policy for setting bond on FTA capiases. (Through administrative order, a bond of \$1,000 is set for misdemeanor FTAs. In practice, where bond is set on misdemeanor FTAs, it is two times the original bond amount for the given charge. Some jurisdictions have established sliding scale bond schedules based on number of FTAs.)

◆ *Recommendation: Increase involvement of the preliminary presentation judge in formal and informal county court meetings.*

Although the judges in the five county criminal divisions meet regularly, at least informally, a greater effort should be made to include the preliminary presentation judge in county court meetings to discuss and formulate court policy.

B. Intake

◆ *Recommendation: Reduce filing times by creating clear guidelines and goals in the screening of different case types.*

Efficiency of intake has a direct impact on efficiency of jail bed use. Delays in intake decisions directly result in more jail use. The State Attorney's Office has demonstrated a commitment to system efficiency and recognized its role in population management but has not created specific guidelines to allow for successful implementation of its plan to reduce filing times. A revised plan that sets goals and screening standards for different categories of cases will more likely produce reduced filing times without a reduction in the quality of filing decisions.

In addition to simplifying the record tracking process during a case, having separate files for each defendant would also make it easier to prepare and verify information for DOC packets.

C. Arraignment

◆ *Recommendation: Implement a differentiated case management system ("fast tracking").*

The following types of charges have been successfully diverted to a fast tracking system in other jurisdictions and would be appropriately diverted

in Hillsborough County, based on the types of detainees ILPP observed in the jail system:

- Technical violations of probation;
- Worthless checks, including forgery and fraud;
- Drug possession;
- Burglary; and
- Felony theft, including dealing in stolen property.

Differentiated case management separates categories of cases that are both high volume and dealt with in a standard way. All of the cases listed above meet these two criteria. Fast tracking generally works to streamline the adjudication process, thus effectively using judicial resources and minimizing excessive jail time by speeding discovery and arraignment. Such a program could be designed to allow participants to opt out at any time and rejoin the standard schedule of adjudication through motion to exclude evidence or demand for more discovery than allowed under the fast tracking program (e.g., affidavits, witness statements, drug test results).

The rationale for such a program recognizes that for a category of cases which almost never end in trial, an adjudication process which is entirely geared toward trial preparation is inefficient and ineffective. Egalitarian policies towards both straightforward and complex cases limit the amount of time available to hear trials and extend the amount of time realistically needed to dispose of simple cases. Misdemeanors are excluded from consideration here because although of high volume, Hillsborough's county courts generally dispose of these rapidly already.

Orange County recently implemented differentiated case management in all of its circuit criminal divisions. Development and research for the program were supported through a technical assistance grant from the State Justice Institute. The grant also provided on-site support by a judge from a jurisdiction that had successfully initiated fast tracking.

◆ *Recommendation: Include a formal policy for allowing pretrial release when there is substantial evidence that a case will be dismissed for lack of evidence.*

Pretrial house arrest or a supervised ROR program would be particularly effective in these cases.

D. Trial

- ◆ *Recommendation: Place all witnesses on telephone standby, regardless of whether the trial is jury or nonjury.*

Most cases in county criminal court are set for nonjury trial, requiring physical attendance of witnesses, regardless of whether a trial ultimately happens or not. For law enforcement personnel, the cost of this requirement is removal from patrol duties. For civilians, the cost is inconvenience and possible time away from employment and family duties.

- ◆ *Recommendation: Upgrade current operations to be more consistent with modern jury management and/or establish better liaison with the courts to determine how many jurors should be summoned to meet the courts' trial needs.*

Emphasis should be given to creation of a potential juror pool that is most representative of the local community; this requires selecting names from several types of lists.

Review jury management operations in other Florida jurisdictions and request technical assistance from the state for development of a modern jury system. (Federal grants are also available for such programs.)

Establish formal procedures between a jury management program and the courts to determine need for jurors on a given trial day and to review current schedule of starting trials on Mondays and Wednesdays.

Determine whether a policy of selecting all juries on Mondays to serve later in the week will eliminate the need to have jurors appear on Wednesdays.

E. Sentencing

- ◆ *Recommendation: Develop procedures for follow-up after a state prison commitment packet has been sent to the judge for signature.*

- Establish a working committee, which includes a representative of the courts, to determine the reasons for delays in obtaining a judge's signature on the completed packet.
- Designate a member of the Clerk's staff to follow up with judges or their judicial assistants to ensure that a DOC packet is signed within two days of receipt.
- Set a goal of two days for obtaining the sentencing judge's signature.

- Provide Clerk's staff with the judges' periods of nonavailability, including vacation schedules, to allow staff to prioritize preparation of commitment packets so they can be signed within two days of completion.

F. Case Management

- ◆ *Recommendation: Redo criminal court procedure and other key administrative orders through a consensus of users.*

The Family Law division of Hillsborough County, led by the Administrative and Chief Judges, convened meetings of the bench, the private bar and other key "users" of the family court to produce a set of administrative provisions (AO 89-28, Administrative Provisions for Family Law Division). This administrative order is effective for a variety of reasons. First, it was developed by a representative group that would have to abide by the provisions. This allowed for a comprehensive assessment of what areas could most usefully be addressed. Second, by including different groups (judges, attorneys, etc.), the final product represents a consensus of users instead of a unilateral order mandating behavior.

While a similar document exists for the criminal divisions, it is not consistently followed. Evidence of this comes from great variations in disposition times and caseloads among the various criminal divisions and anecdotally in comments by judges and attorneys.

Creating a uniform approach to criminal court proceedings need not be a circumvention of individual judicial discretion, but it can improve backlog and judicial morale. Finally, it can reinforce the idea of equal justice by treating similar cases the same.

The following areas should receive focused attention:

- Encourage participation, especially by all members of the criminal bench, with input from the local bar, the Clerk of the Circuit Court, the State Attorney and the Public Defender.
- Establish priority for cases where the defendant is in custody by shortening time frames between time of arrest and arraignment and in setting pretrial conferences and trials. Require discovery to be completed in shortened time, e.g., one month as opposed to two months.
- Establish a strict policy for granting continuances by requiring good cause and setting forth definition of good cause by administrative order. Require all attorneys to file motions for continuances when one is requested at least two weeks in advance of hearing. Have the court administrator track the number of continuances requested and reasons for requests to identify areas for refinement and better case management.

- Establish general time frames for setting arraignment, pretrial conferences and trials consistent with state standards of resolving all felony cases within 180 days and all misdemeanor cases within 90 days. (This would be responsibility of court administrator.)
- ◆ *Recommendation: Reorganize caseload information distributed to judges to improve clarity and include only those areas judges find most useful.*

This would comprise at least the following information by division:

- Pending cases;
- Cases pending in third, fourth or more pretrial conference;
- Jury trials for the current year;
- Cases pending over 120 days; and
- Cases pending over 180 days.
- ◆ *Recommendation: Review information needs of the criminal court process, identify and implement a computer system that will allow for greater information availability and reliability.*
- Establish an ad hoc committee to evaluate existing problems with access to and accuracy of court data and information.
- Review data collection and input operations of other Florida counties and other jurisdictions to identify a computerized system for inputting court proceeding information directly into a computer located in each courtroom. This system should be responsive to Hillsborough's specific needs and organization.
- Set a goal to modernize the computer system to meet the county's needs in the future and to eliminate duplication of efforts.
- Include a representative of the State Attorney's Office on the committee to ensure that information problems, such as incorrect charging documents and informations that name multiple defendants, can be resolved.

G. Special Case Types

1. Domestic Violence

- ◆ *Recommendation: Create a domestic violence task force which includes all representative groups to create specific, system-wide strategies and goals for this type of violence.*

A broad recommendation with additional suggestions is presented below. This recommendation presents only a limited number of possible goals developed from a review of the Hillsborough County situation. Recent feedback from several agencies in the County's Public Safety Coordinating Council raised excellent additional goals. These include the use of a domestic violence task force to take on a broader focus (than the criminal justice impact of domestic violence) by addressing the family as a social support structure, sex education and other issues which would create a genuinely proactive approach. This broadened focus recognizes that domestic violence is not an isolated condition without a source or consequence. The task force, once it is convened must clearly identify what its mission shall be and therefore what strategies it will pursue.

1a. Designate a task force.

Membership should at least include representatives with policy- (and decision-) making power from the following groups: the Clerk of the Circuit Court, the State Attorney, the Public Defender, the HCSO Detention Department, law enforcement, the courts (Chief Judge), victim advocacy organizations, battered women's shelter operator, and probation departments (felony and misdemeanor level).

1b. Define goals and targets.

- Victim protection.
- Consensus on treatment standards and success definitions.
- Availability and variety of diversion and sentenced treatment options.
- Ability to immediately criminally prosecute upon failure of treatment programs or repeat violence.
- Efficient use of judicial time.

1c. Develop strategies.

- Define what will be considered spouse abuse/domestic violence.
- Create mechanisms for easy identification of these cases (e.g., a check-off box on the criminal report affidavit).
- Create mechanisms for prioritizing cases (e.g., a domestic violence prosecution unit for misdemeanors).
- Coordinate law enforcement protocols to assure a consistent community response. Determine procedures

for on-the-scene investigation; criteria for booking; criteria for allowing pretrial release or setting bond; time-frame to assure prompt submission of cases to the State Attorney and expedient referrals of victims to appropriate service agencies; and requirement to submit arrest reports whether or not the victim is "cooperative."

- Establish prosecution policies. Seattle (King County, Washington) has an automatic prosecution policy for incidents which resulted in an arrest. In calls which do not result in an arrest, the victim is contacted and all options, including legal ones, are discussed before a prosecution decision is made.
- Observe model programs in other jurisdictions (e.g., Pinellas County is currently in the process of establishing a domestic violence task force).

1d. Monitor effectiveness and adjust accordingly.

- Review adherence by treatment agencies to established standards, and withhold referrals to agencies not meeting standards.
- Monitor violations of restraining orders and other conditions of pretrial release.
- Review conviction rates.

2. Worthless Checks

◆ *Recommendation: The State Attorney should review diversion goals and work with local merchants to improve complaint practices.*

Local merchants who consistently refer worthless check complaints should be targeted for revising check acceptance practices, placing the burden of address and telephone verification on the business and not on the criminal justice system. The State Attorney could also impose processing fees. This will facilitate a lower rate of FTAs for these offenders, directly impacting jail space use and other system resource allocation.

Review of the State Attorney's diversion program for worthless checks should focus on overall goals for ending the cycle of writing bad checks. In some cases, restitution may be more effective in righting a wrong than a diversion program. For repeat serious offenders, the diversion option should provide incentives to participate. For some, the cost of paying for the diversion program and committing the time for classes is more of a burden than taking a chance on going through the court system and ending up with a judgment of restitution and little more.

3. Driver's License Suspensions

- ◆ *Recommendation: For criminal traffic infractions, have the arresting officer list a court date directly on the ticket. Alternately, the Clerk could modify current practice by issuing a notice of delinquency within ten days (instead of a capias) warning the offender that a capias will be issued and the license will be suspended in 30 days.*
- ◆ *Recommendation: For noncriminal traffic infractions, send a courtesy notice to take care of the ticket or face a license suspension.*
- ◆ *Recommendation: Contract out fine collection with a private collection agency by turning traffic capiases into civil assessments.*

The current practice of issuing an arrest capias on delinquent fines and driving with a suspended license often backfires: the fine is not collected and additional costs are incurred in the expensive process of issuing and serving a capias and then making use of jail space. Thus, the county actually spends more money, and there is no punishment of or restitution by the offender.

An innovative program in a small, municipal (county) court in San Diego, California, could end the escalating cycle of costs resulting from these capiases in Hillsborough County. Civil assessments are issued in lieu of warrants in minor misdemeanor cases and infractions. Collection of fines is contracted out to a private collection agency which keeps 35 percent.

The program in San Diego includes misdemeanants (e.g., DUI, DWLS and petty theft) delinquent on payment of criminal fines, and traffic and other infraction offenders (failure to appear on citations). California statute allows for a civil assessment of up to \$250 in lieu of issuing an arrest warrant which is then added to the outstanding fine. In a seven-month period in 1993, the county collected \$1.7 million. This does not include the opportunity cost of avoiding the warrant process (issuing, serving, arrest). The county is now looking at turning its large backlog of outstanding warrants into civil assessments to reduce backlog in its warrant unit and to generate additional revenue.

Orange County is also implementing a civil assessment program and has added two staff to the Clerk's office to handle collection (COPS) with success. Palm Beach County is in the early stages of implementing this program and is using a private collection agency. Polk County has a similar approach except a private collection agency is not used. Collection is the responsibility of the Clerk. However, in that office, a large workload prevents the same rate of collection success as for a private agency. This has resulted in the transformation of a capias backlog into a collection backlog.

NOTES

- 1 State Statute specifies use of at least voter registration and Department of Motor Vehicle lists, but does not prohibit use of other sources.
- 2 Data are based on the July log; data for June were similar.
- 3 These breakdowns were used because the DOC commitment staff was nine days behind at the time of ILPP's interview.
- 4 Domestic violence is not a criminal offense; instead it is charged as an assault- or battery-related crime, which probably biases case identification low.
- 5 Bond in misdemeanor domestic violence cases is normally set at \$1,000.
- 6 Two major efforts supporting these findings are the Minnesota and New Jersey studies which quantitatively examined incidence of repeat violence in cases where an offender has been arrested.
- 7 Until February, 1993, the misdemeanor and felony divisions had been consolidated.

PART III
SPACE USE ASSESSMENT

11.

Correctional Facilities Analysis

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Correctional Facilities Analysis

I. OVERVIEW

A. Study Objectives and Summary

This chapter reviews the existing space use of the county's detention system and recent planning studies addressing the corrections system and presents and analyzes options for addressing future facility size and configuration. The planning analysis documented in this report takes into account important changes in both policy and inmate profile that have taken place since the completion of the *County Jail East Facility Master Plan* (HOK, 1992) and thus significantly modifies past planning assumptions. Findings and recommendations focus on how the county can meet any immediate and longer term jail bed need in the safest and most cost-effective way.

The correctional space use analysis assesses the impact of changes in the inmate population on existing and future jail bed need.

A summary of key recommendations follows:

1. First, maximize efficiency in inmate population management through implementation of recommendations throughout this report to manage jail crowding and public safety aggressively in light of available resources.
2. Revise the *County Jail East Facility Master Plan's* Inmate population projections to reflect more realistic growth. Recent observations of jail population suggest it will not increase by 253 percent between 1992 and 2010, as predicted in the jail east master plan.
3. Aggressively pursue cost-efficient approaches to meeting short-term or urgent jail bed needs, such as increasing jail system capacity at the Orient Road site by double-bunking to obtain 192 more beds and continuing to monitor Orient Road site expansion possibilities.
4. Close the Morgan Street Jail, which is extremely staff-inefficient due to its obsolete physical configuration, and prepare to develop a **replacement facility** when needed. **The lower operating expenses of a staff-efficient replacement facility will pay for its construction costs in approximately 42 months, allowing major operating savings to begin accruing before the fourth year of jail operation.**
5. Retain the Falkenburg Road site for future corrections use.
6. Design new jail facilities to fit the actual security level breakdown of the jail population, rather than for a maximum security (highest cost) population. Design, construction and staffing

costs for a maximum security facility are typically twice the cost of a minimum security facility.

7. Design any new jail facility to be part of an entire jail system, rather than a stand-alone facility. Duplicating all support systems and services at each facility is not cost effective. Special populations and services (e.g., medical) should be integrated into the jail system as part of an individual facility, rather than part of each facility.

B. Assumptions

The recommendations for the detention system master plan component are based on the following assumptions.

1. The county will incorporate at least some of the population management recommendations made earlier in this report to lower the number of jail beds that are required within the system.
2. Inmates will be housed in units designed specifically for their security classification. In particular, lower cost minimum security housing units will be provided for inmates in that classification.
3. Special population housing and programs, such as a medical infirmary, will be consolidated into one facility to avoid duplication. (ILPP does not make assumptions about whether this should occur at ORJ or another facility.)

C. Study Questions/Issues

The following questions guided the review.

1. Do the recent facility master plan studies of the county's detention needs adequately address system needs and long-term cost efficiency?
2. How should the master planning efforts be adjusted or refined in order to achieve higher levels of cost effectiveness in both construction and operating costs while maintaining high detention facility standards and the direct supervision management approach?

How should the Falkenburg Road jail master plan be adjusted to maximize cost effectiveness and accurately respond to jail bed need?

D. Methodology

The following steps were taken to review and analyze detention system facility planning:

- Site visits to existing Hillsborough County Sheriff's Office detention facilities at Morgan Street, Orient Road and Falkenburg Road, and the Work Release facility;

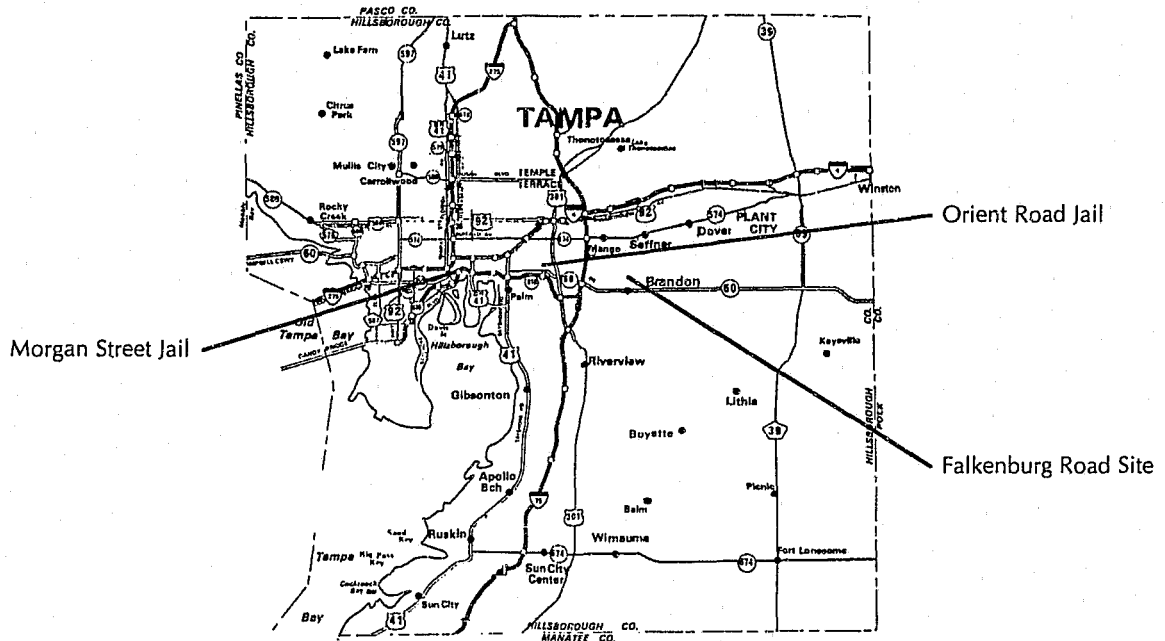
- Extensive interviews with Detention Department administrators;
- Document review of the following:
 - * *Jail Capacity Study* by the Direct Supervision Institute, June, 1992;
 - * *Proposed Hillsborough County Jail East Facility Master Plan and Programming* by Hellmuth, Obata and Kassabaum, April, 1992;
 - * Relevant minimum detention facility standards of the state of Florida and the American Correctional Association;
 - * *Hillsborough County Corrections Population and Policy Research Study* by the Institute for Law & Policy Planning, July, 1993; and
 - * Inspector Dennis Williams, HCSO, Memo and Attachments re: HCSO Efforts to Expand Capacity of the Orient Road Jail, April 5, 1994 (see Appendix F).

II. EXISTING SPACE USE

The Sheriff's Office Detention Department operates four correctional facilities at three locations. The Orient Road Jail (County Jail Central) and the Work Release Center are both located about six miles east of downtown Tampa; the Morgan Street Jail (County Jail West) is located just north of the central downtown area. The temporary jail at the Falkenburg Road site has 384 beds, but only one 48-bed pod is open and houses approximately 30 inmates. The Detention Department also houses from 50 to 60 federal prisoners who are held for federal courts.

The county detention system includes four facilities on three different sites in the county.

Figure 11.1
Map of Hillsborough County Correctional Facilities



The system's rated capacity in October, 1993, was 2,276 beds. This number (which includes maximum, medium, and minimum classified inmates) was increased to 2,324 in December, 1993, after the Falkenburg Temporary Jail was staffed for an additional 48 beds.

Two recently completed expansion projects will add 457 beds when they are staffed and opened, bringing the total rated system capacity to 2,781 beds by April, 1994. One project added 121 beds to the Work Release Center. The other, construction of the renovated temporary jail modules that were relocated to the Falkenburg Road site, was completed by the end of 1993. When the rest of the modules are staffed, capacity will be increased by 336 beds, bringing total capacity of the Falkenburg facility to 384 beds. The breakdown by facility is summarized in Table 11.1.

Table 11.1
Bed Capacity by Facility

Facility	Rated Dec., 1993 Capacity	Spring, 1994 Additional	Rated 1994 Capacity
Morgan Street Jail	508	-	508
Orient Road Jail	1,714	-	1,714
Work Release Center	54	121	175
Falkenburg Temporary Jail	48	336	384
Total	2,324	457	2,781

Note: The 48 beds at Falkenburg Road were added in Dec., 1993.

Rated system capacity at the end of 1993 was 2,324 beds. In mid-1994, the rated system capacity will be 2,781 beds.

A. Orient Road Jail: 1,714 beds

The Orient Road Jail, a two-story, direct supervision facility, started operations in 1990. The original design capacity was 1,330, but due to severe overcrowding, the Detention Department decided to partially double-bunk the facility before it opened. This facility currently houses pretrial and minimum to maximum security sentenced male and female inmates. The Central Intake/Booking Unit for all county arrestees is located at this site, as is the administrative office of the HCSO Detention Department. Food preparation is carried out for this facility, the Work Release Center and the Falkenburg Road Temporary Jail. There is also a laundry which serves these three facilities.

The Orient Road Jail is the central jail facility, providing booking, classification, medical and other support services for the entire detention system.

Housing consists of 28 pods, with 48 cells in each pod. Twenty-four direct supervision pods are double-bunked so that 16 out of the 48 cells contain two beds, for a capacity of 64 detainees per pod. The Florida Department of Corrections approves all double-bunking. A cell can potentially be double-bunked if it is at least 63 square feet, inmates are rated at the same classification, inmates are allowed to be out of the cell for 10 hours or more each day, neither inmate is classified as dangerous, and several other specifications.

Table 11.2
Double-bunking at the Orient Road Jail

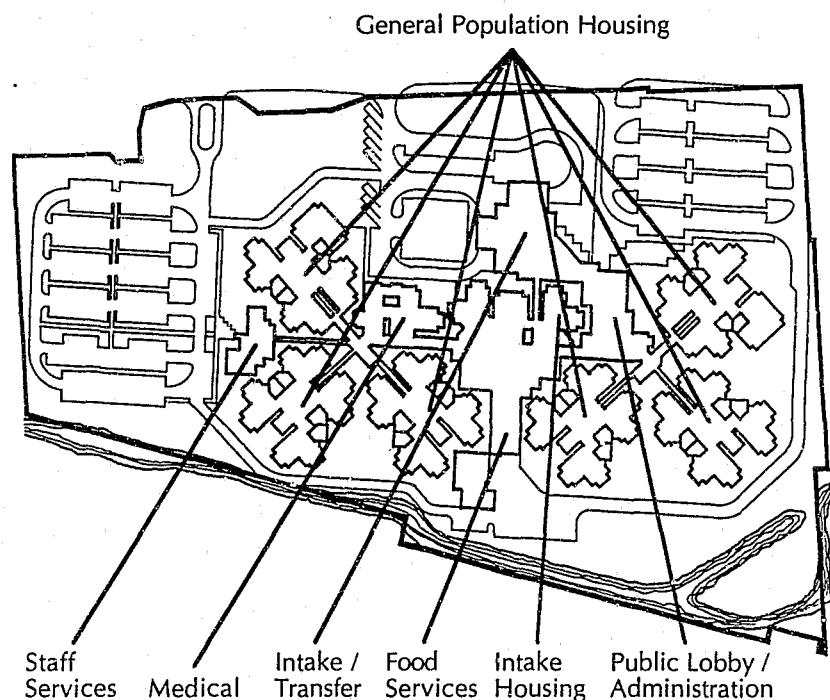
Single Cells	946
Double-bunked Cells	384
Total Number of Beds	1,714

One of these pods houses mental health inmates. Each pod contains an outdoor recreation yard, multi-purpose room, library, dayroom, reheat kitchen, shower room, visitation rooms, laundry room and an officer's station.

Three modified direct supervision pods, each containing 48 beds, are reserved for high security lockdown. These pods (one intake pod and one lockdown pod at each end of the complex) each contain high security furnishings and fixtures and a control station.

There is also one infirmary pod with 48 beds.

Figure 11.2
Orient Road Jail Site Plan

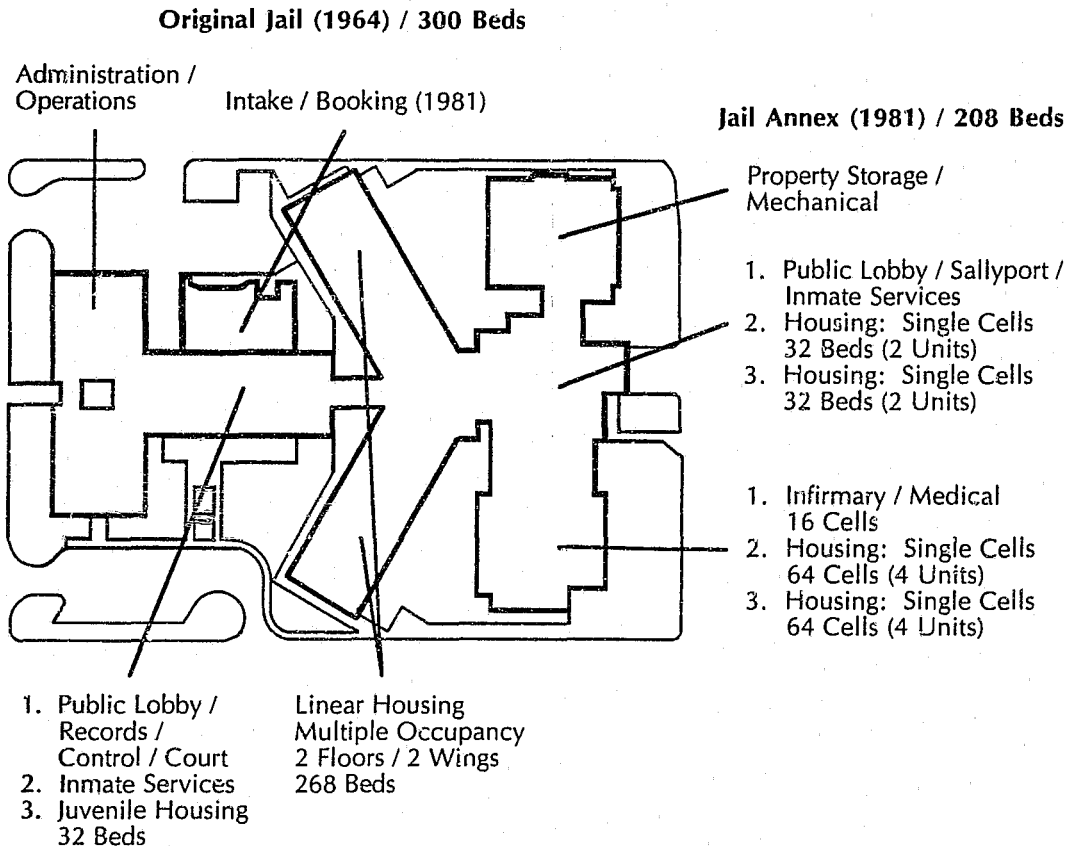


B. Morgan Street Jail: 508 beds

The Morgan Street Jail was the county's main jail from the 1960s. It is a traditional, linear configured facility.

The Morgan Street Jail is located at 1301 Morgan Street in Tampa, about nine blocks north of the downtown county complex. The facility was originally constructed in 1964 to serve as the main jail for the county. The original building includes detention administration, records, intake, 42 beds for juvenile housing and two wings of linear style, multiple occupancy housing with 268 beds.

Figure 11.3
Morgan Street Jail Site Plan



The 1981 addition, known as the Jail Annex, added 192 beds and a 16-bed infirmary to the jail. The Intake/Booking wing was also added in 1981 and is now used for the inmate learning center and classrooms, as well as housing for six inmates. (All intake functions are currently centralized at the Orient Road Jail.) The major components are on the first floor: control room, lobby, multi-purpose property storage and the infirmary. The second and third floors each include 96 cells configured in six 16-cell units.

The jail houses 50 to 60 federal prisoners, juveniles, and inmates who elect not to participate in programming or have demonstrated behavior problems.

C. Work Release Center: 175 beds

The Work Release Center has a bed space capacity of 175, but staffing limits hold occupancy to 54.

The Work Release Center is located at 1800 Orient Road, directly across the street from the Orient Road Jail. The building and site were formerly owned by the Florida Steel Corporation. The Work Release program started in 1982 with a maximum capacity of 54. In August, 1992, it was increased to house 80 to 90 inmates but was soon shut down due to staffing and funding constraints. The house arrest program has also been managed through the Work Release Center since 1986. In April, 1993, the center reopened with funding for one sergeant and nine deputies, along with two deputies to administer the house arrest program.

In November, 1993, the facility housed 19 work release inmates and 31 "pre-work release" trusty inmates, all male. The center is also in charge of 43 house-arrestees, although staff report that if monitoring equipment is repaired, this capacity could increase to 92.

This non-secure facility has staffing to support 54 inmates. Increases in staffing will bring the capacity to 175 by the end of April, 1994, of which 18 to 19 beds will be allotted for female inmates.

D. Falkenburg Road Temporary Jail: 384 beds

The county has designated a 142-acre site for jail system expansion. This site is located approximately 11 miles east of downtown Tampa. In 1991-92, a highly detailed *County Jail East Facility Master Plan* was prepared by HOK, including a site evaluation, inmate projections, staffing program and cost estimate. The proposal, which is reviewed in the next section, called for the construction, in four increments, of 1,024 beds for a total of 4,096 beds through the year 2010.

Temporary jail beds were ordered located on Falkenburg Road by the court in anticipation of continued jail crowding.

In anticipation of continued overcrowding in the county correctional system, given the difficulties in expansion at Morgan Street or Orient Road, and as a result of a court order, the Detention Department houses inmates in a temporary facility located at the Falkenburg site. The temporary jail relocation project was approved by the BOCC in the *1988-89 Capital Improvement Program*. Modular buildings were moved from the old Clark Avenue Jail site and placed on the southeast corner of the proposed Falkenburg Road Jail (County Jail East) site. The estimated remaining useful life of these structures is five to seven years, but a rigorous maintenance and replacement program could further extend the life of these facilities.

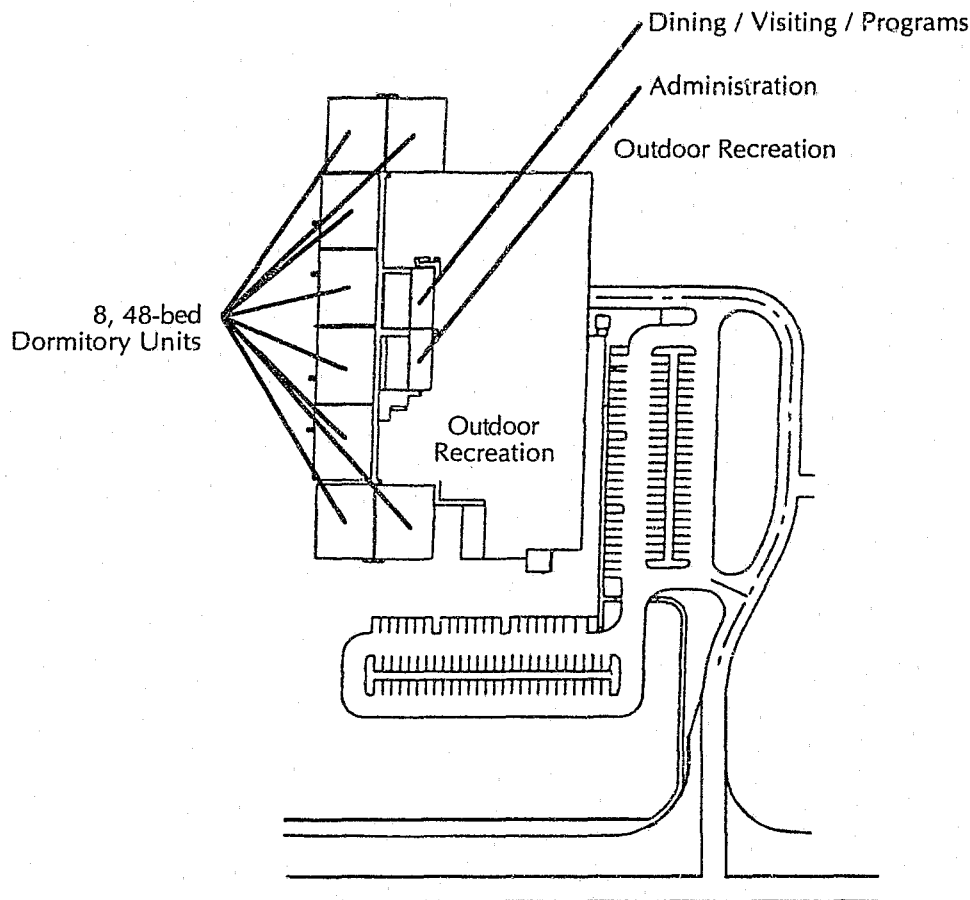
To allay concerns of nearby residents, the buildings were set back 200 feet from the road, and a 40-foot buffer was left between the road and the first of the double fences. In October, 1993, a goal of the HCSO Detention

Department was to start operations at one of the pods (48 beds) by the end of 1993. By December 31, however, there were only about 30 inmates housed in the facility and overall jail population was declining.

Detainees classified as minimum to medium security are housed at this location. The facility consists of two support pods (containing receiving/medical, property room, administration, and a staff breakroom) and eight housing pods. Each housing pod is a direct supervision open dormitory containing 48 beds, with a shower room, toilet room, food warm-up and dining room, and open dayroom. The facility's two outdoor recreation yards are shared by all housing pods. The total rated capacity of the facility will be 384 beds.

There are plans, based on the court's order, to expand current temporary beds on the Falkenburg Road site to 384 total.

Figure 11.4
Temporary Jail Site at Falkenburg Road



III. PROJECTED SPACE NEED

A. Inmate Projections

Inmate projections were developed based on evaluating arrest age groups, jail bookings, historical ADP and county population projections. The historical inmate population is given in Table 11.3. Three average-length-of-stay (ALS) growth rate scenarios (no change, slow growth, and ALS approaching 25 days) were postulated and a range of inmate projections were produced. These projections to 2010 in five-year increments are shown in Table 11.4.

Table 11.3
Historical Jail Population

Year	Historical Population
1975	1,091
1976	1,056
1977	1,022
1978	999
1979	922
1980	995
1981	1,204
1982	1,274
1983	1,289
1984	1,216
1985	1,323
1986	1,434
1987	1,544
1988	1,760
1989	1,988
1990	1,943
1991	2,157
1992	2,289
1993	2,135

Table 11.4
Projected Average Jail Population

Year	Low	Mid	High
1995	2,224	2,334	2,390
2000	2,304	2,644	2,930
2005	2,406	2,910	3,539
2010	2,497	3,130	4,202

ILPP projects that the inmate population in 2010 will be between 2,497 and 4,202.

B. Jail Space Need: 1994 to 2010

Actual number of jail beds needed are calculated by multiplying the inmate projection numbers by a peaking and classification factor. The classification portion of the factor is used because not every bed can be filled with a given population, due to the need to segregate certain types of inmates, such as those with mental health problems or contagious diseases. The peaking portion of the factor is used because the jail population "peaks" during the weekend and certain other times. The factor used here is 13.3 percent.

Since it is not possible to choose between the three growth rate scenarios without actually knowing how the ALS will change in the future, the bed space need was calculated for the "mid-range" projections.

Table 11.5
Jail System Capacity Need (based on Mid-range Projections)

Year	System Need
1995	2,644
2000	2,996
2005	3,297
2010	3,546

Using the mid-range inmate projections, the county will need a total of 3,546 jail beds in 2010.

C. Staffing Projections

Projections were made of the staffing for the Detention Department. A detailed description of departmental staffing history and how the projections were obtained is given in the Appendix.

The Detention Department has grown rapidly over the last decade, from 475 in 1984 to 938 in 1993. The percentage of sworn officers is high but falling slightly, from 83.2 percent to 78.6 percent over the same period. Year-to-year growth has been irregular, with the most recent large increase corresponding to the opening of the Orient Road facility. The growth rate has decreased markedly in the last two years and is approaching that of the county's general population.

Staffing projections for the jail are complex since they require making assumptions about jail expansion. Four scenarios are presented. The basic assumption is that substantial expansion of the jail population will occur by adding new facilities of the direct supervision type rather than by double-bunking the present ones. Still, there are two possibilities: Morgan Street can be retained, or it can be replaced. The latter course would require a capital investment but would result in substantial operating cost savings since the old jail requires a very high number of staff in proportion to the number of inmates.

In Scenario I, the Morgan Street Jail is retained, while Scenario II assumes that it is replaced by a new, modern facility. The new jail is assumed to require the same staff-to-inmate ratio as the Orient Road Jail.

Next, it is necessary to estimate the jail population. In an earlier report in this series, ILPP made several population projections. Two are utilized here; the "modified ALS" procedure gives mid-range growth estimates while "augmented bookings" is ILPP's highest projection. The figures have been updated with input from the Sheriff's Office to reflect the population history in the latter half of 1993.

Table 11.6
Projected ADP, Scenario I (Retain the Morgan Street Jail)

Mid-range Projection			
Year	ADP	New staff	Total staff
1993	2,135		857
2000	2,644	98	955
2005	2,910	162	1,019
2010	3,130	214	1,072
High Projection			
Year	ADP	New staff	Total staff
1993	2,135		857
1995	2,390	37	894
2000	2,930	167	1,024
2005	3,539	313	1,170
2010	4,202	472	1,329

Table 11.7
Projected ADP, Scenario II (Close the Morgan Street Jail)

Mid-range Projection			
Year	ADP	New staff	Total staff
1993	2,135		857
2000	2,644	98	891
2005	2,910	162	955
2010	3,130	214	1,007
High Projection			
Year	ADP	New staff	Total staff
1993	2,135		857
1995	2,390	37	830
2000	2,930	167	960
2005	3,539	313	1,106
2010	4,202	472	1,265

Under these scenarios the total jail staff in 2010 could run from 1,007 to 1,329, compared with 857 currently. Other scenarios are possible and the more extreme ones could extend the range still further.

D. United States Marshals Service (USMS) Cooperative Agreement Program

The inmate projections, jail space needs, and staffing projections discussed above do *not* include an allowance of contract beds for federal inmates in the county jail system, either those the county is currently in contract for, or any future increase in the number of federal inmates.

The county currently is in contract with Marshals Service for 50 beds. Federal reimbursement to the county for housing these inmates has two components. First, the county received \$2,000,000 in grant funds that was used as "seed money" for the Orient Road Jail construction project. In addition, USMS pays Hillsborough County a daily rate per inmate housed, currently \$58 per inmate day (approximately \$1,000,000 per year for use of the 50 beds).

While a full evaluation of the U.S. Marshals proposal is not within the scope of this project, ILPP considered the potential impact that additional federal inmates may have on local jail planning in order to frame the decision that the county will eventually have to make in accepting or rejecting the proposal.

The HCSO reports that there are from 200 to 300 federal inmates, some held as far away as Tallahassee, awaiting court proceedings at the federal courthouse in Tampa. It is obviously more cost efficient for the federal government to house these inmates in close proximity to the courthouse. The USMS has approached the Hillsborough County Sheriff's Office with a proposal to increase the number of federal inmates housed in county facilities by an additional 129 to 150 inmates (Cooperative Agreement Program).

Under the terms of the Cooperative Agreement Program, the USMS would award the county a construction grant of approximately \$4.5 million (\$35,000 per bed) in exchange for a guarantee of 129 beds reserved for federal prisoners for 15 years. In addition, the USMS would pay the actual cost of keeping the inmates in the jail system (approximately \$2.5 million annually) up to 150 inmates.

The operational cost reimbursement paid to the county by the USMS is \$58 per day, approximately the average cost of all inmates in the system. The Sheriff's Office has calculated that the direct operating costs per inmate day is \$40.22 at the ORJ and \$65.17 at the MSJ. Indirect costs add \$12.74

to ORJ and \$13.06 to the MSJ. Total cost per Inmate is \$52.96 at ORJ and \$78.23 for MSJ. The total averaged over all inmates in the system is \$58.25.

Cooperative Agreement Program Requirements

The basic CAP requirements are briefly summarized below.

1. Cap funds will provide for jail construction or renovation in compliance with standards.
2. If under a court order, a proposed project should address those conditions.
3. Beds must be guaranteed on a daily basis for a specified number of years (usually 15-20).
4. Local government must be willing to utilize alternative detention facilities.
5. Local government must provide funding in excess of the amount specified by the CAP agreement.
6. Payment to local government is on a reimbursement basis.
7. The jail day rate must be supported by actual and allowable jail operating costs.
8. Local government must meet audit provisions.

IV. PAST PLANNING EFFORTS

Two long-term planning studies addressing detention needs have been commissioned by the Detention Department since 1992. Both of these recent studies were reviewed. Analysis of these reviews are presented below.

A. Jail Capacity Study, Direct Supervision Institute, June 1992

This study by the Direct Supervision Institute (DSI) was commissioned by the HCSO Detention Department to compare alternatives for increasing capacity at the Orient Road Jail and alternative uses proposed for the Falkenburg Road site.

This study focused on how many beds could be added to the Orient Road Jail with no improvements, minimal improvements, and major improvements and what the cost would be for each alternative. The study included an outline of programmatic and space requirements, construction cost and staffing impact analyses. The alternatives for adding bed space at Orient Road were as follows.

Alternative 1: Increase four 64-bed pods to 72 beds, and increase five 64-bed pods to 96 beds (100% double bunking) for a **total increase of 192 beds.**

Alternative 2: Increase eight pods to 72 beds and 11 pods to 96 beds for a **total increase of 400 beds.**

Alternative 3: Double-bunk all general population pods for a maximum facility **increase of 544 beds.**

Alternative 4: Construct a **768-bed addition** at the south end of the site. This alternative includes additions to existing facility support functions (i.e., kitchen, laundry, etc.) and a parking structure on the north end of the site to replace 300 spaces lost with the construction of the addition.

Table 11.8
Summary of Alternatives

Additional Beds provided	Alt. 1 192 beds	Alt. 2 400 beds	Alt. 3 544 beds	Alt. 4 768 beds
Construction Costs	\$294k	\$2.05M	\$4.40M	\$37.2M
Cost per Bed	\$1,530	\$5,100	\$8,050	\$46,465
Staffing Increase	70	127	192	299
Annual Staff Costs ¥	\$2.23M	\$4.05M	\$6.20M	\$9.66M
Staff Cost per Bed	\$11,650	\$15,400	\$11,400	\$12,600

¥ Average annual salary with benefits is assumed to be \$32,000.

The general findings of the DSI study are summarized here.

- Dollar costs of double-bunking are low.
- General population pods should not be double-bunked beyond 64 beds.
- General population pods can be developed to some capacity.
- Hurricane evacuation is a great concern at Orient Road.
- It will cost "much more" to build at Orient Road than at Falkenburg Road.
- Considered alternatives are not long-term solutions.

There were three specific findings in the report.

1. inmates can be added up to 64 beds for little cost.
2. 400 beds can be added for about \$2 million, but this alternative was not recommended.

3. At ultimate capacity, the Orient Road site can add 786 beds, but the cost would be high to build and operate.

B. Proposed Hillsborough County Jail East Facility Site Master Plan, April, 1992

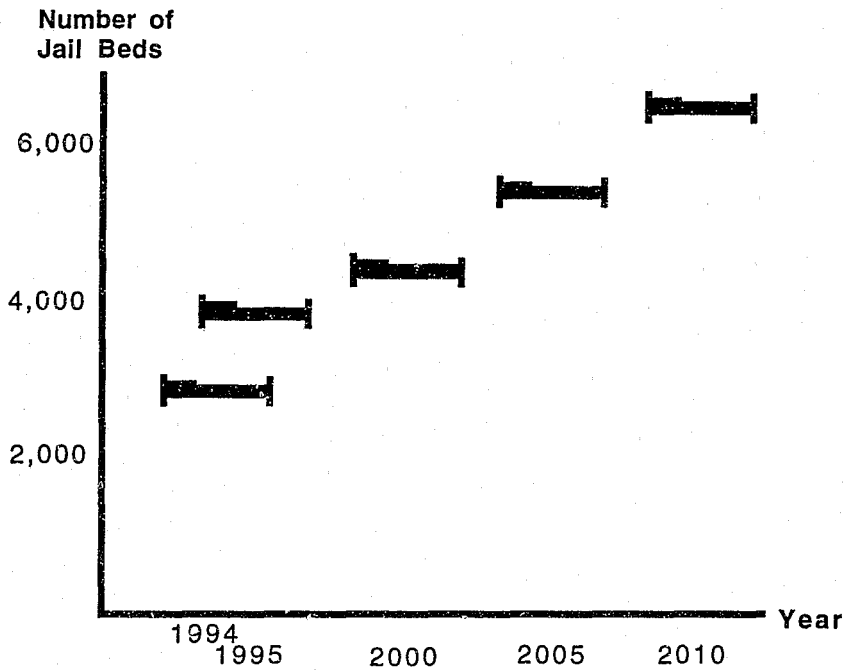
Because of jail crowding and resulting litigation, the Sheriff's Office commissioned a master plan study in 1991 for a third major detention facility. The *County Jail East Facility Master Plan* (Falkenburg Road site) was prepared by the architectural firm of Hellmuth, Obata and Kassabaum (HOK), in association with Fleischman Garcia, Correctional Services Group, Inc., Greiner Inc., Tomasino & Associates, Inc., and Construction Cost Systems. The Board of County Commissioners has not approved any actions based on this study, but the Circuit Court, in a jail crowding suit, has come close to ordering its implementation.

The HOK jail facility master plan projected a total 2010 inmate population of 5,766 or a 253 percent increase above current system capacity.

The *County Jail East Facility Master Plan* calculates a total projected system inmate demand of 5,766 beds by 2010 and calls for the construction of a low-rise medium and maximum security facility in four 1,024-bed phases for 4,096 beds. This represents a 253 percent increase above the current system capacity of 2,276 beds – an annual average increase of six percent.

Inmate population projections were based upon a regression analysis model for a six and a half-year interval from 1984 to March, 1991, a period of extraordinary growth during which the county was sued for crowding the jail. This projection methodology estimated a base average daily population (ADP) of 4,033 and a total need of 4,569 beds for the year 2003 and a base ADP of 5,089 and a total need of 5,766 beds for the year 2010. These figures do not include estimates by gender or by custody classifications (maximum, medium, minimum security). These projections are important as they served as a basis for formulation and sizing of the overall master plan.

Figure 11.5
County Jail East Facility Master Plan Jail Bed Projections



The following table summarizes the four building phases recommended in the study:

Table 11.9
System Capacity by County Jail East Facility Master Plan Phase

Facility	Additional Beds	Total, Falk-enburg Rd.	Other Locations	Total System
Existing Temporary Facility	384	384	2,397	2,781
Phase I	1,024	1,408	2,397	3,805
Phase II (replace Temp. Fac.)	1,024	2,048	2,397	4,445
Phase III	1,024	3,072	2,397	5,469
Phase IV	1,024	4,096	2,397	6,493

According to the plan, the purpose of County Jail East is to confine both sentenced and pretrial detainees, classified as maximum, medium, and minimum security. Vocational and educational training, as well as other self-improvement opportunities would be provided. Lockdown housing would be modified direct supervision for inmates who present management problems. Booking and intake would continue to be carried out at the Orient Road facility.

Staffing plans were prepared for each of the four project phases. Phase I would add 447 positions, which would increase to a total of 1,388 positions by 2010. (Note that the total Detention Department increase in staffing would be somewhat less, since the 384-bed temporary facility would be replaced during Phase II and staff from the facility would be reassigned to the new facility once Phase II was completed.)

The Falkenburg Road jail master plan would result in a total of 1,388 staff positions at an estimated annual cost of \$44 million, or three times current staffing costs.

Although estimates of staffing cost were not included in the master plan, order-of-magnitude estimates developed by ILPP are shown in the table below. These calculations assume an average salary with benefits of \$32,000 per year in 1992-93 dollars, which was derived from the staffing study done in the DSI Jail Capacity Study. (See Table 11.8, Summary of Alternatives, above.) Figures are rounded off for simplicity and construction costs are in 1992 dollars.

Table 11.10
County Jail East Facility Master Plan Cost Summary

	Phase I 1995	Phase II 2000	Phase III 2005	Phase IV 2010	Total
Total Project Costs	\$33.6M	\$44.3M	\$27.8M	\$28.4M	\$134M
Cost Per Bed	\$33k	\$43k	\$27k	\$28k	\$33k
Staffing Increase	447	344	321	276	
Cumulative Staff Total	447	791	1,112	1,388	1,388
Annual Staffing Cost	\$14M	\$25M	\$36M	\$44M	\$44M
Staff-to-Inmate Ratio	2.29	2.59	2.76	2.95	2.95

V. FINDINGS AND RECOMMENDATIONS

Facility planning, which results in long-term funding commitments, must be sensitive and responsive to changes which could reduce or increase space needs.

Planning for jail facilities must be based on staffing efficiency and economies of scale resulting from concentration of special functions and populations, as well as achieve a reasonable fit between custody levels, housing and physical security.

The Hillsborough County Sheriff's Office is currently in the process of revising their detention facilities master plan. In the spirit of assisting this effort, a number of actions and policy planning objectives are recommended. These findings and recommendations first address general detention system issues and then issues specific to individual facilities.

A. Projections of Inmate Population

- ◆ *The inmate population projections used in previous master plans assumed continuation of a fast, unusual growth rate; recent trends show this assumption is flawed.*

The *County Jail East Facility Master Plan* was projected to meet a system inmate demand for 5,766 beds in the year 2010 by adding 4,096 beds (in four 1,024-bed phases). This program represents a 253 percent increase above the current system capacity of 2,276 beds - an average growth rate of six percent every year.

However, from 1992 to 1993, the population actually declined by 156, putting it slightly below the 1991 level. A lower demand for bed space results in slower expansion and a smaller project. Table 11.11 compares actual jail population as of October, 1993, with the rated capacity.

Table 11.11
Jail Population and Existing Bed Space, October 1993

Facility	Jail Population	Rated Capacity
Orient Road Jail	1,558	1,714
Morgan Street Jail	604	508
Falkenburg Road Temporary Jail	0	0
Work Release Center	50	54
Total	2,214	2,276

Note: This table does not include the 48 beds added to the Falkenburg Road Temporary Jail in December 1993.

Table 11.12 compares the projections of the inmate population for the total Hillsborough County jail system used in the *County Jail East Facility Master Plan* with adjusted projections by ILPP. Even the "ILPP high" figures for all projection years is substantially lower than the projections used in the earlier master plan.

Table 11.12
Master Plan Inmate Population Projections vs. ILPP Projections

Year	County Jail East MP	ILPP Low	Mid-range	High
1993	2,860			
1995	3,203	2,224	2,334	2,390
2000	4,057	2,304	2,644	2,930
2005	4,912	2,406	2,910	3,539
2010	5,766	2,497	3,130	4,202

- ◆ *Recommendation: Projections used in master plan development should be adjusted to recognize a more realistic growth rate.*

The county's master plan development should be adjusted to recognize actual growth in population and recent changes in the criminal justice system. It should also recognize possible and proposed changes which have the effect of greatly limiting or reducing growth.

B. Classification of Inmates

- ◆ *Substantial savings are possible in construction and staffing costs with the inclusion of a reduced custody facility in the county's detention system.*

Classification systems (custody levels and their proportions) are an important concept in the operation of safe, humane, cost-effective, and legal detention facilities. Custody levels of housing units are generally referred to as maximum, medium, or minimum security. Appendix G provides clarification of terms in discussing differences between, for example, maximum security inmates and maximum security space. Significantly, this appendicized discussion includes cost implications of building for different security levels by extrapolating some conceptual scenarios from the County Jail East Facility Master Plan.

There is a large difference in the cost of building and operating maximum security detention units and minimum security units.

Maximum security housing units are typically small, single-cell housing units (4, 8, 12, 16 beds) supervised remotely from a secure control room. Cell interiors have hardened fixtures and high security doors and locks. Inmates are restricted to their cells for most of the day and in-cell feeding is common. Inmate movement and transport requires a high degree of security escort. **Medium** security housing units could be single-cell housing units or dormitories within a maximum security perimeter. **Minimum** security housing is usually dormitory space which may or may not have physical perimeter security such as building lockability to prevent egress or a perimeter fence.

Jail population projections used for the original *County Jail East Facility Master Plan* did not break estimates down into custody categories (maximum, medium, minimum) but relied on aggregated estimates. The *County Jail East Facility Master Plan* proposes a high security jail to allow for the most flexibility in facility and site use. While the most flexible, it is also a very expensive approach.

ILPP's inmate profile shows a composition of 43 percent minimum, 39 percent medium and 18 percent maximum security inmates. However, existing housing classifications show a much greater percentage of maximum security housing.

Existing housing includes 2,222 beds within maximum security perimeters, and 102 minimum beds.

Morgan Street Jail

- The Annex (192 beds) is maximum security.
- The remainder (316 beds) is medium security.

Orient Road Jail

- Lockdown housing (two pods at 56 beds each and one pod at 32 beds) and all single cells (768) are maximum security.
- Double-bunked cells (802) are medium security.

Falkenburg Road Temporary Jail

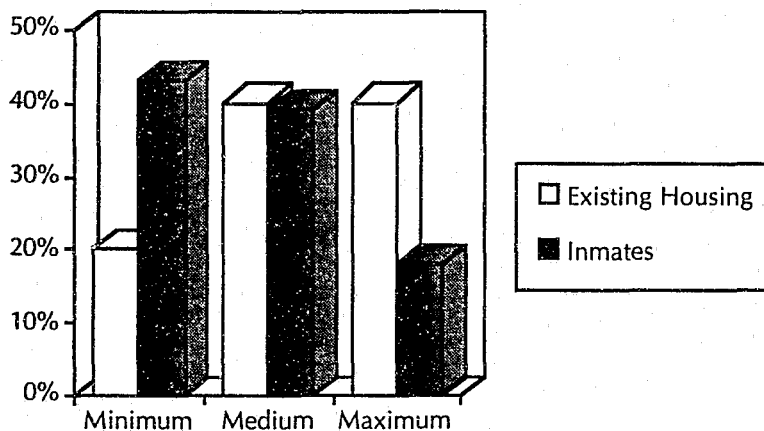
- Temporary pod (48) bed now staffed is minimum security.

Work Release Center

- 54 work release inmates are minimum security.

With a current system population of approximately 2,200 inmates, there are now about 860 minimum security inmates. Current plans call for expanding minimum beds in April, 1994, for a total of 175 at the Work Release facility and 384 at the temporary facility. Even with these additional beds, there will still be a "shortfall" of almost 400 minimum security beds.

Figure 11.6
Existing Housing Security Levels



About 20 percent of existing detention housing is minimum security while 43 percent of the current jail population is classified as minimum security.

Table 11.13 below presents ILPP's projected housing need, with the current inmate custody classification applied to projections. "Actual 1993" gives the approximate breakdown of the October, 1993, system ADP for these inmate groups and bed space types. Peaking and classification factors would add to each group but the general proportions would remain. The mid-range ADP projections are shown for five year intervals (1995 through 2010).

Table 11.13
ILPP Mid-range Projections Broken Down into Custody Levels

Year	Total	43% Minium	39% Medium	18% Maximum
Actual 1993	2,135	918	833	384
1995	2,334	1,004	910	420
2000	2,644	1,137	1,031	476
2005	2,910	1,251	1,135	524
2010	3,130	1,346	1,221	563

◆ *Recommendation: Develop minimum security housing plans.*

The county should develop plans to meet the long-term need for minimum security bed space since 43 percent of the existing jail population fits this custody category. The high security orientation of the entire County Jail East facility simply does not match the system custody profile, and alternative missions should be considered for the Falkenburg Road site. One option would be a facility primarily oriented to minimum security inmates, pretrial and sentenced. Refer to Appendix G for a discussion of some conceptual options for developing the Falkenburg Road site as an element of the county's overall detention plan. These options address the staffing and cost implications of using a Falkenburg Road Jail as primary housing for medical services and minimum to medium inmates and Orient Road Jail as the primary maximum security campus.

Inclusion of all inmate groups within the facility results in the development of an overly-secure facility. New generation jail principles, which have their genesis in federal pretrial detention facilities, rely on the creation of an escape-proof maximum security perimeter, whether it is building perimeter, elaborate fencing and movement detection systems, or a combination of both. Overly secure facilities inflate construction and, more importantly, operations cost without significantly improving public safety. The County East Jail proposal utilizes both systems. Without reduced custody housing for minimum security inmates, a substantial number of these inmates would be housed within an extra-secure setting.

Substantial savings are possible with a security zoning concept which matches inmate custody levels to physical security and supervision requirements.

C. System Approach

- ◆ *Implementing previous detention facility plans would result in a system with large, independent facilities in three distinct locations. Because an autonomous "stand-alone" facility is the most expensive overall solution, in terms of construction, security, and staffing intensity, this is not a cost-effective long-term strategy for Hillsborough County.*

In general, multiple sites represent the most expensive long-term plan for housing jail inmates because of duplications of staff and facilities inherent in the operational structure of stand-alone facilities.

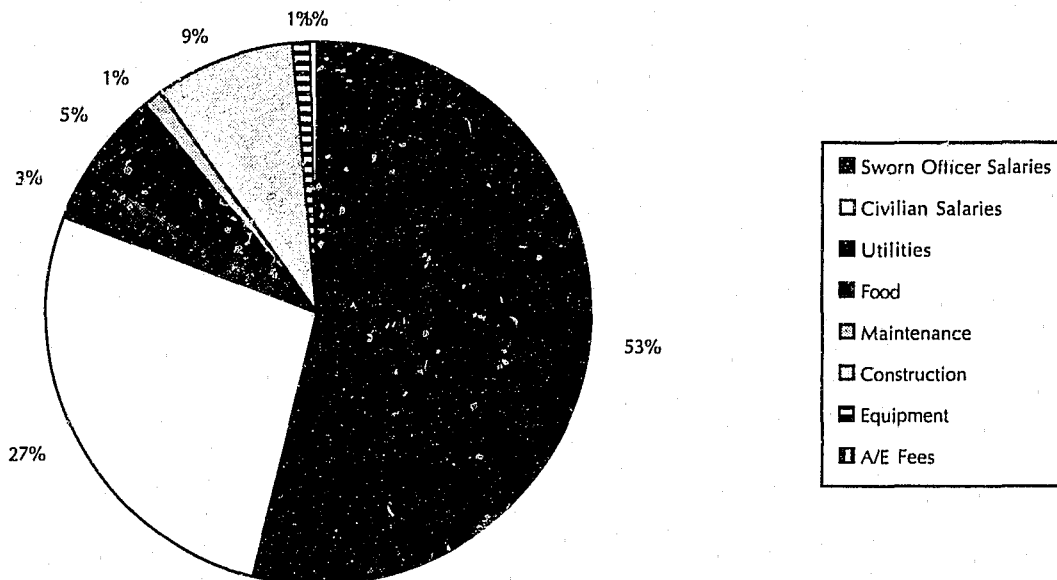
Each facility has a separate administration, with higher command salaries and management and supervisory staff (lieutenants sergeants, and training staff) are required. With a multiple siting model, each facility must have staff for all functions, e.g., control room, kitchen, food service, commissary, medical. The location of medical staff for infirmary housing at multiple facilities is particularly inefficient since economies of scale cannot be achieved through concentration of such resources, e.g., pharmacies, laboratories, x-ray, etc. Facility support staff are also required for maintenance and repairs, plant engineering and janitorial services.

Maximizing efficient staffing in jail operations should be the primary determinant of the number and configuration of jails. Staffing costs are the most crucial element of jail life-cycle cost and far exceed construction costs for detention facilities. Over a 30-year period, construction costs represent only ten percent of total cost, while staffing alone accounts for 70 to 80 percent of total expenditures. (Source: National Institute of Corrections.) This is displayed in Figure 11.7.

Future detention facility planning should be system planning, taking into account all existing and planned resources as well as the nature of inmate population growth.

Facility construction costs are far outweighed by staffing and other operating costs. Thus, the decision to build must examine the long-term impact of operating a jail and not simply the short-term cost of building one.

Figure 11.7
Comparison of Life-Cycle Operations Cost to Construction Cost



For this reason, staffing costs must be central to decisions about building purpose and design. Construction cost, which is the substantial first cost, is secondary to long-term cost efficiency. Another issue is that staffing and operation costs come from the county's general fund, while construction costs are usually derived from a one-time bond measure.

◆ *Recommendation: Develop plans for detention needs as a "system-wide" concept. Concentrate special populations in specific facilities.*

Facilities and inmate population groups must be seen as elements of a larger system. The concentration of certain special populations, such as juvenile, mental health, or minimum security inmates, has a significant fiscal impact and long-term cost savings.

D. Morgan Street Facility

◆ *The Morgan Street Jail is extremely staff-intensive.*

Older style jail housing units follow a traditional form that is termed "linear/intermittent surveillance" by the National Institute of Corrections. Typically, these units are rectangular with cells and dorm spaces arranged at right angles to the main corridor. A central double loaded corridor in each cellblock or dormitory enables staff to patrol and see into the housing areas. Staff cannot adequately see into the housing units from the main corridor. Intermittent patrols in staff corridors provide only a minimum level of supervision.

Modern jail design utilizes housing units based upon a "podular" form with cells or dorms wrapped around a central dayroom space. This design brings services to the pod, rather than moving inmates within the jail, which is a more staff-intensive function. Two principal variations are found. The first is the "podular/remote surveillance" model which uses a podular form with a secure staff control room from which an officer observes inmate activity. The second is the "podular/direct supervision" model where an officer is stationed in each unit, with the inmates, to provide direct and continuous supervision. Because directly supervised inmates are more easily controlled and the number of incidents is greatly decreased, in a well-designed housing unit, the supervision ratio can be 64 or even as high as 96 inmates per deputy.

Modern, direct supervision management of inmates allows for greater efficiencies in staffing. This type of management also results in fewer assaults by inmates on staff and other inmates.

The old part of the Morgan Street Jail is linear intermittent, while the Annex was designed to follow the podular remote surveillance model. Single cells are arrayed around a two-level dayroom. A single recreation yard for the facility, as well as the visiting set-up, require escort staff for movement of inmates.

The Morgan Street Jail is a linear, intermittent supervision jail which is less safe and less efficient than the Orient Road Jail.

The jail has about 300 staff at its rated capacity of 508 beds, which is a ratio of 1.69 inmates per staff member. The national survey average for medium to large jails in 1993 was one staff member to 3.05 inmates; thus, Morgan Street is 180 percent of the national average. The disparity for line staff deputies is significantly higher; the ratio at Morgan Street Jail is 1.39 inmates per deputy compared to 4.62 inmates per deputy in the national survey.

◆ *Recommendation: Development of the Morgan Street site (after demolishing the existing structure) as a new, replacement jail would have several significant disadvantages over other site development options.*

If the Morgan Street Jail is demolished, one alternative solution to future housing would be to rebuild a new high-rise jail on the same site. This proposal would have the advantages of being located physically near the county's court center, and because of the existing jail, many siting issues would be easy to resolve.

There are several disadvantages that make this plan less desirable than other options available to the county. The primary disadvantage is the inherent inefficiency and high cost of building and operating a high-rise jail. Another significant problem would be in developing a transition plan to address inmate housing while the existing facility is demolished and a new one constructed. Third, if the county constructed such a facility, it would be difficult to expand it at a later date; this could conceivably result in long-range needs being supplied at a third location. Finally, assuming Falkenburg Road is retained for detention use, a high-rise at the Morgan Street site would produce significant inefficiencies by entrenching a three-site jail system.

The following cost information is provided only for purposes of general comparison and is based on a high-rise facility in Orange County, Florida. The facility was constructed as a seven-story, stand-alone facility to house 768 medium security inmates and included a training wing. Interior size is 192,000 gsf. The total project cost was \$23 million or \$107 per square foot. The staffing ratio is nine inmates to one correctional officer.

- ◆ *Recommendation: Close the Morgan Street Jail in phases. Minimize duplication of services and programs by operating only two detention facilities.*

From a staffing and maintenance cost perspective, it is grossly inefficient to continue to operate the Morgan Street Jail as a detention facility, not only because it is a separate facility which requires duplication of administrative and support staff, but also because its physical configuration requires a high staff-to-inmate ratio for adequate supervision. Expansion at the Morgan Street Jail is not economically feasible. There is a land-locked limited site area and although the facility was built with the potential to expand, this expansion would only increase an already inefficient configuration and tie up more staff.

Although the Morgan Street Jail's proximity to the county's court complex results in minimal transport time, this is not significant compared to the time necessary to prepare an inmate for transport. Most of this occurs within the jail itself, in moving the inmate from the cell to the sallyport, along with the administrative checkpoints of the task.

Significant short- and long-term cost savings will result if the county operates two staff-efficient facilities, rather than three stand-alone facilities. One conceptual plan might be closing the Morgan Street Jail and constructing a larger, expandable *replacement facility* at Falkenburg Road.

- ◆ *Shifting Morgan Street staff to a new facility would accommodate 400 more inmates for about the same annual staffing costs.*

The significant annual cost savings possible with a reassignment of Morgan Street staff (300) to a more efficient replacement facility can be illustrated by considering the impact of simply achieving a staff-to-inmate ratio comparable with the Orient Road Jail (1 to 3.05). At this ratio, with the 300 staff currently at the Morgan Street Jail, it would be possible to house about 915 inmates, *without any staff increases*. The county could house over 400 more inmates (915 minus 508) for the same annual staffing costs, using a facility mission and staff structure similar to Orient Road Jail.

Figure 11.8
Staffing Comparison of the Morgan Street Jail to Replacement Facility



Morgan Street Jail:
300 Staff
500 Inmates



Replacement Facility:
300 Staff
915 Inmates

A direct supervision management facility could accommodate 400 more inmates than the Morgan Street Jail with the same number of staff.

There are approximately 232 detention staff currently at Morgan Street. If the officer to inmate ratio was the same as that at the Orient Road Jail, only 120 officers would be needed to supervise the existing number of inmates. If 508 new beds were built at \$25,000 each to replace the Morgan Street Jail, total construction cost would be \$12.7 million. But with detention staff at an average salary level of \$32,000, the construction costs would be "repaid" in 3.5 years by savings achieved through staffing.

E. Orient Road Jail

- ◆ *Additional housing increases are possible at the Orient Road Jail through increases in bed space.*

ILPP concurs with the general ideas of the Direct Supervision Institute Jail Capacity study. Given the design configuration of the general population housing units, there are inherent limitations to further double-bunking of these 64-bed units.

As noted in the DSI study, increasing housing unit capacity beyond a certain level is not staff-efficient and might generate unit conflict. ILPP feels that a minor increase in capacity would be possible using a "program pod" approach with one custody officer for 72 inmates in four to five units (32 to 40 additional beds). Program staff would provide additional supervision during high activity periods.

- ◆ *Recommendation: Initiate the "program pod" approach to achieve modest housing increases at Orient Road*

The DSI study of double-bunking at the Orient Road Jail represents one of the many actions taken by the Sheriff's Office over at least the last decade to thoroughly evaluate all expansion options at this facility. These collective efforts include pursuing Orient Road double bunking expansions on several occasions, including some of the alternatives raised by the DSI study. Although the Florida Department of Corrections (DOC) cannot

officially authorize or reject double-bunking without a formal application which has as yet not been submitted in the Orient Road jail case, the HCSO has expressed concerns about the possibility of doing so.

The Sheriff's Office prepared a detailed response to ILPP's March, 1994 Draft Report recommendations. This response included a memo (dated 4/5/94) by Inspector Dennis M. Williams, HCSO, and included documentation of virtually the entire history of ORJ expansion efforts. Inspector Williams' memo and the relevant attachments are included as Appendix F, as it was felt that to paraphrase or speak on behalf of the Sheriff's Office in this matter might dilute the meaning and documentation of this agency's response. (In order to conserve space, only those attachments which are most salient to the present discussion of further double bunking ORJ are included. In addition, one of ILPP's correctional consultants has evaluated this memo and addressed the overall feasibility of adding 192 beds to Orient Road.) In summary, the HCSO has explored, on several occasions, the possibility of adding beds to the existing Orient Road Jail and the legal, operational, environmental and safety implications of doing so.

It is crucial to clarify within the body of this report, however, that bed space expansion of the Orient Road Jail has long been a concern of the HCSO and has been assertively pursued by HCSO personnel. ILPP's point in making a recommendation to support continued investigation into double bunking options at the Orient Road Jail is that DOC expression of doubt regarding expansion does not constitute a formal rejection of an as yet unsubmitted application. DOC stated general policy is to double-bunk **only if** funding and inmate population constraints dictate **and** safety can be assured; double bunking is, at best, seen as a temporary option.

ILPP's rationale for suggesting the program pod approach as part of a larger recommended strategy is to encourage county decision makers to aggressively evaluate all development and expansion options in creating an immediate but long-term detention facility plan. I.e., if Hillsborough County determined that construction of a replacement facility and closure of Morgan Street would occur in the next five to ten years, would the DOC evaluate its double-bunking decision in a different light?

An analysis of precisely how double-bunking would affect staffing requirements has not been completed. Double-bunking is not a free solution; it would be misleading to indicate otherwise. There will be important cost implications of accommodating additional inmates in the Orient Road Jail. The most significant area of cost could be in staffing; double-bunked facilities sometimes require additional staff to manage additional inmates.¹ Weighing the merits of this recommendation should include consideration of the opportunity costs of other plans, such as

developing the facility master plan (County Jail East Facility Master Plan), that would create permanent and substantial costs for the county, and which has been found to be designed for a higher (and more expensive) classification than the county's jail population warrants.

The Sheriff's Office's extensive efforts in addressing use of pretrial release, implementation of sentenced alternatives, double-bunking existing facilities and planning for new ones evidence a long-term pattern of proactive pursuit of cost-efficient and effective detention options.

Missing from these efforts is the consistent support of the county to take on the detention burden as a joint responsibility with the Sheriff. The Sheriff's 1985 lawsuit against the state DOC, the county, courts and state attorney contended that responsibility for the jail and the causes of its crowding lay with all of these actors and not the Sheriff alone. Indeed, the HCSO has been left with a narrow position in which to maneuver. If, on the one hand, it is denied funds to construct new facilities, while on the other, it is denied legal and other county support to pursue options which do not require major new construction.

- ◆ *The Hillsborough County Sheriff's Office has comprehensively pursued expansion options at the Orient Road Jail for the most part alone, without county support and effort, despite the county's fiscal responsibility for jail management.*
- ◆ *DOC authorization of double-bunking at the Orient Road jail – assuming appropriate documentation of the need for doing so, existence of a permanent detention facility plan and total support of county government – is certainly not precluded.*
- ◆ *Additional construction may be possible after potential mitigation of existing problems.*

The county has previously considered a plan for expanding the system jail capacity by building a satellite compound on a contiguous site at the north edge of the Orient Road facility. This approach was questioned when the Hillsborough County Environmental Protection Commission indicated that major toxic soil contamination exists at the site. The site has been placed on the EPA Superfund list, which renders it unusable for expansion for at least two years. As clean-up proceeds, however, planners should keep abreast of the status of the site. Should changes in the clean-up plan occur, this valuable site could be important.

The on-site area at Orient Road is adequate to support facility expansion if provisions to replace parking are made. However, recent hurricane rezoning for Orient Road suggests a serious threat to the facility, possibly

from flooding. If construction is accomplished above the 100-year flood plain, flooding should not be an issue.

- ◆ *Recommendation: Re-examine the Orient Road Jail site and Stauffer Chemical site problems that prohibit expansion.*

ILPP recommends a detailed and more independent outside analysis of these conditions to determine if there are sufficient mitigation measures (i.e., levees, flood control channels) which would render the site usable for jail expansion.

F. Falkenburg Road Site

- ◆ *The Falkenburg Road site is a valuable asset and is essential to meet long-term county detention needs.*

The Falkenburg Road site that has been identified by the county as the site for its next jail construction should be retained for future siting of a jail. Finding and approving a viable site for a jail is a difficult task, and many of the obstacles have already been overcome for this site.

- ◆ *Recommendation: The Falkenburg Road site should be retained as part of a cost-effective long-term strategy to meet detention housing needs.*

G. USMS Federal Inmates

- ◆ *Hillsborough County should continue to explore contract obligations to house USMS inmates as this can provide a source of revenue for planning to remove the Morgan Street Jail and if necessary, constructing replacement beds. In order to eliminate the possibility of such inmates accelerating the need for new beds, this should be based upon plans to adopt management techniques to reduce crowding and to further maximize current facility resources.*

The potential offer from the USMS to house federal inmates in Hillsborough County jail facilities would provide a source of revenue for planning and design of a new facility. If it is assumed that an additional 150 federal inmates and the county's current obligation of 50 inmates must be housed in maximum security units, this would result in allocating almost 20 percent of the current 1,104 maximum beds to federal inmates.

Recent population levels, along with construction of work release beds, has resulted in a surplus in the number of beds available, allowing the HCSDD to comfortably house 50 federal inmates. Adding federal inmates could result in accelerating the need for a major new detention facility as it is obviously not efficient to build a new facility of 175 beds for federal use only. While current bed space is adequate for the short term, the

county's commitment to providing bed space for federal inmates extends for at least a 15-year period.

The following issues should be weighed in making a decision on this proposal.

- Does acceptance of the construction money require construction to occur within a certain time period, or can construction be delayed until the county determines the county's own jail population merits a new facility?
- Is there a likelihood that the USMS would be willing to provide construction money next year, the year after, or whenever the county decides to build a facility, if the county does not accept the grant proposal this year – given that the federal courthouse in Tampa will continue to make proximity an important issue to the federal government?
- Are there any costs to the county of committing to housing 150 non-county inmates for 15 years? How can the pros and cons of the proposal be divided among what is in the interest of the county, what is in the interest of the federal government and what is in the interest of both?

ILPP reviewed the bulk of correspondence describing and analyzing the USMS proposal. There are still, however, a few areas to be clarified. First, is there a contingency for the county accepting the grant proposal and then deciding **not** to go forward with construction? Second, what impact does the Juvenile Correctional Facility have on the overall development scheme?

- ◆ *Recommendation: Develop a county correctional facility development plan that is responsive to the county's current needs and resources. Then, seek as many alternative and innovative sources of funding to support implementation of the county's correctional master plan. Alternative funding sources should support county aims, not determine them.*
- ◆ *Recommendation: Accept the USMS grant proposal if it will allow the county to use the money for detention facility construction when and how the county's criminal justice needs require.*

H. County Jail East Facility Master Plan

- ◆ *The County Jail East Facility Master Plan does not adequately address the county's detention needs as it is now written.*

Individual sections and issues pertaining to the County Jail East Facility Master Plan were reviewed in several sections of this chapter in the

context of the county's system-wide planning for detention facilities. That master plan presents a comprehensive study for a new facility at Falkenburg, including extensive site studies, engineering, conceptual design, and programming. While much of this information can be utilized in a revised master plan, there are several significant problems with the plan as it now exists: it would result in a facility that has too much high security housing; it projects an unrealistically high number of inmates; it provides an expensive duplication of many specialized functions, such as medical and special populations.

The *County Jail East Facility Master Plan* staffing plan proposes a total of 1,388 staff at the facility buildout point of 4,096 beds, which results in an aggregate staff-to-inmate ratio of 1 to 2.95, somewhat higher than the current staff ratio at the Orient Road Jail of 1 to 3.05.

Table 11.14
Comparison of Proposed Staffing vs. National Averages for Large Jails ¥

The Falkenburg Road jail master plan would create administrative staffing ratios that are considerably less efficient than nationally.

	County Jail East (proposed)	National Averages
Inmates per officer	5.46	4.23
Inmates per supervisor	26.7	25.3
Inmates per administration/support staff	14.6	26
Inmates per other program staff	20.2	24.3

¥ From "The Corrections Yearbook," 1993, Criminal Justice Institute, Inc.

- ◆ *Recommendation: Do not develop the County Jail East Facility Master Plan as is. Develop a Minimum Security Plan for Orient Road and Falkenburg Road, to be implemented after major system reform if beds are still needed.*

The Falkenburg Road Jail East Facility Master Plan is **not** a correctional facility system master plan. It is a single facility development document that neither takes advantage of existing facility system resources (e.g., a large central support services operation and abundant maximum security space at the Orient Road Jail) nor responds to classification needs of the overall correctional system (i.e., minimum and medium security beds and staffing).

The county could investigate re-use of the document's research such as site analysis and basic direct supervision, podular program instead of reinvesting in an entirely new and major design project. Appendix G reviews conceptual development options of the site to display some of the many development alternatives possible and to convey the magnitude of cost impact as well.

VI. CONCLUSION

The issues facing the county's decision makers in regards to detention planning are both difficult and complex. A system-wide master plan for detention needs must carefully assess the number of beds needed by classification and address how to provide them in a cost-effective manner. This chapter has reviewed the current facilities, immediate and long-range plans for expansion and presented a number of findings and recommendations needed to address these issues.

The following actions summarize the master plan approach recommended by ILPP.

This conclusion presents the steps which should be completed before committing to future facility plans. The analysis also identifies the impact of system management changes on jail bed need.

A. Assess Current Population

To assess the current population, the average daily population (ADP) for detention facilities was calculated. To calculate current jail bed need, the ADP for 1993 was increased by a peaking and classification factor of 13.3 percent.

First, determine how many beds are needed currently.

Annual ADP, 1993:	2,135
Current jail bed need (2,135 x 113.3%)	2,419

B. Assess Rated Capacity, October, 1993, by Classification

The rated capacity is the maximum number of beds available in the detention system, as rated. The following information presents the total rated system capacity as of October, 1993.

Second, determine how many beds are available.

	Minimum	Medium	Maximum	Total
Morgan Street Jail		316	192	508
Orient Road Jail		802	912	1714
Work Release Center	54			54
Total Rated Capacity, 10/93	54	1,118	1,104	2,276

C. Assess Rated Capacity, 1994 by Classification

Staffing additions to the Detention Department will allow increasing the total rated capacity by mid-1994. These include the opening of temporary beds at the Falkenburg Road site in December of 1993, and planned additional beds at the same site by April, 1994. In addition, the number of Work Release beds will also increase.

	Minimum	Medium	Maximum	Total
Total Capacity, 10/93	54	1,118	1,104	2276
Falkenburg Temporary, 12/93	48			48
Work Release, 4/94	121			121
Falkenburg Temporary, 4/94	336			336
Total Rated Capacity, 4/94	559	1,118	1,104	2,781

D. Calculate 1994 Surplus

The 1994 surplus is calculated by subtracting the Total Current Need from the Total Rated Capacity.

Third, determine the difference between what is needed and what is available.

Total Rated Capacity, 1994:	2,781
Current jail bed need	-2,419
1994 Bed Surplus	362

E. Assess Additional Long-Term Beds Needed for Population Growth

Fourth, use inmate projections to determine what will be needed in the long term.

The projections used in this summary table represent the mid-range of inmate projections. (See Chapter 4.) The total rated capacity in 1994 is subtracted from this number.

	Minimum	Medium	Maximum	Total
Projected Bed Need, 2010	1,526	1,384	639	3,549
Total Rated Capacity, 1994	-559	-1,118	-1,104	-2,781
Needed by 2010	967	266	-465	768

The net new bed need assumes no system improvements in jail management efficiency.

F. Make Long-Term, Cost-Effective Changes in Current Facility Capacity

Long-term cost-effective changes to current capacity have been recommended in the body of this chapter. These include closing Morgan Street and increasing the number of beds at Orient Road through double-bunking (Increase four 64-bed pods to 72 beds, and increase five 64-bed pods to 96 beds). In addition, the county must plan for the eventual removal of the beds at the temporary facility at Falkenburg Road.

	Minimum	Medium	Maximum	Total
Close MSJ		-316	-192	-508
Double bunk ORJ		+384	-192	+192
Remove temporary beds	-384			-384
Net changes to current system capacity	-384	+68	-384	-700

G. Assess Additional Beds Needed by 2010

The 1994 capacity and net changes to current facilities (adjusted facility capacity) are subtracted from the 2010 projected need to calculate total new and replacement beds needed by the year 2010.

	Minimum	Medium	Maximum	Total
A. Projected Bed Need, 2010	1,526	1,384	639	3,549
Total Rated Capacity, 4/94	559	1,118	1,104	2,781
Changes to Facilities	-384	68	-384	-700
B. Adjusted Facility Capacity	175	1,186	720	2,081
Beds Needed by 2010 (A - B)	1,351	198	-81	1,468

H. Manage the System to Reduce Current Demand

Apply population management techniques and alternative programs to reduce growth rate and beds needed. These changes are those identified in the justice system assessment (Part II of this report) and are summarized in Table 5.1 (Chapter 5, System Overview). The estimated changes are a low of 140 and a high of 316 beds, after adjusting for overlap and the peaking and classification factors.

Since the total 1994 jail bed need is 2,419, subtracting the low and high estimates gives an adjusted need.

fifth, adjust the current and future bed need estimate with any changes in management efficiency or facility development.

	Low	High
1994 jail bed need	2,419	2,419
Subtract Estimate	-140	-316
Adjusted 1994 Need	2,279	2,103
1994 Capacity	2,781	2,781
1994 Bed Surplus	502	678

This range for system capacity of 2,103 to 2,276 after reducing the demand is met by the 1994 detention system rated capacity of 2,781.

I. Manage the System to Reduce Future Demand to 2010

Apply techniques to projected demand, using a low of 302 and a high of 682 reductions in ADP. The projected 2010 jail bed need is 3,549. Subtracting the low and high bed savings estimates gives an adjusted need.

	Low Estimate	High Estimate
2010 jail bed need	3,549	3,549
Subtract Estimate	-205	-462
Adjusted 2010 Need	3,344	3,087
2010 Capacity	2,081	2,081
Additional Net New Beds needed, 2010 †	1,263	1,006
† The low estimate of bed savings gives the high estimate of beds needed, etc.		

J. Construct Additional Facilities to Provide Bed Space, As Needed

Finally, develop construction plans.

1. If site or environmental mitigation allows additional construction at Orient Road, construct phased space needs there.
2. If expansion at Orient Road is not feasible because of site, cost, or timing considerations, additional beds should be constructed at Falkenburg Road. This facility should be planned to address classification needs, a realistic number of additional beds, and an appropriate staff to inmate ratio. Where information from the previous study, *County Jail East Facility Master Plan*, does not conflict with this study, it should be incorporated and adapted in the new plan.
3. Both the jail population projections and the proportions of each custody level should be updated regularly following the procedure outlined above so that the bed needs can be adjusted before committing to the design and construction of a new jail.

Table 11.15
Jail Bed Need Summary, 1994 - 2010

SCENARIO: NO SYSTEM MANAGEMENT CHANGES				
	Minimum	Medium	Maximum	TOTAL
Current Bed Need				2,419
Rated Capacity, 1994	559	1,118	1,104	2,781
Current Bed Surplus				362
Projected Total Bed Need, 2010	1,526	1,384	639	3,549
Net New Beds Needed, 2010	967	266	-465	768
Net changes to facilities now planned	-384	68	-384	-700
Net Additional Beds Needed, 2010	1,351	198	-81	1,468
SCENARIO: SOME SYSTEM MANAGEMENT IMPROVEMENTS				
<u>1994 Bed Reduction</u>	Low Bed Savings		High Bed Savings	
If recommendations implemented	140		316	
<u>Current Bed Need</u>	2,279		2,103	
Rated Capacity, 1994	2,781		2,781	
Potential 1994 Bed Surplus	502		678	
<u>2010 Bed Reduction</u>	Low Bed Savings		High Bed Savings	
If recommendations implemented	205		462	
Projected Total Bed Need, 2010	3,344		3,087	
Net changes to facilities	-700		-700	
Net Additional Beds Needed, 2010	1,263		1,006	

NOTES

- 1 HCSO Inspector Dennis Williams' memo of 4/5/94 (Appendix F) addresses concerns of expanding bed space at ORJ. These ratios exist in other facilities nationwide.
- 2 See Appendix F, David Voorhis, *Memo to Alan Kalmanoff re: double bunking the Orient Road Jail*, April 14, 1994.
- 3 In this process, 192 single maximum cells are converted to double medium cells. Thus there is a *loss* of 192 maximum beds and a *gain* of 384 medium beds; net gain is 192.
- 4 Bed savings estimates (ADP) from Table 5.1 (Chapter 5. System Overview) are multiplied by 0.6 to remove the overlap and then by 1.133 to add the peaking and classification factor.

12.

Court Facilities Analysis

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12. Court Facilities Analysis

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Court Facilities Analysis

I. OVERVIEW

This chapter addresses the functions, interactions and space-related issues of the agencies that make up the Hillsborough County criminal court system. Coverage includes the criminal court functions of judicial staff for Circuit Courts and County Courts, the Court Administrator's Office, the Clerk of the Circuit Court, the State Attorney's Office and the Public Defender.

This study looked only at the criminal courts.

With the recent move of other government agencies into the new County Center building, space is being vacated in the County Courthouse, the Courthouse Annex and the Edgecomb Building, perhaps allowing court-related agencies to consolidate and locate their offices for increased efficiency of the criminal justice system.

In October 1993, the 13th Judicial Circuit initiated a study of court space needs (known as the Court Administration Project). While the Court Administration Project is being carried out concurrently to ILPP's preparation of this study, it is a separate and independent project. The Court Administration Project is a technical feasibility study of all buildings and functions of the courts. The purpose of the Court Administration Project was to evaluate the entire court (all divisions) system's space and adjacency needs, evaluate court buildings for future court use, and carry out a feasibility and cost benefit analysis on whether the buildings could appropriately house the court system in the near and long-term future.

In contrast to the CAP report, this study prepared by ILPP provides a general commentary addressing issues concerning the complete **criminal justice system**, rather than technical facility and feasibility issues of all criminal and civil divisions of the courts.

Although detailed technical coverage of court facility issues is beyond the scope of this study, Consultants present findings and recommendations on the justice system space needs and note a need for further investigation of complex issues when necessary. The two studies together will provide the information and analysis of alternatives necessary to identify and support a plan to meet the future space needs of the court system, in the context of other justice system concerns, county resources, and the overall need to manage the system.

II. METHODOLOGY

Study analysis included:

- Site visits of existing downtown court complex facilities.
- Interviews and tours with agency representatives.
- Document review of *Hillsborough County Facilities Master Plan*, by KPMG Peat Marwick, September 1988.
- Document review of *Hillsborough County Facilities Master Plan Update*, by KPMG Peat Marwick, July 1991.
- Document review of *Projections of Court Filings in Hillsborough County*, Hillsborough County Planning Commission, July 1992.
- Document review of *Hillsborough County Court Administration Project, Task 1: Final Report*, Ranon & Partners, January 1994.

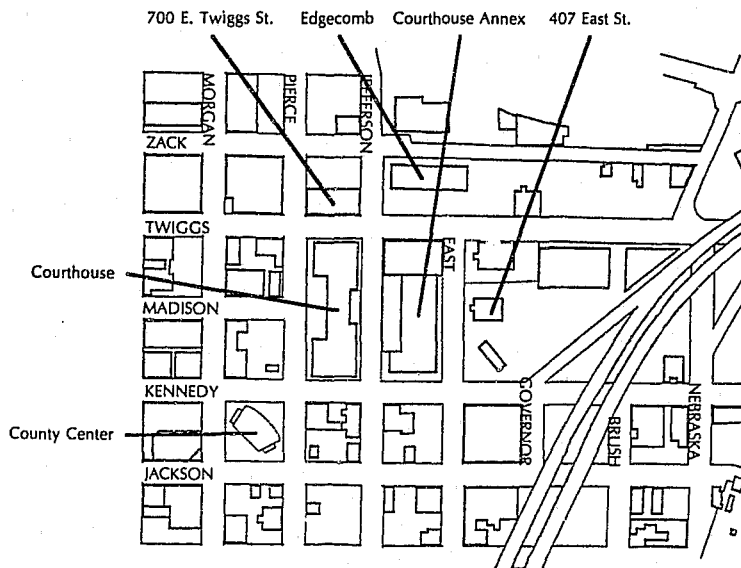
III. EXISTING SPACE USE

The court system is housed at two sites, the main multiple-facility complex, located in downtown Tampa, and a satellite site in Plant City.

The main court system is located in several facilities in downtown Tampa.

The downtown site is a cluster of county-owned and leased buildings at the intersection of E. Twiggs Street and Jefferson Street, and comprises five buildings. Four are owned by the county and one is leased. The buildings owned by the county are the County Courthouse, the Courthouse Annex (made up of the South Annex and North Annex), the Edgecomb Building and a small building behind the Annex on East Street. The leased building is located at 700 E. Twiggs Street, adjacent to the County Courthouse and the Edgecomb Building. In addition to this cluster of five buildings, another leased building located several blocks away at 902 N. Florida Avenue houses the State Attorney's Intake office.

Figure 12.1
Map of Downtown Tampa Court Complex



A. County Courthouse

The County Courthouse, designed by Ranon and Associates, has 134,000 occupiable square feet. When constructed in 1952, this three-story building housed all of the county's court functions. It has been renovated several times since construction.

In October 1993, the courthouse housed functions of the Clerk of the Circuit Court, the Court Administrator's Office, and judicial staff. The County Administrator's Offices and other county government offices were also located here, but moved to the County Center in early 1994.

B. South Annex

To provide additional space for staff and court growth, the South Courthouse Annex was constructed in the 1960s. The South Annex, which added approximately 83,000 occupiable square feet, consists of a five-story tower and a two-story central section adjoining the County Courthouse. The two-story central corridor contains criminal courtrooms and judicial chambers on the first floor and a portion of the State Attorney's Office on the second floor. The five-story tower houses several court-related functions, including civil and criminal courts, judicial chambers and most of the State Attorney's Office.

C. Annex

The six-story North Annex Tower, approximately 108,000 occupiable square feet, was constructed in the 1980s and is attached to the South Annex corridor. The North Tower houses many court-related functions, including part of the Clerk's office, judicial chambers, criminal and juvenile courts, part of the Public Defender's office, and the Federal Court of Appeals (Second District).

D. Edgecomb Building

The Edgecomb Building, formerly known as the State Building, is a three-story office building, containing approximately 70,000 SF. It was constructed in 1960 and purchased by the county in the 1970s. Currently, the building does not house any court-related functions, although it is being considered for this once county government agencies relocate to the County Center. The site area is approximately 91,000 square feet and the floorplate of the building is approximately 23,000 square feet. Site coverage is only 25 percent of the land, a severe under-use of this particular land asset, given its location in the central business district.

E. 407 East Street

This facility holds overflow from the Clerk's Felony and Misdemeanor Divisions, as well as the Felony Commitment Team and the Expungement Clerk.

F. County Center

The new County Center building, located at 601 E. Kennedy Blvd., was purchased in 1992. This building was constructed by a private developer and was originally intended for use as commercial office space. This space was remodeled on acquisition by the county to accommodate county government functions.

G. 700 E. Twiggs Street

The Public Defender has some functions located on three floors of this leased building, and some Court Administration functions are also located here.

Table 12.1 presents a summary of occupiable square feet and gross square feet for the buildings currently used by criminal justice agencies in the downtown Tampa court complex.

Table 12.1
Justice System Facilities

	Year Built †	Floors	OSF ¥	GSF ¥
County-Owned				
Courthouse	1952	3	134,403	191,618
South Annex Tower	1965	5	49,727	59,194
South Annex Corridor	1965	2	33,893	51,236
North Annex	1985	6	93,922	115,459
Edgecomb Bldg.	1960	3	53,163	69,804
407 East St.	na	2	7,104	9,363
Subtotal			372,212	496,674
Leased Space				
700 E. Twiggs St.	na	8	19,211	na
902 N. Florida St.	na	na	19,958	na
Subtotal			39,169	
Total Area			411,381	496,674

† Source of data is Court Administration Project, Interim Report One, November 1993.
 ¥ Source of data is Facilities Master Plan, September 1988.
 na Information not available

The court system currently occupies 496,674 gross square feet.

Table 12.2 shows the distribution of agencies in the downtown court complex (as of October 1993):

Table 12.2
Agency Location

Agency Building	Clerk	Court Administrator	Judiciary	Public Defender	State Attorney
County Courthouse	X	X	X		
Courthouse Annex	X	X	X	X	X
Edgecomb Building					
407 East St.	X				
700 E. Twiggs St. †		X		X	
902 N. Florida St. †					X
† Leased building					

H. Plant City

The Hillsborough County Office Building in Plant City houses some Circuit Court and County Court functions, and offices of the Clerk of the Circuit Court. This facility handles probate, civil and family law matters for Circuit Court and civil and criminal cases for County Court.

IV. PROJECTED STAFFING NEEDS FOR COURTS

As part of this study, ILPP made projections of the staffing needs for the five court related agencies. A detailed description of this technical information, including departmental staffing history and projection methodology, is included in an Appendix to this report.

The five agencies considered here include the criminal divisions of the courts themselves (judges and judicial assistants), the Court Administrator, the State Attorney, the Public Defender, and, in part, the Clerk of the Court. (The Clerk has other functions not related directly to the courts.) The provision of courtroom security — a small activity of the Sheriff's Office — is also discussed.

Projection methodology included a review of past staffing history, caseloads, proposed population growth in the county, and demands on the system. One way to approach the demands on the system is through a review of the volume of court filings. The historical filings show long-term growth despite the drop over the last two or three years. A question which is not answerable at this point is whether the recent drop is merely an aberration or the beginning of a long-term trend. ILPP hypothesizes that the drop is temporary, and that with future growth in the county's population the filings will begin to move up again.

Although translating criminal filings into a number of new judicial positions is not a straightforward procedure, the following estimates are adequate for the conceptual planning purposes addressed by this report. Consultants make the following assumptions:

1. Judicial positions will be allocated and funded when the workload threshold is reached.
2. The proportion of criminal filings to total filings will not change significantly.
3. The ratio of criminal to civil (or total) judicial positions will likewise remain constant.

The Circuit Court threshold is currently 1,865 filings per judge, and this has remained constant for a decade. Current (1992) filings average 1,726. The "mean" projection predicts that the threshold of 1,865 will be reached

In the year 1994, and the addition of a new judgeship every two or three years thereafter will be required. The final task is to determine how many of these will be assigned to criminal court. The current year is anomalous because criminal filings have been decreasing, and using it as a basis gives an unlikely jump in the projections. If the 1990 ratio of criminal to civil workloads was adequate, then the criminal threshold would be 1,594 filings per circuit court judge. The model for circuit criminal judges then predicts a need for 11 criminal court judges in 2000 and 12 in 2010.

ILPP predicts a need for 11 circuit criminal court judges in 2000, and 12 in 2010.

The County Court situation is even more complex. The Office of the State Court Administrator's (OSCA) old threshold was 3,850 filings, excluding traffic, civil infractions, and bad checks. However, this was found to be an inadequate measure, and has recently been modified. The present standard is 6,100 filings, but it now includes criminal traffic. Unfortunately the data made available to ILPP did not distinguish criminal from civil traffic, nor did it break out bad checks and civil infractions.

Since the new standard with criminal traffic was constructed to be approximately equivalent to the old standard without it, the calculation is based on the older standard. The projected need for all county court judicial positions in 2000 is 14, rising to 16 by 2010, and for criminal county court judges, seven and eight in the same years.

ILPP projects a need for 14 county criminal judges by 2000, and 16 by 2010.

Figure 12.2
Projected Judicial Workloads, Circuit Court

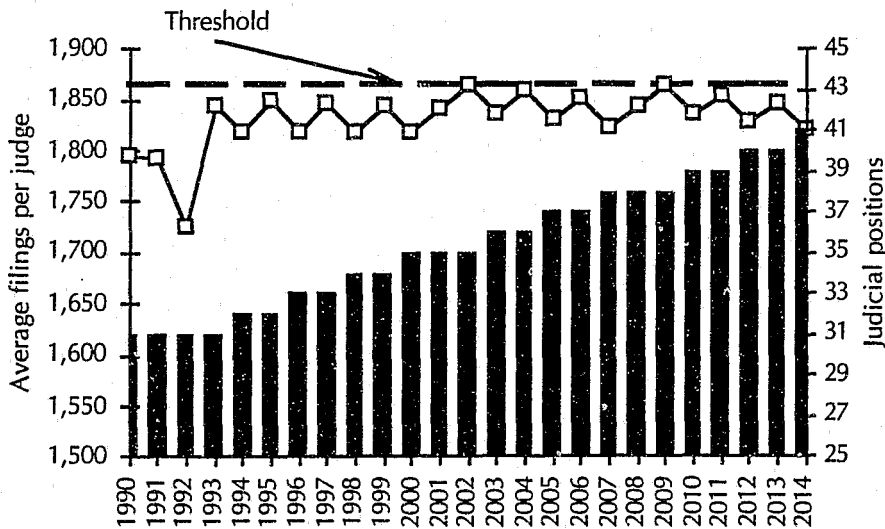
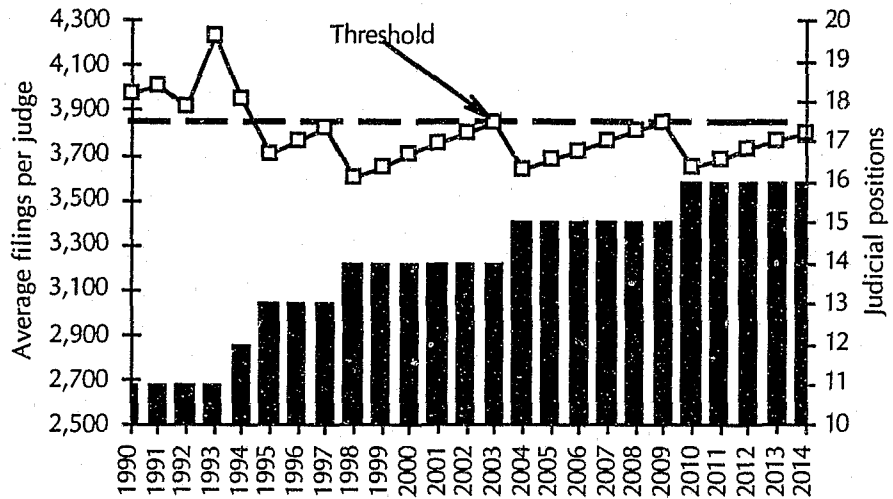


Figure 12.3
Projected Judicial Workloads, County Court



Figures 12.3 and 12.4 show three variables applied to the circuit and county benches: the threshold workload (horizontal dashed line, left axis), the projected judicial workloads (squares), and, on the right axis (vertical bars) the number of judges to maintain the workload below the threshold. The figures show the total numbers of judges. The projected numbers of criminal court judges are calculated by using the ratio of current criminal judges to total judges, and are presented in the table below.

Table 12.3
Criminal Court Projections of Judges, 1992-2010

	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010
Circuit	9	10	10	11	11	11	11	12	12	12
County †	6	7	7	7	7	7	7	8	8	8
Preliminary - presentation	1	1	1	1	1	1	1	1	1	1

† includes East County Court

V. ASSESSMENT OF PRIOR PLANNING EFFORTS

ILPP has reviewed three planning and programming documents which are described below.

A. Hillsborough County Facilities Master Plan, KPMG Peat Marwick, September 1988

This Master Plan projected county agency staffing and provided a conceptual plan for the county's space needs through the year 2010. Projections were compared to existing space to demonstrate long-term need. The plan also recommended a phasing plan, presented practical alternatives to meeting these needs, and provided cost estimates of the various alternatives.

The plan discusses issues of consolidation vs. dispersion, analysis of the feasibility of local citizen service centers, and the question as to whether to relocate BOCC functions from the downtown area.

County facilities are described and agency-occupied space is tabulated. This space is broken down into leased and owned facilities, to calculate the county's current space assets and lease liability. In 1988, the county owned 451,801 occupiable square feet and leased 148,275 square feet. The county-owned buildings were assessed at greater than \$47 million, and cost approximately \$4.4 million per year to operate and maintain, which amounts to approximately \$9.77 per occupiable square foot. The cost of leased space was approximately \$1.8 million, or \$12.33 per occupiable square foot.

Personnel staffing was forecast based on the ten-year staffing history for each agency. The results from four different projection methods are presented (agency growth multiplier, ratio, linear regression, and trend analysis), although the recommended forecast was usually made based on discussions with the agency being projected. All county agencies were projected, but projections for agencies of the criminal justice system (CJS) are given explicitly below:

Table 12.4
Criminal Agency Staffing Projections (KPMG, 1988)

Agency	1995	2000	2005	2010
Clerk	972	1,106	1,232	1,356
State Attorney	307	355	401	448
Judicial Court	239	286	332	380
Public Defender	224	269	314	362
HCSO Court Support	172	199	225	251
Total CJS Agencies †	1,914	2,215	2,504	2,797
Total County Agencies	3,677	4,194	4,681	5,171

† Note: The category, "Total CJS Agencies" does not include the second Federal District Court of Appeals, as included in the study's "Judicial Agencies Total."

The net space requirement was 195 usable square feet per administrative employee. Per judicial employee, it was 180 usable square feet. The county's incremental five-year space needs are given below.

Table 12.5
Projected Space Needs (KPMG, 1988)

Agency	1995	2000	2005	2010
Judicial Office	349,400	403,700	456,100	509,000
Ct Facilities and Law Library	136,100	157,300	177,700	198,300

Among the main recommendations of the report were the following:

- Keep the downtown location of the BOCC, due to adjacency needs of the county and city government and accessibility to the general public.
- Build satellite citizen service centers only if a facility would be a total of 10,000 square feet. Five potential locations were identified: Plant City, North Tampa, Brandon, Town & Country and Ruskin.
- Acquire another building(s) near the downtown county complex.

B. Hillsborough County Facilities Master Plan Update, KPMG Peat Marwick, July 1991

This update to the 1988 master plan addressed only issues concerning changes in personnel forecasts, space requirements, and occupancy in the county administrative complex.

The major changes addressed in the update included adjusting for a slower population growth than expected (actual growth was 4.5 percent less than that projected in 1988), relocation of many employees out of the area, and cutbacks in BOCC agencies.

The staffing projections and space projections addressing the court agencies are summarized in the following two tables.

Table 12.6
Revised Criminal Agency Staffing Projections (KPMG, 1991)

Agency	Year:	1995	2000	2005	2010
Clerk		849	944	1,022	1,123
State Attorney		369	528	754	1,081
Judicial Court		264	379	525	835
Public Defender		220	265	307	366
HCSO Court Support		163	191	219	260
Total CJS Agencies		1,865	2,307	2,827	3,665
Total County Agencies		3,358	3,909	4,611	5,623

Table 12.7
Summary of Space Projections (KPMG, 1991)

	Year:	1995	2000	2005	2010
Judicial Office Space		341,800	421,400	515,000	665,800
Court Facilities & Law Li		96,100	118,500	144,800	187,200
Total Court-related Space (Usable Square Feet)		437,900	539,900	659,800	853,000

C. Hillsborough County Court Administration Project, Task 1: Final Report, Ranon & Partners, January 1994

This study of the Hillsborough County Courts projected twenty-year space needs of county courts and related agencies. The report included broad recommendations on space usage, a feasibility/cost-benefit analysis and establishment of a preliminary scope, schedule, and budget for developing future facilities.

A technical evaluation of the County Courthouse, the Annex, and the Edgecomb Buildings were major elements of this study. The report stated that the Courthouse would accommodate both courtrooms and offices, but would require a substantial investment to repair and renovate the exterior and upgrade building services. The Edgecomb Building, in contrast, would either require total renovation, or demolition and reuse of the site for a multi-story building. The Annex buildings are in good condition and could be adapted for continued use by the courts.

Projected space needs for the courts and court-related agencies were approximately 462,600 usable square feet of area by the year 2013. A major finding of the Court Administrative Project was that the three existing structures would not accommodate the projected growth, and that placing all courts and related functions within these three structures would create significant adjacency concerns and possibly cause compromises in courtroom security.

Projections of judicial positions and courtroom needs in the CAP study were developed. The county population was projected to be 967,400 in the year 2000, and 1,146,700 in the year 2015.

Table 12.8 presents the staffing growth as projected for all court-related agencies (including civil and family courts).

Table 12.8
Projected Staffing Growth of Court & Related Offices (CAP Study, 1994)

Agency	1993	2003	2013
Courts	98	131	152
Court Administration	154	210	258
Clerk of the Court	447	554	658
State Attorney's Office	284	334	379
Public Defender's Office	180	206	236
County Sheriff's Office	86	113	131
Dept. of Corrections	13	16	17
Court Support	1	1	1
Building Services	2	2	2
Total	1,265	1,567	1,834

Table 12.9 presents the area requirements for occupiable and gross square feet as projected in the CAP study for all court-related agencies (including civil and family courts). The 1993 figure is presented both as the actual space occupied by each department, and on a programmed figure based on space standards used to house current identified functions and staff.

Table 12.9
Actual and Programmed Space Needs in CAP Study

Agency	Occupiable Actual 1993	Programmed					
		1993		2003		2013	
		OSF	GSF	OSF	GSF	OSF	GSF
Courts	124,990	121,403	178,534	143,989	211,748	163,668	240,688
Court Administration	33,900	37,122	54,591	46,788	68,806	55,680	81,882
Clerk of the Court	78,000	70,070	103,044	91,972	135,253	108,922	160,180
State Attorney's Office	60,400	52,900	77,794	60,525	89,007	68,594	100,873
Public Defender's Office	31,900	30,813	45,313	36,069	53,042	41,363	60,827
County Sheriff's Office	3,700	7,206	10,597	7,332	10,782	7,554	11,109
Dept. of Corrections	690	2,142	3,150	2,418	3,556	2,538	3,732
Court Support	2,500	7,794	11,461	7,904	11,623	8,179	12,027
Building Services	150	7,308	10,747	7,308	10,747	7,308	10,747
Total	336,230	336,758	495,231	404,305	594,564	463,806	682,065

The study developed and evaluated three planning options to accommodate future court needs. These are briefly described below. (Note that the title of the option has been assigned by ILPP on the basis of the distinguishing characteristic of each option.)

Actual and current programmed space identified by the Court Administration Project are nearly identical.

1. Annex Addition

Remodel the three existing buildings, construct a small addition to the Annex, and purchase an office building on adjacent property. Projected costs would be between \$35 and \$50 million. This project would take approximately three years to occupancy.

2. Courthouse Addition

Construct a new 300,000 SF Courtroom Addition adjoining the Annex. Renovate the Annex; remodel and renovate the Edgecomb building; remodel the Courthouse. Projected costs would be between \$60 and \$75 million. This project would take approximately four to five years until occupancy.

3. New Judicial Complex

Construct a new 680,000 SF Judicial Complex to accommodate all court and court-related departments. Projected costs would be from \$95 to \$130 million. This project would take approximately four to six years for occupancy.

Table 12.10 presents a summary of the actions proposed for each option.

Table 12.10
Summary of Actions / CAP 1993

Building	Option 1	Option 2	Option 3
Courthouse Ranon design team approach:	Renovate full building Facility renovated for either office only or office and courtroom use. Upgrade entire HVAC and electrical systems. Remodel 1st and 2nd floors for court-related office functions. Upgrade 3rd floor to courtrooms. Remodel jury area for courtroom. Maintain existing corridor/no resolution for secure corridor problems	Renovate space for State Attorney and Data Services only.	Remove all court functions to New Judicial Center. Future use of building and funds upgrade not addressed.
Annex Buildings Ranon design team approach	Renovate Central building: Make maximum use of existing facility with least amount of renovation possible. Maintain courtrooms. South: Dedicate entire tower to court-related offices. Second floor courtrooms vacated, all 6 floors remodeled. North: Reconfigure 5th & 6th floors for Chief Judge and Court Administrator. 5th floor PD vacated, remodeled for new courtrooms.	Renovate	NA
Annex Add.	Add 2 stories. No additional parking	NA	NA
Courthouse Addition	NA	Add 7-story, 300,000 SF building	NA
Edgecomb Building Ranon design team approach:	Renovate Either: Proceed with full renovation and replace curtain wall OR demolish and reuse site for expanded area of new construction	Renovate	NA
New Judicial Complex	NA	NA	Construct 680,00 GSF bldg. with 1800 space parking garage

Table 12.11 presents a summary of the high estimated cost for each action proposed in the three alternatives.

Table 12.11
Summary of Estimated Costs / CAP 1993

Building	Option 1		Option 2		Option 3	
	Description	High Est.	Description	High Est.	Description	High Est.
Courthouse	Renovate full building	14,384,000	Renovate for OSA and Data Svs. only	10,412,000	Remove all court functions to new Judicial Center.	
Annex Buildings	Renovate	8,735,000	Renovate	8,735,000		NA
Annex Add.	Add 2 stories No additional parking	3,800,000		NA		NA
Courthouse Addition		NA	300,000 SF bldg.	35,000,000		NA
Edgecomb Building	Renovate	7,766,000	Renovate	7,766,000		NA
New Judicial Complex		NA		NA	Construct 680,00 GSF bldg. with 1800 space garage	110,000,000
Furnishings	Five percent	1,734,000	Ten percent	6,190,000	Ten percent	11,000,000
Engineering & Professional Fees	12 percent	4,162,000	12 percent	7,430,000	Ten percent	11,000,000
700 Twiggs	Purchase and renovation	11,000,000		NA		NA
Total		51,581,000		75,533,000		132,000,000

Table 12.12 presents, for each option, a summary of the allocation of square footage for each department, and identifies the proposed location of each agency after all construction and renovation is completed.

Table 12.12
Summary of Proposed Agency Area. by location /CAP 1993

Option 1	Cths	Cths Addition	N & S Annex	Annex Addition	Edgecomb Building	700 Twiggs	New Complex	Total
Courts								
Criminal			73,600					73,600
Non-criminal	65,000		23,900					88,900
Court Administration	14,400		41,600	3,900				59,900
Clerk of the Court	66,300		8,300	6,400				81,000
Criminal Clerk			25,100	7,200				32,300
State Attorney's Office						69,000		69,000
Public Defender's Office					53,100			53,100
County Sheriff's Office	600		6,000					6,600
Dept. of Corrections			2,600					2,600
Court Support	2,000							2,000
Building Services								0
Conference Center				3,300				3,300
Law Library				10,300				10,300
Grand Jury			1,800					1,800
Total	148,300		109,300	31,100	53,100	69,000		410,800
Option 2	Cths		N & S Annex	Annex Addition	Edgecomb Building	700 Twiggs	New Complex	Total
Courts								
Criminal			73,600					73,600
Non-criminal		65,224	23,900					89,124
Court Administration		47,559	41,600					89,159
Clerk of the Court		47,559	8,300					55,859
Criminal Clerk			25,100					25,100
State Attorney's Office	69,000							69,000
Public Defender's Office					53,100			53,100
County Sheriff's Office		5,000	6,000					11,000
Dept. of Corrections			2,600					2,600
Court Support		2,000						2,000
Building Services								0
Conference Center		3,300						3,300
Law Library		10,300						10,300
Grand Jury			1,800					1,800
Unspecified		23,000						
Total	69,000	203,941	109,300	0	53,100	0		412,341
Non-Court functions	65,400							65,400
Total ct & non-court	134,400		109,300	0	53,100	0	0	477,741
*(Allocation for Cths Addition estimated from stacking diagram and adjusted for OSF vs GSF)								
Option 3	Cths		N & S Annex	Annex Addition	Edgecomb Building	700 Twiggs	New Complex	Total
All Justice Agencies	0		0	0	0	0	0	462,000
Total	0		0	0	0	0	0	462,000

The recommendation made in the final CAP report based on county and court feedback was to adopt Concept 2 (Courthouse Addition), on the basis that it would consolidate court and related functions in a single complex, housing only the Public Defender and the State Attorney offices in a separate building. The addition is the least costly option that could still solve problems of security, circulation, space inadequacy, and poor functional relationships, and be the least disruptive to court functions.

VI. FINDINGS AND RECOMMENDATIONS

A. Staffing and Space Projections

◆ *The projections of staff and judges produced in the Court Administration Project study are satisfactory for the level of planning required at this preliminary stage. However, projections of ancillary offices used in the CAP study appear optimistic, given historical staffing trends. The method used in the CAP report projects growth of these staff based on the number of judges and an ideal, but not historically supported level of staffing.*

CAP projections are satisfactory.

In the CAP study, estimates of the total numbers of all judicial positions required over the next twenty years was made. These results are comparable with those done independently by ILPP. These figures are shown in Table 12.13. For comparison 1993-94 staffing as reported by the agencies are given also.

Table 12.13
Projected Staffing Court-Related Offices

	1993-94	2003-04	2013-14
Clerk of the Court			
ILPP	366	421	455
CAP	447	553	657
Court Administrator			
ILPP	116	135	146
Trend	116	194	273
CAP	152.5	207	253
Courtroom Security			
ILPP	85	99	107
CAP	86	113	131
Public Defender			
ILPP	172	199	222
CAP	180	206	236
State Attorney			
ILPP	261	294	328
CAP	285	335	379

ILPP and CAP projections may be viewed as indicating the range of growth which might be expected. The CAP figures for the Clerk's office includes non-criminal court-related personnel (the Clerk has a number of other functions such as maintaining vital statistics and property records) accounting for the large discrepancy with ILPP's projections. However the "trend" projection for the Court Administrator looks unreasonably high in the latter part of the period under consideration.

B. Adjustments to Growth Projections

Management changes may affect projections.

- ◆ *Recommendation: The Court Administration Project, or another independent study should determine the extent and impact of criminal justice system management improvements on the projected overall growth needs of the criminal courts, staff and spaces. Growth in the criminal justice system is slowing, and the county is committed to maximizing the efficiency through managing growth in order to plan for high cost construction with the most rational and long-term vision.*

The current study considers case filings, case flow, diversion and county population. In many jurisdictions throughout the nation, increased use of video functions for proceedings, improved data processing and expansion of alternatives to incarceration offer a greater degree of rationalization for not only the detention system but also for the criminal court system. The changes in system management that are recommended in this ILPP study will have a large impact on lowering criminal court system needs.

C. Space Standards and Planning Concepts

- ◆ *The CAP report's space projections, space standards, building analysis, and planning concepts are well documented and acceptable as "industry standards." The CAP study adequately addresses problems that will be faced by court-related agencies and provides the basic ground work for solving future space needs.*

D. Current Space Adequacy

- ◆ *As tabulated in the Court Administration Project, there is not a space deficit in the total needs of the court system. The space needs identified in the CAP report as "1993 programmed" (what is needed) for court-related functions is not significantly different from the "1993 actual" (what exists) numbers.*

The existing occupiable square footage cited in the *Court Administration Project* is 336,230 Occupiable Square Feet (OSF). The programmed figure is 336,758 OSF. This programmed figure is calculated by applying space

standards to the current functions and staffing. Comparison of these numbers - the total actual vs. the "ideal" - suggests that the immediate space needs of these agencies is not critical.

This CAP does, however, address the projected 20-year needs of the courts and related agencies, and also address a number of current space-related problems that are not reflected in the square footages. These problems include poor configuration; agencies that should be housed in one location being located in several different buildings; lack of appropriate adjacencies, and poorly designed spaces.

E. Long Range Projections and Phasing

- ◆ *The Court Administration Project proposes building - within five years - enough additional space to adequately meet the long-range needs of the courts. The study does not present phasing or recommendations for the most cost-effective way to utilize sizable surplus space until it is required.*

The three concepts presented in the CAP all address long-range square foot needs, and would provide a total court space allocation of between 410,000 SF and 462,000 SF. This would add a minimum of 75,000 SF up to a maximum of 125,000 SF to the court's current allocation, and would meet the needs for years 2005 to 2013. If, for example, the county completed Concept 2 on schedule - addition of 300,000 SF to the courthouse by the year 1998 - there would be a projected surplus of 67,000 SF at the time the building was opened; according to the study this surplus would not be entirely occupied until approximately the year 2005.

- ◆ *Recommendation: Long range planning for court facilities should carefully address phasing. Addressing allocation of the "expansion" space in the interim years, until it is needed, would allow the most cost effective construction use.*

F. Maximum Utilization of Existing Facilities

- ◆ *Two of the options presented in the CAP study include the conversion of space from what is now court functions to non-court space. The need for this space by non-court, general government functions is not identified by either agency or space requirements.*

Concept 2 in the CAP would result in the courts vacating approximately 65,000 OSF, which would then be available for remodeling and reuse by non-court functions. Option 3 (New Court Complex) in the CAP study would convert the Courthouse, Annex, and Edgecomb buildings to non-court use. Neither concept includes identification of what non-court

agencies would then reuse the space. This issue may be of particular relevance because of the recent moves into the new county government building by many of the non-court functions.

If the spaces vacated by the courts are indeed needed for other county functions, the cost effectiveness of the relevant option is positive; if the space vacated would remain empty for an extended period of time, the cost effectiveness is questionable at best, and would result in a "surplus" of space ranging from 65,000 to 250,000 OSF.

- ◆ *Recommendation: The issue of space reuse by non-court functions should be addressed prior to adoption of a court master plan addition.*

G. Changes to Existing Buildings to Improve Security and Circulation

The CAP report states that, as part of that study, an investigation into correcting problems with security and circulation had been conducted. The CAP states that the modifications necessary to accomplish this would be potentially quite extensive and costly; therefore, upgrading the existing structures is "unrealistic and non-viable." This finding is instrumental to justify the recommendation to for the concept that builds new space, rather than rehabilitating existing space - with an expenditure that is between \$25 million and \$40 million dollars more than the rehabilitation of the courthouse.

The CAP report does not include any documented data to substantiate the statement. Given that this information is the fundamental premise to the recommendation presented for a new 300,000 gross square foot building, justification and a more complete, documented explanation should be presented. The information should include an independent evaluation of potential security improvements to the Courthouse, including the possibility of viable combinations of staff and systems to protect court staff and the public.

- ◆ *Recommendation: Further documentation should be provided to explain the finding in the CAP's report that construction to improve circulation and security are not viable.*

H. Edgecomb Site

- ◆ *The Edgecomb site is a potentially valuable asset and is currently underutilized. Renovation of the Edgecomb Building does not solve considerable site underutilization. New construction on the site is the best way to include it in a long-term development plan.*

The Edgecomb Building is a small, low building that does not fit surrounding land use intensity. The assessment in the CAP report is that the building is of marginal use, given the low intensity of land use.

This site can accommodate a judicial services building with a larger footprint and a much taller building, of up to 10 floors. Concepts 1 and 2 both propose rehabilitating and remodeling this building, with costs ranging from \$5.2 to 7.8 million.

A \$7 million rehabilitation of the building is not a good investment. The site requires a higher intensity land use, given its location and the projected space demands. A new building floorplate with 30-35,000 GSF per floor would generate between 180-210,000 GSF for a six-story building and 300-350,000 GSF for a ten-story building.

Edgecomb should be demolished, replaced with a new building, or not included in court facility planning. Renovation is not cost-effective.

◆ *Recommendation: The county should not invest a substantial amount of money into an expensive rehabilitation on a marginal building that does take advantage of the site expansion potential and location. The long-range master plan should either address maximum use of the Edgecomb site through eventual demolition and replacement with a more site intensive building, or not include the building and site in long range planning options.*

VII. SUMMARY

Hillsborough County criminal justice court functions are currently in the process for planning for long-range needs and expansion. Current planning that is being done as part of the *Court Administration Project* is adequately projecting for courtroom and judicial needs but the needs stated for some support offices include overly high growth projections. The long-range court plan should include more information on how surplus space will be used until needed, how existing space vacated by the courts will be utilized by other agencies, and take a more realistic view of the site potential of Edgecomb.

13.

Other Space Use

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13. Other Space Use

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Other Space Use

I. OVERVIEW

As the county's investment in criminal justice accounts for one half of general fund expenditures, it is important to look at all facilities, seeking to insure the most coordinated overall use of space. This chapter addresses the facility areas that are less in the immediate eye of policy and development debate, but which add greatly to opportunities for increased cost effectiveness.

Criminal justice space planning should include all criminal justice space use.

The following facility areas are covered: County Administration and the Board of County Commissioners; the Sheriff's Office Administration and Law Enforcement divisions; and the agencies that provide community corrections, including the Florida Department of Corrections, the Salvation Army, and DACCO.

II. COUNTY GOVERNMENT FACILITIES ANALYSIS

The County Administrator's Office and the Board of County Commissioners have administrative, coordinating, and oversight functions for other criminal justice agencies. Because a large fraction of the county's budget is spent on criminal justice, general government space is, to a large degree, criminal justice administration space.

A. Space Use

At the time of ILPP's site visit, the County Administrator's Office and the Board of County Commissioners were in the process of moving to the new County Center building at 601 E. Kennedy Blvd. in downtown Tampa. There is also a County Office Building in Plant City.

Figure 13.1
County Center

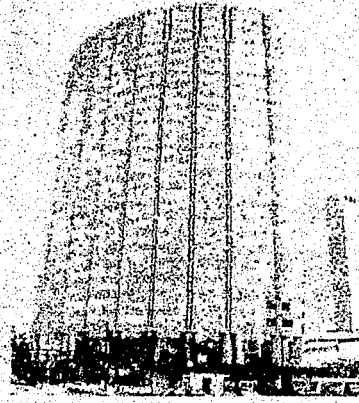
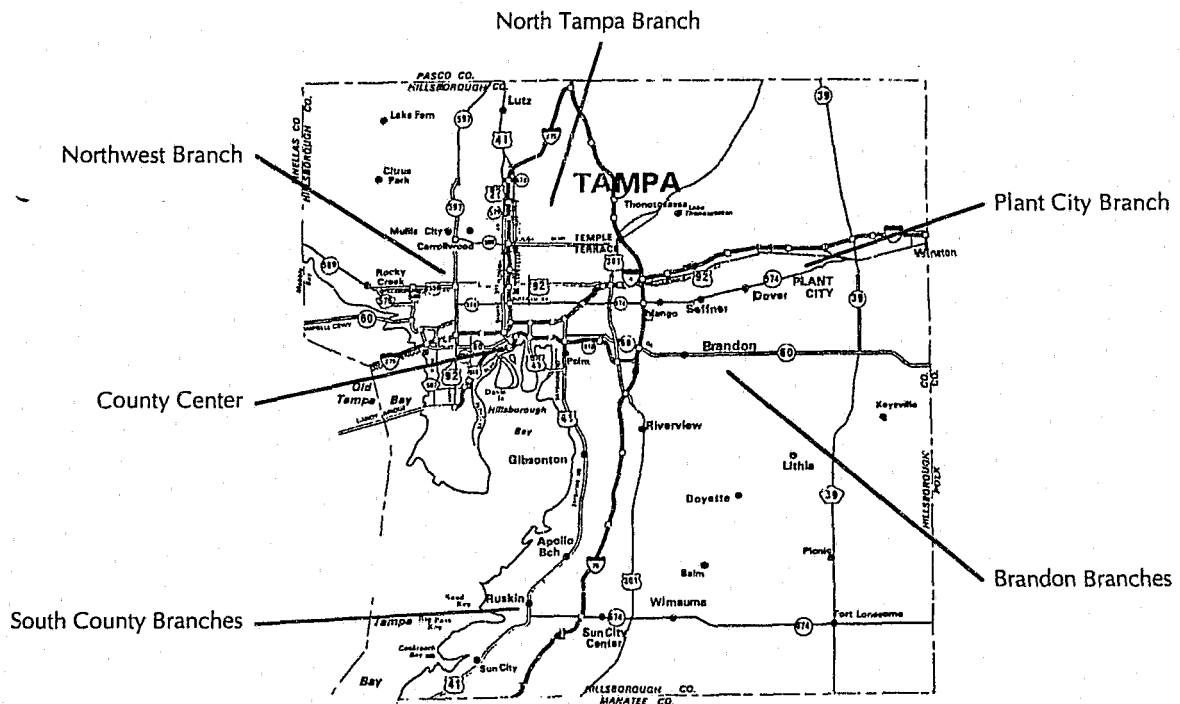


Figure 13.2
County Government Facilities



The County Administrator's Office is housed in typical office space, although there are a few special space needs, including a reception area, private offices and conference rooms. For the BOCC, similar types of special spaces are needed, along with the Board Meeting Room. The

offices of the BOCC must be accessible to the public, and the Board Meeting Room must have seating for the general public.

The 1988 Hillsborough County Facilities Master Plan reviewed the issue of relocating the BOCC functions to a facility outside of the downtown area. The main reasons for considering this were the high cost and limited availability of real estate and parking in the area.

The Hillsborough County general master plan consolidates most general government functions within the downtown area.

These issues, as well as adjacency needs with other agencies, were analyzed, and the recommendation to keep the BOCC functions downtown was made for the following reasons.

- Governmental efficiency would be hurt by relocation outside of the downtown area.
- Tampa redevelopment activity would be hampered.
- Tax revenues could be negatively impacted.
- Citizen accessibility would be hindered.
- County-owned buildings may be difficult to sell.
- Space utilization can be enhanced by co-location of administrative and court functions.

B. Assessment

Because of the amount of interaction needed with criminal justice and other county agencies, it is essential that the County Administrator and the Board remain in a centralized location downtown. The decision to purchase the County Center building was the result of a plan to consolidate county functions. The concept of consolidating county governing functions in downtown Tampa while maintaining satellite citizen service centers at smaller population centers is an appropriate strategy for this large county.

In the short term, there may well be a need for more general government space devoted to criminal justice administration. This is especially the case in light of the recently expanded Public Safety Coordinating Council and its likely future growth, staff, new functions, and needs for regular meeting space.

III. SHERIFF'S OFFICE: ADMINISTRATION, EXECUTIVE SUPPORT AND ENFORCEMENT OPERATIONS

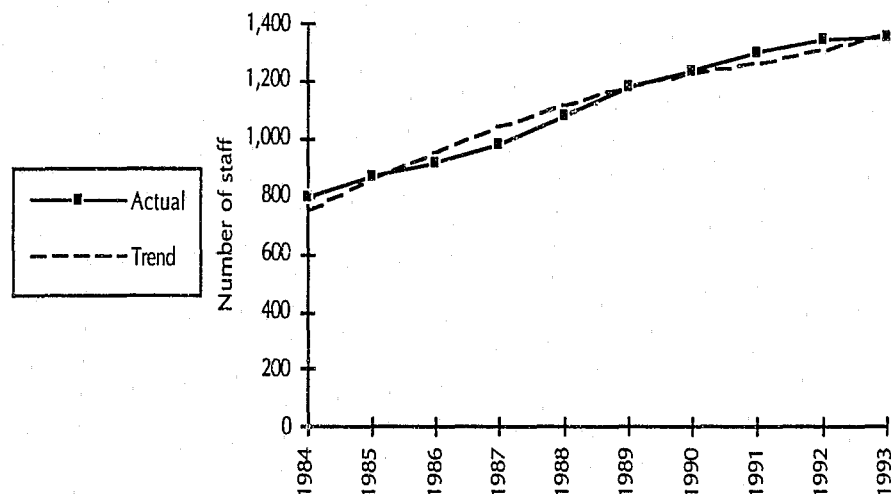
The Hillsborough County Sheriff's Office has responsibility for a wide range of law enforcement functions; the complex organizational structure of the office includes Detention, Administration, Enforcement Operations. This section briefly discusses the staffing and facility use of the Sheriff's Executive Support, Administration and Enforcement Operations Departments. (The Detention Department is discussed as a separate section.

A. Staffing Projections

Projections were made of the staffing for the Law Enforcement portion of the Sheriff's Office; this includes the Executive Support and Administration Departments but excludes the Detention Department and the bailiffs assigned to Courtroom Security.¹ A detailed description of departmental staffing history and how the projections were obtained is given in Appendix E.

Total staffing in 1984 was 801, of which 68.5 percent were sworn officers. By 1993, the total staffing had grown to 1,359 and the sworn percentage had fallen slightly to 64.5 percent. Although patrol and many investigative functions require certified peace officers, an issue frequently encountered in sheriff's departments is the use of (more expensive) sworn officers assigned to office duties which could be performed just as well by civilians.

Figure 13.3
Law Enforcement Staffing History



The growth of law enforcement appears to be related primarily to that of the county overall. Figure 13.3 shows the staffing data (sworn and civilian combined) and the trend line based on county population. While there is no way to guarantee that the department will continue to grow at this rate, an extrapolation of the figures gives the following projected staffing levels (column 2 below).

Table 13.1
Staffing of Law Enforcement and Administrative Functions

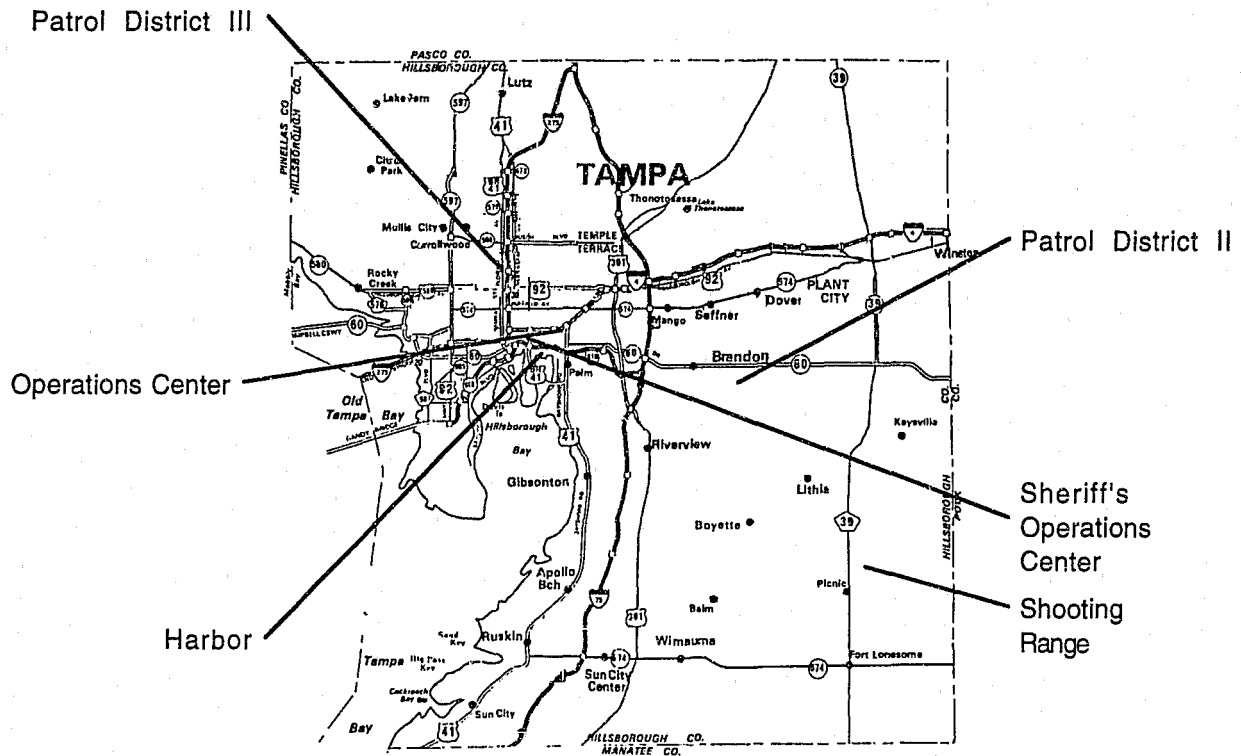
Year	Staff	Staff per 100,000	Staff at 1993 Rate
1993	1,359	157	1,359
1995	1,622	180	1,415
2000	1,937	200	1,523
2005	2,231	216	1,623
2010	2,505	229	1,717

However, law enforcement does not grow exactly at the same *rate* as the population; it follows a steeper curve of the same shape. The third column in the table indicates a gradual increase of staff from 157 to 229 per 100,000 county residents if the projected staffing materializes. This trend may moderate if the citizens become unwilling to spend an ever-increasing proportion of taxes on law enforcement. Keeping the 1993 staff to population ratio would give the figures in the last column. The second and fourth columns indicate a plausible range of law enforcement staffing.

B. Space Use

Because of the varied responsibilities for a large county, the Sheriff's Office requires facilities in a number of locations throughout the county. This section briefly describes the current locations of the Sheriff's Executive Support, Administration and Enforcement Operations Departments. The facilities of the Detention Department are discussed in an earlier section.

Figure 13.4
 Sheriff's Office Facility Locations



1. Sheriff's Operations Center

The Sheriff's Operations Center is located at 2008 8th Avenue, in Ybor City, Tampa. In October, 1993, the County was in the process of completing a two-story, 20,000 square foot addition to the existing building that will include a new 800 MHz communication center. This addition is referred to as the "Operations Center Annex."

Figure 13.5
Sheriff's Office Operations Center



Programs that are housed in the Sheriff's Operations Center are primarily the Office of the Sheriff and some functions of the Executive Support and Administration Departments. These include:

Executive Support Department: The Legal Section, the Fiscal Division, and Information Services Section are located in the Sheriff's Operations Center. The Professional Standards Section and Data Operations Division are located elsewhere. The Sheriff's Office Warehouse is located at the Orient Road Jail site.

Administration Department: The Property Control Section, including the Evidence and Supply Unit, and Communications are located in the Sheriff's Operations Center. Most functions, including Judicial Services, Personnel and Training, Communications Maintenance and Automotive, are located across the street.

The Communications Center has perhaps the most complex facility needs of the Sheriff's administrative functions. This unit is responsible for all 911 calls, law enforcement dispatch, non-emergency calls and the FCIC/NCIC communications link. The center is scheduled to move to the second floor of the new annex when it is completed. Although plans originally called for the new Communications Center to be upgraded to 800 MHz, and the space was designed for that concept, the upgrade will not take place immediately. Special space needs include space for supervisors, 911 and non-emergency phone stations, monitor equipment, tape storage, and EMS. Staff includes 130 dispatchers on three shifts with a booster overlay.

Other special space needs in this building include a large break room for all staff, storage, copy machines, information and records, mail room, and evidence room. Two medium-sized training rooms are located in this building in addition to three training rooms across the street.

2. Auxiliary Buildings

There are several auxiliary buildings located directly across 21st Street from the Operations Center. This complex is bounded by 21st and 22nd Streets, and 8th and Palm Avenues. These buildings house the Training Facility, Data Operations, and Personnel. Space on the third floor of one of the buildings on this block, the Buchman Building, is leased.

The Electronics and Radio Repair Section is also located in this complex. This facility has two buildings and includes a shop, storage, garage, and small break room. Approximately 18 to 20 staff members work out of this facility, including 13 technicians, two supervisors, a manager, a clerk, and a parts clerk. The facility is staffed with two shifts, seven days per week, and is open from 6:00 am to 11:30 pm.

3. Patrol District Offices

There are two Patrol District Offices. The Patrol District II office is located at 220 Hilltop Road in Brandon and is responsible for east county patrol functions. The Patrol District III office is located in the Carrollwood community, at 15100 N. Hutchison Road in Tampa, and is responsible for west county patrol. (Note: these two patrol units cover the whole county – there is currently no District I.)

Deputies meet at their Patrol District Office before going on duty in the field. Each district office is approximately 8,000 SF, and contains a roll call room, property room, detective squad room, clerical area, waiting room, report-writing room, interview rooms, conference room, private offices, computer room and staff break room.

4. Substations/Community Policing Stations

The Enforcement Operations Division has seven community police substations. These are typically staffed by one deputy from 8 am to 5 pm; some are staffed on a part-time basis. These satellite offices are located throughout the county in community centers, shopping malls and neighborhoods. A list of these is given below.

Table 13.2
Community Substations

No.	Station	Address
1	Moses White Satellite Office	4915 Pocahontas St., Tampa
2	Progress Village Satellite Office	7935 Flowers Ave., Tampa
3	West Hillsborough Substation	7520 W. Waters Ave., Tampa
4	Plant City Substation	302 N. Michigan, Plant City
5	Northwest Substation	2528 Bearss Ave., Tampa
6	Ruskin Substation	108 Highway 41 South, Ruskin
7	Eastlake Substation	5701 E. Hillsborough Ave., Tampa

Two community relations officers have offices in the Sheriff's Operations Center; additional officers are stationed at all 26 junior and 14 senior high schools in the county. Half of each school officer's salary is paid by the School Board, and half is paid by the Sheriff's Office.

5. Tampa International Center

The Special Investigations Division is housed in leased space at the Tampa International Center at 1103 N. 22nd Street, at Adamo Drive. This unit is responsible for Criminal Investigations and Organized Crime. The Sheriff's Office is considering a possible move for this unit, perhaps to the future Citizens' Service Center which may be located in the former "Circle K" headquarters at 500 S. Falkenburg Road in Brandon. This unit can operate independently and there are no adjacency requirements that would require it to be co-housed with other units in the Sheriff's Office. Members of this unit do appear in court to testify but do not need to be co-located with the courts.

6. Old Post Office

Two units are located in a leased facility, known as the "old Post Office." This building, located at 1725 8th Avenue, three blocks east of the Operations Center, houses approximately 30 process servers and support staff from the Judicial Services Bureau. These staff members conduct an extensive amount of work in the field. The Professional Standards Section is also housed here.

7. Environmental/Marine and Aviation Sections

The environmental and marine patrols are located near the harbor. The Aviation Section is located in rental space at a private airport. The Sheriff's

Office reports some problems with current accommodations and may explore building a hangar at the Tampa International Airport.

8. Shooting Range

The Walter C. Heinrich Training Facility, with a shooting range and outdoor training area, is located in the southeast corner of the county, at 14063 State Road 39, Lithia.

Table 13.3 presents a summary of unit locations. The table reflects the organization of the Hillsborough County Sheriff's Office, as shown in the Sheriff's Office Line of Authority Diagram.

Table 13.3
Summary of Sheriff's Office Facilities

Building	Operations Center	Auxiliary Buildings	Old Post Office	Other Locations
Executive Support	X			
Data Operations		X		
Legal	X			
Fiscal	X			Warehouse
Professional Standards			X	
Information Services	X			
Administration				
Personnel & Ct. Adm.		X		
Judicial Services				Court Complex
Court Processes			X	
Personnel & Training	X	X		
Services	X	X		
Auto Maintenance		X		
Property Control		X		
Communications	X			
Communications Maint.		X		
Enforcement Operations				
Prev. & Special Ops.			X	
Crime Prevention		X		Schools
Enforcement Support		X		
Aviation				Airport
Environmental/Marine				Harbor
District II				Brandon
District III				Carrollwood
Special Investigation				Tampa Int'l Center

C. Facility Issues

This study did not include a comprehensive analysis or investigation of the Sheriff's non-correctional facilities, and information is provided here only for overview purposes. It appears that immediate problems with space will be addressed by the recent addition to the Sheriff's headquarters facility. Although long-term needs will require additional space, there is adequate land to effectively plan for these needs. There are, however, several issues that should be addressed as the county grows and need for additional law enforcement staff increase.

One long-range planning issue is centralization versus decentralization of services. As described above, the Sheriff's Office now has facilities throughout the county. In most cases, this is appropriate for provision of services. For example, the marine and aviation units could not effectively function in a centralized headquarters location. Similarly, patrol functions are divided for more appropriate response to service need. The law enforcement community outstations allow a neighborhood presence. As these units continue to grow with increased county population, additional staff members can be accommodated where needed.

The administrative and clerical functions, however, are most effectively housed at the headquarters. Co-locating is more efficient in terms of "support space" - receptionist, phones, restrooms, travel, meetings, etc., but additional space must be planned for in the long range. Before the additional space was added to the Operations Center, a planning study recommended a much larger addition of space (50,000 square feet) which would have allowed consolidation and growth of administrative functions and required construction of a parking garage. This plan was modified to 20,000 square feet, and parking was assigned to a surface level lot.

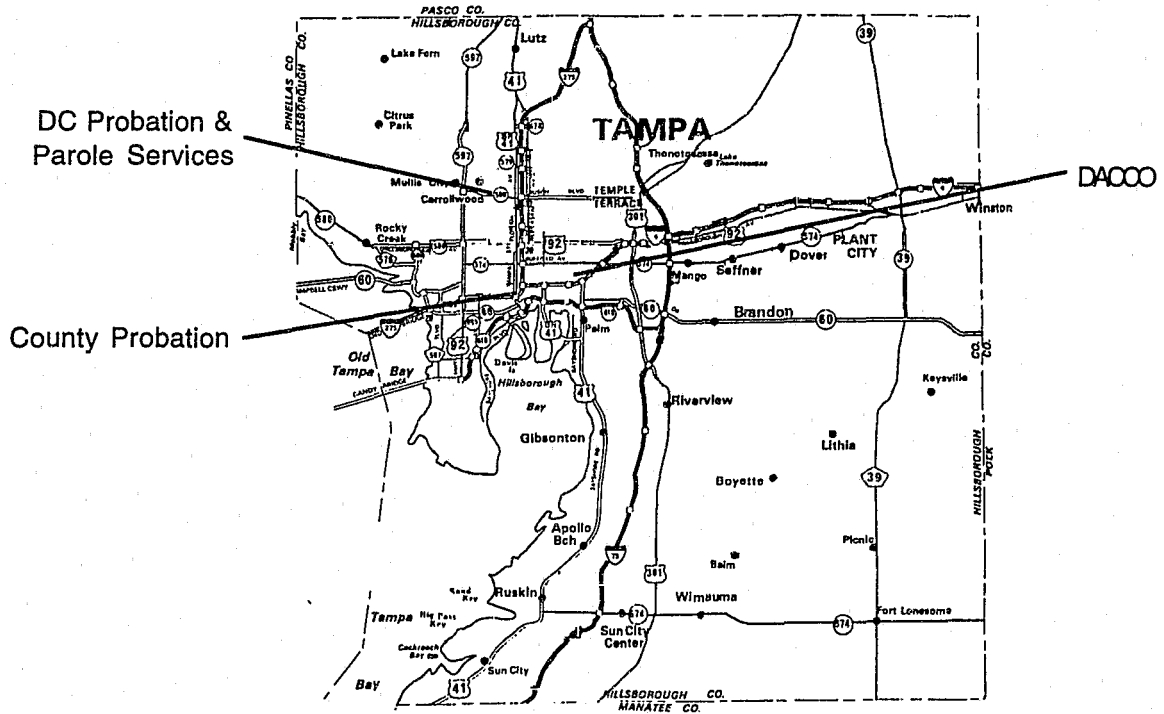
IV. COMMUNITY CORRECTIONS

Community corrections in Hillsborough County is provided by a combination of governmental and private agencies. The Florida Department of Corrections provides felony probation and parole services; the Salvation Army provides misdemeanor probation services; DACCO provides drug abuse treatment programs. While these agencies are not a part of county government, they do play a crucial role in the criminal justice system.

Community corrections space use is dispersed among several agencies and locations.

A brief summary of business hours, space use, expansion plans, and adjacency issues are given for each agency.

Figure 13.6
Community Corrections Facilities



A. Florida Department of Corrections Probation and Parole Services

Florida Department of Corrections' (DC) Probation and Parole Services Executive Headquarters are located about six miles north and west of downtown Tampa. There are 13 branch offices throughout Hillsborough County's major communities. The DC contracts with various agencies to carry out many aspects of the probation program, such as: drug education classes, drug and alcohol testing, vocational and educational training, psychological services and substance abuse outpatient treatment.

Figure 13.7
Cost Comparison of Incarceration and Felony Probation



\$406/WEEK



\$10/WEEK

1. *Business Hours*

- Branch offices: 9:00 am to 5:00 pm
- Executive Headquarters: 8:00 am to 5:00 pm

2. *Space Use*

- Probation: 13 branch offices, approximately 5,000 GSF each, with lobby, offices, interview space and classroom
- Drug Diversion Court: use of a courtroom on Monday morning for violating clients; acupuncture treatment and counseling at contracting agency's facility; drug education classes at branch offices
- Drug Offender Probation: same as Probation
- Probation Restitution Center: residential living unit, houses 12 probation officers as well as clients; dormitories, meeting rooms, dining area, kitchen, laundry, dayroom, classroom, officer living quarters

3. *Expansion Plans*

- No immediate plans to increase the number of branch offices, office expansion follows caseload increases
- Proposal submitted to the State Department of Community Affairs and the BOCC to increase Drug Diversion Court client capacity to 150 offenders annually for \$48,955

4. *Adjacency Issues*

- Good client access to branch offices
- Need access to State Attorney's intake information

B. County Probation - Salvation Army Correctional Services

The Salvation Army's Probation Department leases space from its parent agency, the Salvation Army, at the main facility north of downtown at 1603 N. Florida Avenue. There is a second facility in Plant City at 709 S. Evers Street.

Figure 13.8
Cost Comparison of Incarceration and County Probation



+ Cost is recovered for approximately 90% of all clients.

1. Business Hours

- 8:00 am to 5:00 pm, hours may be extended in 1994

2. Space Use

The Tampa facility is about 21,000 SF and contains a large lobby/client waiting room area with a reception and information counter, office and interview space for probation supervisors, file storage room, computer room and administration areas.

3. Expansion Plans

- None

4. Adjacency Issues

- Limited client access due to only two locations in county
- Need access to State Attorney's Intake Information

C. Drug Abuse Comprehensive Coordinating Office

DACCO is a private, non-profit organization dedicated to preventing and treating drug abuse with an extensive range of services, from intensive residential treatment with minimal outside contact for clients, to outpatient programs, to a non-supervised apartment program. DACCO has two full-

time intake workers who spend most of their time at the jails although they do not have office space there and rely on jail interview rooms to conduct intake interviews. DACCO's administrative headquarters and a residential treatment center is centralized about four miles northeast of downtown at 4422 E. Columbus Drive, with another residential treatment and outpatient center about a half-mile away at 3630 N. 50th Street.

Figure 13.9
DACCO Administrative Headquarters



Currently, there is a three- to five-week wait for the residential treatment program as an alternative to jail sentencing. Also, since inmates must be ordered into the program by a judge, the non-uniformity of judicial practices among the different courts results in many potential candidates not being treated.

Figure 13.10
Cost Comparison of Incarceration and Residential Treatment Program



\$406/WEEK



\$245-350/WEEK

1. Business Hours

- Residential Treatment Program: 24-hour care
- Outpatient Treatment Program and administration: 9:00 am to 7:00 pm

2. Space Use

- 4422 E. Columbus Drive: 10,000 square feet. Administration area – reception area, private offices, copy room, employee break room, file storage. Residential living unit – dormitories, meeting rooms, dining area, kitchen, laundry, outdoor recreation area and yard.
- 3630 E. 50th Street: 14,325 square feet. Residential living unit – dormitories, meeting rooms, dining area, kitchen, laundry, outdoor recreation area and yard. Outpatient treatment area – reception area, medical exam room, acupuncture treatment room and waiting area, file storage, private offices.

3. Expansion Plans

- Long-term goals include instituting a two-month "Intensive Outpatient Program," with approximately 45 slots, which would be a highly structured day-treatment program. Initially for four hours per day, five days per week, this would provide a transition between the residential treatment program and the current outpatient program.
- Additionally, implementing an intake unit as described in Chapter 9 is another long-term goal.

4. Adjacency Issues

- Residential treatment centers do not have a lot of interaction with community but are not located in a detrimental environment.

D. Conclusion

In summary, the components of community corrections in Hillsborough County are separate entities, carrying out their own missions quite well. However, there does seem to be a need to link the programs together to provide more of a continuum of care for offenders so that they are released into a system rather than into an individual program.

From a facility standpoint, the programs themselves would also benefit from this type of system incorporation. The following table summarizes the facilities of the three major alternative programs described above.

Table 13.4
Summary of Alternative Programs

Agency/Office	Location	Size (GSF)	Program Cost
DC Probation & Parole Services			
Administrative Headquarters	2807 W. Busch Blvd., Tampa	8,054	
13 Branch Offices		~5,000 ea.	\$10/week
Probation Restitution Center	1613 E. 9th Ave., Tampa	~12,000	~\$150/week
County Probation (Salvation Army)			
Main Facility	1603 N. Florida Ave., Tampa	~21,000	\$10/week
Plant City Division	709 S. Evers St., Plant City	not available	
DACCO			
Administration HQ/Res. Ctr.	4422 E. Columbus Dr.	10,000	\$350/week
Residential Treatment Center	3630 N. 50th Street	14,325	\$245/week

Several ideas for linking the programs to the rest of the criminal justice system are discussed below.

- The issue of locating County Probation caseworkers in DC Probation and Parole Services branch offices should be investigated. Since there are several DC branch offices all over the county, locating County Probation offices in some or all of these offices would be a solution to the current problem of limited client access. Clients would then most likely be closer to their probation office, allowing the monthly interview to be less of a major interference with employment and job-seeking efforts.
- Another solution to the same problem would be to extend office hours for both State and County Probation beyond 8:00 am - 5:00 pm to minimize interference with clients' employment. This issue is already being considered by the Salvation Army.
- Since two DACCO intake workers spend over 50 percent of their time at the jails interviewing offenders for acceptance into substance abuse programs, office space should be provided for them at the jails. DACCO substance abuse evaluation services should be integrated into the regular jail intake and classification program.
- The issue of how many jailed offenders qualify for residential substance abuse and other alternative programs should be studied in order to plan for increases in these programs.

The space needs and growth of the all elements of the criminal justice system must be considered in planning for long-term system efficiency. The alternative programs are an increasingly important part of the criminal justice system and should be joined to the rest of the system so that the county's resources can be used in a more cost-effective and appropriate way.

NOTES

- ¹ The calculation of the number of bailiffs required some indirect assumptions so the true number may be slightly different from those shown here.

APPENDICES

A.

July, 1993 Study

Appendix A

Hillsborough County Corrections Population and Policy Research Study (July, 1993)

In the spring of 1993, Hillsborough County retained the Institute for Law & Policy Planning (ILPP) to perform a review of the county's inmate population. From this study, ILPP documented the nature of arrestees coming through the jail and the kinds of people who were remaining in jail. This data suggested that certain policies *throughout the criminal justice system* resulted in a jail system crowded partly by people who did not need to be there because:

- they presented little risk to the safety of the community; and
- they presented little risk of failing to make a court appearance on their case; or
- they were eventually released by a judge based on information that was available within 24 hours of booking.

Paradoxically, the first ILPP study also found that the Hillsborough County jail system's managers, together with the courts, had thoroughly considered the question of efficient jail bed usage. This collaboration by local leaders produced several recommendations which would produce faster, tighter case processing and management for defendants in jail, especially those in custody for probation violations. Additional court recommendations to maximize use of existing pretrial release mechanisms supplemented suggestions for improving the court's role in the process.

ILPP found that most of these recommendations had not been fully or consistently implemented. ILPP then produced a series of "targets of opportunity" which attempted to isolate the areas in the criminal justice process that seemed most likely to be contributing to delays and inefficiency. These are summarized below with a brief annotation as to the status of each.

1. **Increase pretrial release options.** The Chief Judge appointed a pretrial release committee in December, 1992, to examine expansion of pretrial release options. Changes submitted to the Board of County Commissioners were:
 - Implement a Sheriff's Jail Work Crew Program.
 - Implement pretrial release electronic house arrest.
 - Authorize the Sheriff to ROR persons booked on unserved summons for worthless check or battery violations.

- Delete the automatic exclusion from ROR of persons arrested for prostitution or possession-related drug offenses.
- Revise the point system for determining ROR eligibility.

While all of these changes were formally adopted, the pretrial release rate observed for all bookings during August 1993 was *lower than before these actions occurred.*

2. **Establish a pretrial release agency.** No change. The Sheriff's Office, per CPSCC encouragement, developed a cost estimate for establishing an agency. The Sheriff's Office estimated an annual cost of \$342,274 for the Sheriff to operate and \$929,098 for an outside agency to operate.
3. **End the practice of booking persons arrested only on ordinances, or revise criteria to make ordinance arrests eligible for release by administrative order.** HCSO's Detention Department reports that typically, ordinance offenders are only booked if a residence address cannot be verified.
4. **Establish uniform criteria for determining use of bond increases in no-bond orders.** No action.
5. **Implement improved notification procedures to prevent failures to appear.** No action.
6. **Clarify the administrative order process for pretrial releases.** No change.
7. **Reduce the amount of time required to effect transfers to a state prison facility.** No change. The Clerk of the Court examined the possibility of speeding the commitment package preparation and determined that it could not be done.
8. **Reduce State Attorney time for filing informations.** The State Attorney pursued a policy of filing information within ten days, which in practice resulted in decreased use of discretion to screen. The policy has since been discarded.
9. **Review policies for continuances of court hearings and reasons for requests for continuances.** No action.
10. **Implement policies to identify persons arrested on drug possession offenses to determine eligibility for drug court or drug treatment programs earlier.** Persons in custody do not participate in drug diversion court, thus no impact on jail population.
11. **Expand drug court to allow the participation of persons with one prior conviction for drug possession.** Adopted.
12. **Identify alternatives to continued detention of persons sentenced to probation and a non-secure drug program.** No change in policy, although ILPP's review of data shows that there are

fewer persons in custody (during a profile of inmates in October, 1993) who are already sentenced but waiting for a space in a drug treatment program to open.

13. **Evaluate policies to ensure that notices of hearing (NOH) or orders to show cause are routinely used before an arrest warrant for a technical probation violation is issued.** No action.
14. **Increase the number and use of minimum security alternatives to traditional detention of Hillsborough County inmates.** Minor improvement. The HCSO's work release center has expanded capacity to 175, although staffing shortages will delay full operation of the facility until April, 1994. Although pretrial inmates are now allowed to participate in the Sheriff's house arrest program, on average only two to four do.
15. **Release to electronic bracelet or supervised pretrial/post-sentence release, all "low minimum" security inmates.** No change. No increase in use of house arrest.

B.

Court Orders & Modifications

Appendix B Court Order & Modifications on Jail Population Capacity

Since the Sheriff's original lawsuit in 1985, the courts of Hillsborough County have addressed jail crowding extensively. Only the orders which provide a sense of key actions and current policy are included in this appendix.

1. Final Judgment, Case No. 85-5158, Regarding Jail Crowding, September 26, 1985 (B.2).
2. Order on Final Hearing and Notice of Hearing, Case No. 85-05168, Regarding Jail Overcrowding, June 11, 1987 (B.5).
3. Administrative Order No. S-13-93-88, Regarding Extraordinary Pretrial Release Procedures to Relieve Jail Overcrowding, June 17, 1993 (B.10).

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

FLORIDA DEPARTMENT OF
CORRECTIONS, LOUIE L.
WAINWRIGHT, Secretary

Plaintiff

vs

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

Defendant.

CASE NO. 85-5168

DIVISION: "I"

FINAL JUDGMENT

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

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

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

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

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

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

IT IS THEREFORE ORDERED:

1. The total uauthorized inmate capacity for the Hillsborough County Jail system is 1062.

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

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

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

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

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

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

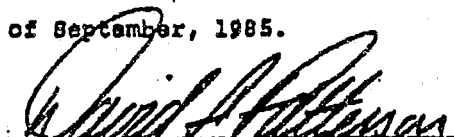
3. The Defendant, WALTER C. HEINRICH, Sheriff of Hillsborough County, Florida, is restrained and enjoined from permitting the inmate population of the Hillsborough County Jails to exceed the maximum capacities provided herein.

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

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

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

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


Circuit Judge

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

IN THE THIRTIETH JUDICIAL CIRCUIT COURT
FO. HILLSBOROUGH COUNTY

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

Plaintiff,

-vs-

Case Number: 85-05168
Division: "I"

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

Defendants.

ORDER ON FINAL HEARING AND NOTICE OF HEARING

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

PRIOR HISTORY OF CASE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Expedited probation revocation hearings;

(b) Expedited arraignment hearings;

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

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

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

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

FINDINGS OF FACT AND CONCLUSION OF LAW

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

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

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

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

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

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

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

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

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

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

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

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

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

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

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


GUY W. SPICOLA, CHIEF JUDGE

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

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR
HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. S-13-93-88

**RE: EXTRAORDINARY PRETRIAL RELEASE
PROCEDURES TO RELIEVE JAIL OVERCROWDING**

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

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

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

WHEREAS, a committee consisting of judges, the State Attorney, the Public Defender, and the Sheriff, has reviewed pre-trial release procedures and has recommended changes to Administrative Order S-13-89-57; and

WHEREAS, the provisions of paragraphs 11 and 12 herein were specifically requested by the Sheriff and State Attorney, it is hereby

ORDERED AND ADJUDGED:

MISDEMEANOR, TRAFFIC, AND ORDINANCE OFFENSES

1. When a person is arrested for a misdemeanor of the first or second degree, a criminal traffic offense, or a violation of a municipal or county ordinance, except for charges relating to

prostitution, the accused offender shall be released at the scene of the arrest through the issuance of a notice to appear (the "Notice to Appear"), except in those cases requiring mandatory booking pursuant to Subsection two of this order. The arresting officer shall have the discretion, however, to book the accused offender into the county jail if he determines that any of the following factors exists:

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

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

- a. The accused offender failed to sufficiently identify himself or herself or supply the necessary information for completion of the

Notice to Appear or traffic citation;

- b. The accused offender refused to sign the Notice to Appear;
- c. The arresting officer has reason to believe that the continued liberty of the accused offender constitutes an unreasonable risk of bodily injury to the accused or others;
- d. The accused offender has no ties with the jurisdiction sufficient to assure the accused's appearance at court or there is substantial risk that the accused will refuse to respond to the notice or citation;
- e. The arresting officer has a reasonable belief that the accused offender may be wanted in any jurisdiction;
- f. The arresting officer has a reasonable belief that the accused offender has previously failed to respond to a notice or summons or has violated the conditions of any pretrial release program; or
- g. The accused offender is arrested for prostitution or a prostitution related offense.

3. If a person accused of a misdemeanor, criminal traffic offense, or violation of a city or county ordinance is brought to the jail for booking because the person failed to

sufficiently identify himself or herself or supply the information necessary for completion of the Notice to Appear, or because it appeared to the arresting officer that the accused offender had previously failed to respond to a notice or summons or had violated the conditions of any pretrial release program, the booking officer of the county jail shall determine whether the accused offender is likely to appear as directed by making a reasonable investigation of the accused offender, including the following facts:

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

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

MISDEMEANOR OR ORDINANCE OFFENSES CHARGED
BY INFORMATION, OR FELONY OFFENSES

5. All accused offenders who are booked into the county jail pursuant to misdemeanor or ordinance offenses charged by information, or pursuant to felony charges, shall be screened by

a classification section of the sheriff's office for possible signature or own-recognizance release; the investigation shall include verification of the accused offender's residence and employment. In addition, the classification section shall contact the alleged victim of the crime (in the case of a crime against a person) to receive input from the alleged victim and inform them that the accused offender is being considered for release on his or her own recognizance.

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

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

<u>Residence</u>	<u>Points</u>
Current resident 1 year or current resident and 1.5 years at previous address	3
Current resident 6 months or current resident and 1 year at previous address	2
Current resident 4 months or current resident and 6 months at previous address	1
Last 2 years or more in Hillsborough County or Pinellas, Pasco, Polk, Manatee or Sarasota	1

Family Ties

Points

Lives with spouse and children OR head of household with children	4
Lives with parent(s), spouse, older person, one or more children, or other family relative	3
Lives with non-family friend or has regular contact with family	2

Employment, School, Resources

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

Health

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

Prior Record

Units

No convictions		2
Felonies	7 times number	
Misdemeanors	2 times number	

Unit Total

2	0
3-6	-1
7-13	-2
14-20	-3
21 and over	-4

The Sheriff's Office shall present a report on the arrestee recommended for pre-trial release to the judge presiding at preliminary presentations or Division "O". The court shall consider the arrestee's eligibility for pre-trial release and the State Attorney shall have the opportunity to be heard on the release. Those arrestees approved by the court shall be eligible for pre-trial release. In misdemeanor and criminal traffic cases, the Sheriff may present the report on the arrestee recommended for pre-trial release to the judge at video arraignment or by telephone. Those arrestees approved by the court shall be eligible for pre-trial release.

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

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

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

OTHER PROVISIONS

8. Any accused offender booked into the County Jail on an unserved summons for worthless check or battery charges may be released on his or her own recognizance by the booking officer if the booking officer determines the accused offender is likely to appear based on the criteria set out in section three a - f of this order. Any accused offender with more than five (5) unserved summonses on worthless charges is not entitled to be released on his or her own recognizance by the Sheriff.

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

"You are being released pursuant to administrative order because you have met the criteria for release. You have supplied an address to which all future court process will be sent. As a condition of your release, you must refrain from criminal activity of any kind and you must refrain from any contact with the alleged victim

of the crime with which you have been charged except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. If you violate these conditions, or fail to appear for any of your court dates, your recognizance status will be revoked and you may remain in jail or be required to post a substantial bond until your charges have been disposed."

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

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

12. The State Attorney or his designee has the authority to release pre-trial detainees without approval of the court. Such authority shall extend only to those prisoners whom the State Attorney has determined shall not be prosecuted for the instant charged offense. The State Attorney's office may initiate such an order of release by notifying the Sheriff's Office by

telephone, and thereafter filing a written Notice of Release with the Chief Judge, the Clerk, and the Sheriff within one day of the pre-trial detainee's release.

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

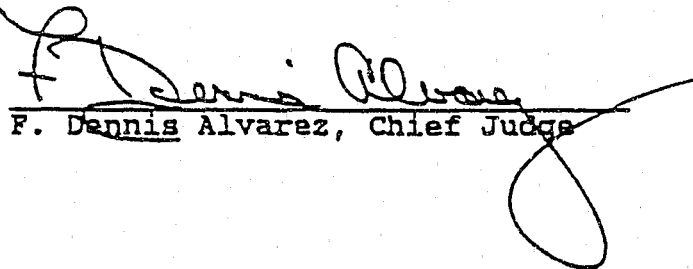
14. Nothing contained herein shall abrogate pretrial release, reduction of bond, or other procedures established by Florida Law or Rule.

15. This order shall rescind previous administrative orders 82-8, Sections XI, XVI, and XVII of 82-20, 82-20 (first amendment), 83-3, 84-84, 85-49, 85-74, 85-74 (first amendment), 85-74 (second amendment), 87-80, 87-80 (first amendment), 88-58, 89-57, and any other administrative order of this court which is inconsistent with this order.

16. This order shall become effective June 25, 1993.

DONE AND ORDERED in chambers in Tampa, Florida, this

17th day of June, 1993.


F. Dennis Alvarez, Chief Judge

FDA:dar

cc: All Circuit and County Criminal Judges
Nancy Yanez, Interim Court Administrator
Harry-Lee Coe, III, State Attorney
Julianne Holt, Public Defender
Cal Henderson, Sheriff
Richard Ake, Clerk of the Circuit Court
Salvation Army
Eduardo Gonzalez, Chief of Police, Tampa
Tom Mathews, Chief of Police, Temple Terrace
Troy Surrency, Chief of Police, Plant City
Hillsborough County Bar Association
Criminal Defense Lawyers Association

C.

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D.

Contacts & Interviews

Appendix D Selected Contacts and Interviewees

I. COUNTY GOVERNMENT

Ted Bahnd, County MIS

Pat Bean, Senior Assistant County Administrator

Swati Bose, Manager, Architectural Services

Lynn Fullman, County Attorney's Office

Bob Gorton, Manager, Capital Projects Division

Don Harwig, Director, Facilities Management

Erik Johnson, Budget

Fred Karl, County Administrator's Office

Colleen O'Rourke, County Attorney's Office

Hector Perez, Special Assistant to Fred Karl

Jeri Steiner, Facilities Manager

Cynthia L. Wall, Senior Systems Analyst, Data Operations Division

Charlie Prather

II. JUDICIARY

Judge Diana M. Allen, 13th Judicial Circuit Court, Felony Division C

Judge F. Dennis Alvarez, Chief Judge, 13th Judicial Circuit Court;
Judge, Drug Court Division Y

Judge Debra K. Behnke, 13th Judicial Circuit Court, Family Law
Division E

Judge Bucklew, 2nd District Court of Appeals; formerly, 13th Judicial
Circuit Court, Trial Division 2

Judge James V. Dominguez, Administrative Judge, 13th Judicial
County Court; Judge, Criminal Division E

Judge Katherine G. Essrig, 13th Judicial County Court, Criminal Division D

Judge Donald C. Evans, 13th Judicial Circuit Court, Family Law Division T

Judge Barbara Fleischer, 13th Judicial Circuit Court, Felony Division G

Judge M. William Graybill, Administrative Judge, 13th Judicial Circuit Court; Judge, Trial Division I

Judge Dick Greco, Jr., 13th Judicial County Court, Criminal Division B

Judge Walter R. Heinrich, 13th Judicial County Court, 1st Appearance Division O; 13th Judicial Circuit Court, Emergency Division O

Judge Cynthia A. Holloway, 13th Judicial County Court, Criminal Division C

Judge Perry A. Little, Administrative Judge, 13th Judicial Circuit Court; Judge, Plant City Courthouse Division R

Judge Bob Anderson Mitcham, 13th Judicial Circuit Court, Felony Division B

Judge Daniel L. Perry, 13th Judicial County Court, Criminal Division A

Dana Belyea, Court Administrator's Office (Special Projects/Research)

Carole Priede, Drug Court (Director Of Special Court Services)

David Rowland, Staff Attorney, Court Administrator's Office

Valerie Tank, Witness Aid Coordinator

Nancy Yanez, Interim Court Administrator, Office of the Court Administrator

III. CLERK OF THE COURT

Richard Ake, Clerk of Circuit

Jerry Alfonso, Deputy Clerk, Clerk of the Circuit

Tony Anello, Deputy Chief for Criminal Justice, Clerk of the Circuit

Shirley Bade, Senior Courtroom Clerk

Bev Gueber, Clerk's Office, Traffic Division Supervisor
Darlene Leavines, Supervisor, Felony Division of Clerk's Office
Rosalie Lopresti, Clerk's Office - Felony Commitment Supervisor
Vilma Stevens, Clerk's Office, Misdemeanor Division
Cindy Williams, Clerk's Office - Jury Management
Larry Connor
Bob Linigar

IV. STATE ATTORNEY'S OFFICE

Honorable Harry Lee Coe, State Attorney
Betsy Wood, Chief Deputy State Attorney
Don Wilcox, Chief of Intake
Donna Sarsfield, State Attorney's Office

V. PUBLIC DEFENDER'S OFFICE

Honorable Julianne Holt, Public Defender
Jack Evans, Personnel Director
Mike Peacock, Public Defender Intake

VI. SHERIFF & JAIL

Sheriff Cal Henderson
Colonel Tom DePolis, Chief Deputy
Colonel David Parrish, Commander, Detention Department
Joan Carver, Manager, CMS
Joyce Clark, Medical Services Manager
Marilyn Hall, General Manager, Classification Section
Corporal Horton, Administrator
Captain Robert Lucas, Orient Road Jail

Charles McDonald, Classification Unit - Jail

Major Steve Saunders, Hillsborough County Sheriff's Office, Morgan Street Jail

Major Gary Terry, Orient Road Jail

Dennis M. Williams, Inspector, Detention Dept.

Lorena Bitetto

Leo Keefe, Special Projects Section

John Larese

Lieutenant Martin Pechavar

Major Al Perotti, Jr.

Sergeant Victor Sergi

George Striker

VII. PROGRAMS

Erio Alvarez, Jr., Florida Parole and Probation Services

Walt Bucklin, Director of County Probation, Salvation Army

Margo Parisi, DACCO

Kay Doughty, DACCO

Will M. Michaels, Ph D., Executive Director of Children's Board

Vince J. Pardo, Director, Community Services and Planning Dept.

Tom Rocco, DACCO

Dr. Walter Sickles Superintendent, Hillsborough County School Board

Nancy Weaver, DACCO

Thomas Weinberg, Director, Department of Health and Rehabilitative Services, District IV

VIII. CITY OF TAMPA

Honorable Sandy Freedman, Mayor, City of Tampa

Chief Bob Smith, Tampa Police

IX. BOARD OF COMMISSIONERS

Honorable Phyllis Busansky

Honorable Joe Chillura, Chairman

Honorable Sylvia Kimball

Honorable Lydia Miller

Honorable Jim Norman

Honorable Jan K. Platt

Honorable Ed Turanchik

X. OTHER

Rick Escobar, Private Attorney

Bruce Houghton, Ranon Architects, Courthouse Project Lead Architect

Ralph Hughes

E.

Staffing Projections Methodology

Appendix E

Departmental Staffing Projections Methodology

This appendix is an expanded version of the material on staffing projections given in the body of the report. It contains all of that information and adds the methodological details.

I. SHERIFF'S OFFICE

The Sheriff's Office is the largest agency in the county government. It is treated here as two groups: law enforcement (also encompassing the executive support and administration departments), and the jail (detention department). In the courts section, a separate projection is made for the bailiffs (courtroom security).¹ Historical staffing figures in August of each year since 1984 were provided by the Sheriff's Office of Planning and Research. They were divided into four categories: detention- and law enforcement-certified sworn officers, detention department civilians, and all other civilians. Separate figures were provided for the sworn officers in the Detention Department alone.

A complication arises in that the sworn officers are classified by what kind of certification they possess rather than by their place in the organization. In particular, it appears that there are many detention-certified staff outside of the Detention Department. (The number of law-enforcement staff in Detention is negligible). Jail staffing is obtained in a straightforward manner from the Detention Department sworn and civilians. The number of detention-certified outside of the jail was derived by subtracting the sworn officers in the Detention Department.² This number was taken as an estimate of the bailiffs. Departmental staffing is shown in Figure E.1; the estimates for the bailiffs are given in Figure E.2 on a larger scale.

Although many functions such as patrol and custody require certified peace officers, an issue frequently encountered in sheriff's departments is the use of (more expensive) sworn officers assigned to office duties which could be performed just as well by civilians. In Figure E.3, it may be seen that the percent of sworn employees has been decreasing gradually.

Figure E.4 shows the annual growth rates of detention and other functions compared to the growth of the county's population. The growth of jail staffing has been irregular, with the most recent large increase corresponding to the opening of the Orient Road facility. The growth of both functions has decreased markedly in the last two years and is approaching that of the county overall.

It is possible to separate the total staff into its major components since the linkages between them are not very strong. Jail staffing will have to follow the growth of the jail itself and can be estimated from the projected jail populations using various assumptions about the nature of the new facilities to be added. While law enforcement is certainly a related function, it need not be closely tied to the size of the jail; accordingly, a separate projection is made for this component. The number of bailiffs is determined by the number of criminal court divisions and is briefly discussed with the court projections.

Figure E.1
Sheriff's Office Staffing History

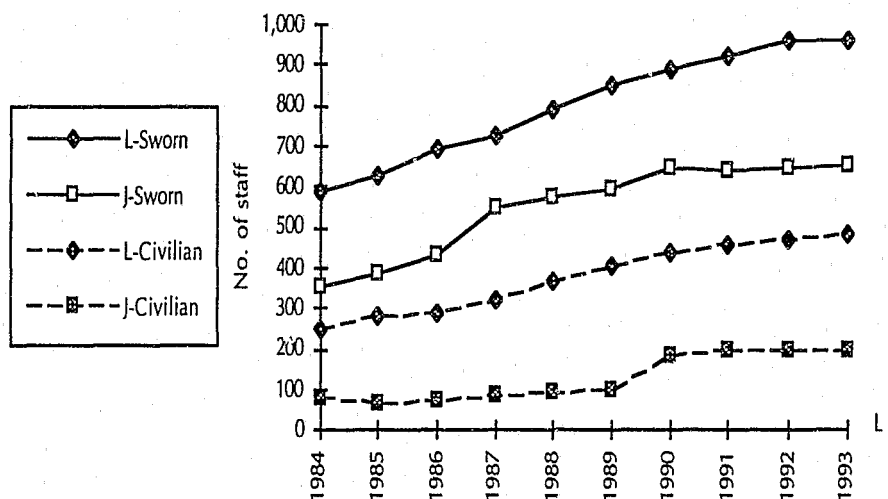


Figure E.2
Number of Bailiffs

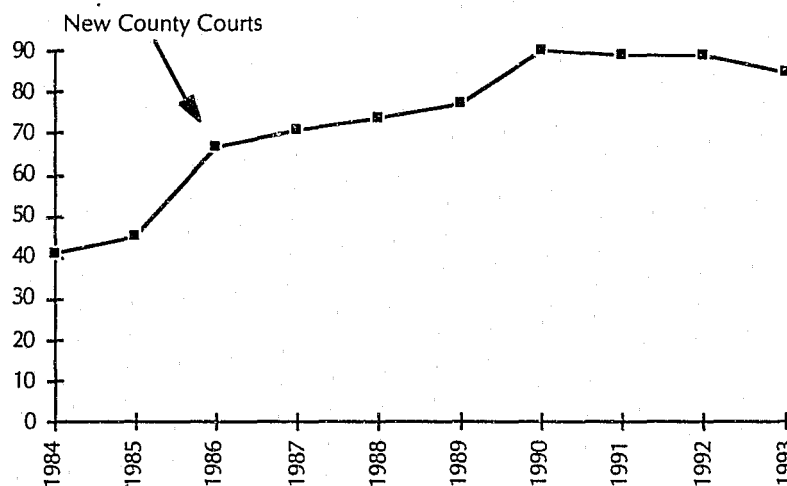


Figure E.3
Civilianization of Sheriff's Office

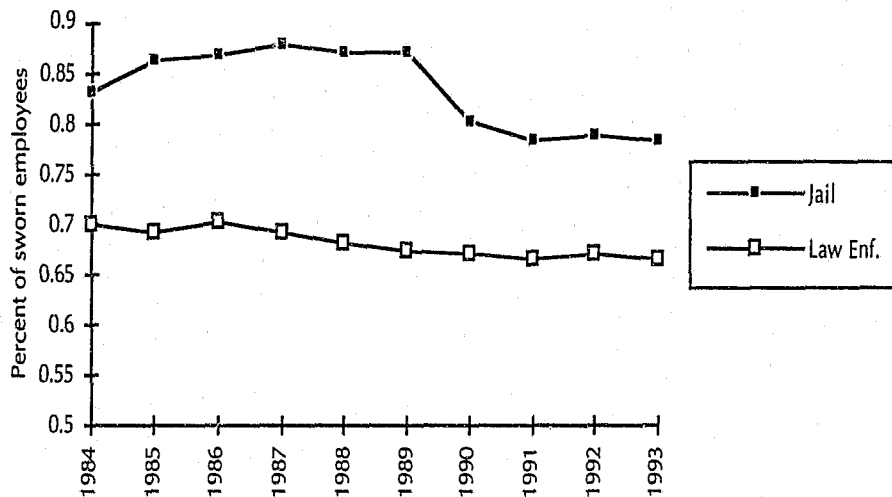


Figure E.4
Growth Rates of Sheriff's Staffing and County Population

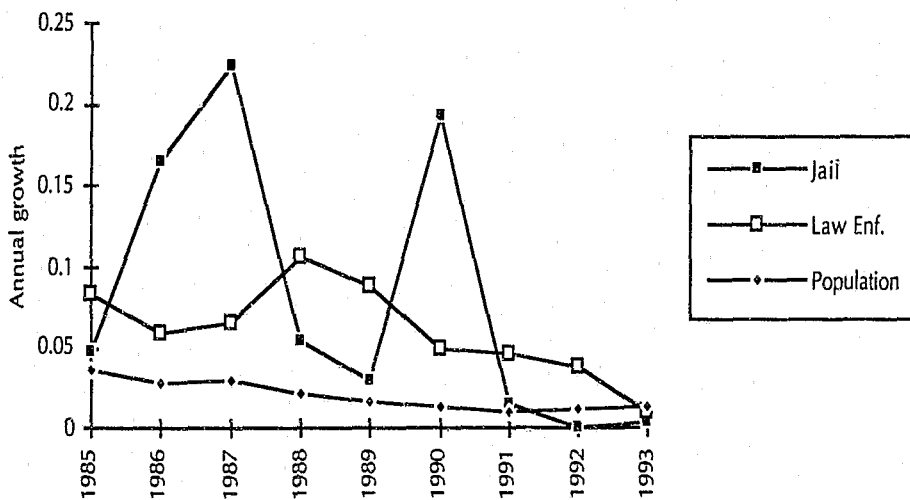
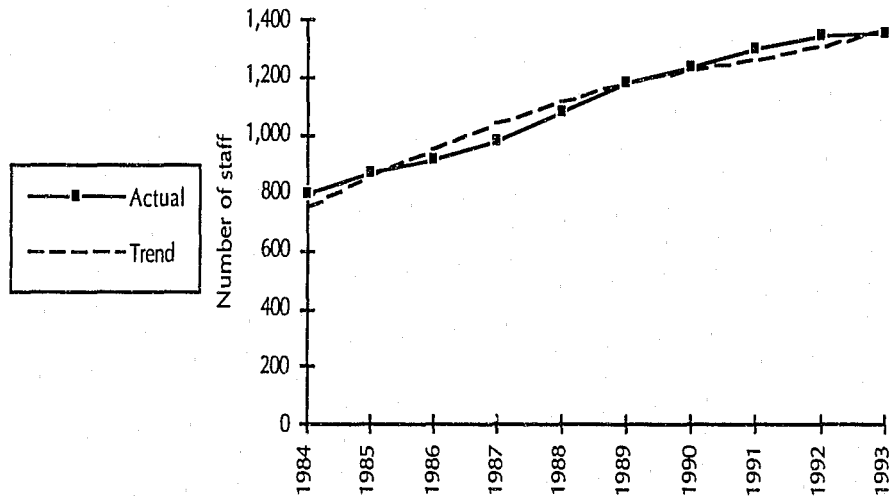


Figure E.5
Law Enforcement Personnel



The growth of law enforcement quite closely follows that of the county population. Figure E.5 shows the staffing data (sworn and civilian combined) and the trend line calculated from a simple linear regression on county population. It can be seen that the fit is very close. (The correlation coefficient, R^2 , is 97% and the regression coefficients are significant at better than the 0.1% level of confidence.) While there is no way to guarantee that the department will continue to grow at this rate, an extrapolation of the figures gives the following projected staffing levels (column 2 below):

Table E.1
Staffing of Law Enforcement and Administrative Functions

Year	Staff	Staff per 100,000	Staff at 1993 Rate
1993	1,359	157	1,359
1995	1,622	180	1,415
2000	1,937	200	1,523
2005	2,231	216	1,623
2010	2,505	229	1,717

However, law enforcement does not grow exactly at the same *rate* as the population; it follows a slightly steeper curve of the same shape. The third column in the table indicates a gradual increase of staff from 157 to 229 per 100,000 county residents if the projected staffing materializes. This trend may moderate if the citizenry becomes no longer willing to spend

an ever-increasing proportion of its taxes on law enforcement. Keeping the 1993 staff to population ratio would give the figures in the last column.

Staffing projections for the jail are more complex since they require a number of assumptions about jail expansion. Four scenarios are presented. The basic assumption is that substantial expansion of the jail population will occur by adding new facilities rather than by double-bunking the present ones. Then, it is necessary to estimate the staffing of the new facilities. ILPP uses the staffing of the current jails as a guide.

The present two jails are very different in design. Morgan Street is an old linear jail requiring a large number of staff for the number of inmates. Orient Road is a modern, direct-supervision facility which is much more efficient in its use of staff. Any new jail is assumed to be of the direct supervision type. Still, there are two possibilities: Morgan Street can be retained, or it can be replaced. The latter course would require a capital investment but would result in substantial operating cost savings.

Staffing at each facility was separated into custody staff and all others. The other functions include booking, classification, records, transportation, programs, and services; many of them are performed by civilians. The numbers of those other positions were assumed to remain constant regardless of the facility design. In Scenario I, the Morgan Street Jail is kept with its 186-person detention staff. Scenario II assumes that those are replaced by 122 employees as part of a new modern facility. The new jail (size and location here unspecified) is assumed to require the same (generous) staff : Inmate ratio as Orient Road.

Next, it is necessary to apply the staffing ratios to the expected jail populations. In an earlier report in this series ILPP made a number of population projections. Two are utilized here; for reference, they are summarized and the figures presented again in the tables that follow. The figures have been slightly updated to reflect the population history in the latter half of 1993.

1. Arrests were projected from population growth, using a model that takes into account the changing demographics of the county, in particular the age structure. Bookings were taken as a constant percentage of the arrests. A gradually increasing trend in the average length of stay (ALS) was extrapolated to the year 2010. The product of daily bookings and ALS gives the average daily population (ADP).
2. In the "Modified ALS" procedure, the ALS, which has been increasing, is assumed to level out and approach a constant value of about 25 days in the long run. This method gives relatively low population figures. In the "Augmented Bookings"

method, the ALS is assumed to increase throughout the time interval, and there is additional growth in the number of arrests so that they slightly exceed population growth. This procedure gives the highest projections devised by ILPP, though even they do not reach the figures of the existing Master Plan.

Table E.2
Scenario I: Keep Morgan St.
Build New Jails at Orient Road Staffing Ratio

	Year	ADP	New staff	Total staff
	1993	2,135		857
Projected	1995	2,334	23	881
ADP:	2000	2,644	98	955
(Modified	2005	2,910	162	1,019
ALS)	2010	3,130	214	1,072
	Year	ADP	New staff	Total staff
	1993	2,135		857
Projected	1995	2,390	37	894
ADP:	2000	2,930	167	1,024
(Augmented	2005	3,539	313	1,170
Bookings)	2010	4,202	472	1,329

Table E.3
Scenario II: Replace Morgan St. with a Modern Facility.
Same Staffing Ratio as Orient Road

	Year	ADP	New staff	Total staff
	1993	2,135		857
Projected	1995	2,334	23	816
ADP:	2000	2,644	98	891
	2005	2,910	162	955
	2010	3,130	214	1,007
	Year	ADP	New staff	Total staff
	1993	2,135		857
Projected	1995	2,390	37	830
ADP:	2000	2,930	167	960
(Augmented	2005	3,539	313	1,106
Bookings)	2010	4,202	472	1,265

Under these scenarios, the total jail staff in 2010 could run from 1,007 to 1,329, compared with 857 currently. Other scenarios are possible and the more extreme ones could extend the range still further.

II. COURTS

Five separate agencies are considered here: the criminal divisions of the courts themselves (judges and judicial assistants), the Court Administrator, the State Attorney, the Public Defender, and, in part, the Clerk of the Court. (The Clerk has other functions not related directly to the courts.) The provision of courtroom security — a small activity of the Sheriff's Office — is also discussed. Probation and diversion, though obviously related to court activities, are handled separately.

Although the sizes of all of these offices roughly track the workload of the courts, they are established by independent mechanisms. Judges, State Attorneys, and Public Defenders are state employees in Florida. Any increase in their positions or funding must be approved by the Legislature. To learn how such new positions are assigned, ILPP spoke with representatives of the Office of the State Courts Administrator, the Florida Prosecuting Attorneys' Association, and the Florida Public Defenders' Coordination Office; some of them asked not to be quoted by name. The procedure appears to be different in each case.

The Office of the State Courts Administrator has a procedure for determining the need for new judgeships. There is a threshold level of filings per judge: 1,865 for circuit judges and 6,100 for county judges (including criminal traffic but excluding civil infractions and bad checks). Above these, there becomes a presumptive need for another judicial position. However, this is not a strict formula; a circuit whose workload falls above this threshold will then be examined in more detail concerning the type of cases, number of trials, availability of retired judges, referees, mediators, and a number of other special problems and resources. When the Chief Judge of a circuit requests new positions, the Supreme Court makes its decision on the basis of all these factors. Even the allocation of new positions does not guarantee their funding; that is up to the Legislature.

Furthermore, the threshold makes no distinction between criminal and civil filings. Judges are allocated to the entire court level, and the circuit administration assigns them to the various functions. In the current report, the projected total filings are used to estimate the growth of judicial positions overall, and further estimates are then needed to predict how many of these will be allocated to the criminal courts.

State Attorney funding is based primarily on the population of the circuit, while Public Defenders utilize an elaborate formula which weights the different types of cases. But for both offices, it is again the Legislature which makes the final funding determinations. The interviewees were of the opinion that the Legislature decides separately, and somewhat

capriciously, on those and that there is not necessarily any relationship between the numbers of new positions allocated to the courts and these two offices.

The Clerk of the Circuit and County Courts (the same person, though they are budgeted separately) and most of the Court Administrator's Office are county-funded and therefore not in competition for resources with the rest of the state. In this case, it is the Board of County Commissioners that provides the funding. Once again, there is no automatic relationship between the level of funding for these departments and that of the state-funded offices.

III. COURT PROJECTIONS

ILPP's first step in establishing the resource needs of Hillsborough County's courts was to examine the demands on the system. One way to approach this is through the volume of court filings.

There is an existing study of the number of filings in the 13th Judicial Circuit (identical with Hillsborough County): "Projections of Court Filings in Hillsborough County" by the Hillsborough County City-County Planning Commission (September, 1992). The period covered was 1978 to 1991, with some gaps. A more complete and detailed listing of filings for the period 1978 to 1992 was made available for this study by the Court Administrator's Office.

The total filings for each court are shown in Figures E.6 and E.7. Civil and criminal filings are not distinguished. Circuit Court filings have decreased a little in the past three years, perhaps partly due to the lower limit for Circuit Court civil filings was increasing from \$5,000 to \$10,000 in 1990. ILPP does not know the reason for the sharp growth in County Court filings between 1981 and 1984.

Figure E.6
Circuit Court Filings

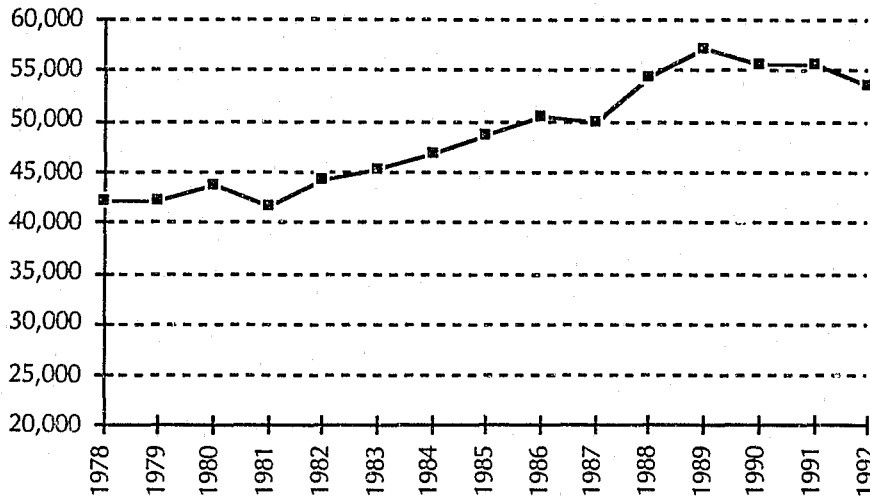
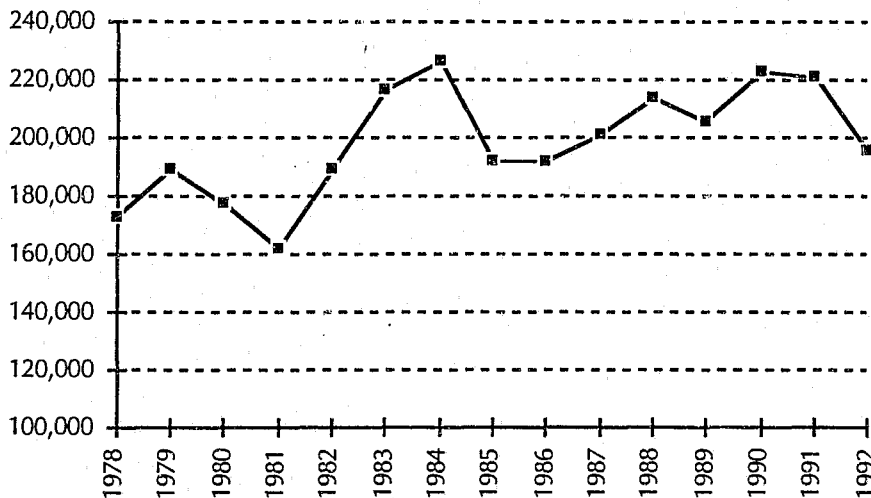


Figure E.7
County Court Filings



The historical filings show long-term growth despite the drop over the last two or three years. A question which is not answerable at this point is whether the recent drop is merely an aberration or the beginning of a long-term trend. ILPP hypothesizes that the drop is temporary and that with future growth in the county's population, the filings will begin to move up again.

Somewhat in support of this hypothesis is the finding that the *per capita* filings (here expressed as the filings per 1,000 county residents) have remained relatively constant between 1978 and 1992, especially in the latter part of that period. (Figures E.8 and E.9.) This fortunate circumstance suggests disregarding any other unknown factors which might affect projections and simply using per capita filings as the basis for the projection. As county population projections are available from BEBR (Bureau of Economic & Business Research, University of Florida), it remains only to develop an expression for the per capita filings and multiply it by the projected population.

Figure E.8
Circuit Court Per Capita Filings

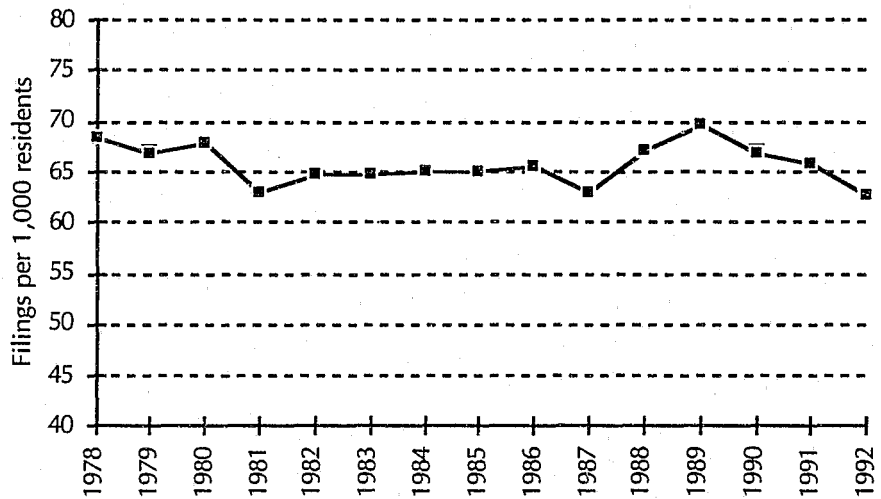
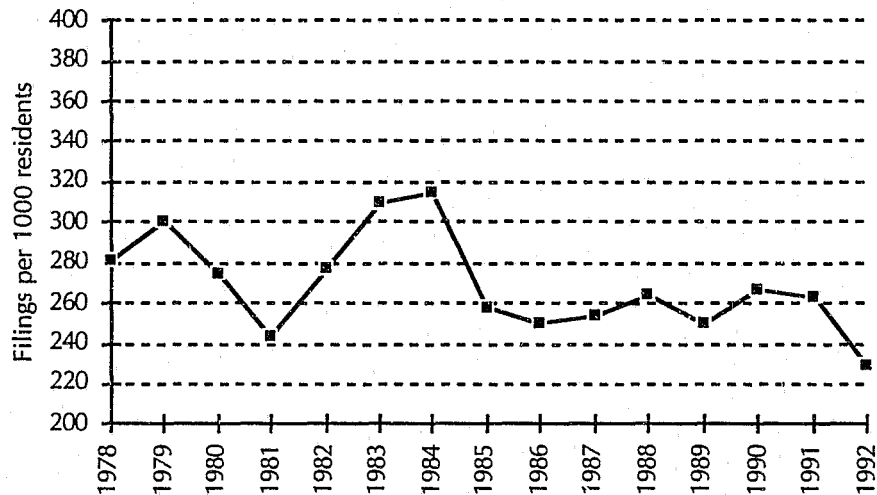


Figure E.9
County Court Per Capita Filings



The Planning Commission study of court filings proposed a relationship between the historical filings and several independent variables, and projected the filings for the year 2002. ILPP has reviewed their study. Though the results are not unreasonable, they were based on some methodological assumptions which may be questioned. For that reason a new analysis was undertaken.

- Briefly, the issue is this: the commission's analysts performed a linear regression of filings on three independent variables – the year, the county population, and the percent of young adults in the population. Unfortunately, these "independent" variables are all highly interrelated with each other; population increases steadily each year, while the proportion of youth has been falling. Under these circumstances, the regression, being merely a mechanical procedure, cannot distinguish separately the influences of these three factors. A phenomenon known as multicollinearity occurs, where the total growth may be split among the variables in a way which does not correspond to any reasonable mechanism, and the error terms in the regression coefficients become very large.
- In fact, such problems did occur; for both regressions, the number of filings would appear to *decrease* as the young population increased, which is contrary to the Commission's own initial hypothesis. Furthermore, only the coefficient for population as an independent value is statistically different from zero.
- The consequence is that although time, population, and the young population have moved together for the last decade or so, if they ever diverge (as will happen after 2000 when the young adult proportion reverses its direction and begins to grow), the projections may become inaccurate. ILPP was able to simplify the process by regressing on the population alone, which reduced the error term yet gave nearly the same answers. However, because they are similar, the results are not shown in the figures.
- Sometimes there is an attempt made to justify adding such extra variables to a regression by pointing to the increase in R^2 , the correlation coefficient, which indicates the percent of the variation in the dependent variable explained by the regression. However it may, as in this case, introduce the problems of multicollinearity. Furthermore, the improvement in R^2 by adding a collinear (as opposed to a truly independent) variable is rather small. For example, the value of R^2 found in the Commission study for the Circuit Court was 94.3 percent. While this is a high value, only the coefficient for population was of statistical significance. Regressing on population alone avoids all multicollinearity and gives R^2 equal to 93.8 percent, so the "improvement" was of very marginal usefulness.

Three sets of projections are presented. They include the highest and lowest reasonable series of a larger number of attempts to build projections models. (There were some series which did not behave in a credible way – e.g. decreasing after 2000 – and were rejected out of hand.)

First, the Commission's regressions were recalculated, using their data. The Circuit Court results were, as expected, identical to those in their paper within the accuracy of the computer programs. However, the County Court regression coefficients were quite different from those given in Table 2 of the Commission's report. There must have been some serious editing error in that paper; in the summary, a projection for 2002 of 250,000 County Court cases was reported, yet using the coefficients from their Table 2 would not produce a number anything like that. In fact, it would give only 26,000 filings for 2002, and the number would decrease to zero around 2020. The "Commission" projections presented here use the recalculated coefficients for the County Court.

For the second series, the mean per capita filings was calculated, and this constant value was multiplied by the projected population. The means included all the years studied (1978-1992).

Then, an attempt was made to discern some sort of trend in the per capita filing rate. Regressing per capita filings against population is equivalent to saying that per capita filings increase with population density, as might be expected from the increasing amount of interaction between people. The trend in per capita filings was projected in this way, but it turned out that the effect of density was *negative*, contrary to expectations, and for the Circuit Court, it was not statistically significant. Nevertheless, the resulting values were multiplied by population to give total projected filings.

Figures E.10 and E.11 show the projected filings to 2010. The series labeled "Commission", "Mean", and "Density" are based on, respectively, the original Commission method, the mean per capita filings, and the per capita filings trend. The two new procedures yield values not much different from the Commission's original estimate for the Circuit Court, while for the County Court, they create a wider range around it.

Figure E.10
Circuit Court Projected Filings

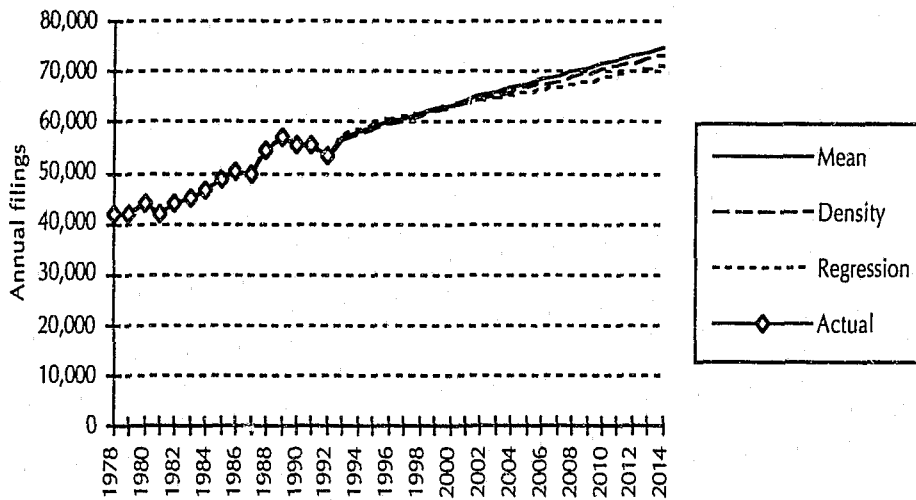
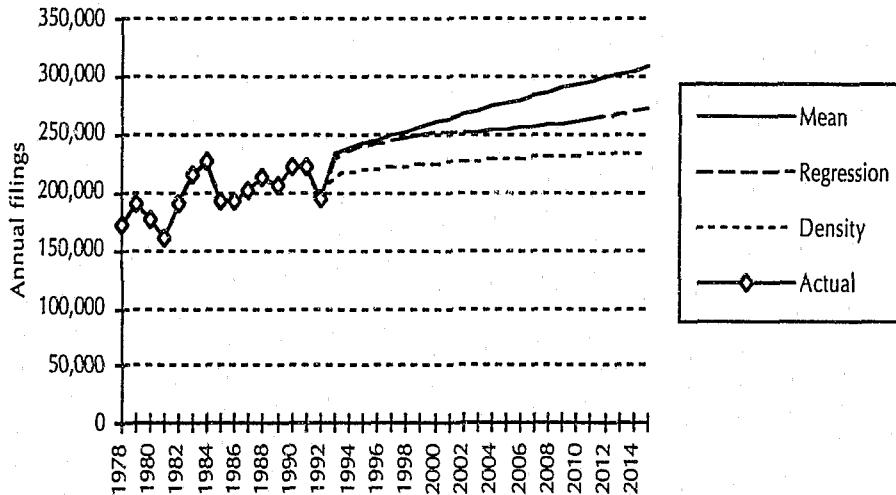


Figure E.11
County Court Projected Filings



All of these are only projections of past tendencies, and major shifts in demographics, policies, or public behavior could cause the actual numbers of filings to fall outside of the ranges shown.

The above projections are for *total* filings, both criminal and civil. However, the filings data from the Court Administrator is broken into criminal and various sorts of civil matters. A similar sort of analysis is applied.

Once again, the per capita filings are reasonably constant over the 14-year period, though there is some irregular fluctuation. (Figures E.12-E.15.) Circuit criminal filings per capita may in fact be decreasing. (National statistics generally show the peak in total crime rates to have occurred around 1980; if per capita crime declines, so too should criminal filings.)

The Commission study does not show any separate analysis for civil and criminal filings, although the report suggests on page 12 that these were considered in projecting the filings by category. Thus, no Commission figures are included.

Figure E.12
Circuit Court Criminal Filings

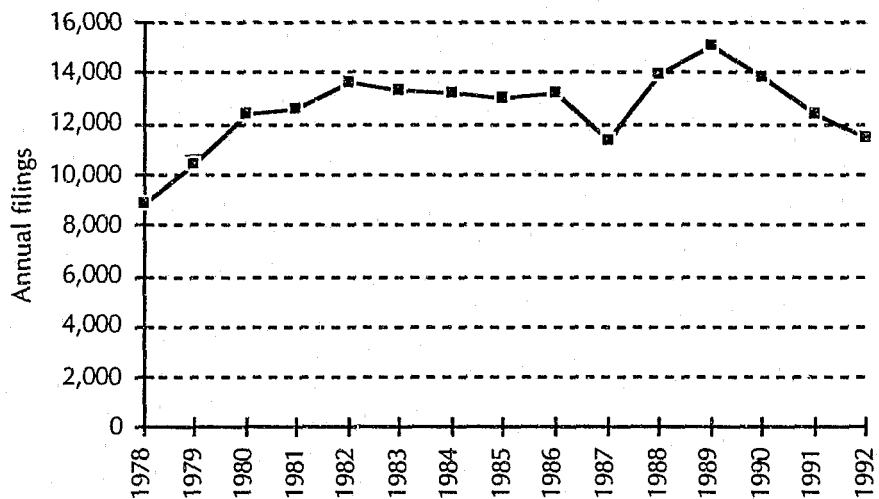


Figure E.13
County Court Criminal Filings

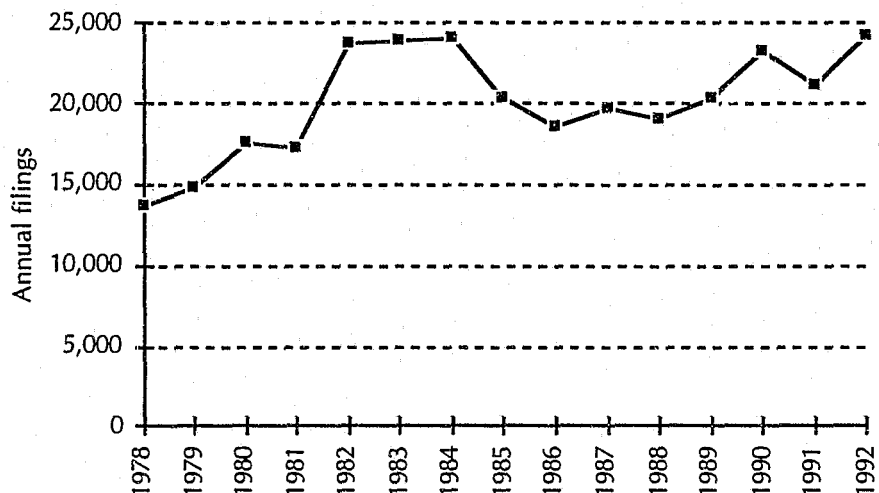


Figure E.14
Circuit Court Per Capita Criminal Filings

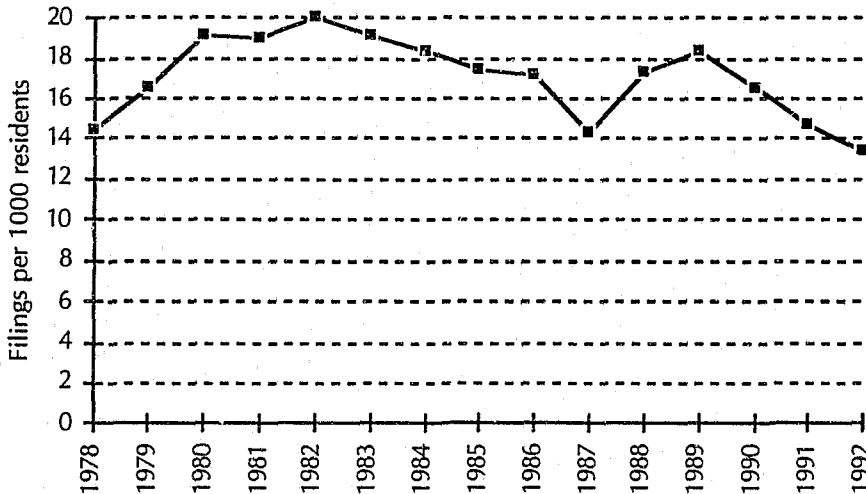
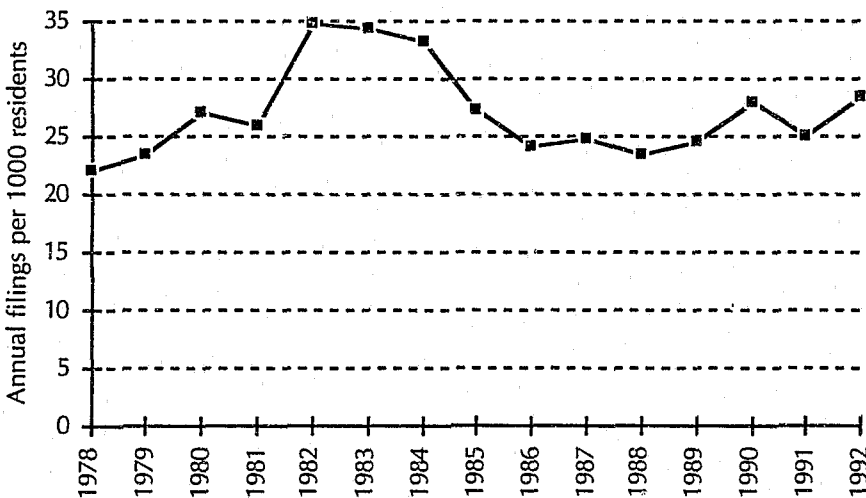


Figure E.15
County Court Per Capita Criminal Filings



The "mean" and "density" projections were applied in the present study to criminal filings only. It should be noted that "criminal" for the Circuit Court is adults only: juveniles are excluded. Also, in the County Court data, there was no distinction between civil and criminal traffic. As the former appears to be at least 80 percent of the total, traffic was excluded entirely.

The traffic issue in County Court requires some explanation. What occurred in the period 1978 - 1992 was a slight *increase* in per capita misdemeanor filings and a concurrent decrease in per capita traffic filings. Traffic filings outnumber criminal filings by about ten to one, so they dominate any combined statistic, yet a typical traffic case, especially civil traffic, requires much less judicial time than a misdemeanor. Simply adding together the traffic and misdemeanor filings shows per capita filings decreasing slightly and obscures the growth in the actual workload. A weighting factor of 0.1 for traffic gives a combined per capita filing rate which is very nearly constant except for a bulge in the period 1982 to 1984 and gives credence to the assumption of constant per capita rates.

In any case, the projected county criminal filings *without* traffic are needed for the final step of determining the expected number of judgeships.

Figures E.16 and E.17 show the projected criminal filings up to 2010. There is not much variation between the methods; both roughly continue the 14-year trend. As with total filings, the data do not suggest that the shape of the curve has become different in the last few years, and ILPP is not aware of any future circumstances that would alter it.

Figure E.16
Circuit Court Projected Criminal Filings

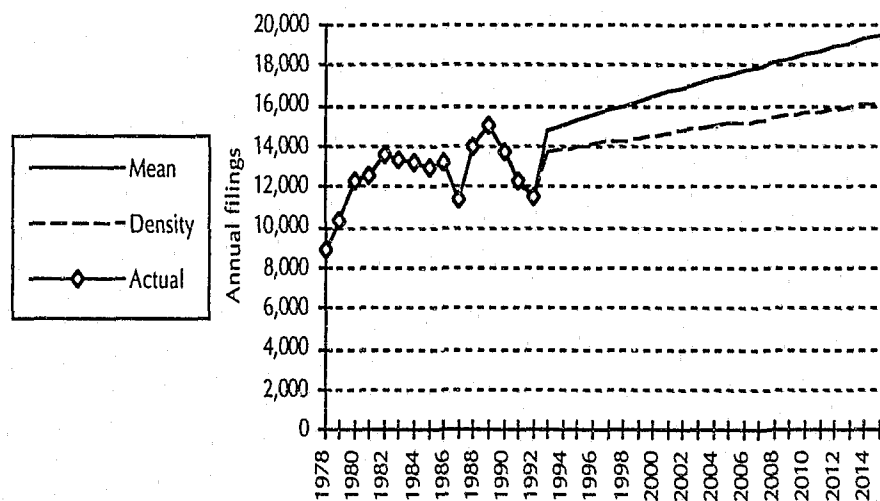
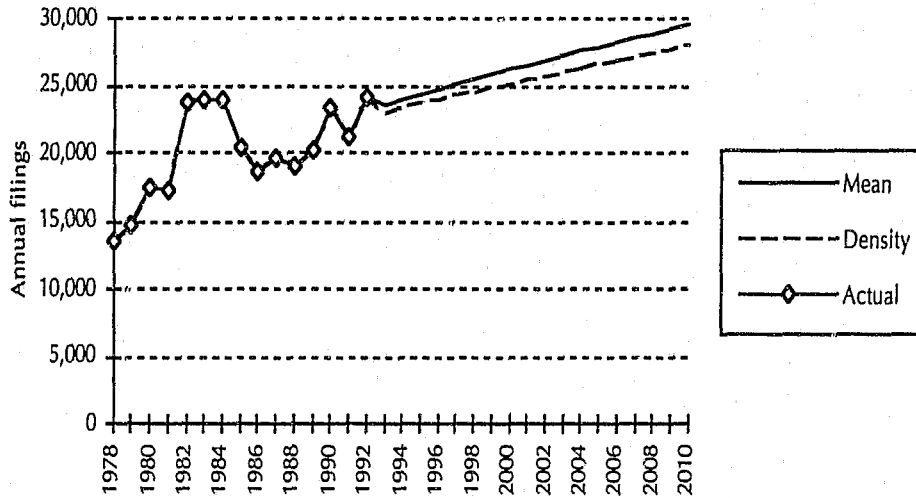


Figure E.17
County Court Projected Criminal Filings



The following table shows the average workloads for criminal and other court judges in 1992. "Other" is primarily civil but includes all the other types of cases which are not adult criminal (juvenile, family, probate; county court traffic is excluded). Criminal court judges in the Circuit Court process a lower number of filings than their civil brethren, while the opposite is true at the county level. Although the State Courts Administrator studies and comments on the appropriate allocation of judges between civil and criminal workloads, ILPP will simply accept the status quo.

Table E.4
Average Filings and Workloads, 1992

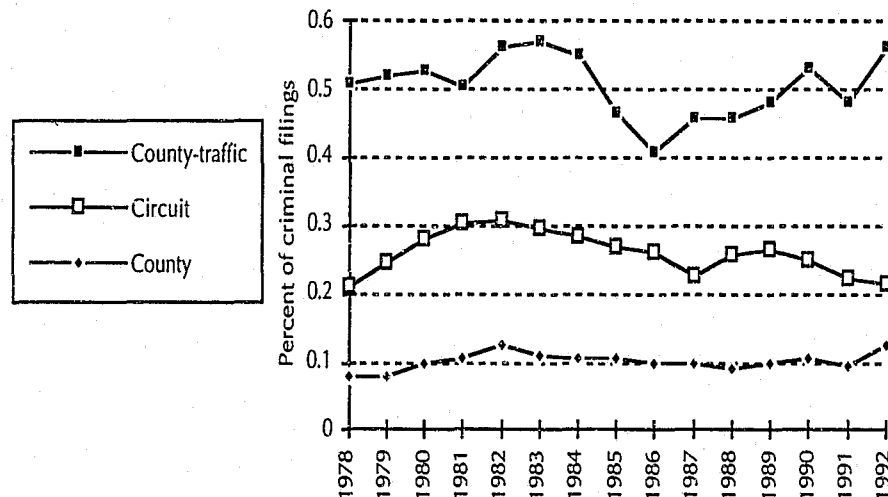
	Circuit	County
Criminal filings	11,498	24,236
Other filings	42,016	18,829
Criminal judges	9	6
Other judges	22	5
Average criminal workload	1,278	4,039
Average other workload	1,910	3,766
Average total workload	1,726	3,915

A note on the number of criminal court judges as interpreted here: In 1993 there were seven felony divisions and two criminal trial divisions in the Circuit Court, for a total of nine criminal divisions, plus a small fraction for the Drug Court. There were five misdemeanor/criminal traffic divisions in the County Court, plus one more in the East Division (Plant City), totaling six.

In addition to these, there was one (criminal) first appearance division, which is part of the County Court but should be considered separately from the others. That judge sees all defendants, regardless of the level of offense, and the case has not been filed by the time it reaches him. ILPP believes that the single first appearance position will suffice for the time interval under consideration. The first appearance judge is treated separately in the projections.

Figure E.18 shows criminal filings as a percent of all filings over the 14-year period. For the county court, "total filings" is figured both with and without traffic filings. While there is some fluctuation, there is no visible trend. It looks as though criminal filings will remain at about the same proportion of total filings.

Figure E.18
Criminal Filings as Percent of Total Filings



It can be seen that translating criminal filings into a number of new judicial positions is not a straightforward procedure. However, for broad planning purposes, a reasonable estimate is all that is necessary or can be expected. ILPP makes the following assumptions.

1. Judicial positions will be allocated and funded when the workload threshold is reached. (This could be modified by introducing a time lag of a specified number of years.)
2. The proportion of criminal filings will remain what it is now.
3. The ratio of criminal to civil (or total) judicial positions will likewise remain constant.

The Circuit Court threshold is 1,865 filings per judge, and this has remained constant for a decade. Current (1992) filings average 1,726. The "mean" projection predicts that the threshold of 1,865 will be reached in the year 1994, and the addition of a new judgeship every two or three years thereafter will be required. The final task is to determine how many of these will be assigned to criminal court. The current year is anomalous because criminal filings have been decreasing, and using it as a basis gives an unlikely jump in the projections. If the 1990 ratio of criminal to civil workloads was adequate, then the criminal threshold would be 1,594 filings per circuit court judge. The model for circuit criminal judges then predicts a need for 11 criminal court judges in 2000 and 12 in 2010.

The County Court situation is even more complex. The old OSCA threshold was 3,850 filings, excluding traffic, civil infractions, and bad checks. However, this was found to be an inadequate measure and has recently been modified. The present standard is 6,100 filings, but it now includes criminal traffic. Unfortunately, the data made available to ILPP did not distinguish criminal from civil traffic, nor did it break out the bad checks and civil infractions.

Since the new standard with criminal traffic was constructed to be approximately equivalent to the old standard without it, the calculation is based on the older standard. The projected need for all county court judicial positions in 2000 is 14, rising to 16 by 2010, and for criminal county court judges, seven and eight in the same years.

Figure E.19
Circuit Court Workloads and Number of Judges

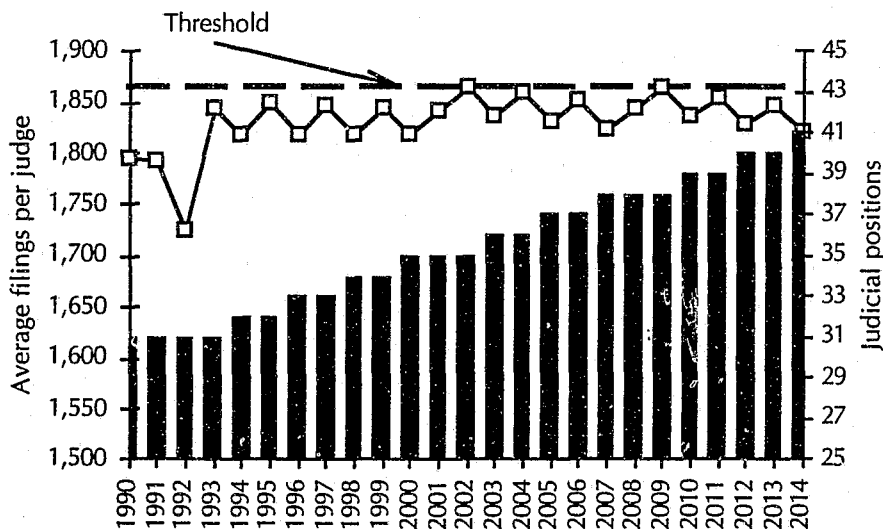
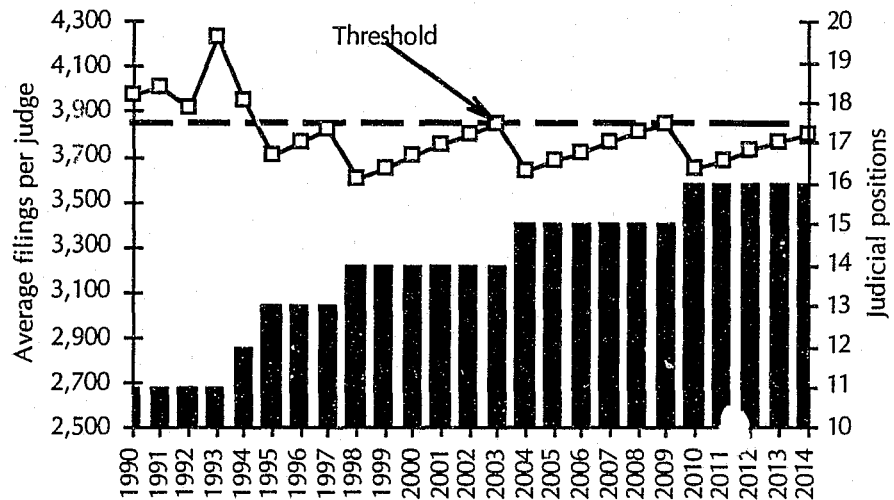


Figure E.20
County Court Workloads and Number of Judges



Figures E.19 and E.20 show three variables: the threshold workload (horizontal dashed line, left axis), the projected judicial workloads (squares), and, on the right axis (vertical bars) the number of judges to maintain the workload below the threshold. The figures show the total numbers of judges. The projected numbers of criminal court judges are calculated by using current criminal:total judges ratios and are presented in the table below.

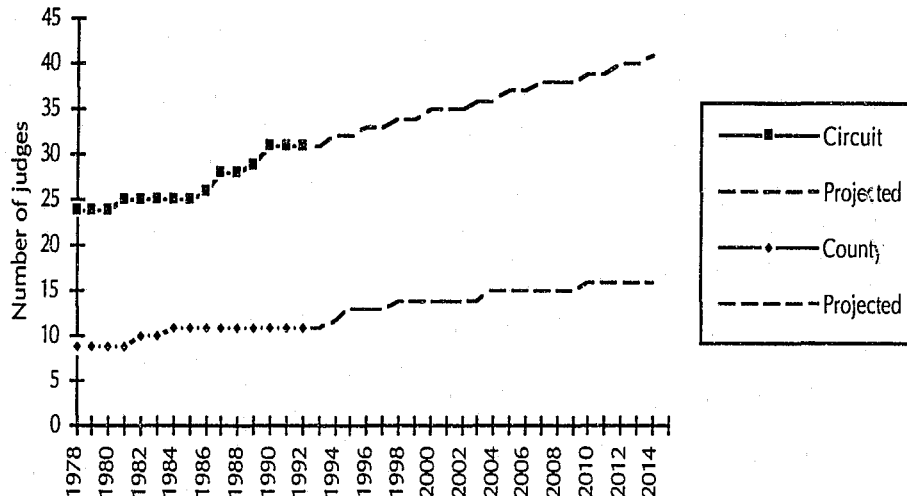
Table E.5
Number of Criminal Court Judges

Year	Circuit	County †	First App
1992	9	6	1
1994	10	7	1
1996	10	7	1
1998	11	7	1
2000	11	7	1
2002	11	7	1
2004	11	7	1
2006	12	8	1
2008	12	8	1
2010	12	8	1

† includes East County Court

When the projected judicial positions are compared with the historical record, it may be seen that the rate of growth does not diverge much from that which occurred over the last 15 years. (Figure E.21)

Figure E.21
Judicial Positions



Concurrently with ILPP's work, the firm of Ranon and Partners is carrying out a complementary study which is directed at the space needs of the court system overall. In their interim report of November 18, 1993, they made estimates of the total numbers of judicial positions of all sorts that the county will require over the next 20 years. The projections are based on the numbers of cases filed (see note 3).

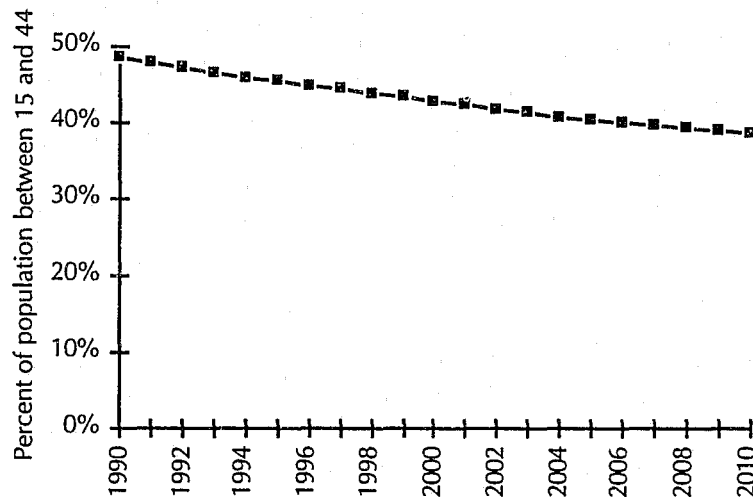
CAP's results are comparable with those found here, given the uncertainties in looking 20 years into the future. However, they are presented a little differently in the two reports. In 1993 there were seven circuit criminal judges plus two trial judges. ILPP combined these to give nine today and projected 12 in 2010. CAP lists them separately and expects slower growth to a total of ten in 2013. The first appearance court, which is expected to remain at one position, is listed with the Circuit Court by CAP. Whereas ILPP maintained a constant proportion of criminal court judges, CAP's figures show the criminal positions dropping from 29 percent in 1993 to 25 percent in 2013 (excluding the first appearance judge from the ratios).

For county court, the results are identical with ILPP's: five criminal judges plus the approximately one East Circuit judge makes six in 1993, the total rising to eight by 2010 (or 2013).

In the CAP report, there is a discussion of the problems in making staffing forecasts. ILPP is generally in agreement with the issues discussed there but would reemphasize that unanticipated external events can render the simple projections inaccurate. Another point which is only indirectly alluded to is that population growth is the primary engine driving the growth of county government. Any process or function which increases at a substantially greater rate than this cannot be sustained indefinitely, if for no other reason than that economic constraints will ultimately be imposed. Ranon is wiser than many other consultants in not extending short-term rapid growth to ridiculous extremes.

The principal reason for projecting that court growth will not exceed population growth is that the number of persons in the crime-prone age range of 15 to 44 will not grow nearly as rapidly as the rest of the population in the coming decades. (Figure E.22) This implies that the criminal court workload will not grow rapidly. The wild card is the public's demand for justice. The outcome of the interplay between its desire for more severe treatment of offenders and its resistance to higher taxes cannot be predicted.

Figure E.22
Proportion of Youth in Hillsborough County



IV. COURT-RELATED FUNCTIONS

There are two ways to approach staffing projections for these offices. One is to key their growth to the increase in court departments. The State Attorney and Public Defender, for example, would probably wish to add six attorneys plus supporting staff for each new felony department. This is the procedure followed by CAP in making their projections for these departments.

Alternatively, one might look at staffing histories. While adding six attorneys might be ideal, has this in fact been possible? With the current funding strictures — the more so as criminal justice assumes a larger share of public funds — it is not likely that the departments will have all of their requests met. Application of the *present* staffing; court ratios to the court projections may give a more realistic picture of the growth to be expected. ILPP is inclined toward this latter approach.

Historical staffing figures were obtained from the five offices. The State Attorney and Public Defender were able to provide the numbers of attorneys and of total staff from 1983-84 to the present. The numbers of court security personnel were found as described in the Sheriff's section above for the same period. The Court Administrator and Clerk of the Court were able to supply staffing figures only beginning in 1990-91. The Clerk's figures were for court-related activities only.

The ratios of staff to court departments were calculated. For the Clerk, Court Administrator, and court security, all courts were considered, while for the State Attorney and Public Defender, only the criminal courts were counted (including the trial and juvenile courts). No distinction was made between Circuit and County courts.

In the early years, some of the ratios fluctuated, but after a few years, all except the Court Administrator had settled down to fairly stable values. Projections were made using CAP's estimates of the numbers of courts multiplied by the average staffing ratios.

The staffing ratio for the Court Administrator grew during the short period for which data was available. Staffing was projected using both the latest of these figures and the extrapolated trend.

All of these figures, plus the projections by CAP, are shown in the table. For comparison, the 1993-94 staffing as reported by the agencies are given also.

Table E.6
Court-Related Offices Projected Staffing

	1993-94	2003-04	2013-14
Clerk of the Court			
Current & ratio	366	421	455
CAP	447	553	657
Court Administrator			
Current & ratio	116	135	146
Trend	116	194	273
CAP	152.5	207	253
Courtroom Security			
Current & ratio	85	99	107
CAP	86	113	131
Public Defender			
Current & ratio	172	199	222
CAP	180	206	236
State Attorney			
Current & ratio	261	294	328
CAP	285	335	379

CAP's figures for the Clerk's office appear to include non-court-related personnel (the Clerk has a number of other functions such as maintaining vital statistics and property records). Other than that, the ILPP and CAP projections may be viewed as indicating the range of growth which might be expected. However, the "trend" projection for the Court Administrator looks unreasonably high in the latter part of the period under consideration.

NOTES

- 1 Courtroom security is a division of the administration department, not easily distinguished from the available data. The "law enforcement" figures in this section exclude the bailiffs.
- 2 This number is used as an approximation to the number of bailiffs, but it will also encompass any other detention-certified staff who are organizationally outside of the Detention Department. In particular, the numbers were a little higher than expected around the time of the opening of the Orient Road Jail, suggesting that they may have included a few trainers for the new detentions staff.
- 3 This document and the other data used by ILPP refer to "filings." A comparison of the reported *criminal* filings with SRS data from OSCA shows that these are the numbers of defendants accused — that is, individuals — rather than the numbers of cases. The report by Ranon & Partners (referred to below) lists cases filed. As there can be more than one case filed against a person, there will in general be more cases than defendants. For this reason, the filings numbers in the two reports are not the same. ILPP is interested primarily in criminal filings and did not further investigate the (comparable) differences between the two sets of civil filings.

F.

HCSO Jail Expansion Analysis

Appendix F HCSO Jail Expansion Analysis

1. Inspector Dennis M. Williams, HCSO, Memo to Sarah Armstrong
Re: Double Bunking/Expanding Orient Road Jail, April 5, 1994.
2. Inspector Dennis M. Williams, HCSO, Letter to Ed Sobach,
Florida Department of Corrections, Re: Possibility of Adding
Beds to Orient Road Jail, April 22, 1992.
3. Ed Sobach, Florida Department of Corrections, Letter to Sheriff
Walter C. Heinrich, Re: Response to Inspector Williams Letter of
4/22/92, April 25, 1992.
4. Swati Bose, Hillsborough County Architectural Services, Letter
to Ed Sobach, Florida Department of Corrections Re: Possibility
of Adding 192 Beds to Orient Road Jail, July 29, 1992.
5. Ed Sobach, Florida Department of Corrections, Letter to Swati
Bose Re: Response to Letter Dated 7/29/92, August 18, 1992.
6. David Voorhis, Principal, Voorhis/Robertson Justice Services,
Inc., Letter to Alan Kalmanoff Re: Feasibility of Expanding Orient
Road Jail Bedspace through Double Bunking, April 14, 1994.



Cal Henderson, Sheriff

HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601

April 5, 1994

Ms. Sarah Armstrong
Institute for Law and Policy Planning
P.O. Box 5137
Berkley, California 94705

Dear Ms. Armstrong:

This letter and attachments is presented in response to points raised in your March 1994 draft report. It comes to you under separate cover from other Sheriff's Office comments because of the concerns raised herein. It is my hope those concerns can be given some reasonable consideration and objectively responded to in your final report.

Of particular interest to me are your comments and recommendations regarding adding additional beds to the Orient Road Jail. The points you mention on pages 11.4 and 11.5 are accurate but incomplete. While I certainly don't expect that every aspect of the emergency double bunking rule be articulated, I do believe that those requirements which speak to substantial economic and safety issues should be pointed out. No less than 14 other such requirements are left out and referenced only as "...several other specifications."

Of equal concern are the comments found on page 11.12, IV A and the italicized sidebar on page 11.13; most importantly the recommendation and comments under item E, page 11.25 wherein your report suggests the DSI study recommends an increase in beds at Orient Road utilizing option A of the DSI report.

The style of your comments and the highlighted recommendations leaves the reader with two thoughts in mind:

1. an increase in beds is achievable; and
2. such increase has been previously recommended.

In fact, the DSI report recommends against increasing any beds at Orient Road. (See DSI Executive Summary - June 24, 1992 - p. 02 "General Population Housing Pods Should Not Be Double Bunked Beyond 64 beds," and again on p. 4-1 findings and recommendations.

Ms. Sarah Armstrong
April 5, 1994
Page 2

Most importantly, the scope of the DSI report was threefold:

1. How many beds could be added with no improvements.
2. How many beds could be added with minimal improvements and at what cost.
3. How many beds could be added with major improvements and at what cost.

The report was generated specifically to look at cost factors only, not considerations or recommendations to add or not add beds. On review however, DSI clearly recommended against any additional beds due to operational and safety concerns.

Despite this recommendation by DSI however, Hillsborough County Architecture Services submitted a request to FDOC to review the 192 increase. That request asked the very question you are raising anew. FDOC responded, as technical assistance, making clear their position that increased beds at Orient Road was not likely for two basic reasons:

1. An inability to comply with all the double bunking requirements outlined in F.A.C. 33-8.005 (9) (a) 1-6 and (b) 1-5 and (c), (d) and (e).
2. The compelling concerns for the safety of inmates and staff due to the Orient Road Jail being located in a high flood hurricane zone.

It must be recognized, in addition to the County's written request, I personally appeared before the Jail Review Committee (now titled Jail Standards Committee) and argued the merits of alternative A - program pods. This argument was met with staunch resistance and further, comments were offered which indicated that the Orient Road site itself would never have been considered had the flooding, hurricane evacuation potentials been originally known to FDOC. Such was not the case for anyone at the time, hence the site and plans were approved. Knowing this now brings the question of added beds into serious doubt and the use of the Stauffer Chemical property as well.

I am of the opinion the notion of increasing capacity at Orient Road results from a lack of understanding by some citizen advocates and elected officials. Several comments consistently surface suggesting jail capacities should be formulated in the same manner as prison capacities in Florida.

Ms. Sarah Armstrong
April 5, 1994
Page 3

Several false notions abound in that regard. The first suggests that Florida prisons can and do operate at 150% of capacity. The second suggests prisons can operate at 133%. The first notion is patently false and second is seriously flawed. Neither have application to a jail. For anyone to consider that such similar expansion could be achieved "politically" contrary to rule of law, is terribly ill informed on the laws of Florida, the trends of the courts or the position of the Attorney General and the State regarding jail overcrowding.

In support of my comments I have included as attachments, documents which demonstrate the Sheriff's Office attempts to add additional beds to Orient Road and the response from FDOC to such requests. Other enclosures are intended as appendixes to further expand on those issues.

Appendix D addresses a separate but very disturbing misrepresentation in your report. On pages 11.18 and 11.19, the report addresses "Classification of Inmates" and describes the cell configurations and purposes for all the facilities. It also describes three levels of classification of inmates. Of particular concern is the error found regarding Orient Road. While the jail is capable of housing some offenders which require secure confinement, it is not a maximum security jail. Moreover, the only cells which could accommodate "maximum security" inmates are those 144 cells contained in the remote pods (3 pods at 48 beds each). All other cells in the Orient Road jail are soft cells, whether single bed or double bunk. The cells, by design, are intended to provide privacy and sleeping quarters not containment and restricted confinement. In fact, cell front doors in those areas are wooden and approved by FDOC as such based solely on the fact that the Morgan Street Jail would serve as the "hard cell" jail for confinement of those inmates who were not suited to direct supervision based upon behavior or security concerns.

While it is true that the perimeter wall of the Orient Jail meet "maximum" requirements, it is not true that interior design and operational considerations were weighted in favor of maximum security living or maximum security inmates. The perimeter requirements are the consequence of F.A.C. 33-8.015 inclusive. Those requirements would be imposed on any jail constructed except for a unit designed exclusively to house sentenced work release inmates. It is this category of construction which you mistakenly refer to as "minimum custody" which may or may not require a "physical perimeter security."

It must be understood, the intent of the Administrative Code when referencing "Reduced Custody Housing" means just that - style of housing. Whereas, a "minimum custody" inmate is a

Ms. Sarah Armstrong
April 5, 1994
Page 4

classification level based upon behavioral considerations. The two are not synonymous nor interchangeable. It is entirely possible to house a defendant charged with homicide and classify that defendant as minimum custody for purposes of placement within a secure environment. But such person could never prudently be considered for housing in a "Reduced Custody" housing unit. The two are incompatible. Again, this is not a semantical issue - it is an application of rule.

I believe I can speak comfortably to these issues based upon two perspectives. My professional involvement for the last eight years has revolved almost exclusively around the Florida Jail Regulatory and Operational considerations; first as a member of the FDOC Inspector General's Staff providing regulatory reviews and technical assistance to the various sheriffs in the 67 counties concerning the design and operation of their jails. More recently as a consultant (for the past four years) to the Florida Sheriff's Association; performing the same role as a select member of the F.A.C. 33-8 rewrite group as mandated by the Florida Legislature and as a voting member on the statewide Jail Standards Committee, whose statutory function is to establish, interpret and recommend minimum standards for construction, operation and inspection of all county and municipal detention facilities in Florida.

The Hillsborough County Sheriff's Office (not department) has historically been recognized as the trend-setter for design and development of cost effective - innovative housing with emphasis on interpersonal skills in managing inmates rather than "hard cell" confinement. In that regard, we have traditionally used the low end of the classification management percentages (8-10%) when designing jails. That was certainly the case at Orient Road and to represent otherwise, does a serious injustice to the County Commission, the taxpayers and the competent professionals within the Sheriff's Office.

To summarize, I am strongly recommending modifications to these areas of the report:

1. Either modify your recommendation on double bunking to reflect that these areas have been aggressively pursued with negative results and therefore, not likely to be successful; or delete the recommendation entirely.
2. Clarify that jail construction standards in Florida are such that jails, having no control over charges against persons contained therein, must therefore be constructed as secure.


Ms. Sarah Armstrong
April 5, 1994
Page 5

3. Clarify the notion that maximum, medium and minimum are custody classifications behavior indicators not styles of jails. And clarify that a "Reduced Custody Unit" is the only such unit which would not require a fence or secure perimeter if such unit is used exclusively for housing sentenced work release inmates.

I appreciate your time and energy dedicated to your report and the time taken to review the thoughts, contents and documents forwarded herewith.

Should you have questions, please call me.

Sincerely,


Dennis M. Williams
Inspector

DMW/iy

Attachments



Walter C. Heinrich, Sheriff

HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601

2

April 22, 1992

Mr. Ed Sobach
Chief Jail Inspector
Department of Corrections
2601 Blairstone Road
Tallahassee, Florida 32399-2500

Dear Mr. Sobach:

As you are aware Hillsborough County Sheriff's Office has a Master Plan for Jail Development which includes a relocation of temporary jail beds from Clark Street to the Faulkenburg Road site. Thereafter, the plan calls for the ultimate construction of four 1,024 bed units totaling a 4,096 bed build out. Not unlike the state, revenue short falls in Hillsborough County may impact on this process. In the interim, our jail population is continuing to increase causing us to seek alternative methods of dealing with crowded jails and limited bed space.

Part of this crowding was eliminated when Department of Corrections on April 30, 1990, approved the installation of hardware for 384 beds at Orient Road and authorized their usage on June 21, 1991, raising our authorized capacity to 1,714.

Prior to DOC granting approval for emergency double bunking substantial documentation and support thereof was presented to and retained by the Department's Jail Review Committee. In order to properly plan for all contingencies, please review those documents again for determination of additional beds which could be added to the Orient Road facility.

Your timely response is appreciated.

Sincerely,

WALTER C. HEINRICH, SHERIFF

A handwritten signature in cursive script that reads "Dennis M. Williams".
Dennis M. Williams
Inspector

DMW:pkh

April, 1994

Appendices • F.7



DEPARTMENT of
CORRECTIONS

Governor
LAWTON CHILES
Secretary
HARRY K. SINGLETARY, JR.

2601 Blairstone Road • Tallahassee, Florida 32399-2500 • (904) 488-5021

April 25, 1992

3

Sheriff Walter C. Heinrich
Hillsborough County Sheriff's Office
Post Office Box 3371
Tampa, Florida 33601

Dear Sheriff Heinrich:

We have reviewed the files regarding the Orient Road Jail in response to your request of April 22, 1992.


Request for double bunking at Orient Road were received on November 14, 1989, December 9, 1989 and again in February 26, 1990. Subsequent to those requests a determination was made that an increase of 384 beds was reasonable and the most that could be expected.

Approval to install those beds were granted in April of 1990 with certification for use granted on June 25, 1991. That certification raised your maximum capacity to 1714 inmates.

After review of the documents, we again find that the 384 bed request was reasonable and that additional beds could not be added due to the facility design capacities.

Sincerely,

David L. Smith
Inspector General


Ed Sobach
Chief of Inspections and Investigations

DLS/ES/pd

HILLSBOROUGH COUNTY

Florida

Office of the County Administrator
Frederick B. Karl

4

BOARD OF COUNTY COMMISSIONERS

Phyllis Busansky
Joe Chillura
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Patricia Bean
Larry Blick
James M. Bourey

Assistant County Administrators

Edwin Munzeker
Jimmie Keel



July 29, 1992

Mr. Ed Sobach
Chief of Inspections - County Jails
Florida Department of Corrections
Inspector General's Office
2601 Blairstone Road
Tallahassee, FL 32399-2500

**SUBJECT: HILLSBOROUGH COUNTY ORIENT ROAD JAIL CAPACITY INCREASE
REQUEST FOR REVIEW**

Dear Mr. Sobach:

This is an addendum to my letter of July 28, 1992, whereby we requested a review of the capacity increase for the Orient Road Jail.

We requested that the FDOC consider four levels of capacity increase described by the Consultant (adding 64;400;544; or 768 beds). We find that the Consultant also discussed adding 192 beds by double bunking. As such, we request that your review also consider this level of increase which is described as follows:

- 1a. Add 192 Beds by Double Bunking: This would be achieved by increasing four 64-bed pods to 72 beds (program units) and increasing five 64-bed pods to 96 beds (general population pods). Program changes would be made; staff and equipment additions would be made; minor renovations would be made to convert a pod space to sick call.

Please call me at (813) 272-5880 if you should have any questions.

Sincerely,

Swati Bose, R.A., Manager
Architecture Services

SB/vh

Attachment

RECEIVED Leo Keefe, Sheriff's Office
Israel Grajales, Architecture Services/file

AUG 03 92

SPECIAL PROJECT



FLORIDA
DEPARTMENT of
CORRECTIONS

*Double bunking
file (6. (a))*

Governor
LAWTON CHILES
Secretary
HARRY K. SINGLETARY, JR.

2601 Blairstone Road • Tallahassee, Florida 32399-2500 • (904) 488-5021

August 18, 1992

RECEIVED
EXECUTIVE SUPPORT

AUG 21 1992

5

Mr. Swati Bose
R. A. Manager
Architecture Services
Hillsborough County, Florida
Post Office Box 1110
Tampa, Florida 33601

WALTER C. WEINRICH
SIC

RE: Hillsborough County - Orient Road
Jail Capacity Increase
(Your letters of July 28, 1992 - July 29 1992)

Dear Mr. Bose:

This Department has reviewed the above correspondence and the Jail Capacity Study of June 23, 1992, performed by Direct Supervision Institute, Inc.

Unfortunately, pursuant to Chapter 33-8, Florida Administrative Code, we are unable to approve any double bunking requests, nor any plans for additional construction, without the submittal of the proper applications. However, what the Department is permitted to do under Florida law, is to provide technical assistance and comments to assist the County.

Based on state jail regulations, the Jail Capacity Study of June 23, 1992, and the nature of the Orient Road facility (the fact that it is a direct supervision facility), it does not appear at this time that this facility is suited for the inclusion of extra beds. The reason for this comment is based on the fact that critical operational objectives could not be reached and there would be a significant financial impact required to add any additional beds to this facility. Because of the mission and nature of a direct supervision facility, and based on the consultant's study, the maximum capacity of direct supervision facilities normally should not exceed between 48 to 64 inmates. In addition, the inclusion of additional staff within a direct supervision holding area is not considered good corrections practice. More importantly, the safety and security of inmates and staff appears to be at risk by virtue of any increase in this facility's capacity. As you may be aware, overcrowding has historically resulted in increased inmate-to-inmate and inmate-to-officer assaults. In addition, there are limited sight lines in the housing areas, inadequate single cell space, and any increase would create inadequate security (the inclusion of additional inmates may well require the removal of the wooden doors on the housing cells, to be replaced by steel doors).

Mr. Swati Bose
Page Two
August 18, 1992

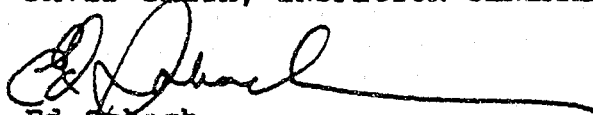
The financial impact (besides the above noted potential issue with cell doors) would include impact on HVAC, plumbing, exercise space, medical care, visitation space, and increased staff costs. Finally, the fact that the facility is located in a hurricane hazard area, presents an additional factor mitigating against any increase in the capacity of this facility.

The bottom line is, it does not appear that this facility could be operated as a direct supervision jail (as it was constructed and designed for) if the capacity was increased.

The Department hopes that these comments will be of assistance in reviewing the inmate housing issues currently before the County. If you have any questions, or we can be of further assistance, please do not hesitate to contact us.

Sincerely,

DAVID SMITH, INSPECTOR GENERAL



Ed Sobach
Chief Inspector

DS/esp

cc: Sheriff Walter C. Heinrich
Colonel David Parrish

6525 Gunpark Drive, Suite 320
Boulder, CO 80301

303-530-7583
FAX 303-530-7685

April 14, 1993

Alan S. Kalmanoff
Executive Director
Institute for Law & Policy Planning
P.O. Box 5137
Berkeley, California 94705

6

Dear Dr. Kalmanoff:

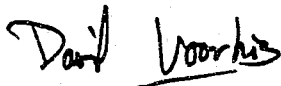
As your consultant in Hillsborough County, I am familiar with the Orient Road Jail and its design features and population classification. And as NIC's PONI and direct supervision consultant for many years, I am extremely familiar with most direct supervision jails nationally. I have also built and run two direct supervision facilities. One, constructed in Boulder, Colorado during 1975, was the first known county jail operating as direct supervision and was instrumental in NIC establishing their offices in Boulder, Colorado in 1978.

Having reviewed materials prepared by the Hillsborough County Sheriff's Office, I support their request to the State to increase bed capacity by double-bunking portions of the building. I believe that based on their success with previous double-bunking and experiences by other jurisdictions, double-bunking of certain living units has high value. The cost of construction and the cost of adding security staff mandates consideration of increased double-bunking. While this issue is more complicated than can be covered in this letter, I believe that previous limitations by the State on double-bunking is in error and should be reconsidered.

Based on Contra Costa County (California), where a serious urban population averaged over 900 for nearly a year (and over 1,100 at one point) in a 386-bed jail; based on Washoe County (Nevada), where 64-bed pods were easily doubled to 128 beds; based on Arapahoe and Adams Counties, Colorado where they virtually double-bunked entire facilities with limited impacts and costs; and based on numerous other examples nationally, I can satisfy your concerns about your recommendations to Hillsborough County.

The Orient Road Jail can be safely double-bunked to house 192 more inmates with little cause for concern. Some staffing changes might be required, as they are in Contra Costa County where local MOU (memorandum of understanding) calls for a second deputy if the count is over 64. Nonetheless, your recommendations make sense in Hillsborough County, and I would predict that if the county seeks variances by the State, it will succeed in running an excellent and secure facility double-bunked.

Sincerely,



David Voorhis
Principal

G.

Classification Impact on Jail Costs

Appendix G

Security Levels and Impact on Detention Planning & Costs

This appendix clarifies the implications of terminology relating to inmate classification and housing security levels.

In classifying the inmate population, ILPP uses three designations: *minimum*, *medium* and *maximum*. These terms specify a range of points to describe **inmates** using the National Institute of Corrections (NIC) model. The Hillsborough County jail staff, who participated in the NIC pilot program for jail classification, uses the same inmate classification system as ILPP. Under the NIC system, initial custody levels are determined on the basis of points assigned to various criteria. An initial evaluation is based upon three criteria: severity of current charges, serious offense history and escape history. If the score is seven or higher after the initial assessment, the inmate is assigned as maximum custody; this score is called the "maximum custody score." For inmates whose score is less than seven, a secondary classification considers four additional criteria: institutional disciplinary history, prior felony convictions, alcohol/drug abuse and stability factors. This final score is called the "comprehensive custody score." If the comprehensive custody score is five or less, the inmate is classified as minimum security. An inmate with a comprehensive custody score of between six and ten points, or if the inmate has a hold/detainer and five or fewer points, is assigned to medium security housing. Inmates with a score of eleven or greater are classified as maximum security.

In describing the level of dangerousness, or "badness," for housing purposes, designations can be explained in lay terms as follows. Minimum classified inmates present virtually no escape risk, and if they were to escape, present no foreseeable risk to the community. Medium classified inmates require a facility with a secure perimeter, and maximum classified inmates require a secure perimeter and more intense staff supervision. These designations may be broken down further: among minimum classified inmates, some are "low-minimum," being safe enough to trust in alternative programs (e.g., work release) or in a facility without a secure perimeter.

In terms of **space**, *maximum*, *medium* and *minimum* security do not always directly correspond to behavior classifications because the physical building itself is not the only determinant of how the space is designated. The security of the space is also determined by operational characteristics. Physical characteristics include hardened fixtures and high security doors and locks. Operational characteristics are how the space is used and staffed, e.g., limited inmate movement, in-cell feeding and remote

surveillance. The operational difference between maximum and medium security housing has nothing to do with how "secure" the actual building is but with how many staff per inmate, how often inmates are allowed out of cells, etc. Thus, physically, maximum security housing could incorporate a lower security operational approach by allowing freedom of inmate movement, direct supervision, etc. Conversely, a high security perimeter and significantly limited inmate movement creates a maximum security environment, regardless of doorknob type or cell furniture composition.

Physical attributes alone are designated in ILPP's use of the terms *high security* and *low security* space. These terms refer specifically to the nature of space and do not factor in how the space will be operated (i.e., how heavily staffed). In this case, high security space means detention facilities with a maximum security perimeter to prevent escape. Thus, the Orient Road Jail and the Morgan Street Jail are both high security facilities which house maximum and medium security inmates. Low security space is often dormitory housing where inmates have relative freedom of movement. The Work Release Center is a good example of low security housing. These housing types are not interchangeable, i.e., medium and maximum security inmates must be kept in high security housing.

A key assumption of this report is that it is in the county's interest to create a detention master plan that accurately reflects the actual and projected custody breakdown of its inmate population because construction and operating costs vary greatly by security level. Construction of medium/maximum security housing (as is the case with the entire Falkenburg Road County Jail East Master Plan) appears to be a rational planning approach because it allows for the great operational flexibility by dedicating all of its space to the lowest common denominator: maximum classified inmates. Maximum security space can safely house maximum, medium and minimum classified inmates; whereas a low security master plan could *only* house minimum security inmates.

The significant disadvantage of the lowest common denominator approach is that it is the most expensive to build and to operate. A mix of housing types provides a cheaper alternative without compromising public safety.

To illustrate how the differences in security level apply to Hillsborough County and its existing correctional plans, three conceptual scenarios (Options A - C) are presented. These scenarios all assume development of the Falkenburg Road site. The first scenario is taken from the County Jail East Facility Master Plan. Below is a summary of these alternatives. All three supply the same number of beds but vary in custody breakdown (operational and physical), showing how this affects staffing and construction costs.

Table G.1
Summary of Conceptual Options to Develop Falkenburg Road Site

Option	Beds	Custody Breakdown	Project Cost	Total Staff	Estimated Operating Cost*
Option A	1024	100% med./max.	\$34 million	447	\$17.9 million
Option A ₁ [†]				364	\$14.6 million
Option B	1024	75% min./25% med.	\$27 million	278	\$11.1 million
Option C	1024	88% min./12% med.	\$23 million	253	\$10.1 million

* Estimate assumes \$32,000 per staff member and other operational costs at 25% of staffing costs.

† Option A₁ adjusts staffing to reflect national averages which were used to calculate staffing for Options B and C. Option A staffing is taken directly from the County Jail East Facility Master Plan Staffing Plan for Phase I.

Option A
 Maximum & Medium Security Mix

<i>Description</i>	Option A is a 1,024-bed, high security pretrial facility. This is Phase I of the County Jail East Facility Master Plan.
<i>Cost</i>	On the basis of staffing numbers and programming and cost data in this study, project cost would be \$33,964,410.
<i>Staffing</i>	The master plan calls for staffing of 447 (Option A ₁ in Table G.1). However, staffing using national averages would be 364. ¹
<i>Analysis</i>	Adding this second pretrial facility does not correspond to the identified profile of the county's inmate population and duplicates expensive, staff-intensive special functions (e.g., medical services and maximum security housing).

Option B
Medium & Minimum Security Mix

Description

Option B is a 1,024-bed, two-compound campus constructed on the Falkenburg Road site. Compound I would include 768 beds of reduced custody, minimum security housing. Compound II would include 192 beds of high security (medium) housing and a 64-bed, central medical infirmary/mental health housing to service all detention facilities. The facility would include some core support functions, e.g., site infrastructure, food service. These would be originally oversized to accommodate system growth. Intake would continue to occur at ORJ.

Cost

Total project costs, including architectural, inspections, fees and contingency would be \$26,986,200.

Staffing

Based on national averages, total staffing would be 278.

Analysis

Minimum security inmates would be shifted to this facility. Shifting 39 percent of the 1993 ADP from ORJ and MSJ to the Work Release Center and the FRJ would free from 650 to 750 beds for high security usage. A large portion of this bed space could then accommodate inmates reassigned from MSJ. Assuming 80 percent of MSJ inmates are reassigned to ORJ and 20 percent to FRJ (women, minimum, medical), then 200 - 300 beds would be available at ORJ for increases in the higher security populations.

Option C
Medium & Minimum Security Mix

<i>Description</i>	Option C is a 1,024-bed, two compound facility constructed on the Falkenburg Road site. Fourteen housing units (Compound I), or 896 beds, would provide minimum security housing in commercial grade structures surrounded by a 12-foot perimeter fence while two units, or 128 beds would provide high security housing for medium security inmates (Compound II).
<i>Cost</i>	Total project costs, including architectural, inspections, fees and contingency would be \$22,744,471.
<i>Staffing</i>	Based on national averages, total staffing would be 253.
<i>Analysis</i>	Same as Option B. Medical housing would be at ORJ, with a general clinic, contiguous subspecialty clinic and adjacent radiology unit at FRJ.

NOTES

- ¹ Based on a survey of jails around the country, national averages for inmate per personnel are as follows: per deputy (4.23); per supervisor (25.3); per admin./ support (26); per other programs (24.3); survey aggregate (2.83). (Source: Corrections Yearbook, 1993: Criminal Justice Institute, Inc., South Salem, NY.)