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Orange County, Florida

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SYSTEM-WIDE ASSESSMENT OF CRIMINAL JUSTICE NEEDS

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October 19, 1993



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October 11, 1993

Ms. Linda Chapin, Chairman
Commission Members
Orange County Board of County Commissioners
and
Joe DuRocher, Chair
Criminal Justice Project Steering
Committee Members
1 N. Orange Ave.
Orlando, FL 32801

Dear Chairman Chapin, Chair DuRocher, Commissioners, and
Committee Members:

This is the time to make some very exciting productive and cost-effective changes in the County's criminal justice system. The County's entire justice system establishment has been working closely with a Commission sponsored assessment of the system, and after many drafts and extensive feedback and input from the key officials, this final report presents recommendations for a truly coordinated public safety system.

In particular, the report concludes that:

- ✓ Agencies are modern and change oriented;
- ✓ The system was impacted by rapid growth, resulting in fragmentation;
- ✓ The system isn't yet a system, and is inefficient;
- ✓ The system is expensive and focuses on lessor offenders; and
- ✓ The system needs management by:
 - A criminal justice system management group;
 - A preprocessing intake unit and an improved pretrial release system;
 - Support of correction's continuum of care program by the entire system;
 - Improved management information; and
 - Task forces for domestic violence and other case areas as needed.

Orange County Board of Commissioners
Criminal Justice Project Steering Committee
10/11/93
page two

The briefing summary and individual chapters describe a group of agencies doing good work that must now come together and do good system work in order to insure public safety, cost effective growth, and the type of collaboration required for excellence. This outside and independent assessment pulled no punches, received excellent leadership and cooperation, and recommends major changes and new developments.

Every issue raised by the Commissioners in individual interviews has been covered, and all concerns raised by the review committee members have been addressed. A remarkable level of consensus has resulted, partly due to the high quality of the county's justice system officials, the leadership of the Chairman and Chief judge, and the strong data-based analysis upon which the entire study is based.

We look forward to presenting this timely study to you on October 19, and to answering your questions and responding to your comments.

Sincerely,

A handwritten signature in cursive script that reads "Alan Kalmanoff".

Alan Kalmanoff
Executive Director

Orange County, Florida

***SYSTEM-WIDE
ASSESSMENT OF
CRIMINAL JUSTICE
NEEDS***

October 19, 1993

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System Assessment & Summary

System Assessment & Summary

I. INTRODUCTION

The Orange County criminal justice agencies are in many ways among the most modern and change-oriented in the country. The courts have recently implemented a fast-track case management system and are continuing to make several other important changes to maximize efficiency. The Public Defender and State Attorney have pooled resources to share a computer specialist, working together toward implementation of fast track, surprising within an adversarial system. The Division of Corrections' *continuum of care* is a progressive concept new to virtually any correctional system, and incorporates pretrial, jail and community corrections operations in a program of effecting long-term offender change.

What, then, is the problem? A simplified formulation is that the criminal justice system in Orange County is less of a *system* than a loose coalition of individual, well-managed agencies working towards substantial goals independently. There is considerable progress in improving management of various aspects of criminal justice, while at the same time there are inefficiencies both in cost and attainment of goals. Inefficiencies in a system that consumes over half of county general fund revenues and nearly half of all county employees magnify into serious inefficiencies that deserve a *system-wide* reassessment of operations that now occurs, albeit vigorously, only at the individual agency level.

This summary chapter synthesizes the material contained in the rest of the report, highlighting findings and recommendations for Orange County's criminal justice system. The organization of the report follows the flow of the criminal justice system itself: from arrest of the offender through final disposition of a criminal case.

A. Background

Orange County is just now recovering from a decade of rapid growth in demand for its criminal justice resources. The source of this increase is manifold: Florida's population generally swelled enormously during the 1980's; Disney World transformed Orlando into an international tourist

attraction; the emergence of crack cocaine coinciding with the "war on drugs" produced increases in arrests, crime in all areas, and criminalization of more drug-related activities.

Stabilization of these factors has meant that growth in criminal justice demand, measured in arrests and court filings, has also stabilized and in some areas declined. Under new leadership the county has paused to rethink its approach to a system that is much changed from when its court and correctional master plans were developed.

The Institute for Law & Policy Planning (ILPP) was hired by the Orange County Board of Commissioners to perform a comprehensive study of the county's criminal justice needs. Of particular concern to the county has been the effect of the recession on county growth and the county's ability to support criminal justice services. At the same time, a commitment to protect the public's safety and quality of life drives decisions about the criminal justice system.

B. Project Purpose and Scope

The goal of this project is to comprehensively examine the state of criminal justice in Orange County and work with county leaders toward developing a long-term strategy for providing quality services given a future of limited resources.

To carry out the study, ILPP planned a three phase approach. First, Consultants examined the jail population to identify the nature of the population that goes through the jail and to project the size and type of population the jail might house over the next twenty years (Part I). Second, Consultants used these findings and extensive data from other areas to assess the system's individual agencies and their relationships to each other in terms of the overall impact on efficiency and effectiveness (Part II). Finally, findings and preliminary recommendations arising from the system assessment provides direction in evaluating plans for use and construction of facilities (Part III).

ILPP reviewed all elements of the system:

- **Law Enforcement** (twelve local and five state law enforcement agencies of which two, the Orlando Police Department and the Orange County Sheriff's Department, are responsible for nearly 90 percent of all arrests);

- **Prosecution** (State Attorney);
- **Defense** (Public Defender);
- **Judiciary** (County and Circuit Courts, Court Administrator, Clerk of the Court);
- **Jail, Pretrial and Community Corrections** (Division of Corrections);
- **Government** (Board of County Commissioners, County Administrative Offices).

Although not traditionally seen as part of the criminal justice system, the Orange County Board of Commissioners is a crucial element, through its operation of the Division of Corrections and its funding of many criminal justice activities. The county administration has shown leadership in corrections, planning the new courthouse, and in supplementing the prosecution and defense budgets to compensate for state cuts.

C. Project Timing and System Context

The immediacy of this study was partly driven by current correctional and court master plans which will not only require major capital outlay but have permanent implications for the operations of the criminal justice system. Orange County is at an important juncture: as growth is slowing and needs are changing the county has a moment to reflect and to seize this opportunity for planning its future in criminal justice which is certain to hold continued growth of demand simultaneously with limitation of resources with which to respond.

There are few objective recommendations for how a criminal justice system should be organized, how it should operate, or how many and what kinds of services it should offer. These are needs determined by local values and resources. This report hopes only to provide the county with enough information to enable the system's "gatekeepers" to make such an important decision intelligently. While ILPP has been hired to present the costs and evaluate the services of the county's criminal justice system, the decision of how to balance these competing interests is one that the local community will decide.

It is important to read this report with this perspective, as it contains findings and recommendations that not all representatives will agree with or like but that may still hold the potential for aiding the development of

a system-wide criminal justice plan. To that extent it is the major idea which underlies each recommendation that should be evaluated and debated for its merit; the specifics of implementation may be adjusted and adapted to a changing or more particular need. Consultants emphasize the importance of timing in the county and the brevity in which these opportunities for proactive change arise should not be underestimated.

II. SYSTEM-WIDE FINDINGS & RECOMMENDATIONS

A. Characteristics of the System

The Orange County system has been fragmented in its approach to the massive growth of the last decade resulting in overuse, underuse and misuse of a variety of resources (jail beds, courtrooms, personnel and technology):

- The discretionary authority that provides individual criminal justice agencies with independence has resulted in individual policies which confound all agencies' goals and have a negative impact on public safety: These include bond practices, limitations of pretrial release and the types of offenders that the system focuses on.
- Coordination of criminal justice activities does not occur to a meaningful degree in Orange County. The existence of a Criminal Justice Coordinating Committee, a County Public Safety Coordinating Council and several other criminal justice sub-committees reflects the lack of a single, organized approach to justice and the fractured and redundant nature of its current management. There is little shared responsibility for scarce jail and court resources.
- Compared to the six other largest Florida counties, Orange County arrests, prosecutes and jails for longer periods of time (pretrial and sentenced) proportionately more offenders who pose little or no threat to public safety: non-violent misdemeanors.
- The Administrative Orders created to enforce the federal court order on the county's crowded jails have produced two pretrial release programs - PCR and PTR - each with conflicting goals and an overall impact of entrenching as policy inefficient and ineffective management of limited jail space and public safety. Added to bond, these programs constitute the pretrial release system of the county.

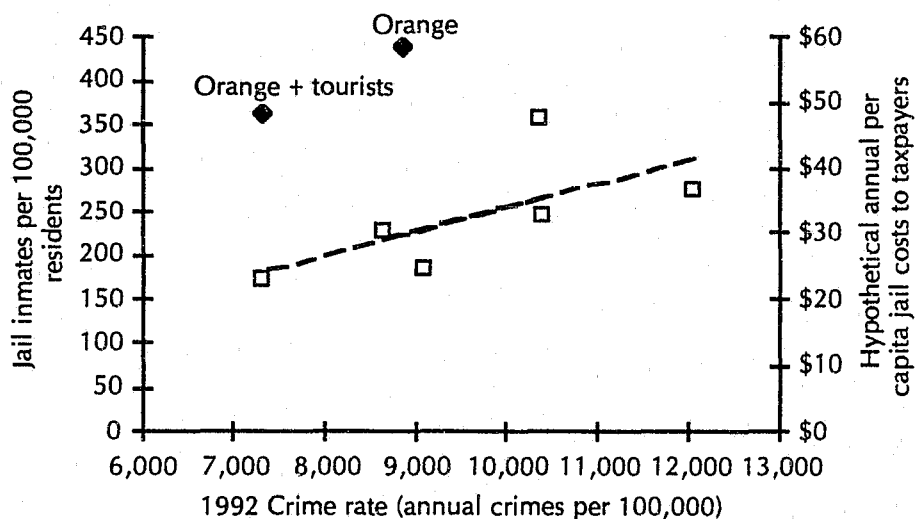
These are the most observable aspects of dysfunction in Orange County's criminal justice system. They describe a system in which all participants are nonetheless committed to improving operations and working for the community, but with no single agency and no single committee responsible for envisioning how goals will be accomplished system-wide and how policies will impact the success of the entire criminal justice system over the long run.

B. Resource Allocation Findings

By comparing data available from comparable jurisdictions, Consultants examined arrests, jail populations, crime rate and cost to assess what kinds of offenders are a priority. This comparative analysis finds that the Orange County criminal justice system tends to focus, intentionally or unintentionally, on what the Florida Department of Law Enforcement labels the "less serious" offenses. These include non-violent misdemeanors and traffic offenses.

Such focus has clearly contributed to jail crowding and the system-wide costs of housing the jail population. Figure I, which correlates inmates per capita, crime rate and hypothetical annual jail costs per resident by county, depicts this effect on Orange County relative to Dade, Broward, Pinellas, Hillsborough, Palm Beach and Duval Counties. It also takes into account the effect of Orange County's tourist population on these variables.

**Figure I Crime and Incarceration Rates and Per Capita Jail Costs
Large Florida Counties May 1993**



The empty boxes forming the lower line of the graph are the counties from left to right as follows: Pinellas, Broward, Palm Beach, Duval, Hillsborough, and Dade.

This graphic does not in any way point to the policies of a single agency. The jail does not determine who is arrested and booked. Law enforcement does not determine who shall be prosecuted. The prosecution does not decide how long an offender will take up space in jail.

But policies in each of these organizations has produced what the figure above shows:

- Orange County has more inmates per capita than any other of the state's seven largest counties;
- The county's crime rate is fairly low;
- The county arrests, jails and prosecutes proportionately more "lesser" criminals to "serious" criminals than its counterparts; and,
- The cost to taxpayers of housing these offenders, as reflected in court, jail and other costs, is therefore higher than in other counties.

There is no 'good' or 'bad' contained in these findings; they are simply a documentation of what exists. The usefulness of these issues to the county's decision makers will be to assess whether this is how scarce

criminal justice dollars should be spent and to identify what impact this resource allocation will have throughout the future.

Consultants also note that it would be misleading to assume that because Orange County jails so many more people per capita than the other large counties that this policy has *resulted* in a relatively minor crime rate. Both Pinellas and Broward Counties have comparably low crime rates and substantially reduced incarceration rates.

C. Cost Findings

The simplest but most expensive solution to protecting the public is detaining offenders, both sentenced and pretrial, in jail. In Orange County, the cost per inmate of the jail system is fairly low due to individual agency efficiency, but the overall impact of housing a large jail population per capita occurs at great expense. Shared system management, which requires the cooperation of all criminal justice agencies, can lead to an allocation of scarce criminal justice resources that can meet Orange County's needs without overtaxing its resources.

Orange County's criminal justice functions show they currently consume approximately 50 percent of the General Fund simply to operate. If changes are not made to improve efficiency and if growth continues at a pace projected by the county's court and correctional master plans, these functions will consume over 85 percent of the General Fund by FY 2005/06.

Throughout this report Consultants have identified areas of inefficiency that result in delays of processing cases and inmates. A full discussion of this analysis is presented in Chapter 4. In summary, Consultants estimate that improvements in response to the major areas described above and other recommended activities could lead to a savings in the range of \$10 million every year.

D. System Recommendations

The most critical of recommendations for the county's criminal justice system is the implementation of a population management plan with system-wide goals and participation. Such a plan requires a single group of the system's leaders to provide and monitor the mission of the entire system and of their individual agencies within this context. The other recommendations described in this section are examples of issues that must be formulated by this group.

1. Criminal Justice System Management Group

Convene a criminal justice management group that oversees mid-level subcommittees and actively manages the entire system. Create a single criminal justice coordinator responsible for monitoring the system and working with the management group in developing solutions to existing and anticipated problem.

The County Public Safety Coordinating Council (CPSCC) is required to exist by state law. While the state mandates the framework, individual counties are left to determine how the committee should operate and what it should accomplish.

Orange County's CPSCC has a regular schedule but often meets only if there is a particular issue in the agenda about the jail. There also appears to be some duplication between the CPSCC and the Criminal Justice Coordinating Committee (CJCC) established by the Chief Judge.

The CPSCC in Orange has not been fleshed out with a mission statement and concrete subcommittees; issues are identified and addressed by *ad hoc* groups who are created in response to and then discontinued following the resolution of a single "problem".

The county's criminal justice leadership has already resolved the duplication of the CJCC and the CPSCC by officially combining the two and adding key representatives not explicitly included in the CPSCC. The CJCC is headed by the Chief Judge while the mandated CPSCC requires that the Chair (or designate) of the Board of County Commissioners head this committee. When the combined committee convenes the Chief Judge will continue to chair it unless the BOCC Chair attends.

The newly formed group, the CJCC/CPSCC, will address not only issues related to correctional practices but issues within the larger arena of criminal justice. Consultants find this coverage to offer the potential of serving as the forum in which to improve the overall coordination of criminal justice agencies in constructing an integrated and rational system.

Chapter 4 recommends the creation of a position, probably under the county government, to act as the system coordinator of criminal justice. Such a position both recognizes that criminal justice accounts for a significant portion of local resources and also that the high level officials in the management group cannot typically devote significant amounts of

time to the management of the system. The coordinator role would also provide the system's leaders with a centralized point of contact for communicating major criminal justice issues.

Consultants here articulate the recommended goals and structure of the criminal justice system group specifically in terms of the objectives of this report such as addressing population management issues, although the group has and will continue to engage in dealing with other activities.

Goals

The planning group should develop a management plan for the criminal justice system using the following activities as a guide:

- Recognize that incarceration is generally the most expensive form of punishment for the county and that it is a scarce resource to be rationed through shared responsibility.
- Examine the system at each stage of inmate "flow";
- Identify potential for county information systems (data bases) to provide relevant information and play a larger role in monitoring and controlling the flow;
- Monitor and project the size and nature of the county's inmate population;
- Examine system effectiveness by agency, system group, charge/release mode, etc.;

Structure

There should be four levels to the overall management system:

1. **Board of County Commissioners** - decision-making body for proposals requiring major capital outlay or changes that require Commission approval.
2. **County Public Safety Coordinating Council (CPSCC/CJCC)** - composed of top-level staff of "gatekeeper" agencies. This group comprises the officials responsible for the population management system. As top managers this group is charged with decision-making, reviewing, monitoring, and providing feedback.

Eleven people are members of this committee by law :

- state attorney
- public defender
- chief circuit judge
- chief county judge
- chief correctional officer (jail director)
- Sheriff
- state circuit probation administrator
- county probation director
- pretrial intervention program director
- local substance abuse program director (may overlap with corrections or pretrial officer)
- Chairman of the Board of County Commissioners

The following additional members are recommended:

- Clerk of the Court
- Chief of the Orlando Police

Consultants specifically have not listed designates in any of these titles as allowed by state law. The reason is that experience has shown that the most effective of these groups are those that call on the commitment of the highest levels of leadership. The heads of these offices have the authority to negotiate and make firm decisions, which will facilitate speed and comprehensiveness to the group's activities.

3. Deputy-Level Action Groups - These groups are not subcommittees of the CPSCC/CJCC. Instead, they are made up of the second level of management that tends to handle agency activities and therefore are more aware of the key operating issues of criminal justice administration in the county.

These groups can report on progress and refer issues for discussion by the CPSCC/CJCC. They identify problems that are really system-wide policy questions that are more appropriately dealt with by the CPSCC/CJCC.

The following groups should be created at this level:

- **Criminal Justice Information System Group**
- **Population Management Group** - monitors jail population.
- **Facilities Planning Group** - considers issues relevant to facility development (users, finances, population characteristics).
- **Domestic Violence Task Force** - see separate recommendation in this chapter.

Basic staff work at this level includes the following tasks:

- Facilitation of interaction, communication and coordination among the various criminal justice system and county agencies involved in the operation of the population management plan;
- Collection of data necessary to perform profile and tracking studies periodically;
- Coordination of specialized data collection activities and assignment of these activities to the appropriate agencies (this will probably include collection of data for activities that are not currently monitored);
- Development of policies and procedures to operationalize decisions made by the criminal justice planning group; and,
- Monitoring the effectiveness of the implementation of the population management system, making recommendations to the criminal justice planning group.

4. **County Staffing** - Staffing is the key to the 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 the appropriate agency, but a single county administrative staff must pull the entire system together, provide core staffing, and report directly to the Chair person of the County Commission.

2. Pre-Processing Screening Unit

Create a unit, physically located at the jail, to identify appropriate pretrial release, charging, and classification possibilities before an inmate is booked.

While the OCDC in its continuum of care has attempted to add continuity to the detention process, there is no system-oriented screening policy at the entrance to the criminal justice system. The jail must accept all arrestees that come through the door and assess for pretrial release or place in a lengthy incarceration orientation process.

The booking stage is the earliest, and thus the least expensive, point in the criminal justice process to evaluate the merits of a case, to coordinate a plan of action for arrestees and to determine what resources and time will be needed to dispose of the case. At no point during this critical stage do various representatives of the criminal justice system meet to perform these functions, however. In many cases, and described in Chapter 7, the

pretrial conference (months later) is often the first opportunity for the defense, judge and prosecution to gather together and weigh the merits of a case.

After significant inmate processing and use of jail space, inmates may be released on a plea, pretrial release program, diversion or other adjudication. The assumption on which the fast-track system is based is ignored here: Many cases have an easily predictable outcome, but early case identification and evaluation can speed up its disposition.

Some arrests, where a notice to appear may not be appropriate, do not require full booking at the jail, but a brief detention to defuse the situation.

Many defendants are kept in jail because of their financial inability to pay for substance abuse programs and not because of their criminal history or danger to public safety. Earlier screening of such cases would allow identification of those individuals who need substance abuse treatment.

A preprocessing screening unit improves the control of individual agencies over operations overall and allows effectively rationed use of scarce resources, with the goals of incarcerating those who present a threat to public safety; ensuring the appearance of all arrestees in court; evaluating case disposition potential of arrests at the earliest opportunity; rationing use of the jail at the front end (intake) to prevent crisis management releases at the back end (PCR); and improving the quality of data available at arrest to smooth the flow of data and paperwork at all later stages of the criminal justice process.

The preprocessing screening unit can be initially housed in a trailer located outside of the jail's intake sallyport with holding cells for arrestees, and once proven, could be part of a replacement intake facility. The screening unit should be supported with a public defender, state attorney, law enforcement supervisor, continuum of care program coordinator, a pretrial release representative and with telephone and fax contact with the duty judge.

Concern has been expressed about both the ability to staff such a facility and whether such a facility constitutes a subversion of law enforcement's prerogative to make arrests. The purpose of this recommendation is not only to more appropriately place offenders but also to more rationally make use of limited personnel resources. By having a state attorney present to evaluate affidavits as they come in (instead of later down the line after entry into the Clerk's system), staff time will be saved at later stages.

This recommendation does not conflict with the authority of law enforcement because it simply performs the same duties that already occur but in a streamlined time-frame. Finally the goal of having a law enforcement and booking desk supervisor available would aid in accurate and informative completion of arrest affidavits, improving the quality of information collected by other agencies.

3. Continuum of Care

Explore the OCDOC's Continuum of Care as a group (i.e., through the CPSCC/CJCC) to develop a better understanding of the approach and determine how to integrate it into the larger criminal justice system by involving the rest of the system's representatives and re-articulating mission and goals.

The Continuum of Care is the Orange County Division of Corrections' name for its unique program toward managing offenders. Tangible elements of the system include uniting the front door of jail operations (pretrial services) and the back door (community corrections) with the jail itself. The OCDOC has also emphasized in the development of its numerous program and facility options that its goal is to strongly encourage the offender to seek habilitation through his or her own responsibility, hoping ultimately to return to the general community a person who can contribute to instead of take away from the overall quality of life.

This approach is unique and innovative among correctional programs nationwide. The ambition of the continuum, however, faces several major problems. These include the fact that such a program must include all criminal justice agencies who influence and have authority over the offender.

Consultants findings that there is little awareness of OCDOC programs, speaks to the lack of communication generally and the lack of system planning and coordination specifically. Combined with the CJCC/CPSCC, the Continuum of Care provides a major potential for forging the infrastructure of a rational system that is both responsive to local values and limited resources. The most damaging impact of the lack of mutual awareness of programs has been a mistrust of how programs are used and uncertainty about whether the continuum is attempting to subvert judicial discretion.

The CJCC/CPSCC should take on the Continuum of Care as an agenda item to identify:

- Pretrial release goals and a renovation of the fragmented pretrial release system;
- Appropriate correctional and community correctional programs and criteria to participate;
- The types of offenders requiring maximum, medium and minimum security settings;
- Definition of a successful program and measures for evaluating this success.
- The goals of the jail overcrowding lawsuit and how to reconcile these with the goals of pretrial release and criminal justice overall.

3. Management Information Systems

Identify management information system (MIS) needs as a group to create a prioritized list of goals that will improve how agencies are able to provide and obtain information from each other while still meeting external goals. Then, set in place a committee to monitor progress towards goals and with authority to make decisions to ensure objectives are met.

Inadequacies in information management currently exist in both data that would be useful to monitor agency effectiveness and data that is required to speed the flow of case and inmate processing. Obstacles to improvements in this area are not due as much to technological inadequacies as to a history of mistrust of others' information and doubt about right of access to it. The greatest challenge for the system will be to rebuild confidence in each others' databases and ability to work with it.

The county's criminal justice organizations have responded to increased information needs in a patchwork fashion that has brought individual agencies forward by leaps and bounds but still leaves gaps in the smooth flow of information throughout the system. Although criminal justice agencies are now on an integrated computer network, there is still heavy reliance on the manual entry and reentry of data into the computers by various criminal justice agencies.

- Relevant and complete information on a case or an inmate cannot be obtained in a single access.
- Changes in a inmate's status are not always transmitted immediately to units needing that information.
- Criminal justice agencies do not have enough confidence in the accuracy of the data compiled by other agencies to eliminate widespread duplication of data entry.
- In part due to the mistrust of data accuracy, the pretrial release criteria include negative points for prior arrests, which are unreliable indicators of criminal history, because conviction information is difficult to confirm.
- Significant modifications and improvements in the system are made incrementally, without an overall plan.
- There is no system-wide commitment to total integration (specifically interactivity of computer networks but not necessarily a unified database or common reporting language), nor is there a mechanism for proceeding methodically towards it.

As a consequence of the lack of overall system management information, the justice system diverts resources to redundant operations, delays case processing, and makes mistakes in areas such as inmate identification and release. Jail population and court caseload could be reduced and agency operations could be maximized with better information flow.

To develop and obtain the data and information necessary for criminal justice system management, the county needs to establish a management information advisory committee, with responsibility for reporting to the overall criminal justice system management group, to identify user needs, to establish a generally agreed-upon set of priorities and to develop a plan for implementing these changes.

4. Domestic Violence

Establish a domestic violence task force composed of one representative each from all of the sectors that are affected by and who affect the processing of these types of cases. (Develop task forces for the other major case areas as needed.)

The criminal justice community has shown considerable concern about the issue of domestic violence. However, until recently each agency has confronted it independently. Unlike most jurisdictions with aggressive domestic violence strategies, Orange County is unique in its unilateral

approach. The State Attorney, primarily, has taken on this battle without the coordinated support of other agencies which would both balance the share of duties and also encourage positive change in the different types of domestic violence offenders there are. The approach to the problem of domestic violence is fragmented and less effective system-wide than it could be and causes unnecessary problems.

- There is interest by all affected agencies and programs in addressing domestic violence.
- While policies of arresting all domestic abuse offenders has empirically proven an effective tactic, blanket policies for prosecuting and processing these cases has not. The latter strategy has less long term impact because it tends to promote a perspective of domestic violence as extremely homogeneous when in fact there are many degrees of violence and levels of response.
- Orange County has, in effect, a "no bond/no drop" policy toward domestic violence.
- The result of a "no bond/no drop" policy is that many cases are not pled out or dismissed until shortly before the trial date.
- The courts make referrals to specific treatment agencies, rather than using OCDOC and Probation staff expertise and flexibility to make appropriate referrals.
- There is disagreement among agencies over what constitutes appropriate treatment.
- No agency has taken responsibility for researching the social and criminal history, including prior or current restraining orders, of the domestic violence offender to fully inform the courts about the individual at the first appearance hearing.
- The State Attorney is reluctant to use diversion for domestic violence offenders.

All of these activities substantially impact jail overcrowding, accounting for an estimated ten percent or more of the pretrial detainee population. The reallocation of system resources to revised enforcement and treatment of domestic violence cases can be done effectively without jeopardizing and, in fact with enhancing the safety of, the victim. Of those domestic violence defendants permitted to participate in a home detention program, more than 80 percent were fully successful and less than one percent failed the program as a result of another domestic violence offense.

Appendix C discusses implementation issues for this task force.

III. PART I: THE INMATE POPULATION

Part I of this report presents Consultants' statistical analysis of the current and projected inmate population. This is accomplished through three separate efforts, the inmate tracking, inmate profile, and population projection analyses.

The tracking and profile studies (Chapters 1 and 2) provide information about the nature of the flow of offenders *through* the system and the characteristics of the incarcerated population *in* the system.

Inmate population projections (Chapter 3) were developed using different system growth assumptions to develop a high and a low range. These projections were later revised to reflect county feedback that the county's population is growing faster than Consultants data indicated.

A. Inmate Population Characteristics

- Thirty-four percent of bookings into the jail were for felonies, and 63 percent were for misdemeanors.
- Predominant felony offenses observed were: violence (26%, and often for domestic violence), drug possession (19%), and property crimes (15%).
- Predominant misdemeanor offenses observed were: traffic-related (39% including DUI DWLS, and other traffic crimes), property/theft (15%), and violence (13%, again often attributable to domestic violence).
- The rate of pretrial release for felonies is 53 percent, and 67 percent for misdemeanors. Data also show that if a detainee is not released within 48 hours, he or she will typically stay incarcerated until charges are disposed of.
- Of the population in jail, 67 percent of inmates were pretrial and 34 percent were sentenced.
- At least one-third of male and female inmates had easily identifiable and serious substance abuse (includes alcohol) problems.
- Using an objective criteria score sheet, Consultants classified 20 percent of male inmates (35% of females) as minimum security, and 52 percent of males (52% of females) as requiring medium security.

B. Inmate Projections

Consultants prepared projections of the inmate population independent of those found in the Corrections Master Plan. The result is markedly different: ILPP projects a fairly rapid growth of the inmate population but at a much lower rate than projected by the Master Plan. Projections are based on an estimating model that examines county growth, as well as growth in bookings, length of stay in jail, crime and arrests.

- ILPP developed projections for three scenarios: low, medium and high growth rates. The low scenario assumes various county agencies will make ambitious efforts to control inmate growth; the high scenario assumes nothing changes in the status quo for the next twenty years to slow growth.
- ILPP's original projection scenarios were modified after feedback from the county. The revised projections still show growth will occur substantially less rapidly than projected by the Corrections Master Plan.

The ILPP projections are as follows:

Scenario	1997	2006
Low Growth	4,006	4,349
High Growth	4,773	5,629
High, Revised	5,230	6,549

IV. PART II: THE CRIMINAL JUSTICE PROCESS

Part II of this report (Chapters 4 - 7) examines the efficiency of flow at the major stages of the criminal justice process. These stages are broken into the following: Managing & Administering the System, Entering the System, Managing the Offender, and Managing the Case.

Findings below describe the type of practices observed at each stage of the criminal justice process that have the effect of causing delay, overusing limited resources or showing how fragmented operations have shifted emphasis toward less serious offenders. The commentary follows the flow of the system instead of progressing agency by agency, as in the chapters that follow. For complete discussion of findings and recommendations, please refer to individual chapters.

A. Arrest and Booking***Findings***

- Notices to appear (NTA) by law enforcement officers are infrequently used;
- Bookings on relatively minor offenses such as ordinance violations, nonviolent misdemeanors, and traffic offenses account for over two-thirds of all bookings into the jail;
- The practice of law enforcement and prosecution in uniformly obtaining or designating no bond orders on certain categories of offenses, such as domestic violence, without prior review of a supervising officer is not uncommon and removes system control over jail population management;
- Blanket use of no bond orders in domestic violence cases appears to be in violation of a 5th District Court of Appeal decision; and
- Driving While License Suspended (DWLS) arrests and bookings are commonly due to failure to pay a fine for traffic infractions, and infrequently for a prior Driving Under the Influence conviction.

Recommendations

1. Encourage greater use of Notices to Appear versus physical booking. Develop clear arrest standards to provide objective guidelines for when an NTA must be issued. Consider reassessing whether the Administrative Order governing pretrial release requires booking all people who have no proof of residence.
2. Require review by a supervising officer before a request for a no-bond order is made directly to a judge. Discontinue aggregating bond amounts required before release, instead basing bond on the primary or highest offense, as currently required by Administrative Order.
3. Research the requirements for developing forms and procedures in the Clerk's office that allow a 30-day extension for payment of fines before suspension of license escalates from a civil infraction to a criminal offense.

B. Pretrial Release

Findings

- Pretrial release overall is fragmented and overly reliant on programs that do not guarantee public safety (Bond and PCR). There is a lack of understanding among criminal justice agencies of pretrial release programs and the procedures by which they are applied.
- Pretrial release is dominated by the use of bond because other pretrial release options are limited, difficult to qualify for, and slow to effect.
- Eligibility requirements for the PTR release program are among the strictest in the country. PTR releases account for only three percent of total jail bookings compared to a 40 percent rate for felonies nationwide.
- The Division of Corrections cannot quickly place inmates in appropriate diversion programs due to the structure of the continuum of care and the limitation of pretrial release options.

Recommendations

1. More closely tie the bond schedule to risk to the community and appearance in court. A judicial review of the current schedule combined with development of a points system for raising or lowering an offender's bond based on more than the instant offense will produce a supplemental bond schedule that improves consistency and public safety in release decisions.
2. Increase through judicial review post-booking pretrial release options such as: post-booking citation release, use of credit cards to post bond, a ten percent bond posting program and third party release.
3. Expand the internal authority of Pretrial Services within OCDOC in making release decisions: allow placement directly into work release and home supervision; allow direct contact with judges; allow staff to release technical VOPs who have no criminal charges pending and meet all other release criteria. This would require an Administrative Order to allow OCDOC flexibility in making placements of its pretrial and sentenced inmates within the continuum of care.

4. Reassess the PCR and PTR programs with the goals of ensuring appearance in court, preventing commission of a new crime, and limiting jail crowding.

C. Intake and Screening of Charges

Findings

- Screening decisions on felony charges are not made for nearly six weeks overall and nearly four weeks for persons in jail custody. One-third of all cases are eventually not filed on.
- The blanket policy on processing domestic violence cases leads to cases that are often ultimately dismissed for lack of evidence. Meanwhile the offender spends lengthy pretrial time in jail at significant financial cost to county taxpayers and social costs to families and the community.

Recommendations

1. Participate in the pre-processing screening unit described above that uses state attorneys who have authority to make filing decisions or recommendations at booking.
2. Participate in development of the domestic violence task force described above. Encourage system-wide involvement in combating this crime to increase effectiveness.
3. Decrease filing time for felonies.

D. Court Proceedings

Findings

- The recently-implemented fast track case management system is a well-researched program that is already having a positive impact on case flow, and could easily be expanded.
- A comprehensive set of uniform, administrative procedures would provide long-term manageability of the individual calendar system. The current system of court management relies on the judges' willingness and desire to conform to court-wide norms. Although this exists generally, a change in the judicial make-up could thwart current progress and initiative.
- A Chief Judge, traditionally elected on seniority and burdened with a nearly full-time caseload, has limited time to address court management.

- There is no clear policy for giving priority for case handling of cases where the defendant is in custody.
- Projections of court growth were based on a period of intense and extraordinary expansion. Current data suggest that growth in court filings is slowing or declining in many areas and more management changes could further reduce backlog and improve case flow.

Recommendations

1. Develop as a bench a set of policies and procedures that will apply to all courtrooms. Promulgate these procedures in a series of administrative orders, or convene a judges meeting to establish a document to send to the State Supreme Court for approval (a common procedure in other states). Areas include setting firm trial dates, scheduling pretrial conferences, and allowing continuances (at the county court level particularly). Use these procedures to "fill in the gaps" created by an individual calendar system.
2. Expand fast tracking to technical VOP cases and other types of cases in which all parties agree to the most likely outcome. Formally establish a monitoring committee to follow the progress of fast track and the possibility of significantly expanding its use.
3. Remove or significantly reduce caseload duties from the Chief Judge to allow time for handling court management and administration issues.

E. Sentence/Return to System

Findings

- State Department of Corrections officers rely on arrest warrants for probation violations instead of using notices to appear in court or orders to show cause, less costly alternatives for bringing technical probation violators to court.
- Electronic monitoring, a relatively inexpensive alternative to jail, is underused for sentenced inmates even though over half the sentenced population are qualified for such minimum security placement.
- Completion of commitment packets for transfers to state prison cause delays of two to four weeks because files are incomplete.

Recommendations

1. Discontinue automatic issuance of warrants on technical VOP cases, instead using an order to show cause or issuing an NTA. While some judges do this, it is not an articulated policy.
2. Expand capacity of the home supervision program by purchasing additional electronic monitoring units.
3. Transfer responsibility for compiling commitment packets to the State Attorney's office or place the office in charge of coordinating compilation of packets.

F. County Government***Findings***

- Only recently has the structure of local government allowed the county administration to take a leadership role in guiding the course or monitoring criminal justice.
- The county's main role in contributing to and managing the criminal justice system is through its allocation of resources to support the activities of the criminal justice agencies.
- The county does not have total budgetary control over constitutional officers.

Recommendations

1. Develop improved budgeting procedures that rely on coordinated criminal justice planning. Research implementation of outcome oriented budget rationales.
2. Actively participate, at a high level, in a commitment to criminal justice activity and management.
3. Facilitate implementation of this study's ultimate direction, data and recommendations as elements instrumental to the transition to the new courthouse.

V. PART III: USE OF CRIMINAL JUSTICE SPACE

Following from the evaluation of the jail population and the assessment of criminal justice agencies Consultants applied these findings to the current and projected use of space. The county currently has two major master plans for its court and correctional facility centers. The correctional master plan falls directly within the scope of this project and is covered in

Chapter 8; the courthouse master plan (Chapter 9) was a part of ILPP's review to the extent that it contains criminal justice functions and is covered in less detail. The civil courts were not a part of this review.

A. Overall Space Use Findings

There are a few major findings common to both master plan projects.

- Both master plans based projections of need on short periods of extraordinary growth. The current trend of declining and slowing growth in both court filings and jail population suggest a need to revisit the magnitude of projects and projections.
- The county can control future growth and the need for full master plan expansion. Mechanisms include recommendations contained in this report that accelerate or streamline the flow of cases and inmates.
- Neither master plan fully projected operational costs of developing facilities. Operational costs include the cost to staff and run the facilities above and beyond the direct building maintenance expenses. These costs may impact how and when the county government chooses to proceed with construction.

B. Correctional Master Plan

- The Correctional Facilities Master Plan is an intelligently designed and phased approach to facility development. It sets out clear goals, contains an overriding mission, is phased to add flexibility and logically addresses the most pressing needs. The master plan has been updated since its initial presentation in 1988.
- ILPP's revised projections forecast an inmate population well below that presented in the master plan for the year 2006 (9,000 inmates predicted by the master plan versus 6,549 by ILPP).
- The master plan does not reflect the current need for space by type - minimum, medium and maximum. Consultants found the majority of inmates require only minimum or medium security space while the master plan emphasizes maximum security. (The difference between maximum, medium and minimum types of space is not security. All three are within secure perimeters; the difference is in staffing and amount of inmate movement.)
- The county should immediately proceed with the development of a new intake center. The current center is obsolete, inefficient and seriously crowded.

- The master plan should identify staffing and operational costs implicit in building it out. These costs significantly outweigh construction costs over the life cycle of a building.
- The master plan should be revised to reflect the recommendations in this report that are adopted by the criminal justice community. The master plan should also be revised to include the Work Release Center which is planning for major expansion in the near future. This will impact the need for jail beds.

C. Courthouse Master Plan

- Current court facilities are inadequate in size and quality. They are also inefficient producing delays in court processing. A new court facility is needed.
- Court growth, on the criminal side, is not occurring as fast as expected.
- The courthouse master plan may exceed actual need by the time it is constructed. Consultants recommend that the county examine alternate uses of this space until the courts grow into it. (E.g., housing other county agencies or leasing space).
- The county should investigate the cost of staffing and operating the new courthouse.

PART I: THE INMATE POPULATION

1. Inmate Tracking Analysis

Chapter 1. Inmate Tracking Analysis

I. OVERVIEW

An inmate tracking analysis follows the flow of detainees and inmates through the jail to evaluate the efficiency of the flow and to identify points or areas in the criminal justice system where processing delays lead to jail crowding. The tracking analysis begins with the premise that jail overcrowding is a consequence of actions throughout the criminal justice system. Evaluating population flow through the jail from the time of booking until release can highlight points in the *system process* that impact crowding.

The tracking sample consists of 2,682 cases, which represent all arrestees booked into the Orange County jail between October 1, 1992 and October 21, 1992.

In the tracking analysis, length of stay information is biased downwards. While data were collected for all bookings, length of stay was not included for inmates who were still in custody at the time of the study. Length of stay information in this context is most relevant not in understanding how long the average person stays in jail for the average crime, but for persons who are or could be eventually released pretrial, how fast are they getting out and, if there are delays, what is causing them?

As a final note, rounding error may in some cases produce totals which slightly exceed or are less than 100 (i.e., 99 or 101).

II. DEMOGRAPHICS

The typical person booked into the Orange County jail is a white (56% of sample) male (83% of sample), who is, on average, 31 years old. Women booked into the jail are slightly younger, average age 30 years, and racial breakdown between African-Americans and whites are virtually identical to that of males. (The women's subsample is 41% African-American, 56% white, and 3% Hispanic, compared to the men's subsample, which is 39% African-American, 56% white and 4% Hispanic.)¹

Juveniles (being charged as adults) account for less than one percent of all bookings; all but two are males. Age for males ranges from 16 to 81 years; the age range for women is 15 to 64 years. Overall, the most common age range is 18 through 24 years (756/28%), followed by 30 through 35 years (641/24%) and 25 through 29 years (532/20%).

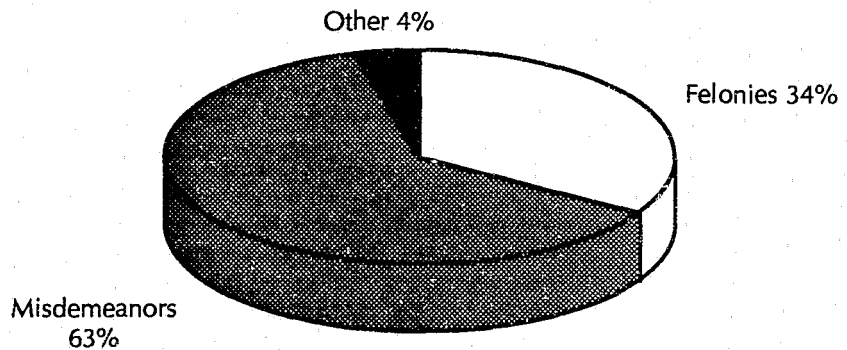
The Orange County jail books primarily residents of Orange County (83%) with 64 percent being residents of Orlando.² Eatonville (6%) and Winter Park (4%) are the second and third most common places of county residence. Transients accounted for three percent of the sample; out-of-county residents, 12 percent; and out-of-state residents, three percent. Most out-of-county residents are from Seminole County.

The Orange County Sheriff's Department was responsible for most of the arrests into the jail, 56 percent, with the Orlando Police Department as the second largest arrest agency, 31 percent. The only other law enforcement agency with a significant proportion of arrests in the tracking sample was the Florida Highway Patrol, four percent.

III. CHARGE BREAKDOWN

The charge breakdown for the total tracking sample was 34 percent felony bookings, 63 percent misdemeanor bookings and four percent other bookings.³

Figure 1.1 Charge Breakdown, Total Sample



For felony bookings, the predominant types of offenses were those involving violence or threat of harm against other persons (26% of all felony bookings). These offenses included murder or attempted murder, robbery, kidnap or false imprisonment, aggravated assault or battery, sexual battery, other sex offenses and resisting arrest with violence.⁴

Table 1.1 Felony Bookings by Offense Category

Offense Category	N	%
Violent	238	26%
Burglary ⁵	103	11%
Property/Theft ⁶	139	15%
Drug Possession	172	19%
Drug Sales ⁷	76	8%
Probation/VOCC	124	14%
Parole	3	<1%
Weapons	27	3%
Other Felonies	17	2%
Total	899	100%

The second largest category of felony bookings was drug possession; nearly all of these bookings involved possession of cocaine. As a group, drug offenses accounted for almost a third of all felony bookings. Property/theft offenses made up 15 percent of the felony bookings; when burglary of a conveyance is included as a property offense, the proportion increases to 17 percent. The other significant category of felony bookings was probation violations, of which 18 percent were for violation of community control.

Traffic-related offenses predominated among misdemeanor bookings: 39 percent of all misdemeanor bookings were for DUI (driving under the influence), DWLS (driving while license suspended) and other traffic offenses. Other traffic offenses included driver's license violations such as no valid license, expired driver's license, and operating a vehicle without a license; refusal to sign a citation or fleeing/attempting to elude; and registration violations such as expired tags, illegal or defaced tags and unregistered vehicles; 63 percent of these "other traffic" bookings were for license violations.

Table 1.2 Misdemeanor Bookings by Offense Category

Offense Category	N	%
Violent	223	13%
RAWOV	131	8%
Property/theft	254	15%
Trespass	66	4%
Drugs	36	2%
Public nuisance	87	5%
Prostitution	33	2%
Public alcohol	59	4%
DUI	274	16%
DWLS	261	16%
Other traffic	121	7%
Probation violations	89	5%
Other misdemeanors	44	3%
Total	1,678	100%

After traffic-related offenses, property/theft was the most significant category of misdemeanor bookings, 15 percent. Property/theft offenses include petit theft, retail theft, credit card fraud, and worthless checks. There were also a substantial number of bookings for misdemeanor offenses involving violence against other persons (13%); 84 percent of all misdemeanor violent offenses were for battery or assault and 14 percent were for domestic violence.⁸ Public nuisance bookings were nearly all for disorderly conduct (55% of all public nuisance bookings) and loitering (38%). RAWOV (resisting arrest without violence) bookings were primarily associated with traffic and public nuisance stops. As a result, the proportions for traffic-related offenses and public nuisance violations are probably underreported in this tracking study.⁹

IV. PRETRIAL RELEASE

A. Overall Releases

Table 1.3 Release Mode by ALS and Charge Category

T=2,502

Release Mode	Felonies (869)		Misdemeanors (1,545)		Other (88)	
	%	ALS (days)	%	ALS (days)	%	ALS (days)
Pretrial						
Conditional bond	1%	24.66	<1%	22.9	0	
Cash bond	3%	28.49	5%	2.13	7%	0.34
Surety bond	35%	10.02	22%	2.94	7%	4.07
PCR	9%	0.34	37%	0.34	1%	0.24
ROR	4%	34.13	2%	10.48	1%	12
PTR	2%	13.17	<1%	3.1	0	
PTR - court order	<1%	59.29	<1%	15.72	1%	0.69
Post-Adjudication						
No bill	<1%	31.46	<1%	15.72	0	
Dismissed	<1%	27.65	0		0	
Nolle prosequere	<1%	26.57	<1%	48.87	0	
Court order	4%	67.61	1%	41.91	9%	5.06
Transfer DOC	11%	95.98	1%	64.5	0	
Transf other agency	1%	85.74	<1%	41.06	6%	48.74
Transf other county	4%	21.6	3%	23.56	3%	83.59
Not filed w/in 72 hrs	1%	42.93	6%	4.75	1%	4.22
In custody	7%	200.11	2%	190.26	3%	195.67
Time served	15%	78.36	19%	38.51	25%	25.64
Purge	0		<1%	0.18	33%	1.02
Other release	<1%	11.8	<1%	0.43	1%	7.74
No information	2%	23.05	<1%	23.9	0	

Note: Percent refers to proportion of all bookings within this subcategory, i.e., percent of all felony bookings, percent of all misdemeanor bookings and percent of all other bookings.

As shown in the preceding table, the primary form of pretrial release for felony bookings was surety bond (35% of all felony booking releases); slightly over one-fifth (22%) were required to remain in jail until time served or were still in custody at the time data were collected. For misdemeanor bookings, the primary form of pretrial release was population control release (PCR), with an ALS of 0.3 days; again,

approximately one-fifth (21%) of all misdemeanor bookings were required to remain in jail until time served, ALS 38.5 days, or were still in custody.¹⁰

The data indicate that transfers to state prison, other agencies and other counties are extremely slow. For felony bookings, transfers accounted for 16 percent of the entire sample.¹¹

The ALS for transfers to state prison of persons convicted of felonies was 96.0 days; transfers to other counties took an average of 21.6 days. Transfers were a less significant proportion of misdemeanor bookings, but the ALS for transfers to other counties was consistent with that seen for felony bookings, 23.6 days.

In general, the category "other bookings" included persons who were not eligible for pretrial release since such bookings included court commitments, contempt of court and escape. It is therefore not surprising that most persons in this category were required to remain in jail until time served, fines purged or court order.¹² Other bookings, however, included ordinance violations (17 cases) that did not involve loitering, disorderly conduct or public alcohol offenses. For ordinance bookings, four were released by posting cash or surety bond and one was released PCR; all of these releases were in less than one day. With the exception of one case, the remainder were not released until after time served, with an ALS of 6.3 days.

Persons booked on public nuisance and public alcohol offenses had a pretrial release rate significantly lower than for misdemeanors in general, 51 percent and 43 percent, respectively. Over one-third (34%) of those booked on public alcohol offenses were required to remain in jail until time served with an ALS of 19 days; 18 percent of those booked on public nuisance charges were released after an ALS of 28 days for time served. These two types of misdemeanor bookings also had the highest rate of release upon failure to file within 72 hours: 25 percent of all public nuisance bookings and 23 percent of all public alcohol bookings. These offenses accounted for 36 percent of all such 72 hour releases.

B. Pretrial Releases

The pretrial release rate of persons booked into the Orange County jail is relatively low, 53 percent for felony bookings and 67 percent for misdemeanor bookings.¹³ Although Orange County uses a wide

variety of pretrial release methods, most pretrial releases occur through population capacity release (PCR) for misdemeanors, cash bond and surety bond.

Table 1.4 Pretrial Release by ALS and Offense Category

% w/in Release mode 48 hrs	% of PT rel ¹⁴	Felonies (484)		Misdemeanors (1,038)	
		% w/in 24 hrs ¹⁵	% w/in 48 hrs ¹⁶	% of PT rel	% w/in 24 hrs
Conditional bond 33%	3%	8%	23%	1%	0
Cash bond 89%	5%	33%	42%	8%	83%
Surety bond 72%	65%	49%	64%	32%	62%
PCR 100%	16%	99%	100%	55%	99%
ROR 68%	7%	35%	55%	4%	66%
PTR 50%	3%	29%	43%	<1%	50%
PTR court order 0%	1%	0	0	<1%	0
Total	100%			100%	

Although Table 1.4 showed relatively high ALS for surety bond and ROR pretrial releases, pretrial release in general is effected relatively quickly: Overall, 53 percent of all persons booked on felony charges who obtained pretrial release did so within 24 hours or less; this proportion increased to 68 percent when releases within 48 hours are included. The proportion of misdemeanor pretrial releases within 24 hours was significantly higher at 84 percent; 95 percent of all pretrial releases for misdemeanor bookings occur within 48 hours.

While 65 percent of all felony pretrial releases were made by posting surety bond, only half (49%) were released within 24 hours or less. The high proportion of misdemeanor pretrial releases within 24 hours or less is related to the high number of PCR releases. Only 62 percent of persons booked on a misdemeanor offense who were required to post surety bond were released in less than a day, but nearly three-fourths (72%) were released within 48 hours by posting surety bond.¹⁷

The data indicate that ROR releases are relatively slow.¹⁸ As shown in Table 1.3, the ALS for felony ROR releases was 34 days and 10.5 days for misdemeanors. PTR releases, which are equivalent to ROR releases, had an ALS of 13 days for felony bookings and three days for misdemeanor bookings.¹⁹ Only 55 percent of all felony ROR releases in this sample occurred within 48 hours; the proportion of PTR releases for felony bookings for this same time frame was even lower, 43 percent. Although ROR and PTR releases are not significant proportions of the misdemeanor subsample, only 68 percent of ROR releases were effected within 48 hours.

Although traffic-related offenses (DUI, DWLS and other traffic) accounted for 39 percent of all misdemeanor bookings, the pretrial release rates for these offenses were relatively high: 85 percent for DUI, 80 percent for DWLS and 88 percent for other traffic. Traffic-related offenses, however, accounted for nearly one-fourth (24%) of all misdemeanor cases that were not released until after time served. Of the three categories of traffic offenses, DWLS had the highest proportion of persons who remained in jail until time served, 18 percent with an ALS of 36 days. The respective proportions and ALS for DUI and other traffic were eight percent, 62 days and ten percent, 27 days.

Among the tracking sample, 29 percent (761) were rearrested for a new offense between the time of their October booking to the time data were collected in April. These cases were isolated for a sub-study to examine release patterns of rearrestees. There were no significant differences in the frequency of release methods used, as with the overall sample, with the exception of surety bond for felony bookings in the "new arrest" subsample: 50 percent for the "new arrest" subsample compared to 30 percent for the "no arrest" subsample. The "new arrest" sample had a lower proportion of felony bookings, 30 percent, than the "no arrest" subsample, 35 percent. There were also similar distributions of the kinds of charges in both samples with the exception of public nuisance offenses and DWLS. The "new arrest" subsample had six percent public nuisance bookings and 14 percent DWLS bookings, compared to two percent and eight percent, for these violations, respectively, in the "no arrest" subsample.

V. FACTORS AFFECTING RELEASE

A. Bond

The average bond amount for the tracking sample at booking was \$2,478. Bond amounts, which could be increased or decreased after first appearance, ranged from \$50 to \$135,000. The average bond amount reflects the high proportion of misdemeanor bookings in the sample: Over half (53%) of the tracking sample had bond amounts set at or less than \$1,500.

Table 1.5 Frequency of Total Bond Amounts in Tracking Sample

Bond Amount	N	% of sample
<= \$250	327	12%
<= \$500	717	27%
<= \$750	75	3%
<= \$1,000	294	11%
<= \$1,500	101	4%
<= \$2,000	65	2%
<= \$2,500	208	8%
<= \$3,000	41	2%
<= \$5,000	104	4%
<= \$7,500	127	5%
<= \$10,000	51	2%
<= \$15,000	29	1%
<= \$20,000	14	<1%
<= \$25,000	15	<1%
>= \$25,000	20	1%
No bond	493	18%

Table 1.5 shows that total bond amounts set for each person in the tracking sample, i.e., the aggregate bond for all charges at the time of booking. Persons booked on felony and misdemeanor probation violations, as the primary charge, accounted for one-fifth (21%) of all no-bond orders.

Although Table 1.5 shows no bond amounts set for 18 percent of the tracking sample, the actual proportion of persons with no-bond orders in the total sample was nearly one-fourth (24%).²⁰ The types of charges for which no-bond orders appeared with the greatest frequency were domestic violence (90% all domestic violence charges) and felony probation violations (88%). Based on the current policy of "no drop, no bond" for domestic violence-related charges, the incidence of no-bond orders on aggravated assault, felony assault/aggravated stalking and misdemeanor assault/battery provide some evidence that a

significant proportion of these charges were actually related to domestic violence: 52 percent of all aggravated assault/battery bookings had no bond orders; 60 percent of felony assault/aggravated stalking; and 72 percent of misdemeanor assault/battery.

Other offenses with significant proportions of no-bond orders include burglary (36% of all burglary bookings), felony drug sales (23%), felony drug possession (16%) and misdemeanor probation violations (35%). For burglary and felony drug offenses, the no-bond order may reflect an add-on probation violation.

B. Probation Violations

Probation violations, either as the primary charge or as an add-on offense because of a new arrest, were a significant proportion of the tracking sample, 13 percent.²¹ The existence of a probation violation was more likely than any other factor to delay and prevent pretrial release. Overall, persons booked on felony probation violations as the primary charge had an ALS of 57 days; misdemeanor probation violations as the primary charge had an overall ALS of 25 days.

When release mode was correlated with probation violations, the data showed an overall ALS of 20 days for those booked without a probation violation. For persons with at least one probation violation, the ALS ranged from 53 days for misdemeanor probation violations; 73 days for violations of community control and 83 days for felony probation violations.

As shown in the following table, persons with felony probation violations were the least likely to obtain pretrial release, but persons with misdemeanor probation violations were more likely to remain in jail until time served.

Table 1.6 Release Mode by VOP

Type of VOP ²²	PT Release	Time Served	In Custody
None (2,329)	87%	17%	2%
Felony VOP (171)	11%	27%	17%
Misd VOP (143)	28%	52%	6%
VOCC (24)	13%	13%	4%
Combination (15)	33%	13%	20%

For add-on probation violations, the only types of charges that had significant proportions of probation violations were felony drug sales (15% with additional violation of probation), felony drug possession

(12%) and theft/property offenses (11%). The misdemeanor offenses with the highest proportion of additional probation violations were prostitution (9%), drug possession (6%), public nuisance (6%), theft/property (6%), assault/battery (6%) and resisting arrest without violence (5%).

C. Multiple Charges

Most of those booked into the jail had only one charge, 65 percent of the total sample. Approximately one-half (49%) of the sample were booked on a single misdemeanor charge; 16 percent were booked on a single felony charge. Of those booked on multiple charges 14 percent had two or more misdemeanors; seven percent had two or more felonies and 13 percent had a combination of felonies and misdemeanors.

Persons booked with multiple charges, either felony or misdemeanor were less likely to obtain pretrial release, and, as a result, had longer overall ALS than those with a single charge at the time of booking:

Table 1.7 Pretrial Release and ALS by Number of Charges

Number of Charges	Pretrial Release Rate	Overall ALS
Misdemeanors		
One	69%	7.57
Two	61%	18.27
Three	58%	19.99
Four or more	32%	72.25
Felonies		
One	59%	25.55
Two	50%	52.17
Three	42%	73.35
Four or more	24%	130.24
Combination		
One felony, one misd	61%	35.76
One felony, two or more misd	45%	55.13
Two felonies, one or more misd	45%	81.98
Three or more felonies, one or more misd	27%	127.7

Because add-on probation violations as a result of the new arrest can prevent or delay pretrial release, total charges were correlated with add-on violations of probation. Violations of probation, as a significant proportion of a total charge category, were only notable for persons booked for multiple felonies or a combination of felonies and misdemeanors: 42 percent of those booked on three or more felonies and one or more misdemeanors; 34 percent of those booked on four or more felonies; 32 percent of those booked on one felony and two misdemeanors; and 28 percent of those booked on two felonies and two misdemeanors.

NOTES

- 1 The proportion of Hispanics booked into the jail is probably underreported, because Hispanics are often classified as "white." Hispanics make up nearly 10 percent and African-Americans make up about 15 percent of the county population.
- 2 Residence information is taken from arrest affidavits. Designation of residence as 'Orlando' may also include outlying areas external to the city proper.
- 3 "Other bookings" include court commitments or ordered returns, contempt of court, escape/fugitive, and ordinance violations.
- 4 Resisting arrest with violence could involve simple battery against a law enforcement officer or a more aggravated assault. Aggravated assault or battery with a deadly weapon were a significant proportion of all bookings for felony assault.
- 5 13 percent of all burglary bookings, which included armed burglary, burglary of a conveyance, burglary of a structure and burglary of a dwelling, involved assault and battery.
- 6 Felony property offenses included grand theft, forgery, fraud, auto theft and worthless checks.
- 7 14 percent of all felony bookings for drug sales were for drug trafficking.
- 8 This percentage includes only persons who were booked on specifically domestic violence as a primary charge. Bookings for assault or battery where the violence was against a spouse is not included here.
- 9 For purposes of this analysis, the primary charge was the most serious offense for which the arrestee was booked. Since RAWOV is generally a first degree misdemeanor, it was almost always the most serious offense when the arrestee was also arrested for a traffic-related or public nuisance offense.
- 10 PCR is release under guidelines of Orange County's court-ordered mandate to alleviate jail crowding.
- 11 The sample from which the data were compiled is less than the total tracking sample because cases with missing information regarding length of stay were excluded.
- 12 "Purge" releases primarily involved civil cases, i.e., persons booked for failure to pay child support.
- 13 Nationwide, for major metropolitan counties, the pretrial release rate for felony bookings is 65 percent; the pretrial release rate for misdemeanor bookings tends to be around 70 percent in other jurisdictions. This has proven true for typical Florida counties similar in size to Orange.
- 14 Percent of all pretrial releases in this offense category.
- 15 Percent of all pretrial releases in this release mode effected within 24 hours or less.
- 16 Percent of all pretrial releases in this release mode effected within 48 hours.

- 17 Among the cases with missing values, 17 were released pretrial within 24 hours. With the exception of two cases (robbery and weapons), all were misdemeanors.
- 18 ROR releases in most jurisdictions with an established pretrial release agency can usually be effected within 48 hours.
- 19 The relatively high ALS for PTR releases can be attributed to delays in court-ordered releases. Follow-up data, obtained from Pretrial Services, showed such releases by pretrial staff were completed on the same day or within one day of arrest. In contrast, all of the court-ordered PTR releases required a range of one to forty-six days. One-half of the court-ordered PTR releases involved domestic violence cases; another one-fifth involved battery or aggravated assault.
- 20 Although a bond amount, based on the bond schedule, could be set, the person would still be ineligible for bond release because of the no-bond order.
- 21 An add-on probation violation generally represents a substantive violation, since there has been an arrest on a new offense.
- 22 Includes all persons booked on probation violations as either the primary charge or as an add-on.

PART I: THE INMATE POPULATION

2. Inmate Profile Analysis

Chapter 2. Inmate Profile Analysis

I. OVERVIEW

With the assistance of staff from Orange County Corrections Division and Computer Department, ILPP consultants were able to obtain profile information on everyone in the Orange County jail on October 8, 1992, the selected day for the jail profile. The initial sample of 3,913 active cases, however, was reduced to exclude those persons who were not physically in an Orange County jail bed, e.g., persons detained in another facility or on home detention, as well as those for whom there was no information on primary charges.¹ As a result of these exclusions, the final profile sample consisted of 2,512 valid cases.

Consultants determined levels of classification for the overall profile. This in turn can be useful to physical planners in the decision to provide an appropriate type of space as cost effectively as possible.

The profile analysis of inmates has a second purpose. Combined with the previous tracking analysis, it provides a complementary source of information that allows policy makers to thoroughly understand their jail population. While the tracking creates a sense of the speed of the flow through the jail system, the profile is a cross-section of who is in the jail. Taken together these analyses can be powerful tools in planning for correctional needs.

In several cases throughout this review, totals may not add up to 100 percent. There are two reasons for this occurrence: rounding error and exclusion of insignificant categories.

To complete the profile analysis, data on the sample were reviewed and the most pertinent findings are presented in the next section. Because males and females are housed in separate facilities, these groups are analyzed separately for the classification analysis.

II. DEMOGRAPHICS

The typical Orange County inmate is most likely to be African-American (43%), male (88%), approximately 30 years old and a resident of Orlando (64%). This contrasts with the tracking analysis which showed that the average person booked into the jail is a white male.

Although Hispanics and Asians may be undercounted in the profile sample because of the way data are collected at the time of booking, the racial composition of the total profile sample was 36 percent white, 43 percent African-American, three percent Hispanic, less than one percent Asian and 17 percent unknown. The racial composition of the total sample almost exactly mirrors the male subsample, primarily because the proportion of males is so large. The racial composition of the female subsample is also very similar, 34 percent white and 45 percent African-American.

Approximately four-fifths of the total sample (79%) were residents of Orange County; 15 percent were residents of another Florida county, two percent were out-of-state residents and four percent were listed as transients. In addition to Orlando, Orange County residents were primarily from Apopka (6%) and Winter Garden (2%).

The average age for men and women was basically the same. The age range of the women's subsample was 16 years to 56 years, with the largest proportions between ages 30 and 35 (27%) and ages 25 through 29 (18%). The age range for the men's subsample was 14 years through 69 years, with the largest proportions between ages 18 through 24 (22%), 30 through 35 (20%) and 25 through 29 (18%).

There were 50 juveniles (those aged 14 through 17) in the total profile sample.² All but two of the juveniles were male and all but two had been booked on felony charges. The racial composition of the juvenile subsample was 82 percent African-American, 14 percent white and four percent Hispanic.

III. PRIMARY CHARGES

The primary charge, which was the most serious charge on which the person had been booked, for the profile sample included 61 percent felonies, 36 percent misdemeanors and four percent other.³ Although the following analysis is based on the total sample, the pattern and types of primary charges essentially describes the men's subsample.

Table 2.1 Primary Charge Categories for Profile Sample

N=2,512

Charge Category	N	% of subgroup	% of total
Felonies (N=1522)			
Violent	456	30%	19%
Burglary	164	11%	7%
Property/theft	220	14%	9%
Drugs	374	25%	15%
Probation	257	17%	11%
Parole	2	<1%	<1%
Weapons	36	2%	1%
Other	13	1%	<1%
Misdemeanors (N=899)			
Violent	158	18%	7%
RAWOV	89	10%	4%
Property/theft	132	15%	5%
Trespass	38	4%	2%
Drugs	22	2%	<1%
Prostitution	36	4%	1%
Public nuisance	27	3%	1%
Public alcohol	21	2%	<1%
DUI	117	13%	5%
DWLS	117	13%	5%
Other traffic	25	3%	1%
Probation	111	12%	5%
Others	41	5%	2%

For felony primary charges, those involving violence or the threat of violence to other persons constitute a very significant proportion, 30 percent, of the total profile. Aggravated assault or battery accounted for the largest number of violent felony offenses, 28 percent of all felony violent offense. Robbery, of which 62 percent were armed robbery, made up nearly one-fourth (24%) of this category. Resisting arrest with violence, which included aggravated assault or battery against a law enforcement officer, was the third largest group of felony violent offenses (18%). Murder charges, which included manslaughter, and sexual battery were ten percent and nine percent of this category, respectively.

Although one-fourth of all felony charges were for drug offenses, 45 percent of these charges were for drug possession, primarily cocaine, and 37 percent involved drug sales. Property/theft and burglary charges also accounted for one-fourth of all felony charges.⁴ Of the property charges, 55 percent were grand theft, of which 73 percent were

third degree felonies, and 21 percent were grand theft auto. Persons arrested only on felony probation violations made up 17 percent of the felony charge subsample; 12 percent of all such arrests involved violation of community control.

As a group, misdemeanor traffic offenses, which include DUI and DWLS, predominated the misdemeanor charges, 29 percent. The single largest category of misdemeanor offense involved violence against other persons (18%), of which 92 percent were charges for assault or battery. Misdemeanor property offenses, 15 percent of all misdemeanors, were primarily petit theft (73% of all misdemeanor property) and worthless checks (15%). Misdemeanor probation violations and resisting arrest without violence accounted for 12 percent and ten percent of all misdemeanor charges, respectively.

In the women's profile sample, the felony/misdemeanor breakdown was 51 percent to 44 percent. Charges involving violence accounted for 23 percent of all felony charges and 11 percent of all misdemeanor charges. The largest category of felony offenses in the women's sample was for drug violations, of which 52 percent involved drug sales and 37 percent drug possession.⁵ Women also had a higher proportion of felony probation violations as the only charge, 20 percent, compared to 15 percent for men, and felony property/theft offenses, again 20 percent, compared to 14 percent in the men's sample. Misdemeanor charges in the women's sample were dominated by prostitution (21%) and property/theft (21%). The remaining misdemeanor charges were basically split among traffic offenses, which included DUI and driving while license suspended (DWLS), violent, and resisting arrest without violence (11%, respectively).

For juveniles, felony charges involving violence or the threat of violence made up 70 percent of all felonies. These charges included robbery, aggravated assault/battery, resisting arrest with violence, murder, kidnap and sexual battery. Felony property offenses included grand theft and burglary. Three juveniles had been arrested and detained on drug charges. Of the two misdemeanor charges, one was for prostitution.

IV. HOLDS, BOND AND FAILURES TO APPEAR

Holds do not appear to be a significant factor in the detention of persons at the Orange County jail. Although holds were not differentiated as to type, only 13 percent of the total profile sample had holds. Less than one percent of the sample had been arrested on an out of state warrant.

Approximately one-half (51%) of the profile sample had been arrested on a warrant; such arrests would include probation violations, parole violations and FTAs.⁶

The data did not specifically include information on arrests on failure to appear in court (FTA) capiases where the person had been released pretrial with the exception of those released on bond. Only one percent of the sample had additional charges for failing to appear in court after posting surety bond.

The average bond for the profile sample was \$18,015. Although bond amounts were set in 66 percent of the cases, such bond amounts were almost immaterial because 58 percent of the profile sample had no-bond orders.

V. LENGTH OF STAY AND ADJUDICATION STATUS

Information regarding length of stay was available for a majority of the profile sample.⁷ On October 8, 1992, however, 67 percent of the profile sample were awaiting adjudication of primary charges and 34 percent had been sentenced.⁸ The proportion of persons with pending felonies was significantly greater than the same proportion for misdemeanors, 79 percent to 45 percent. The proportion of unsentenced misdemeanors primary charges, however, is significant since it represents nearly one-half of the misdemeanor population in the jail.

Table 2.2 ALS by Release Type and Charge Category

N=2,198

Release Type ¹	FELONIES (N=1283)		MISDEMEANORS (N=830)	
	% released	Overall ALS (Days)	% released	Overall ALS (Days)
Pretrial Release				
Conditional bond	1%	72.11	<1%	37.25
Cash bond	1%	79.00	<1%	154.00
Surety bond	6%	66.19	5%	34.98
PCR	<1%	21.00	0	
ROR	5%	107.75	2%	64.20
PTR	<1%	49.50	<1%	27.50
PTR court order	1%	85.50	<1%	61.00
Post-adjudication Release				
Dismissed	<1%	32.00	0	
Nolle pros	<1%	88.67	1%	89.60
Not filed - misdemeanor	<1%	285.50	2%	14.47
Court order	6%	132.59	4%	102.34
Time served	33%	137.83	62%	96.11
Transfer DOC	32%	162.32	10%	191.46
Transfer other agency	2%	167.38	1%	72.44
Transfer other county	5%	163.32	6%	103.10
In jail	7%	253.10	5%	259.54

From the profile sample only 13 percent of those booked on felony offenses and nine percent of those booked on misdemeanors were released pretrial from the profile sample. Of those released pretrial, five percent (9) of those booked on felonies and 24 percent (17) of those booked on misdemeanors were released within 48 hours.⁹

The data in the preceding table, combined with the tracking findings, indicate that those persons not released pretrial within the first 48 to 72 hours of arrest will stay in jail until their charges are adjudicated.

The ALS for persons convicted of felonies and released after time served is approximately four and a half months from arrest to release; the ALS for misdemeanors for the same type of release is about three months. Transfers to state prison for felonies take from at least five to six months from arrest to release. Transfers to other counties take as much time as transfers to state prison for felonies and over three months for misdemeanors.

There is no significant statistical difference between the proportion of persons charged with felonies and with misdemeanors who were still in jail at the time data were collected, seven percent and five percent, respectively. Of the 100 misdemeanor cases (includes those with missing arrest dates), 18 percent had been charged with DUI, 16 percent with property offenses, 14 percent with assault or battery, and 12 percent with resisting arrest without violence.

Because persons arrested only on probation violations are the least likely to obtain pretrial release, the ALS for these cases provides additional information about adjudication time frames. Probation violations also tend to be similar, e.g., failure to report, failure to pay fines, "dirty" urine tests, and absconding. Focus on probation violations is also justified by the fact that 27 percent of the profile sample had been arrested on a probation violation as the primary charge or had a probation violations as an add-on. Of all the probation violations, 57 percent involved felony probation violations and 32 percent, misdemeanor probation violations. The data in the following table indicate that adjudication of probation violations, particularly misdemeanor probation violations, is relatively slow:

Table 2.3 ALS and Release Type for Probation Violations

Release Type	FELONY VOP (N=226)		MISDEMEANOR VOP (N=111)	
	% released	ALS	% released	ALS
Time served	38%	375.61	63%	84.04
Court order	12%	85.92	3%	50.67
Transfer DOC	27%	92.73	5%	214.50
Transfer other agency	3%	87.33	1%	31.00
Transfer other county	4%	107.88	7%	113.00
In jail	14%	NA	9%	NA

Note: ALS in all tables, unless specifically noted, is given in days or fractions thereof.

Only three percent of those arrested for felony probation violations were released pretrial; more persons arrested for misdemeanor probation violations obtained pretrial release, but the proportion was still low, 12 percent. The data indicate that felony probation violations require approximately three to four months to adjudicate and complete local sentences. Adjudication of misdemeanor probation violations can be somewhat faster, as indicated by the transfer time to another agency. Overall, however, adjudication of and sentence time for misdemeanor probation violations can require between two to nearly four months.

VI. RECOMMENDED CLASSIFICATION LEVELS

The classification analysis is based upon the severity of the current offense, prior criminal history, escape history and substance abuse history. Classification of persons in the profile sample was performed to identify detention needs for Orange County. Information needed to complete the classification was only available on those cases where a classification was completed by Division of Corrections staff. In general, Division of Corrections only classifies those persons who are detained at least 24 hours and do not have mental or health problems. As a result, the classification analysis is skewed because the sample with prior history information tended to be cases where the person had been booked on a felony. Because the number of prior felony convictions was not available, ILPP consultants assumed that all persons with classification notes and information had at least two prior felony convictions. The classification analysis also does not include points for stability factors, such as age, employment or residence (i.e., the analysis is extremely conservative; it leans toward maximum, and away from minimum).

To perform the classification analysis, ILPP consultants use the system developed by the National Institute of Corrections (NIC). Under this system, initial custody levels are determined on the basis of points assigned to various criteria. The initial evaluation is based upon three criteria: severity of current charges, seriousness of prior offenses, and escape history. If the score is seven or higher after the initial evaluation, the inmate is assigned to maximum custody; this score has been designated the "maximum custody score." For inmates whose total score is seven or less after the initial evaluation, four additional criteria are considered: institutional disciplinary history, prior felony convictions, alcohol/drug abuse and stability factors. The final score has been designated the "comprehensive custody score." If the

comprehensive custody score is five or less, the NIC system recommends a minimum security custody level. Inmates with a score of five or less but with a detainer or hold, and those with a score between six and ten points should be assigned to a medium security setting. Any inmate with a comprehensive custody score of 11 or higher should be assigned to maximum security.

Based on the severity of current offense alone, very few inmates of the Orange County jail would require detention in a maximum security setting:

Table 2.4 Severity of Offense Scores for Profile Samples

Severity of current offense	MALE PROFILE (N=2211)		FEMALE PROFILE (N=301)	
	N	% of men	N	% of women
Low	822	37%	130	43%
Moderate	1045	47%	145	48%
High	235	11%	22	7%
Highest	109	5%	4	1%

Offenses low in severity would include drug possession, prostitution, public nuisance, and probation violations. Offenses of moderate severity would include nearly all property offenses. Offenses high in severity would include armed robbery and manslaughter. The most severe offenses include murder, sexual battery, kidnap and assault/battery with a deadly weapon; these offenses are given a score of seven, which requires maximum security detention on the basis of the offense alone.

Only five percent of the men would automatically score high enough to require a maximum security custody level based on the nature of their current crime. For women, the proportion is only one percent who would require such housing.

When seriousness of prior offenses and escape history are considered, the proportion of the men's sample requiring detention in maximum security increases to 13 percent, while the proportion in the women's sample increases to four percent. At this point in the analysis, classification notes were not available for 21 percent of the men's profile sample and for 17 percent of the women's profile sample. For those with classification notes, which describe criminal history, escape history

and institutional disciplinary action, 14 percent of the men had no prior felony history; approximately one-third (34%) of the women had no prior felony history.¹⁰ Escape history was not a significant factor: for the men, only four percent had any history of escape; for the women, the relevant proportion was one percent.

The greatest factor in increasing comprehensive custody scores was history of alcohol or drug abuse. For the men with classification notes, 36 percent had significant histories of drug, alcohol or drug and alcohol abuse; the proportion was similar for the women, 32 percent. Based on the comprehensive custody score, the classification analysis found that 72 percent of the men and 87 percent of the women could be housed in medium to minimum settings:

Table 2.5 Classification Recommendations for Profile Samples

Recommended Custody	% of Men (N = 1403)	% of Women (N = 196)
Minimum	20%	35%
Medium	52%	52%
Maximum	29%	13%

As stated earlier, classification notes were generally available primarily for those persons charged with felonies; such notes were available for 84 percent of the persons charged with felonies in the profile sample and only for 40 percent of those charged with misdemeanors. As a result, the classification levels presented here are certainly biased upward in the proportion of maximum and medium levels for both the men's and women's profiles. The fact that approximately one-third of both the men's and women's samples, for which information was available, had significant drug and/or alcohol problems indicates a great need for substance abuse treatment, either in a custody or nonsecure setting.

NOTES

- 1 Not all cases in the final profile sample had complete information on all variables. Where information relevant to an analysis was missing, these cases were temporarily excluded.
- 2 This number is probably one-half of the actual juvenile population detained in the Orange County jail. The difference can be attributed to missing ages for 459 cases in the total sample.
- 3 The category "other" included contempt of court (38% of all "other" category), court commitments or return to court orders (17%), escape/fugitive (31%) and

- ordinance violations (6%).
- 4 Burglary charges related to assault and battery were included in the category of felony assault. As a result, all of the burglary charges listed as a separate category of offense involved property.
- 5 The proportion of felony drug sales offenses may be overstated since "delivery," or, passing a drug from one person to another, was listed as a drug sale.
- 6 Information for the profile was limited for persons arrested before July 13, 1992 when the Community Corrections Division went on line with "JAILTRAC." For persons arrested before July 13, 1992, however, 65 percent had been arrested on a warrant.
- 7 Length of stay was calculated from date of arrest to date of release. As a result, cases without arrest dates were excluded from this analysis (314 cases).
- 8 Approximately 27 percent of the sample had been sentenced on other charges and 40 percent had other charges pending, in addition to the primary charge.
- 9 These cases most likely represent new bookings.
- 10 Information was also available on prior misdemeanor convictions, although misdemeanor convictions are not given a value in the comprehensive custody score. Of the cases with classification note, 47 percent of the men and 35 percent of the women had no prior misdemeanor convictions.

PART I: THE INMATE POPULATION

3. *Inmate Projections*

Chapter 3. Inmate Projections

I. OVERVIEW

After several decades of static growth, the jail population in many parts of the United States climbed rapidly in the 1980s. Surging growth has continued to the point where jail facilities are severely overcrowded despite a building boom. Correctional populations seem out of control, and counties now seek advice on building new facilities. In this section, ILPP makes projections on the jail bed needs of Orange County until the year 2010 and compares them with the projections contained in the 1990 Orange County Master Plan for Jail Facilities. The master plan predicts continued rapid growth for an indefinite number of years, and plans accordingly for a large new facility to accommodate it.

Using population and booking data, **ILPP projects the jail population to range from 4,300 to 6,394 by 2005**, with the proportion of felony inmates being about 75 percent. These projections assume a continuation of the sustainable part of present trends without major changes in policies or procedures. In the county's jail master plan there are presented several sets of projections. Some of these are quite fantastic (14,000 - 24,000), but even the master plan's preferred range of 6,600 to 9,900 by 2005 greatly exceeds ILPP's estimates.

II. PROJECTION METHODOLOGY

Typically, many projections of jail population have been extremely simplistic, consisting merely of drawing a straight line through the extraordinary growth of the past few years and extending this out forever without thorough consideration of the forces which actually drive such growth. Because jail projections provide the rationale for investing hundreds of millions of dollars in new construction and operation, they should be developed with a thorough accounting of the myriad qualitative and quantitative factors that affect them.

The fact that the jail can be filled does not mean that it ought to be filled. The decision-making process should be examined before coming to such a conclusion. Comparing the ten largest counties in Florida,

Orange County has the highest jail incarceration rate, though not a proportionally high crime rate. Making projections directly from past populations is not the best way to look at a jail's future since it does not take any causative factors into account. In the absence of a cap, no one makes a conscious decision to aim for a particular population. The actual decisions are first, whether to admit at all; and second, to hold or release. These translate to the familiar "bookings" and "length of stay" widely used in the analysis of jail populations. Bookings and length of stay can be examined, and the effects of changes in the system on each can be estimated directly. The product of these two determines the population; no other factors enter the equation directly (though many factors influence bookings and length of stay.)

If all other things remain constant, bookings will increase as the population increases: more people means more crime. Not many other things will affect this. The crime *rate* can go up, or the proportion of serious crimes; or law enforcement can become more vigorous. Similarly, new legislation and policy can require booking of offenses which would have been ignored, or options to jail (citations, diversion) can become disused. These factors influence the bookings rate.

The proper way to project jail populations is to look at these factors and consider which of them is likely to influence the future jail population before assuming that they will continue unabated. It is of particular importance to remember that continued rapid growth requires *continued* change in some of the causative factors, not merely the retention of whatever changes may already have occurred. For example, it is flawed to project a continued increasing impact of a mandatory sentencing law unless increasingly stricter laws are passed every single year of the projections period. The former is a one-time, extraordinary change; the latter is a continuous change.

A. Historical Jail Population

Data on monthly bookings and average daily population were obtained from the county, covering the period from October 1979 to December 1992. In this series only total numbers were available. A more detailed breakdown - by sex, charge level, and adjudication status - was given for June 1988 to December 1992, with some gaps. This is referred to as the "shorter period" in the discussion.

Figure 3.1 Historical Average Daily Population

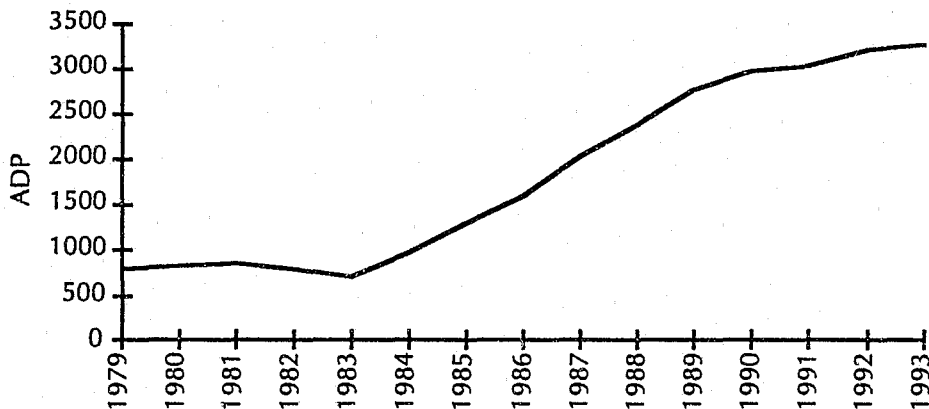


Figure 3.1 shows the average daily population (ADP) since 1979. There has been striking and steady growth since 1983. **Both the numbers booked and the length of stay for all inmates rose substantially over this period (Figs 3.2 and 3.3).** Bookings have nearly tripled while ALS has risen from about 15 to about 22 days. Most of the growth accrued from 1983 and 1989, and has slowed down a little since then.

Figure 3.2 Historical Bookings

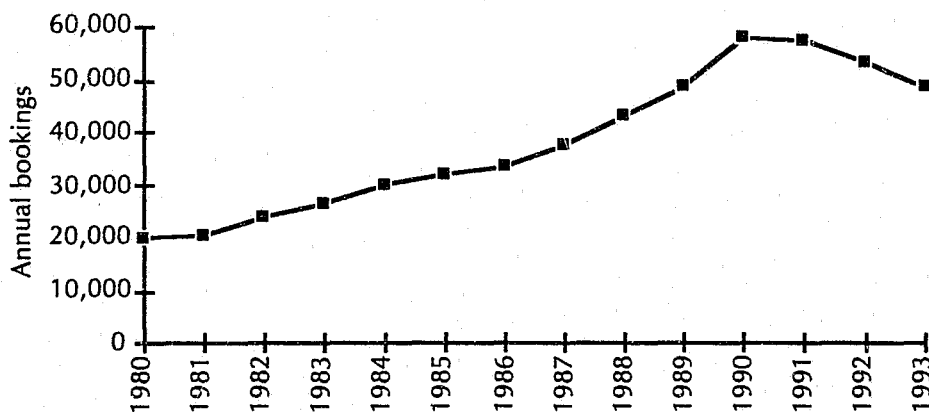
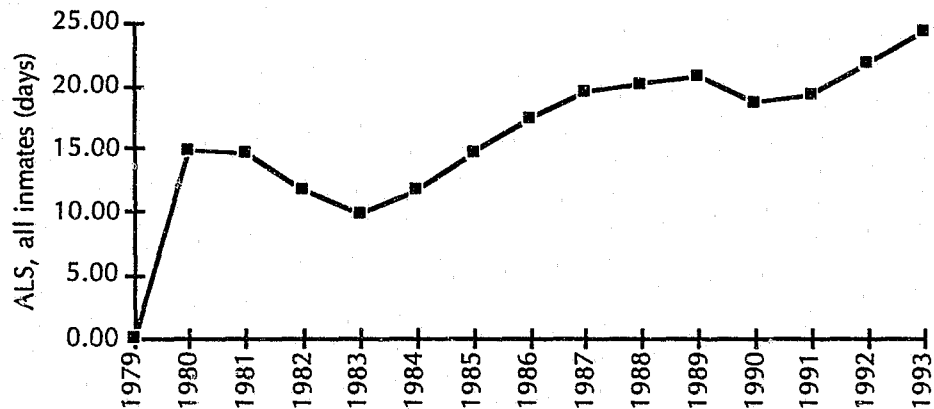


Figure 3.3 Historical Average Length of Stay



During the period 1988-1992 it is possible to distinguish the ADP and average length of stay (ALS) for felons and misdemeanants. These are used to construct separate projections by severity level. The total population is the sum of these two factors. Separating felonies and misdemeanors shows the change in the mix of offense levels that changes the overall ALS even if it remains constant for each type of offense. This is because felony cases typically stay longer. (The term "misdemeanants" includes a small number of unspecified others as well, e.g. persons charged with local ordinance violations.)

Figure 3.4 Felony & Misdemeanor Bookings (1988-1992)

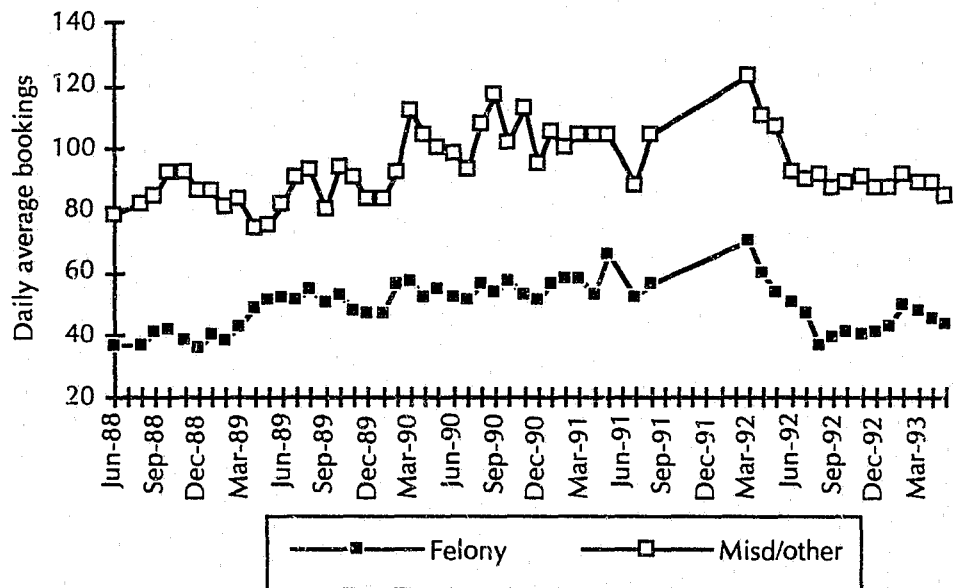


Figure 3.5 Historical Average Length of Stay, Felonies (1988-1992)

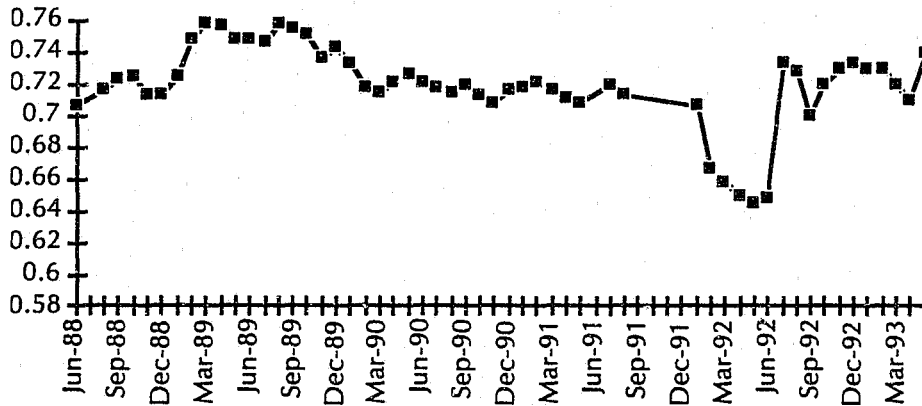


Figure 3.6 Historical Average Length of Stay, Misdemeanors (1988-1992)

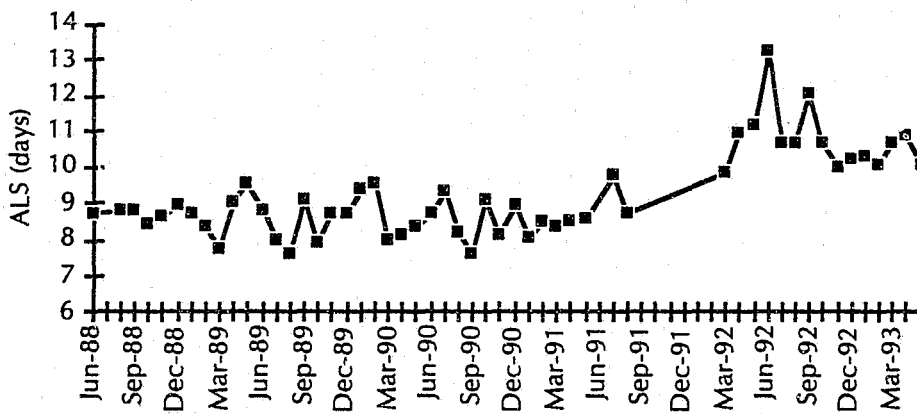


Figure 3.7 Percentage of Felonies among Jail Population (1988-1992)

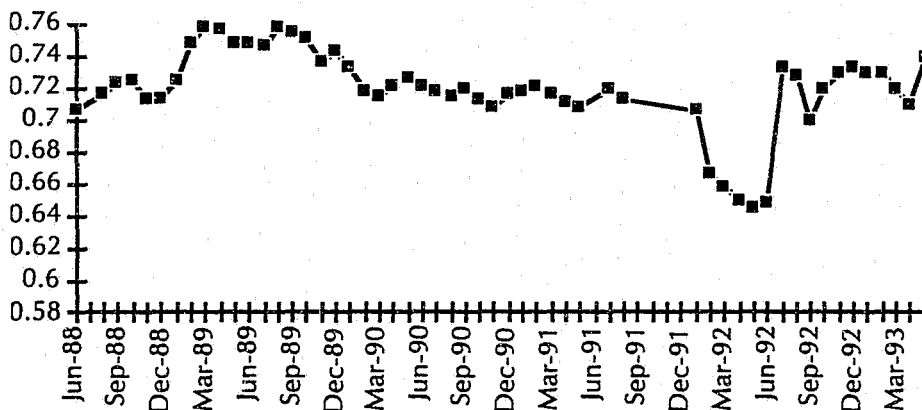
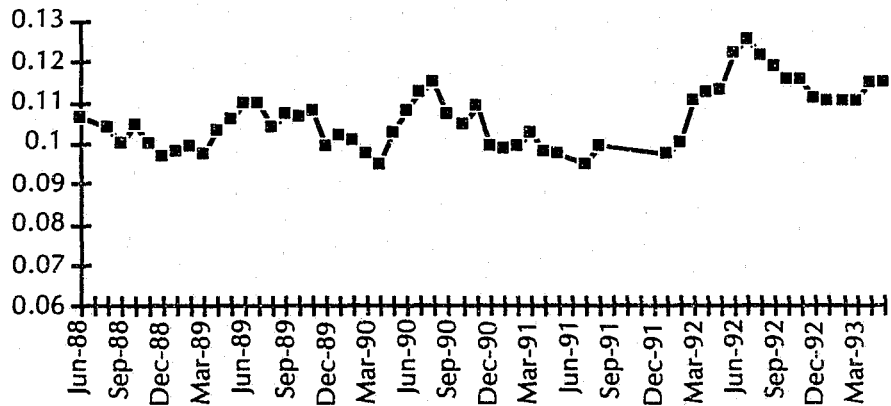
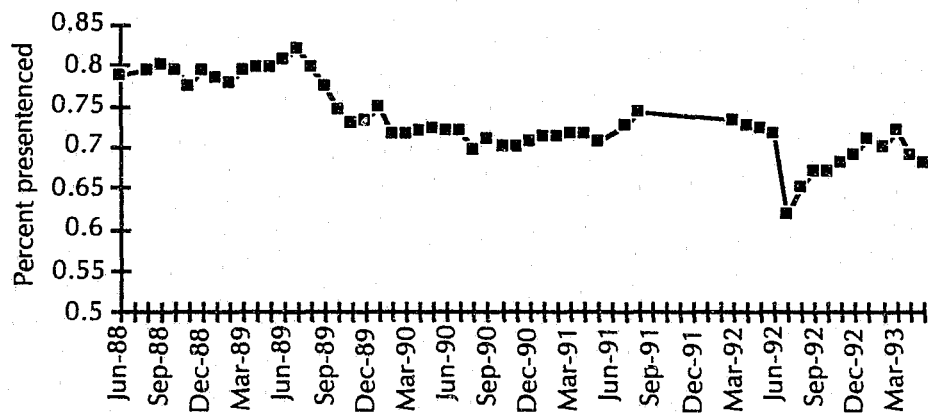


Figure 3.8 Historical Percent Female (1988-1992)



Figures 3.4 - 3.8 show some characteristics of the population from 1988 - 1992. These are used to generate the projections. For both felonies and misdemeanors the number of bookings rose until the end of 1991 (unfortunately at the time of change there is a gap in the data when the Jailtrak system was coming on-line) and then subsided somewhat. ALS for felony inmates fell from 1988 through about May 1992, rose sharply for five months, and then seems to have leveled out. ALS for misdemeanants was fairly steady through about the end of 1991, but seems to have risen a little in 1992 (and for two months that year it was unusually high). As a consequence of these trends the proportion of felons dropped by a few points somewhere between September 1991 and February 1992, and then rebounded.

Figure 3.9 Percentage of Presentenced Persons among Jail Population(1988-1992)



There are two other interesting types of data which are not used in the projections because they are given only for the population and not for the bookings. The fractions of female inmates (adult and juvenile combined, but the latter is always very small) is reasonably constant at about 11 percent. The proportion of presentenced inmates began at about 80 percent but looks to have fallen gradually, to about 70 percent.*

B. Projection Scenarios

The ALS data by charge level was used by ILPP to project possible trends in ALS over the next two decades. Two different scenarios were chosen, based on the following considerations:

1. The historical ALS series for felonies and misdemeanors are not linear because of the jumps in early 1992, and fitting a straight line to them would be misleading. Instead, the trends through May 1992 (felonies) and March 1992 (misdemeanors) were calculated, and then the chart was adjusted to fit the observed levels at the end of 1992. However, the felony ALS ultimately becomes negative and is therefore not used; instead it was assumed to gradually approach a steady value of 40 days by 2010. By contrast, misdemeanor ALS rises slowly, to a little over 12 days (from 11 days).
2. The second scenario is based on the hypothesis that ALS for both charge levels will now remain at the late 1992 level. More efficient population management could well *reduce* it, but a conservative estimate of no further change is used here as the second ALS scenario.

The assumption of little change in ALS implies that not many more changes will occur in the rate of case processing, the mix of offenses within each charge level, or the lengths of sentences; or at least that whatever changes do occur will tend to offset each other. Except for the unexplained period in the middle of 1992 this has been more or less true for several years.

C. Projections of Bookings

Next, the trend in bookings must be estimated. Bookings (Figure 3.2) hit a high point in March 1992 and have actually dropped a little since then. The anomaly which occurred in ALS makes these lines nonlinear also.

A technique similar to that for ALS was tried here: growth of felony and misdemeanor bookings were projected, separately, from June 1988 through August 1991. However this was a period of very rapid growth, much faster than in the preceding decade. Projection of these short-term trends gave much higher figures than could be supported by any reasonable expectation of the future. They would show a tripling in total bookings, from 54,000 in 1992 to 151,000 in 2010. These do not conform over the historical period (1980 - 1992) or to population or crime trends and were not used further.

Another procedure works from general principles rather than an extrapolation of the data. Ordinarily, population growth will lead to an increase in the number of jail bookings. But using population growth to forecast bookings is more convenient than to project the number of arrests first and then estimate bookings from those values.

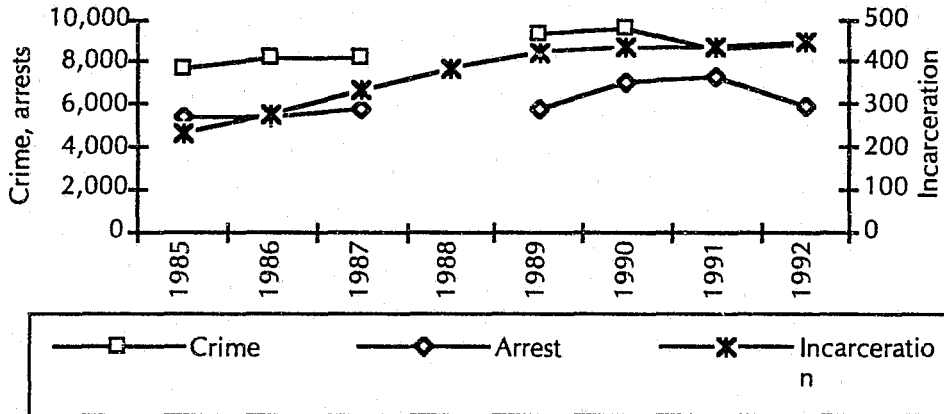
The Bureau of Business and Economic Research (BEBR) at the University of Florida projects a county population of almost 1.1 million by the year 2010. Nearly all of the increase will come in persons over 45 years old. The 15-24 year olds will grow moderately after 2000 and the 25-44 year old group will scarcely grow at all. BEBR's estimates are widely used throughout the state and are taken here without modification. This growth can be used to project the number of arrests over the same period.

Historical arrests for the period 1985 to 1991 grew from 30,000 to 50,000, with a large decrease to 42,000 in 1992. ILPP has developed a model for estimating the number of arrests in a county based on population growth and demography. The basic premise of the model is that changes in future arrest rates over time can be predicted from shifts in age, sex, and ethnicity, with age being the most important factor. Independently derived cohort-specific arrest rates are applied to the corresponding elements of the population projections, resulting in values that give total expected arrests. Finally these numbers are normalized to match the actual number of arrests in Orange County.

Using this model, the 48,000 arrests in 1990 are expected to reach 65,000 in 2010. This is a large increase, but the aging of the population means that arrests per capita will fall somewhat, since younger persons are statistically more likely to be arrested. The arrest projections are broken down approximately by charge level, though the data do not allow this to be done exactly.

Several county analysts objected to the use of BEBR's "medium" population projections since Orange County has consistently grown faster than this. At their suggestion Consultants used an average of the "medium" and "high" population numbers. These show a total population of 1.23 million in 2010, and 76,000 arrests.

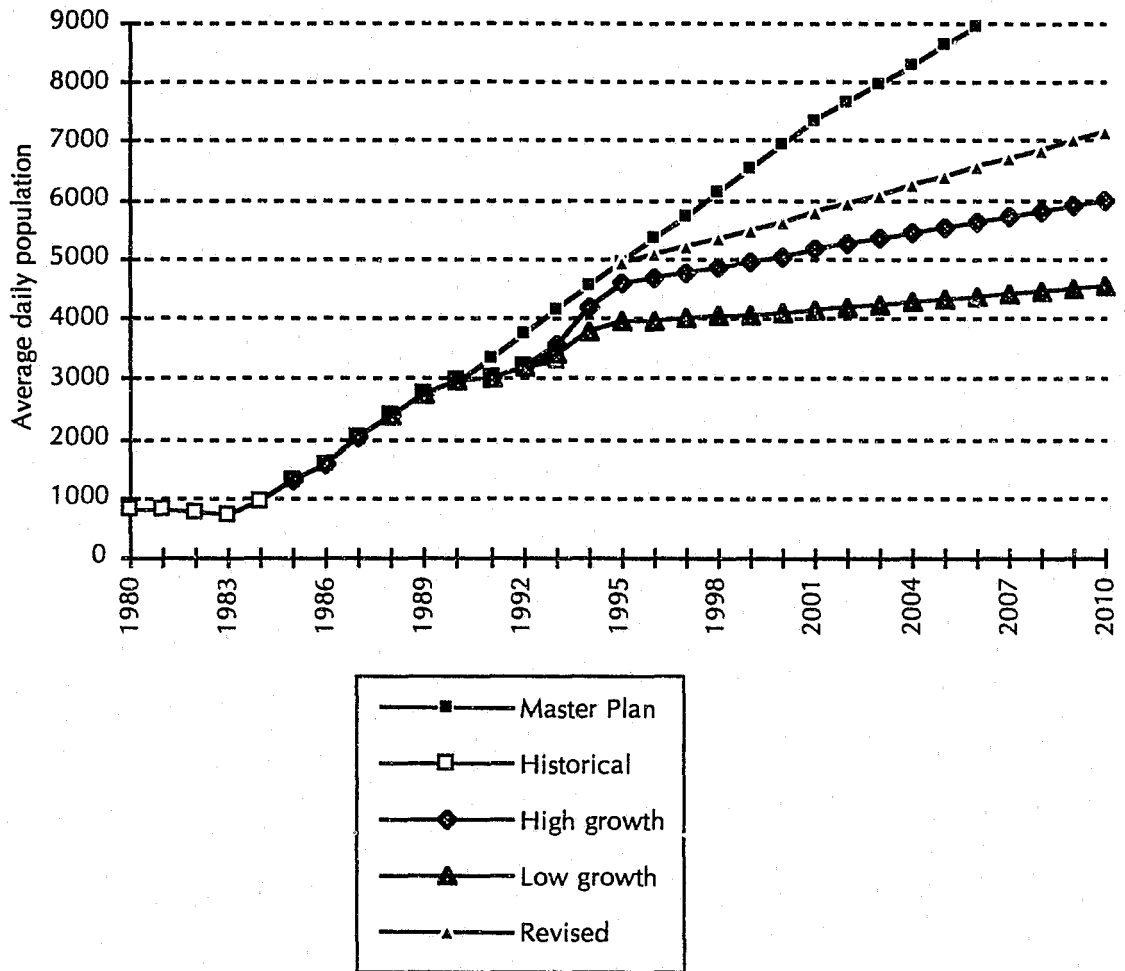
Figure 3.10 Historical Growth of Crime, Arrests, and Jail Population, 1985-1992
(Rates Per 100,000 Inhabitants)



Changes in arrest rates can also, of course, reflect differences in the degree of enforcement. Policies which emphasize mediation or diversion can dramatically reduce the number of formal arrests. Sweeps, stings, and other aggressive law enforcement activities can have the opposite effect. However changes of this sort tend to be politically inspired and are thus essentially unpredictable. (One jurisdiction, not in Florida, showed arrests increasing sharply every fourth - i.e., election - year.) It might be noted that the rate of serious reported crime in Orange County, though relatively high by national standards, did not exhibit any consistent trend over the period 1985-1992: It peaked in 1990-1991 and then fell.

Jail bookings are related to arrests, though the numbers are not identical since many arrested persons are cited and released prior to booking. For all but one of the years under study the number of bookings exceeds the number of arrests. But the *ratio* of bookings to arrests has been relatively stable since 1989. Thus, given the projected number of arrests, it is a simple matter to apply the booking to arrest ratio to give an estimate of the bookings themselves. (Again, this ratio would be affected with the growth of a field citation program or other booking alternatives.)

Figure 3.11 Historical and Projected Average Daily Population, 1980-2010



The projected bookings are multiplied times the expected ALS for the corresponding year to give the estimate of ADP. Then the felony and misdemeanor figures are summed to give total ADP. Because the trends for felony and misdemeanor ALS are going in different directions, the highest total was given by the sum of constant felony ALS and trend-line misdemeanor ALS; correspondingly the lowest was felony ALS trends and misdemeanor ALS constant. However there is no obvious reason why ALS at both charge levels has to follow the same growth model, so there is no logical inconsistency in proceeding in this way.

The "revised" figures were constructed using the higher population growth (the average of BEBR's "medium" and "high" projections) as suggested by Orange County analysts, and the average ALS for the first half of 1993.

II. POPULATION PROJECTIONS

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 or classification in parts or all imbalances of the facilities.

Table 3.1 Estimated Average Daily Jail Population

Year	Historical	ILPP's Low	ILPP's High	ILPP Revised	1990 Master Plan
1985	1,287	_____	_____	_____	_____
1986	1,590	_____	_____	_____	_____
1987	2,007	_____	_____	_____	_____
1988	2,372	_____	_____	_____	_____
1989	2,765	_____	_____	_____	_____
1990	2,952	_____	_____	_____	_____
1991	3,035	_____	_____	_____	3,331
1992	3,192	_____	_____	_____	3,732
1995	_____	3,943	4,585	4,960	4,933
2000	_____	4,100	5,055	5,635	6,936
2005	_____	4,300	5,535	6,394	8,617
2010	_____	4,543	6,003	7,167	_____

The projected figures for the year 2010 span a range from 5,543 to 7,167. The highest value assumes a rate of change of system characteristics which seems unlikely to continue for this length of time. It is a long way from a population of 3,300 in mid-1993 to nearly 5,000 less than two years later. An intermediate value seems the most realistic. By comparison, the projection of 8,617 for the year 2005 used in the Facility Master Plan (1990) appears indefensibly high.

III. ASSESSMENT OF PROJECTIONS

Comparing the projections with those in the 1990 master plan, two features are immediately apparent. All forecasts show a substantial rise in the jail population. Orange County's population is expected to grow nearly 50 percent by 2010. The population in the age range of 15 to 24, which is responsible for most of the crime, is falling in number now, but is expected to rise again after 1995. This population growth alone means that more jail beds can be expected in the long run.

In the second place, there is a large difference in the *rates* of growth even though the underlying assumptions are not very different. This shows

how small differences extrapolated for many years accumulate into substantial long-term changes. Consultants believe that ILPP's low range is within the county's ability to achieve, and these might be significantly lowered with further efficiency improvements in the entire system's management of policies that affect the jail population.

So why the difference between the 1990 master plan estimations and the projections of this report? The 1990 master plan findings are based on a theory of continued acceleration from statistics based on a short period of high growth, instead of a long range look at jail population statistics. When looking at the arguments against continuous acceleration of jail populations, it is important to note that a great deal of change has already occurred in terms of longer detentions.

The Advisory Council on Intergovernmental Relations found in 1992 that "...something other than crime in our communities has contributed to increasing jail populations..." (*ACIR, Project Update : Study of the Finance & Management of Local Jails and Proposed Pretrial Release and Detention Legislation, 1992, p. 8*) They identify as some of the causes the increased detention of defendants on minor charges, inadequate pretrial procedures, fiscal restrictions which delay case processing times, and restrictive treatment of re-arrested state probation violators. All of these are changeable, and in any case it is unlikely that they will all continue to grow, given the growing inability of local jurisdictions to continue funding unlimited expansion of jails.

For the most part the new facilities have rapidly become filled. Is this then a justification of the need for still more bed space? Not necessarily. Anyone familiar with the operations of a criminal justice system knows that there are decisions at many points which determine whether an individual is detained or released. There are pressures favoring detention: public opinion in general, and more particularly the fear that a released inmate will reoffend conspicuously. For the primary criminal justice decision makers the incentive to ordering detention is not counterbalanced by major disadvantages. Given available space, a county is thus likely to structure its procedures to favor detention, and the jail fills.

It is important to note therefore, that ILPP's high projection could be realized if the county is willing to build the beds to hold them. In this it is interesting to compare the ten largest counties in Florida. Orange County has by far the highest *jail* incarceration rate, though it does not have a high rate of commitments to the DOC, nor an unusually high crime rate.

NOTES

- * In the Monthly Report County Detention Facilities, Daily Inmate Population Data (August 1992) by the Office of the Inspector General, Florida Department of Corrections, the percentage of pretrial inmates is much lower than this; combining them for all facilities gives an average of 37 percent only. Even though "pretrial" is not quite the same as "presentenced" it is difficult to reconcile these figures.

PART II: THE CRIMINAL JUSTICE PROCESS

***4. Managing the System:
Government and Administration***

Chapter 4. Managing the System: Government and Administration

I. COUNTY GOVERNMENT

Orange County is one of twelve charter county governments in Florida. The county's home rule charter was originally approved by the voters in 1986, and substantially revised in November 1988. The revisions, effective with the general elections of 1990, included the following changes in the government form:

- The number of commission districts was increased from five to six.
- Commission districts were changed from at-large to single-member. Commissioners' terms remained at four years.
- The position of an elected County Chairman was created. Previously, the Board of County Commissioners annually elected one of its members to serve as chairman, who presided over meetings and was the ceremonial head of county government. Under the newly enacted charter, the County Chairman, elected at-large, and eligible for two consecutive terms, exercises direct authority over the day-to-day operation of Orange County government.
- The County Administrator position, previously appointed by the full Board, now is appointed by the County Chairman, with the approval of the Board. The County Administrator, previously responsible to the full Board, is now directly responsible to the County Chairman for the administration and operation of all administrative divisions under the Board and for execution of all Board policies.

In addition to the above positions, Orange County has six Constitutional Officers: Clerk of the Courts; Comptroller; Property Appraiser; Sheriff; Supervisor of Elections and Tax Collector. These officers are elected directly by the voters and operate independently, as provided by the Florida Constitution and the Orange County Charter.

Additionally, elected state officers such as the State Attorney, Public Defender and the Circuit and County Court Judges are housed and

partially funded by Orange County government. The Court Administrator's Office is also housed and principally funded by Orange County government; most of the staff in that office are county employees.

The total budget for Orange County government for FY 1992/93, including operating and capital expenditures, is approximately \$1.4 billion, with a county workforce of 7,527 authorized positions.

A. County Government Relationship To Criminal Justice System

The various individual components of the Criminal Justice System (CJS), the Courts and Court Administrator, State Attorney, Public Defender, Clerk of the Courts, Sheriff and Corrections, are addressed in other chapters within this report; however, this chapter will deal with the role and relationship of the county administration and County Commission in the overall CJS.

Changes most recently made in the structure of county government have allowed the county to begin to better manage criminal justice. This study is the most obvious and most recent evidence of real leadership in criminal justice, but was preceded by major facility and capacity improvements in corrections and the furthering of a 1986 plan for a new courthouse.

The County Administrator's Office is linked to the criminal justice system in a generally indirect manner. For example, the County Government Organizational Chart shows the Corrections Division under the general coordination responsibility of a Deputy County Administrator. In addition, that Deputy County Administrator acts as liaison between the County Administrator's Office and the criminal justice system and represents the county administration on the Criminal Justice Coordinating Council and the Public Safety Coordinating Committee.

In addition to the above organizational relationship, the Board of County Commissioners has direct budget control over the operations of the Corrections Division, as with other departments under the Commission. The Board also has approval authority over the county funded portions of the budgets of the other components of the criminal justice system, although with far less direct authority than with the Corrections Division. For example, some costs are mandated by the State and the Board must fund them. The Sheriff has authority to appeal

the Board's decision on his budget to the Governor and cabinet. Although such an action has not occurred in Orange County, sheriffs have appealed Board budget decisions in other counties, with varied results.

The relationship between the county administration/County Commission and the criminal justice system as a whole is indirect and informal. The county administration, with the exception of those activities falling directly under the authority of the County Commission, has little or no ability to affect budgetary or management decisions within the CJS. Because of their constitutional and state officer autonomy, most participants in the CJS exercise total control over budget and operational activities within their respective activities.

The lack of direct control over CJS operations by the county administration/ County Commission is not unique to Orange County, and is in fact, the result of the structure of the CJS, as established by the Florida Legislature and Florida Constitution. This lack of central control or accountability sometimes makes for difficult budget and operational projections and requires all CJS participants to work closely to maximize the scarce financial resources of the county to adequately fund CJS activities and to ensure that the system is operating as effectively and efficiently as possible.

B. Budgetary Considerations

In Orange County, the criminal justice system is funded in three ways. Judges and the staff members of the State Attorney's and Public Defender's offices are employees of the state, as are a few senior staff at the Court Administrator's office. The county provides the non-personnel support for these agencies, and all expenses of the other justice agencies except for the Clerk of the Courts. The Clerk's office derives its revenue from commissions, fees and charges for services, but more than half of these are charges to the county's General Fund. The following discussion refers only to the county funding unless otherwise specified.

The last several years have witnessed a decline in the growth of county income. While the fiscal situation is not disastrous, there have had to be some restrictions: the FY 1992/93 budget proposes a wage and salary freeze, some layoffs and decreases in departmental budgets and a temporary deferral of major capital projects, all despite continued population growth. The period of austerity is expected to last for several more years.

In order to illustrate the significant impact of the Criminal Justice System on the Orange County operating budget, a comparison of CJS activity expenditures with other county activities funded by the General Fund over the most recent five years is shown in Table 4.1. Although by no means inclusive of all CJS or other county government expenditures, the General Fund was used because it generally represents expenditures of a county-wide benefit and includes most activities funded from ad valorem property taxes and other county-wide revenue sources. This comparison gives a very conservative view of the CJS impact on the county budget because it does not include capital construction projects (such as the proposed new courthouse complex) or expenditures within other county departments that indirectly support the CJS. Funds provided by the state are not included in the comparison. The most significant operating costs shown in Table 4.1 are in the Law Enforcement and the Corrections components of the CJS.

The direct costs of justice as described above rose from \$96.5 million to \$152.9 million, or from 52.3% to 55.2% of the General Fund (excluding reserves) in that period. Included within these expenditures are personnel costs (Table 4.2 shows CJS related positions).

This rise, coupled with a similar rise of 1.4% in the share of Health and Human Services, means that all other expenses fell from 37.6% to 33.3% of the total. These latter include both general government functions and services contributing to the quality of life in Orange County such as parks and cultural amenities.

The General Fund comparison shows that during each of the past five years (FY 1988/89 through the current 1992/93 FY), over 50% of the total annual General Fund expenditures have funded CJS activities. Overall CJS funding increased at a slightly higher rate than other county General Fund activities during the past five years, and that rate may accelerate when the proposed new courthouse complex is constructed. The important point is that within the General Fund, for every dollar expended on general county government operations, another dollar was expended on the Criminal Justice System.

To further illustrate the overall impact of the CJS on Orange County Government, for the 1992/93 FY, some 3,220 authorized positions (42.8%) were included for CJS activities out of a total of 7,527 authorized positions within the county workforce. The relative percentage of CJS positions to the other authorized county positions over the past five years remained fairly constant, with a low of 40.6% in FY 89/90 to a high of 43.3% in FY 91/92. Overall during the five year period the total

number of authorized positions included for CJS activities increased at a similar rate to that for other authorized positions within the workforce. Table 4.2 compares the number of authorized positions for CJS activities with those for other county government activities. Approximately four of every ten county employees perform CJS related activities.

Table 4.1 Comparison of Orange County Criminal Justice Expenditures with Other County General Fund Expenditures

Fiscal Years 1988-89 (Actual) Through 1992-93 (Budgeted)

General Fund Expenditures for CJS Activities	88-89	89-90	90-91	91-92	92-93
Court Admin/Courts	2,293,271	4,903,985	5,461,392	5,613,767	5,741,871
Public Defender	56,283	130,786	154,508	245,569	221,479
Sheriff-Bailiff	1,847,943	2,112,406	2,645,836	2,803,628	3,038,274
Sheriff-Law Enf	41,403,955	50,073,829	60,198,885	64,097,548	66,329,488
State Attorney	639,878	648,469	807,059	960,281	879,016
Clerk of Courts	6,250,804	7,271,452	8,405,466	8,664,101	7,689,753
Corrections	42,126,101	48,686,263	57,425,240	64,374,637	66,644,997
Subtotal	94,618,235	113,827,190	135,098,386	146,759,531	150,544,878
Medical Examiner	1,072,244	1,301,988	1,267,669	1,307,543	1,374,487
911	790,809	772,132	649,241	1,009,833	992,263
CJS Total	96,481,488	115,901,310	137,015,296	149,076,907	152,911,628
Other Gen Fund	<u>87,837,643</u>	<u>101,073,277</u>	<u>111,499,590</u>	<u>122,268,631</u>	<u>124,075</u>
County General Fund Total	184,319,131	216,974,587	248,514,886	271,345,538	276,986,746
Percent of CJS to All General Fund Expenditures	52.3%	53.4%	55.1%	54.9%	55.2%

Source: Orange County FY 1992-93 Budget (GF reserves deleted from FY 92/93 Other Gen Fund and Total).

Table 4.2 Comparison of Authorized Positions for Orange County Justice System versus Other County Activities

Fiscal Years 1988-89 (Revised) Through 1992-93 (Approved)

Authorized Positions for CJS Activities	88-89	89-90	90-91	91-92	92-93
Court Admin/Courts	47	57	63	65	67
Clerk of Court	295	305	357	367	367
Sheriff	1146	1228	1318	1354	1354
Corrections	1157	1166	1424	1461	1432
Subtotal	2645	2756	3162	3247	3220
Other County Govt Activities	<u>3707</u>	<u>4037</u>	<u>4165</u>	<u>4259</u>	<u>4307</u>
Total positions	6352	6793	7327	7506	7527
Percent of CJS to Other County Government Activities	41.6%	40.6%	43.2%	43.3%	42.8%

Source: Orange County Budgets - FY 1990-91 through 1992-93, Changes in Authorized Positions

C. Findings and Recommendations

The financing of the overall CJS has a tremendous impact on Orange County government and the citizens of Orange County. The CJS requires a significant budgetary allocation for operations and staff, and for construction of facilities to house CJS components.

Although responsible to the public for approving the overall Orange County budget, including CJS expenditures, the County Commission, either directly or through the County Administration, has little control over budgetary and operational matters within the CJS components, with the exception of the Corrections Department. Although individual system components may be evaluated internally to determine their individual effectiveness from time to time, no holistic approach or formal process exists to monitor the performance of the overall system to ensure that the system is operating as effectively and efficiently as possible.

In addition, there is no central CJS data base that is shared by CJS participants and utilized to manage system performance. While major portions of needed criminal justice data resides both in the Division of Corrections' and the Clerk of the Courts' database, there is not a single repository for all information stored by these and other agencies. It should be noted that the possibility of such a single database is unlikely and therefore not feasible. Solutions and improvements to existing information management systems must there be developed in the context of the current "multiple core" environment. It is especially important that in prioritizing and moving forward with MIS changes, system participants specifically identify those data which would be most useful in managing the criminal justice system's components (e.g. jail population and case flow).

1. *Establish a Program Performance Budgeting System for the Corrections Department and other related CJS activities under authority of the County to measure program performance and assist in allocating financial resources.*
2. *Encourage other CJS participants to adopt the same or a similar budgeting system and offer to assist in establishing such system(s).*

The concept would be to move away from the traditional line-item budgeting concept to one in which each program and activity would develop performance measurements and establish realistic goals and objectives to reach for the upcoming fiscal year(s). Budget decisions could then be made on how well a program achieved its goals and objectives. The development of a new budgeting system should be considered a multi-year process and will require intensive staff support to implement it successfully.

The county has stated that not only would county-wide implementation of program performance budgeting be difficult but coordinating efforts with constitutional offices which are not directly accountable to the county's budgeting system may also make this recommendation hard to adopt. However, the benefits of being able to measure program performance will allow more informed budgeting decisions by the county and CJS participants.

3. *Better define the county's role and take a more active part in the CJS process. Collectively, a Mission Statement, Goals and Objectives should be developed by system participants (using the CJCC/CPSCC as the mechanism).*

Currently the county is in a reactive mode with no clear vision or plan for helping manage the system. Although the County Commission has limited authority over individual county and state constitutional officers, it can take a proactive role in helping coordinate and manage the system.

4. *In taking on a more proactive role, the county should formally designate an individual whose primary responsibility will be to assist in coordinating and monitoring CJS activities and in providing management information on system activities to the county. This may be done by assigning a current employee or creating a new position.*

Currently, a Deputy County Administrator attends committee meetings, acts as contact between County Administration and the Corrections Department and serves as an informal liaison between the County Administration and the system participants. In addition, a Management and Budget Analyst has been involved in aspects of system activities and in coordinating this study. Both current individuals have other responsibilities which preclude them from devoting a majority of their time to CJS activities. To be effective an individual would have to have the CJS as a primary responsibility and be placed on the organizational chart as reporting directly to either the County Administrator or Deputy County Administrator.

II. MASTER PLANS FOR JAILS AND COURTS

The jail master plan calls for jail bed space to be nearly tripled by 2006 by adding three new 2,016-bed units, as well as a replacement intake building and health care facilities. The construction costs for these are estimated at about \$235 million. However it costs far more to run a jail than to build it. Annual operating costs roughly comprise one-third of construction costs. If each housing unit costs \$78 million to build, it might cost \$26 million a year to run, or more than \$13,000 per year for each inmate, without administration and overhead, which might not increase. (Orange County's average annual budget divided by the number of inmates now comes to \$19,000, but this includes administration and all of community corrections.) While these issues are further explored in Chapters 8 and 9, they are highlighted here because the cost impact of implementing these plans will have obviously have an impact on overall system management and administration.

Full development of the jail master plan would, by itself, add at least \$78 million (1993 dollars) to the operating budget of the Corrections Department by 2006. For perspective, the department's budget now is \$66 million to manage one-third of the proposed beds, and it grew by about \$15 million when the 1,056 beds of Horizon and Genesis were added in 1991. In addition, it may be expected that all other justice expenditures will continue to grow at a rapid rate. By contrast, ILPP has projected that the county may not need more than a thousand new beds by 2006. Even ILPP's low projection would add ten to fifteen million dollars in annual operating costs to the total.

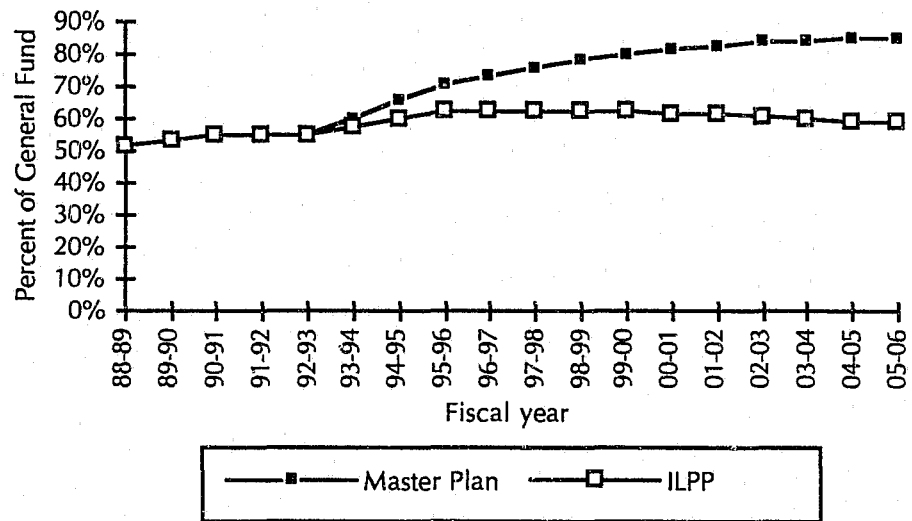
The courthouse master plan envisions expanding the number of courts (civil and criminal) from 30 in 1986 to 57 in 2005 (projected need by the courts master plan). This is an increase of 90 percent, in contrast to a projected county population increase of 67 percent. Staffing in court-related departments (Court Administrator, Clerk of the Courts, State Attorney, Public Defender and bailiffs) is expected to rise proportionately, although complete staffing and operations costs were not considered or projected in the plan. Though a majority of the staffing costs will fall upon the state, the county will provide the capital funds and service any obligations thereby incurred.

Consultants have made a crude estimate of justice expenditures under these expectations. Jail expenditures are projected for each of the jail expansion scenarios. Courthouse expansion, which constitutes a part fraction of CJS expenses, is included in both cases. The expenditures for the period 1988/89 to 1992/93 were projected linearly, except for Corrections, which was devised from per-bed costs and the average daily population. County revenues were estimated to increase at five percent annually, about half of which is due to inflation. This calculation is meant to be illustrative only, and accurate numbers would require a much more detailed study.

If the jails and courts grow at the rate envisioned by their respective master plans, total justice expenditures will increase their share of general fund expenditures by FY 2005/06, from over 50 percent today to 85 percent. Under ILPP's lowest projection for the inmate population (Chapter 3), the justice system's share in 2005 will be only a few percentage points above its present value¹. These numbers are not certain, but rather, are important because they indicate the magnitude of the difference between the two schemes and give the county an important perspective on deciding how to proceed.

Figure 4.1 compares the growth of the county-borne cost of managing criminal justice functions for two scenarios. The first projects the financial impact as if the court house and corrections master plans' projections were realized (Master Plan); the second examines the impact ILPP's low range jail population projections were realized (ILPP).

Figure 4.1. Budget Share of Criminal Justice System



III MANAGEMENT INFORMATION SYSTEM

A. Background

Many county officials expressed serious concern that problems in information exchange and management among the criminal justice agencies were impeding the efficient operation of the justice system. It was feared that hardware and software incompatibilities had several undesirable consequences: little management information was available, data had to be manually reentered at several points with a resulting appreciable loss in both case processing time and labor costs,

and those inefficiencies would eventually have a serious impact on the jail and court capital budgets. Because of those concerns Consultants studied the information processing system.

This study did not focus on the internal flow or use of information within individual departments, nor was it concerned with technical evaluation of the hardware, operating systems, telecommunications network or the applications programs. Those issues would constitute a major separate study by themselves, and much of this ground should be covered by the Coopers & Lybrand study now underway. The matter addressed here is the flow of information among criminal justice departments with an emphasis on maximizing efficient and effective flow of criminal justice management overall.

Two questions guided the research: how do any inefficiencies in the system impede the process of justice and ultimately affect jail population, and what are the costs in time and labor? In very broad outline the criminal justice system performs three functions relevant to this discussion:

- It takes criminal suspects into custody (*law enforcement*);
- It processes their cases (*adjudication*); and, somewhat concurrently,
- It holds them for a period of time and then releases them (*custody*).

Extensive interviews were conducted both on-site and by telephone. The departments surveyed were Corrections (including Community Corrections), the Sheriff, the Orlando Police Department, the Clerk of the Courts, State Attorney, Public Defender, Court Administrator, the County Office of Management and Budget, the County Data Center and various state sources. Consultants sought to interview on three levels: managers and supervisors, data system professionals and daily users of the system.

Orange County's criminal justice information management system is undergoing fairly rapid changes at the time of this writing. In addition the county has provided more support in recent years, as is shown by the acquisition of a new system for the Court Administrator and the hiring of highly competent new technical staff members for the justice agencies.

B. Summary of Findings and Recommendations

The county's own Data Center played an important role through the development of the telecommunications network, which is deemed a great success by all respondents. In other ways, however, the Data Center was less helpful. Until 1991, more or less, it hosted meetings of justice system management personnel to discuss data coordination. Although those meetings produced agreements in principle, implementation was slow in coming. Perhaps because of the lack of tangible progress the committee gradually faded away.

The perception of several information managers is that the Data Center was attempting to move them toward a centralized mainframe and away from the network of individual minicomputers which they now have. This prospect was not popular and cannot have made a positive contribution to system participation. With the resignation of the former Data Center manager has come a new spirit of optimism among the technical staff of the criminal justice departments.

Findings

- The physical network for the transfer of information among departments appears to be adequate. In other words, there is no hardware obstacle to efficient transfer of data.
- Nevertheless the information system remains fragmented. Departmental staff cannot obtain all of the relevant information on a case or an inmate in a single access. Changes in an inmate's status are not always transmitted immediately to units which need that information. There is still a great deal of duplicate entry of data, and justice agencies state they do not have enough confidence in the accuracy of the data compiled by the other departments to eliminate that duplication. Thus the primary obstacle and a totally improved system is the relationships between user agencies.
- There is no system-wide commitment to total integration, nor is there a mechanism (e.g. a task force or committee) for proceeding methodically towards it. Significant modifications and improvements in the system are being made incrementally, but by technical personnel without an overall plan. Many users do not have adequate knowledge of the capabilities of the other parts of the system.
- Overall system management information is lacking. As a consequence the justice system diverts resources to redundant operations, delays case processing and makes mistakes in areas such as inmate identification and release. The court

workload and jail population could be significantly reduced with better information flow, and major savings would occur in all agencies.

Recommendations

1. Establish the development of an integrated information management system serving the needs of *all* of the county's criminal justice agencies as the primary goal.
2. Institute system-wide planning for the improvement of information gathering and transfer. Establish as a group, a goal and mission statement that define the ideal system according to all users of that system.
3. Develop, through a reconstituted criminal justice information systems committee, a generally agreed-upon set of priorities and a plan to implement the changes to reach goals and mission.
4. Build confidence among the users in an integrated system.
5. Produce more extensive and more immediately useful management information.
6. Acquire an automated fingerprint system.
7. Because the databases maintained by the Clerk of Courts and the Division of Corrections form the two-part core of the criminal justice information system, focus priorities for improvements on these areas.

C. MIS Structure

Although this report does not attempt to make a technical evaluation of the physical hardware and software systems, a brief introduction to those will help in understanding the complex interrelationships. The following describes the criminal justice network only, not the county's data processing system as a whole.

The criminal justice information system (CJIS) is not found on a single machine. It is an interconnected network of minicomputers. The Sheriff, the Court Administrator and Community Corrections use VAX systems, made by Digital Equipment Corporation (DEC). Corrections uses the county's IBM mainframe system and the Clerk has a Hewlett Packard (HP) machine. The network is further connected to other county machines and to state government offices in Tallahassee. In

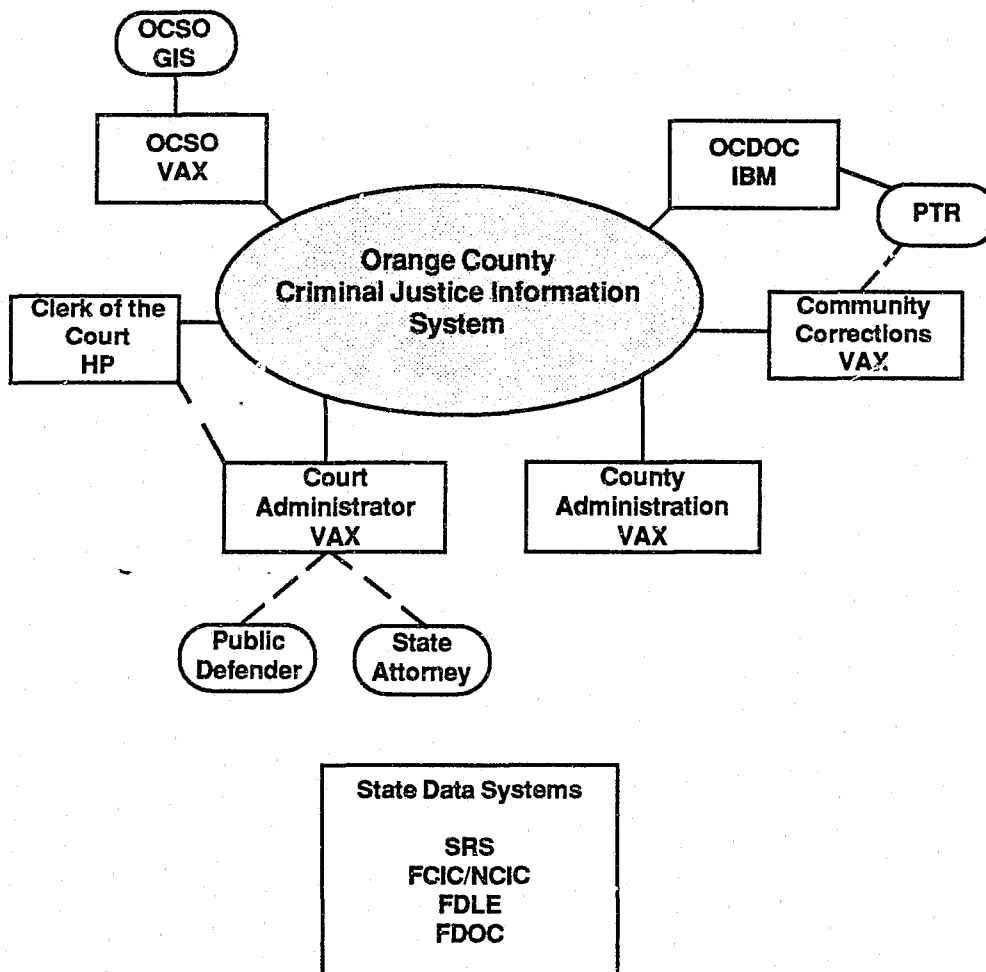
addition the State Attorney has a Burroughs computer which is not connected to anything else and will soon be discontinued.

In this report, the following terms are used as defined below:

- Data inquiry: viewing another agency's screens only
- Printout: printing the information from the screens
- Extraction or capture: electronically transferring the information from another agency's database (and thus becoming able to manipulate the transferred data)
- Update: the ability to modify the information on the other agency's database

Each step includes, but is an advance over, the previous one. Inquiry allows an agency to see information which it would previously have had to get by phone or mail. However it must still be recorded or reentered by hand. Printout allows it to be printed automatically, but still not entered into the local computer. Capture allows this entry. Update allows changes or correction in the information to be substituted into the principal database.

Figure 4.2. Orange County Criminal Justice Information System Network



D. Description of User Departments

This is a brief description of how the various criminal justice departments use data, with an emphasis on the exchanges among them. The system as described here is what was in place during the last week of April 1993 and incorporates some changes made by the end of June. The system is not static; new installations and connections are being made constantly, so this description will need to be modified as time progresses.

1. Corrections

The Corrections Division admits, holds and releases the inmates. The focus here is only on the processing of the cases. Four steps are distinguished:

- Booking: the initial gathering of data about the arrestee upon arrival at the jail. The main tasks here are the accurate identification of detainees, recording of information given on the arrest affidavit and the discovery of any existing warrants or holds. The arrest data is used by all of the other agencies involved in the adjudication process.
- Release: Pretrial Release uses the charging information and sometimes adds to the data already collected. Inmates may also be released after they have served their sentences or are given credit for the time which they served pretrial. Finally, they may be transferred to the custody of another jurisdiction, most commonly the Florida Department of Corrections.
- Classification: determining the level of custody and the rehabilitative program, if any, to which an inmate will be assigned. The Classification Unit needs much the same kind of information as the Pretrial Release Unit.
- Community Corrections: assigning offenders with a sentence of probation to any of various agencies, and reporting probation violations to the court. Community Corrections also operates the in-custody facility Phoenix.

All of Corrections except for Community Corrections uses the county's IBM mainframe computer. The principal application program is JAILTRAC, developed by INSLAW, Inc. JAILTRAC is an automated inmate management system. It maintains a log of all transactions, thus providing security against tampering by insiders. JAILTRAC is also

connected to the county's DEC network and, very recently, to the state Justice Data Center. Corrections personnel are in general satisfied with the performance of JAILTRAC, although users outside of the department find it difficult.

JAILTRAC is used primarily for the administration of the jail and was chosen to meet the Division's own needs. However the fact that JAILTRAC is not used by Community Corrections and does not meet all the needs of Pretrial Release demonstrates again a lack of system coordination.

Certain information activities at the jail are complicated by state law. Access to holds and prior conviction records is limited to law enforcement agencies, in this case the Sheriff and the State Attorney only. Thus any jail personnel who need the information must obtain it through a Sheriff's terminal. Warrants must be served by sworn officers, so a deputy is stationed permanently at the jail to sign and serve the warrants for in-custody arrests (about 175 a week).

Nearly all data entry at the jail is performed by the Dockets Section. The charging affidavit is handwritten, with six carbon copies, one each for the Clerk, Records, State Attorney, Dockets, the arresting agency and the defendant. Two dockets clerks are stationed directly adjacent to the central booking desk and make the initial entries on JAILTRAC. These clerks also have a Sheriff's terminal on which they search for local warrants and out-of-county holds. Dockets clerks can make some corrections at this point such as reconciling the charge description and criminal code number, or correcting the spelling of addresses.

Names are harder to change, especially when the arresting officer has left the premises. Furthermore there is no way to verify identities at this point since there is no automated fingerprint system at either the county or the state level. In any case, once the paperwork has gone off in six directions the defendant's name is not changed even if the correct identity comes to light because ??? of the need to change every copy plus any other document that might have been prepared from them by the users. As a result of the hard-copy paper flow of informations, persons with prior records may have them listed under several different names.

The new arrestee is then photographed and fingerprinted. The fingerprint classification and searching is so far manual, but the mug shot is digitized and transmitted electronically to the Sheriff and the Orlando Police.

The main function of Dockets is keeping all the inmate records. Dockets tracks bonds and process transfers and releases, for which they get the dispositions from the Clerk. Disposition information comes as printouts, usually on the day following an action. Written notification of release status arrives about a day *before* the Clerk enters it onto the automated system. Quite frequently it is necessary to get clarification on the court actions from the Clerk. At the time of ILPP's visit Dockets had just been given inquiry access (view on screen only) to the Clerk's disposition records. The information still has to be re-keyed but there is some savings in time over having to make phone calls. Access to the State Attorney's and Public Defender's systems, which would allow seeing changes in the charge levels, was not available at the time.

Pretrial Release Services Unit is in a strange intermediate position. They use JAILTRAC to record the actual release, but it does not fully meet their needs. Supervised releases ("PTR") require interviews and background checks. This information is entered on the Community Corrections Department's DEC system since there is presently no place for it on JAILTRAC. (Pretrial Services was once a part of Community Corrections.) Each Pretrial Release staff member has both a JAILTRAC and a DEC terminal, and cannot transfer data between them. There is a JAILTRAC module available which would eliminate the need for the DEC terminal except to look up warrants, holds and prior records, and its use is being considered at the time of consultants' review. Pretrial Release has inquiry access to the Clerk's screens, but it cuts off after a few minutes, apparently due to a glitch in its network to the system.

There are other information issues around Pretrial Release, not all of which are solvable by the county. Convictions often do not appear on FCIC until several months after the disposition is made, in which case the unit must use prior arrests rather than convictions in establishing criminal histories before making release determinations. Obviously that is not as good a measure since arrests which result in no conviction are of less validity as indicators of criminal activities. Defendants' periodic call-ins, which are required by the terms of supervised release, are now recorded manually but would be much easier to analyze and share if computerized. Access by the unit to other counties' criminal justice systems would be helpful, particularly Osceola County since it is in the same judicial circuit. The juvenile justice system could use access to records of juveniles held as adults at the jail.

Inmate classification is of great importance in Orange County because of the emphasis on directing inmates to rehabilitative and training programs. The Classifications Unit uses much of the same type of

information as Pretrial Services and would sometimes like to look at Pretrial's data, but cannot access the part of it which resides on the DEC system. Classifications also should be, but is not, automatically updated by the State Attorney on any changes in the charging information. Such changes will affect the inmate's classification status and eligibility for pretrial release.

Community Corrections, though now a department of the Corrections Division, was independent when JAILTRAC was programmed and is not on that system; instead it has its own DEC and a database from Texas Logic. (Community Corrections also manages the Phoenix facility, which is on JAILTRAC since the inmates are in custody.) The department uses a great deal of information from the Clerk but at present rekeys all of it from printouts (1100 cases a month). That requires the services of nine clerks; the community corrections officers also spend a fair amount of time at the Clerks' office getting clarification on particular cases. Community Corrections apparently does not even have inquiry access to the Clerk's system, though it is not clear why not since the network is well established and available to the Dockets section.

2. Sheriff

The Sheriff is one of the two principal law enforcement agencies in Orange County, providing patrol and investigative services, forensics, record keeping and searches. Databases are maintained on complaints and criminal cases, arrests, pawnshops, victims and warrants.

A criminal case typically begins with a citizen's call for service (often via the 911 emergency telephone system). Those come in at the rate of about 78,000 a month. Yet 911 and call receipts are not automated except in auxiliary ways. 911 is an enhanced system: when a call comes in it is automatically routed to the law enforcement agency in whose jurisdiction it originates, and the number, address and subscriber's name are displayed. It is also connected to its own GIS (Geographical Identification System). The operator determines whether it is a police, fire, or medical problem, and can instantly reroute it to either of the latter two agencies. But when it is a law enforcement matter, all of the call information is logged by hand on a file card which is manually sent to dispatch. Complaint or arrest information is recorded by hand by the deputy working on the case; only the case number is automatically assigned.

There is a plan, fairly well under way but not yet implemented, to automate 911 by the summer of 1994. Criminal information will be entered directly on the computer and displayed on a split screen with fire or medical services if they are also on the call. That will lead to computer-aided dispatch and will also eliminate manual card use.

Case information is stored in manual files by the Sheriff's Records Section, but is indexed and cross-referenced by computer. In other words the computer is used to point to the location of the file folder. Folders hold varying amounts of information in non-standard formats, and automating that would not be an easy task. Imaging the data has been proposed, and would both speed access time and save floor space, but fiscal limitations have so far prevented that from occurring.

A time-consuming job for the Sheriff's Records Section is the preparation of copies of the files for attorneys, defendants, prospective employers or landlords, etc. There are some 500 requests a day for those. Even partial automation might help here, as for example the provision of public information terminals for certain routine inquiries.

The Report Review and Liaison section of the Sheriff's Office examines reports for completeness before they are submitted to the State Attorney. The process takes only a few minutes and may not be amenable to further automation, but there is a serious backlog in that unit so cases are held up for several days before they are sent and prosecution is delayed. The Sheriff's office has reallocated staff to add a person to this unit, recognizing the problem. The OCSO states that it expects the added position to facilitate complete elimination of current backlog.

The Warrants Section enters the actual arrest warrant on the Sheriff's database and gives the physical document to the arresting deputies. However the capias order for the warrant, issued by a judge, comes through the Clerk and can take a day or more to reach that unit. Occasionally, an inmate is released during that period. Since the warrant is *dated* as of the day it is issued, it appears that Corrections has ignored an outstanding warrant, whereas in fact a search of the Sheriff's database cannot reveal the existence of a warrant because it has not been enforced. That problem has been recognized, and is under review. The date of entry is now included with the other warrant information.

A connection was established by which the JAILTRAC automatically updates the Sheriff's records. However if the Sheriff's personnel enter a correction on their own database, at the next automatic update that

correction is wiped out, since the updating is not passed through to JAILTRAC. At the time of ILPP's visit nine of the Sheriff's Records Section clerks were being trained to access JAILTRAC and enter the corrections there instead. They will in turn train other clerks so that this capability will become generally available in that office. By June that procedure was functioning reasonably well.

3. Orlando Police

The activities of the Orlando Police Department (OPD), though outside of the county's direct sphere of influence, important since they are the other major law enforcement agency in the county. The OPD has Sheriff's terminals at the police station and would like to have complete access to all the Sheriff's criminal justice data, in particular the stolen property database. The department has also expressed willingness to share its pawned goods database with the Sheriff, but OPD staff do not believe that it is comprehensive enough to be very helpful.

There is something of a technical communications problem in that the police and the county have different security protocols, but that obstacle can be overcome. If, as has been proposed, both male and female inmates are located downtown as well as at the main jail campus, the police department would also like access to the Corrections system to know an inmate's location. Consultants concern that such access would facilitate certain OPD activities.

4. Clerk, Courts, Prosecution and Defense

The Clerk, Courts, State Attorney and Public Defender constitute a subsystem of the whole. In essence the Clerk maintains the data, the courts, the attorneys, and the Court Administrator use it, and the county serves as the bridge among them. The Court Administrator's VAX is a relatively new acquisition; the most rapid advances in integrating communications are being made in this area. As of the time of consultant's initial review, the Public Defender had no automation except for word processing, and even that was limited to support staff. The State Attorney had the old Burroughs system which was inadequate. Both of these agencies have partially been brought on line through the Court Administrator's DEC and connected with the Clerk. There are now about 200 terminals in the two offices together. By the Fall of 1993, that process should be completed and most potential users will have terminals. The courts themselves are also connected through the Judicial Assistants (JAs).

There is a great deal of information to be shared here. Besides the complaints coming from the jail, there are changes in the charging information, plea negotiations, all of the courtroom appearance activities and schedules for each judge and attorney. In most cases merely presenting the data is not enough; it needs to be tailored to the needs of the different types of users. Additionally, the judges and court division managers (SA and PD) need summary and statistical data on workloads and pending cases. A number of items are either unavailable or not easily obtained because the other offices perceive (sometimes correctly, and sometimes not) the database as difficult to manipulate, but those problems have begun to diminish as the network is strengthened. And, as noted below, there are needs, the Clerk also operates with major limitations.

The Clerk's office is the core of the whole criminal justice information system. It has been recognized by all criminal justice officials with whom Consultants met that the efficient management of this office's information system is an essential element of a productive criminal justice system overall. It has also been noted that the current administration of the Clerk's office has made great strides in this direction by improving the management system, standardizing to state norms and improving accessibility, particularly in providing inquiry access to the wealth of important information collected.

To this extent the current office has stated and demonstrated that it sees its work as intrinsic to the criminal justice system.

The history of data management in the county deserves some attention as it has had major repercussions for the situation as it exists today. The county's data center and the role it played in creating a climate of distrust has been addressed. Additionally the office of the Clerk in particular has not in the past been nearly as automated nor as accessible to date. Therefore the improvements forged by the office today should not only be taken as improvements comparable to other jurisdictions but weighted to add the obstacles of overcoming the problems of the past.

Finally, Consultants observed and note throughout this report that there is a widespread perception of the Clerk's database as difficult to access and manipulate. While in some cases Consultants found technical reasons for such statements being adequate, in a large degree the historical perception of the office as minimally automated and less than concerned about its relationship to other agencies persists today. This finding speaks to the largest obstacle the entire criminal justice

information network must overcome: while there are minimal technical barriers the major obstacle to continued progress are the relationships based on historical situations.

The Clerk maintains the principal criminal case database. (The court scheduling prior to trial is established by the Clerk.) This office is fully automated. Data are not captured from other agencies; but manually reentered from the charging affidavits. As hard copies of all documents are automatically sent to the Clerk, there is seldom need to ask other agencies for information. However some staff have very recently gained inquiry access to JAILTRAC, to ask, for example, about incarceration status.

Over time more functions have become automated. One improvement occurred in the praecipe process (requests to issue criminal subpoenas). Whereas those were formerly processed entirely by hand, now the requests come on tape from the State Attorney and the praecipe is issued automatically. When system integration is complete the requests will come on-line from both the State Attorney and the Public Defender. Jury selection and management have also become automated; that responsibility is shared with the Court Administrator and is the only area where another department is permitted to update the Clerk's information.

On an experimental basis, but scheduled to be expanded, is the use of terminals in the courtrooms to record disposition data directly rather than reentering from paper documents. That is being done in traffic court and will be extended soon to criminal trials and eventually to all proceedings. This procedure implemented by the Clerk would greatly improve the warrant and overall CJIS process.

Innovations in the system of information flow carried out by the Clerk in both the areas of criminal and civil case management have noticeably affected overall system flow. Yet there are some major variables that have the potential of preventing the office from carrying out even greater and more profound improvements which would have the impact of allowing the local criminal justice system the ability to manage its case load and jail population as effectively as possible.

The first obstacle is the role of state mandates in determining the nature of the Clerk's operations. The Clerk is, after all, a state agency that must answer to state guidelines. Of late, the most direct influence has been the requirement by the state for all Clerks to standardize information management systems to the Offender Based Tracking System (OBTS).

The OBTS provides specific codes, lengths and designations for all data collected by the Clerk (e.g., offender, crime committed, etc.) as a required state reporting format.

While the goal of state-wide standardization is a good one, it has had a negative impact on local attempts at standardization and information management. OBTS is not flexible and only perpetuates hesitance to allow anything other than inquiry access to other agencies whose personnel lack formal training in OBTS protocol and would therefore be more likely to err in data entry or adjustment. Furthermore, the goal of OBTS is not to meet local management needs and for this reason excludes data elements that would be useful to court and jail management.

This exclusion creates a dilemma for the Clerk's Office. Should the rest of the system standardize to the Clerk or should the Clerk expand its workload to meet the needs of both the state and the local communities? Of course the office is currently fulfilling a portion of both roles. But complete adoption of either solution would require major changes in all criminal justice agencies in the circuit for the former scenario and significant expansion of Clerk responsibilities in the latter.

Secondly, management information systems represent a specific example of how the system's individual agencies may operate exceedingly well when evaluated in and of themselves, but as an overall system fall short of maximum operating efficiency and effectiveness. In this case historical relationships among agencies, the role of the county's data center management, and the consequent growth of different computer systems has perpetuated a lack of "community feeling" among user offices. System change has occasionally been perceived as attempts to coerce or take over individual responsibility depending on the initiator of the change.

The challenge for the system's representatives is to learn to develop a structure which has not yet existed fully in the county. Different relationships and perceptions of responsibilities will require consideration. Currently there is no mechanism for redefining roles and relationships in a system context.

The two key criminal justice databases are those of the Clerk and the Division of Corrections. Any lasting plan for MIS improvement must consider how these two databases can complement each other in providing the system's leaders the tools to manage their responsibilities. The Clerk's Office has thus far significantly improved the MIS program

in its own office which has produced positive reverberations throughout the entire courts and criminal justice system. The next step will be to address the office's role and potential in directly affecting the overall system's management of information.

The State Attorney and the Public Defender have parallel needs. They use data from the Clerk's system and generate a good deal of data on their own. The State Attorney had been maintaining information on the Burroughs system but has now switched over to the Court Administrator's DEC. The Public Defender had no automation at all except for word processing and similar office functions. In both offices the division chiefs, secretaries and clerical staff now have terminals, and have asked for funding to provide a terminal for every attorney. Both offices use case data from the Clerk and sometimes from the jail. They must also manage their own schedules and workloads, but currently lacks the ability to automate that process.

The attorneys have only inquiry access to the Clerk's system, but the MIS unit, a shared function between the two agencies, can use the Progress overlay to extract data from Fulcrum into the Court Administrator's system where it goes directly into Progress and can thus be manipulated easily. Because of that new capability it will no longer necessary for those offices to manually reenter booking data from the arrest affidavits. In addition a few persons in each office have now been trained to access JAILTRAC. This is of particular interest to the Public Defender as it allows the defender to locate inmates for interview. However in contrast with Corrections personnel who use it constantly, these occasional users have so far found JAILTRAC to be difficult and somewhat confusing.

Investigators would also occasionally like access to other county agencies' data; it might be possible to verify an alibi by simply seeing whether a defendant was at the welfare or public health office at a particular time, for example, without violating the confidentiality of the transaction. The Public Defender, not being a law enforcement agency, cannot get direct access to FCIC/NCIC, or computerized vehicle registrations or drivers' licenses.

One surprising limitation of both offices is their telephone systems. With the Public Defender especially it is not easy to put calls through. Attorneys in that office report delays of up to seven minutes just to call in from the outside. Defenders and prosecutors need to consult with each other frequently, as for plea negotiations, but find it difficult to make connections. At least one defender takes files on unrelated cases

to court in hopes of encountering his prosecutorial counterpart and making time to discuss them. That situation should improve markedly over the next several months as attorneys learn to use the new interoffice e-mail linkage.

The Court Administrator's system is used primarily for office automation and manipulation of captured portions of the Clerk's data. No major database is permanently maintained on it.

The judges need information from both the Clerk and the jail. This may go beyond mere inquiry; for example they want individualized court calendars and analysis of their pending caseloads. The State Attorney may also want calendars, but in this case arranged differently. These kinds of calendar requests require a time-consuming manipulation of the calendar database by the Court Administrator's data analysts.

There are other requests by the judges which appear minor but illustrate the types of issues which must be worked out. The attorney of record assigned to a case may later be replaced; judges would like to know that change as soon as possible but are not automatically notified. Charge numbers and descriptions do not always give adequate detail: possession of which controlled substance, or burglary of what kind of structure? Again the limitations of a strict reporting format like OBTS may stand in the way of these needs.

E. Findings and Recommendations

1. Findings

Several findings are clear. The physical network exists to allow an easy interchange of information among those agencies using DEC equipment and Progress. Linkage to the jail's IBM has been developed; there is still some work to be done here but the problems can be overcome. Access to the Clerk's system has also been developed, though the information other agencies perceive it is not as easy to use as they would like. **The fact that there are three different hardware systems in use does not in itself appear to constitute a major barrier to the exchange of information among agencies.**

Yet despite the interconnections there is not an integration of the information. Different pieces of data reside in different places and are not accessed at the same time. When it is available it is sometimes for inquiry only, and must be written down by hand and reentered (e.g.

when the jail seeks information in inmate court cases). In addition there is still a great deal of duplicate entry from printed documents such as the charging affidavits, which introduces both delay and an increased likelihood of error. Some of that duplication is being eliminated, but much of it remains because there is insufficient trust among departments of each others' data. That distrust is expressed in all directions, not towards any particular agency. Thus, although more data could be shared, it will not be shared until the distrust is overcome.

In general the agencies appear to have given much more thought to meeting their own needs than creating an integrated information system. Although the three types of systems have now been satisfactorily linked it is hard to imagine that this process would not have been much simpler had the machines all been from the same manufacturer. The choice of software also reflects this outlook. JAILTRAC and Fulcrum both came in for a good deal of criticism by users outside of their home agencies as being not well adapted to others' needs.

Thus perhaps the most important finding is that **there is not a single interlinked database containing all of the relevant case and defendant information.** It might not be necessary or even desirable for this to reside on a single machine. The courts, for example, would have no interest in the details of the jail's kitchen management. However two large-scale augmentations would improve system efficiency greatly. The first would be that inquiry about a given case or defendant would automatically provide access to *all* of the information to which the viewer was entitled. The second improvement would be the automatic provision to user agencies of updated information summaries, such as listings of all inmates newly eligible for release *including* up-to-date warrant status.

The magnitude of the effect of that on case processing and jail population is not easy to gauge. Though it is evident that a great deal of staff time is expended on duplicate entry and on phone or in-person inquiry, few of those surveyed could give a quantitative estimate of the amount of time wasted. Community Corrections, as mentioned, uses nine clerks to reenter data printed out by the Clerk's Office. Practically all of the data entered by the Clerk outside of the courtrooms is also entered by someone else such as Corrections.

Local sources estimate that at least a day could be saved on plea negotiation in each felony case with better connections between the State Attorney's and Public Defender's offices. Jail releases could be processed more quickly if disposition information were entered in

court rather than having to be brought to the jail as hard copy; perhaps another day would be saved there. On the other hand, the immediate entry of warrant information would nearly eliminate the release of inmates with active warrants, a highly desirable result even if it did increase jail population slightly.

Consultants observed that the interviewees not infrequently had inaccurate information on other people's systems. It appears that communication among them is not as active as it should be, even when it would be to their advantage. Similarly there is no generally accepted plan for integration. Priorities emerge when something goes wrong and needs to be fixed. There seems to be more focus on case tracking than in system management.

There is no mechanism for developing and implementing a countywide information management system. V. en improvements are made they are made by technical staff, solving integration problems as they occur on the existing system. Though they are qualified and conscientious people, they are not at a level where they can make major policy decisions about the direction in which the county should proceed. When department heads do meet it appears that they agree in principle to share information but do not go far towards achieving that end in any concrete way. There is not, for example, a single universal identifier for an incarcerated individual; instead there are at least six different identifiers (name, Sheriff ID number, Jail/Booking ID number, Case ID number, OBTSID number, fingerprint). Each agency's primary interest continues to be that of meeting its own needs. The Board of County Commissioners has not forced this issue, although the county government operates the data center and is the agency most central to physically coordinate the information system.

There is some room for optimism. The data systems specialists are well-qualified and aware of the end users' problems. They interact well with each other and are eager to make the system work. Although no improvements are free, money does not seem to be a major issue in most cases, as the hardware is more than adequate and all the user departments have their technical staff in place. Applications modules are available, as for example to integrate Community Corrections and Pretrial Release with JAILTRAC, and most of the major users have in-house staff who are able to write their own applications. There are on the table proposals for the addition of PC terminals, acquisition of software and system integration which would have the capability of saving more than they cost within the first year of operation.

Finally, the county lacks certain valuable types of information. It does not have an automated fingerprint system, nor does it produce some of the summary information which would be of great use in system management. Both of those needs could be met by expenditures which would quickly be repaid in increased accuracy and efficiency of operation.

2. Recommendations

In view of these needs, Consultants recommend the following changes to the criminal justice information system:

Establish as the primary goal the development of an integrated information management system serving the needs of all of the county's criminal justice agencies.

Acceptance of the principle that each agency needs to serve all of the others, not just its own ends, is the most important and most difficult step. Only as all of the decision makers come to believe in this goal, and are willing to take whatever actions are necessary to achieve it, will substantial system improvements be possible.

Consultants emphasize that an integrated system is not necessarily synonymous with a single criminal justice data base, nor do Consultants recommend a specific manifestation of integration such as county-wide adoption of OBTS as the standard. The particular form this system takes will require the entire system's input in order to best meet the entire system's needs. Consultants do note that developing an integrated system will require high level compromise and negotiation. Ultimately, each agency must be willing to take on responsibilities it does not currently have, or relinquish goals that are not feasible from a system perspective.

Build confidence in an integrated system.

Transmit information on the present and potential capabilities of the entire system to the non-technical users and serve as a forum for the resolution of existing problems. This should lead to improving confidence among the various agencies to the point where they can become willing to transfer data among each other and eliminate both the duplicate entry and the delay associated with it.

Institute system-wide planning and budgeting for the improvement of information gathering and transfer.

This involves reconstituting an information systems coordinating committee. It should include both managers for policy decisions and systems professionals for effecting the changes, perhaps as subcommittees. Who should be in charge is not yet clear; there is not much enthusiasm for an "information czar". However it should be a working committee and not a platform for political pronouncements.

Develop through the committee, a generally agreed-upon set of priorities and a plan to implement the changes.

The committee should envisage a system which provides access to all relevant information on cases and jail inmates, automatic updating and flagging of changes in inmate and case status and the gathering and dissemination of population and process management statistics. One implementing mechanism suggested by agency representatives was the establishment of a single centralized information systems office where technical specialists from all of the different agencies would work together permanently as a group while remaining under the direction of their own agencies. This type of coordination already occurs informally and offers hope that such an alliance would be successful and productive.

Produce useful management information.

This includes trends in offenses and arrests, numbers and types of jail inmates and their lengths of stay and release mechanisms, average case processing times, judicial and attorney caseloads and backlogs, failures to appear and probation violations, and system costs.

Acquire an automated fingerprint system.

This would maintain records on all persons arrested within the county. Ideally it would also have linkages to other jurisdictions including the FBI. The system should allow input from both fingerprint cards and inkless systems, and should classify, store and search the print. The acquisition of an imaging system would also be of use in recording case and arrest histories which cannot be entered fully in a standard format.

IV. COST IMPACTS

This section concerns itself with the cost impact of various system inefficiencies, not with the total cost of criminal justice. There are two major areas that analysis of system cost considers. First are jail costs,

holding a particular type of offender can be evaluated for cost and then compared with the cost of either handling this offender differently or focusing on other criminals entirely. An overcrowded jail incurs significantly large capital and operating costs which can be measured.

Second, procedures quite apart from any direct impact on the jail population are considered for cost impact on the entire system. There are many ways in which this happens such as duplication of effort, outdated or unreliable equipment, or excessively complex procedural requirements. The county must then devote extra efforts to those problem areas by overstaffing or deferral of other duties. Analysis of this possibility is complicated by the fact that the management data on costs and workloads kept by the various departments in many cases is not adequate for cost saving quantification.

There are non-monetary costs of inefficiency as well. The principal non-financial costs lie in decreased public safety and, related to this, loss of confidence in the system by the local community. Ineffective jail cap application pressures the system to defer arrests or release inmates, for example.

Unfortunately "efficiency" is a relative term. What maximum efficiency "should be" includes a combination of objective criteria like financial cost and crime, but equally important subjective criteria like the local mission for what criminal justice goals should be. Consultants present in this section analysis of the objective criteria, to the extent that accurate data were available.

A. Cost Measurement

In analyzing cost, an attempt is made to use empirical data to estimate cost savings wherever possible. Frequently, however, the estimate is based on analogy with other system elements rather than being directly determined. Sometimes only a range can be indicated. **The estimates are intended to show a relative range only and should not be taken as specific measurements.** They could easily be double or half the true values, and they do not include any estimate of the costs required to abate the problems. There is also overlap among identified savings areas, particularly with jail bed savings, and thus should not always be added together (an inmate could be released in any one of several different ways, but not in more than one of them at a time). Finally, of course, some costs such as staffing of state offices is born by the state rather than the county.

This analysis is valuable because it can show the magnitude of a given system inefficiency. For example, a finding that a particular procedure could be done by one person instead of two means there is a potential savings of 50 percent. When specific data that easily produce cost impact were not available, Consultants based assumptions in the most conservative scenario for cost savings. Even when an effect can be quantified it is often difficult 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 identified and measured a number of delays which cause inmates to be held in custody longer than necessary. How do the potential bed savings translate into costs?

Jail costs represent a complex set of services and functions based on countless variables. Thus an average daily cost per inmate says nothing really about quality of efficiency of operations. Costs would be better represented by the sum of fixed costs (the cost of the facility fully staffed but empty) and variable costs (food, clothing, etc.) which depend on the number of inmates. The fixed costs will be different for each new facility. Administrative and overhead costs must also be allocated among the different facilities. Adding a few inmates may not cost much but adding enough to require new facilities suddenly becomes very expensive. The savings attained by reducing the demand for jail beds depends on the assumptions made in the particular cost model that is used.

Since the Orange County jail system is overcrowded and continues to grow, one way to estimate savings is by the costs of jail beds whose addition is deferred. The construction and operation of a 1000-bed maximum security facility can be roughly estimated at \$13 million annually (construction amortized over 30 years). Most of this (\$10 million) is the operating cost. Minimum security beds are about half to two-thirds of this amount, and alternative programs even less.

B. Areas of Potential Cost Savings

The remainder of this chapter points out some places where it appears that Orange County is not getting maximum value for its dollar. As such it is essentially critical in tone. However there are also many areas where the county has made constructive improvements. For example, although there are some serious deficiencies in the management information system as applied to criminal justice, the framework is in place for instituting a highly efficient system of automated case

management, and improvements are being instituted regularly, if somewhat haphazardly. Productivity has risen in many areas such as judicial case processing, and fast-tracking of selected cases should improve the process still further. The *continuum of care* philosophy that guides the jail, though initially expensive, has the long-term prospect of reducing the volume of crime in the county and thereby realizing tremendous savings for both the government and the public. Although it is not yet possible to say how well that has occurred, it is an experiment which is being watched across the nation.

1. MIS and Communications

There are both delays and inefficiencies in communications caused by the need to reenter information manually from printouts. In an efficiently functioning information network, charging information would be entered only once. The Community Corrections Department estimates that it requires nine clerks to repeat the entry that the Clerk and Corrections have already done. At \$30,000 a year (salary and benefits) the approximate cost is \$270,000 in that department alone. The entries made by the Clerk which duplicate those by Corrections are probably of the order of \$150,000 to \$180,000 (five or six persons). The same charging information is manually reentered also by the Sheriff and by the State Attorney and the Public Defender, requiring perhaps as much as four or five personnel-years each, or \$240,000 to \$300,000 together. However as the MIS network improves those offices may come to receive the data electronically.

Witness management (by the Court Administrator) is not, but may become, automated. All information is entered manually. It could take one or two clerks full time (\$30,000 to \$60,000) to deal with the fifteen to twenty thousand witnesses processed each month.

Warrants and criminal histories are looked up at least by Dockets at booking, Pretrial Services, Classification, Dockets again at release, the State Attorney, and Community Corrections. At ten lookups an hour and 50,000 bookings annually, each set of these takes 5,000 hours, or 2 1/2 personnel-years (\$75,000). Five extra sets of lookups is therefore \$375,000; at six lookups an hour it would be \$625,000².

Paper copies of court proceedings information do not differentiate inmates in custody from those released pretrial and must be screened manually. Approximately 10,000 felonies and 20,000 misdemeanors are filed annually. Suppose each misdemeanor has two hearings and each felony, four. Over 300 court proceedings must be screened daily

for this purpose, requiring five hours if they can be done at one a minute (\$19,000), or ten hours at two minutes each (\$38,000).

When charges are modified by the court or by the State Attorney, there is no automatic update at Corrections; the data must be found and then reentered manually. Such information is used by Classification; if felony charges are reduced to misdemeanors the inmate may become eligible for a lower security facility, but there can be a delay of several days before it happens. Each day in maximum security costs \$10 to \$15 more than a day in minimum. Suppose 20 percent of felony detainees have their charges reduced or dropped (this is a national figure for large counties, 1991 Bureau of Justice Statistics Source books). With 10,000 felony bookings a year, and 6,000 of these not released quickly by bond, there could be 1,200 such cases. Two days' delay in reclassification and transfer to a less expensive facility at savings of \$10 to \$15 a day comes to \$24,000 to \$36,000.

The Pretrial Release program must use both the Community Corrections VAX system and JAILTRAC simultaneously since neither has the capacity by itself to meet all their needs, and must transfer data manually between them. (JAILTRAC could easily be modified to handle the whole job, however.) State parole is not automated at all, yet has information which is of use to Pretrial and Community Corrections. One to two persons is required for this: \$30,000 to \$60,000.

One of the major tasks of the records section of the Sheriff's department is making copies of part or all of the criminal case files. There are about 500 requests a day for these; times have not been measured, but at a conservative five minutes per request these would require the services of five full-time staff members (\$150,000). This process could be partially automated by putting the basic information into a database and introducing the use of public access terminals. Increasing the copying fee would raise additional funds, but appears to run contrary to Florida statute at the present time.

A lack of ordinary communications between the State Attorney's and Public Defender's offices is estimated to introduce a delay of one to three days for each felony case during plea bargaining. The effect of this on system costs is less than the raw numbers might imply since it means that some inmates simply serve a larger fraction of their sentences in the pretrial phase. However inmates who will be transferred to prison or sentenced to probation are kept in jail longer than they would be otherwise. There are 130 to 150 inmates sent to DOC each month. If their stays could be reduced by three days it would save 13 to 15 beds.

For maybe 20 percent of these there is an additional delay of several days due to problems in assembling the commitment packet. If it all adds to 15 to 20 beds annually (not bed-days) the savings is \$195,000 to \$260,000.

In the State Attorney's office, the sentencing guideline cell is calculated three times: first by intake, then by the trial division, and finally for the PSI. Each such calculation takes from five to thirty minutes, depending on the complexity of the case. There are more than 10,000 felony cases filed each year; at ten minutes apiece, each set of the calculations takes about one-half to one personnel-year, or \$20,000 to \$40,000, since more highly-trained staff are needed for this. Improved automation could also shorten the calculation time somewhat, though it cannot and should not be fully automated. The State Attorney also must hand-sort cases in order to point out those which are approaching the filing deadline. The impact of this could come to \$40,000 to \$80,000 annually.

2. Law Enforcement

The Sheriff and the Orlando Police Department account for nearly all of the arrests in Orange County. In that capacity they carry out parallel functions and must coordinate their activities for offenders who cross jurisdictional boundaries. There would be an advantage from the point of view of both costs and efficiency if some of their activities were combined. The magnitudes of the savings cannot be determined without further analysis, but the promising areas are police dispatch facilities, management information, crime analysis, and pawn and fingerprint files, the last especially if the county moves to a computerized fingerprint system.

Law enforcement practices also contribute heavily to the cost of criminal justice in the county. Neither the Sheriff nor the Police Department makes much use of Notices to Appear (NTAs) as an alternative to arrest, and a high fraction of cases are dropped after screening by the State Attorney. Whether or not the practices are intentional they are costly: arrests and bookings, even with prompt release, are expensive, as is the holding in jail of suspects who will be released after charges are dropped.

The tracking study showed that 64 percent of misdemeanor arrestees were released through bond or Population Capacity Release (PCR) with an average length of stay of 1.4 days. Many if not most of these could have been cited and not taken to booking at all. Two-thirds of the bookings are for misdemeanors. Suppose, to be conservative, that a

quarter of these could have been field-cited. It would save 20 beds, or \$260,000 a year. Perhaps some lesser felonies could be cited also, saving an additional ten beds (\$130,000). With smaller numbers but greater lengths of stay for such felonies the impact could be appreciable.

Felony cases are not dropped until an average of 40 days in detention, though the numbers found in the tracking sample are not large. If this is the case with just one or two percent of the 16,000 felony bookings there would be an annual savings of 18 to 36 beds, or \$234,000 to \$468,000 annually.

3. Jail Operations

Even though NTAs are seldom used by the law enforcement agencies, it is still possible to lower the jail population by releasing low-risk arrestees as soon as they have been booked. Most misdemeanants and not a few of the felons would be eligible at least for supervised release. However the Pretrial Release Program (PTR) is rarely used. Suppose its use could be expanded to release a substantial number of nonviolent misdemeanants within one day. The total annual misdemeanant booking is about 32,000; removing the assumed NTAs, the violent offenders, and those presently released on bond and PCR leaves about 15,000. If ten percent of these could be released within one day there would be a savings of 40 - 50 beds, which now come to \$520,000 to \$650,000 annually. A release rate of only ten percent is chosen in order to allow a large number of inmates who could benefit from the "continuum of care" to remain in the jail.

A similar calculation may be made for felons. Removing all violent offenders, drug sellers, and parole violators, and again taking out those released on bond leaves only about a quarter of the 16,000 felons booked. If ten percent of these could be released pretrial and their length of stay cut to 10 days there would be a savings of 50 to 60 beds, or \$650,000 to \$780,000.

ILPP has found that many inmates are held at a security level higher than their potential for warrants. The profile of inmates presented in ILPP's previous report showed that 20 percent of the men and 35 percent of the women could be considered minimum security risks. Just over half of the inmates of both sexes were classified as medium security, but for many of these it was only because they had substance abuse problems. The new jail facilities (Genesis, Horizon, Phoenix)

would probably be classified as medium or low-medium security, but because of their configuration they can hold the less dangerous maximum security inmates. Removing minimum security inmates from them would make space for more serious offenders so it would both improve public safety and reduce costs. Diversion to substance abuse programs, even if secure, would save even more over full jail confinement.

There is a wide range of costs associated with detention facilities and supervision. ILPP has received these figures from the Corrections Division, though it is not clear whether the overall cost is compatible with the rest, or how overhead costs are allocated among them: \$39 a day is quoted for the entire jail system, \$20 to \$25 for home confinement or work release, \$11 for day reporting, and \$1 to \$2 for misdemeanor probation, alternative community services, and pretrial diversion.

If all minimum security misdemeanants were moved to minimum security alternative programs the savings could be \$1 million (home confinement, work release) to \$6.3 million (misdemeanor probation, community service, diversion). These figures would, however, overlap the savings estimated for NTA and pretrial release so the two sets are not additive. Aside from direct costs, it is hoped there would be savings if programs are successful in rehabilitating offenders from entering the system again or at least as often.

4. Community Corrections, Pretrial Release, and Other Jail Alternatives

Chapter 5 of this report points out a number of ways to reduce jail population through the increased use of alternatives. A domestic violence prevention and treatment program might save 100 or more beds (\$1.3 million). Case screening at booking would eliminate weak cases almost at once. Pretrial release could be extended to those with non-willful FTA or technical probation violation, and release conditions could be lightened; also reminders could be sent for required appearances. The use of home detention and work release could be expanded. The magnitudes of some of these are estimated in other sections of this chapter (Corrections, Courts).

The probation division of Community Corrections duplicates the work of the State Attorney's office in screening arrest reports; if it takes five minutes, or ten an hour, the time required would be at least 4,000 hours a year (two staff, \$60,000 to \$70,000). Pretrial release staff need to wait several hours for booking information before they can begin an

assessment. About half of all booked inmates are screened for pretrial release; if their release is delayed by as little as two to four hours it adds up to five or ten beds (\$65,000 to \$130,000).

Community Corrections does not take advantage of all of the potential revenues for supervision, etc.; it routinely reduces or waives fees which could probably in fact be collected. Consultants heard a credible estimate that \$300,000 could be collected in this way.

5. Courts, State Attorney and Public Defender

The principal influence of these agencies on justice system costs lies in the delay of case processing. This report provides a compendium of such delays and their sources. The costs are not only those of unnecessary jail time but also the expenses of the judges and attorneys whenever they are required to expend extra effort. One of the most serious problems is the lack of standardized court procedures and a consequent reduction in productivity. The time required to file charges and dispose of cases is longer than in many other jurisdictions. Case negotiation and settlement generally do not occur until the pretrial conference, which may be four months or so after arrest. Compounding most of these is the fact that defendants in custody are not assigned a higher priority than those given pretrial release so that jail population is increased. ILPP is not prepared to estimate the magnitude of the population reductions attainable by shortening filing and processing times, but even a one or two percent reduction in the jail population would save \$400,000 to \$800,000 annually. None of this discussion, incidentally, includes civil activity of the courts.

Like Community Corrections, the Public Defender does not collect all of the possible fees from its clients (the Public Defender's lien.) There is close to a conflict of interests here in that the same attorney must both serve as the client's advocate and investigate the client's financial situation. There are 24 defense attorneys assigned to the felony division and 17 to the county court division. If they work 1,000 hours a year directly on cases (allowing the rest of their time for research and administrative matters) that gives 41,000 hours which would be billable if they were private attorneys. If twenty percent of the clients could afford as little as \$5 an hour it would bring in \$41,000. If thirty percent could afford \$10 an hour it would come to \$123,000.

C. Conclusion

Summing the numbers above (when there is a range, using the lower and then the upper value) gives the following:

Non-jail time	\$1.7 to \$2.4 million
Jail time reductions through citations, pretrial release, and accelerated case handling	\$2.4 to \$3.5 million
Jail alternatives: home confinement/work release/domestic violence programs	\$2.3 million
Jail alternatives: misdemeanor probation/diversion/community service programs	\$6.3 million

Note that there is an unknown amount of overlap among the three sets of jail time reductions and alternatives so they cannot be added directly to each other. However, making the assumption that half of the jail alternatives will be the more expensive home confinement/work release programs and the other half will be misdemeanor probation, etc.; and assuming 20 to 50 percent overlaps, the total annual cost savings estimates range from \$6.7 million to \$10.1 million. For perspective, the current cost to the county of the entire criminal justice system is \$153 million, excluding state funding.

Even that is not the whole story, of course: if the system grows, the inefficiencies grow with it. At this level of estimation it is not inappropriate to consider that the costs are proportional to the population. Such an assumption has the unfortunate characteristic of making it seem as though the *higher* population projections have the potential of saving the most money; that is true only in the sense that they will cost so much more in the first place.

Using ILPP's projections for 2006 the annual unnecessary costs range from \$9 million to \$13.5 million. The master plan projection yields \$27.9 million. Those figures are based solely on the jail population increase and exclude courts and any inflation. They are of course annual figures; they would need to be summed over the entire 13-year period to give the total cost to the county. Taking the most pessimistic prediction (upper cost figures, master plan projections) the total cost is \$267 million for the entire planning period.

Orange County can reduce the cost of its criminal justice operations by millions of dollars a year by eliminating inefficient procedures and making more use of alternatives to jail time. Saving jail beds would have primarily a long-term impact: the cost of the existing facilities will not be changed much if their populations are reduced since staffing levels will remain about the same. Greater use of jail alternatives will postpone, probably by a number of years, the time when additional jail facilities will be needed.

To repeat a caution: the figures given in the preceding discussion are only estimates. They may be high, but they may also be low; there are other areas that Consultants have missed in this analysis. Fortunately the overestimates and the omissions will tend to cancel each other out. Also, the savings figures may overlap and should therefore not be simply added together without trying to compensate for that fact.

Finally, the county may decide that existing procedures serve a public policy interest and cost-cutting would undermine that purpose. This is particularly likely to be the case with the use of jail beds. Nevertheless an exposition of the potential cost savings will allow the county to make a better informed choice among the alternatives.

NOTES

- 1 It is a little higher in the intervening years, but that may be an artifact of the particular model chosen for the calculations.
- 2 Public Defender personnel are not authorized to look up this information and corrections personnel can do it only on a Sheriff's terminal. These access rules cannot do so pending major change in the State Constitution.

Table 4.3 Estimated Annual Cost Savings Potential for Non-Jail Actions

Activity	Agency	Lower Savings Range	Cumulative	Upper Savings Range	Cumulative
Non-jail savings					
MIS, duplicate entry					
	Community				
	Corr	270,000	270,000	270,000	270,000
	Clerk	150,000	420,000	420,000	450,000
	SA/PD	240,000	660,000	660,000	750,000
Witness management					
	Court Admin	30,000	690,000	690,000	810,000
FCIC/INCIC lookups					
	PTS, Class, Dockets, SA, CC	375,000	1,065,000	1,065,000	1,435,000
Court proceedings info screening					
	Dockets	19,000	1,084,000	1,084,000	1,473,000
Dual MIS system use					
	PTS	30,000	1,114,000	1,114,000	1,533,000
Copy criminal files					
	s	150,000	1,264,000	1,264,000	1,683,000
Sentencing guidelines: duplicate calculation					
	SA	20,000	1,284,000	1,284,000	1,723,000
Hand-sort older cases					
	SA	40,000	1,324,000	1,324,000	1,803,000
Consolidate 800 MHz radio systems					
	OCSO, OPD	200,000	1,524,000	1,524,000	2,103,000
Duplicate screening arrest reports					
	CC	60,000	1,584,000	1,584,000	2,173,000
Collect revenues					
	CC	300,000	1,884,000	1,884,000	2,473,000
Public Defender's lien					
	PD	41,000	1,925,000	1,925,000	2,596,000
Total Non-Jail Savings			1,925,000		2,596,000

Table 4.4 Estimated Annual Cost Savings for Jail Population Actions

<i>Activity</i>	<i>Agency</i>	<i>Lower Savings Range</i>	<i>Cumulative</i>	<i>Upper Savings Range</i>	<i>Cumulative</i>
Reduction of jail time:					
<i>Update charge reduction</i>	SA/Class	24,000	24,000	36,000	36,000
<i>SA/ID communications delay</i>	SA, PD	195,000	219,000	260,000	296,000
<i>Field-cite misdemeanors</i>	OCSO, OPD	260,000	479,000	390,000	686,000
<i>Screen felony cases</i>	SA	234,000	713,000	468,000	1,154,000
<i>Expand PTR</i>	DOC/PTS				
- misdemeanor		520,000	1,233,000	650,000	1,804,000
- felony		650,000	1,883,000	780,000	2,584,000
<i>Delayed release because of time for PTS to get info</i>	DOC/PTS	65,000	1,948,000	130,000	2,714,000
<i>Shorten filing times</i>	SA	400,000	2,348,000	800,000	3,514,000
Total Jail Time Savings:			2,348,000		3,514,000

Table 4.5 Estimated Annual Cost Savings for Use of Alternatives

Use of Alternative Programs or Facilities

- home confinement/work release	1,000,000
- misdemeanor probation, diversion, community service	6,300,000
- domestic violence diversion	1,300,000

- but these overlap with each other and those designated as "jail time" above.

Assume the following:

Half of minimum security misdemeanants to home confinement/work release	500,000
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Half of minimum security misdemeanants to misdemeanor probation, diversion, community service	3,150,000
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Domestic violence diversion	1,300,000
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	Subtotal	4,950,000
- less 20% overlap	Net	-990,000
		3,960,000

- less 50% overlap	Net	-2,475,000
		2,475,000

Summary

	Lower Range	Upper Range
Non-jail savings	1,925,000	2,596,000
Jail time savings	2,348,000	3,514,000
Alternative facilities/programs	2,475,000	3,960,000
Total	6,748,000	10,070,000

Table 4.6 Estimated Annual Cost Savings Based on Comparison of ILPP and Corrections Master Plan Jail Population Projections

<i>Current population (average)</i>		3,262	
<i>ILPP's projections for 2006:</i>	Low	4,349	Increase 33%
	High	5,629	73%
	Revised	6,549	101%
<i>Master plan projection:</i>		8,937	174%
The potential annual cost savings by 2006 would range from		ILPP 8,995,959 to 13,547,646	Master Plan 27,589,083
	MP pop	Cost	
1993	3,262	10,070,000	
1994	3,699	11,417,622	
1995	4,135	12,765,244	
1996	4,572	14,112,865	
1997	5,008	15,460,487	
1998	5,445	16,808,109	
1999	5,881	18,155,731	
2000	6,318	19,503,353	
2001	6,754	20,850,974	
2002	7,191	22,198,596	
2003	7,627	23,546,218	
2004	8,064	24,893,840	
2005	8,500	26,241,462	
2006	8,937	27,589,083	
		263,613,584	

Note: master plan projections modified to reflect 1993 actual.

PART II: THE CRIMINAL JUSTICE PROCESS

5. Entering The System: Arrest

Chapter 5. Entering the System: Arrest

I. OVERVIEW

This section addresses primarily law enforcement practices, procedures and system arrangements by all agencies which have the most direct impact on use of jail beds and courtrooms in Orange County. There are also a variety of other issues critiqued in this section which, as a consequence of system inefficiencies or cost factors, directly and indirectly impact jail operations and other county resources.

In Orange County there are twelve local and five state agencies with law enforcement responsibilities.¹ In this group, the Orange County Sheriff's Office and the Orlando Police Department were responsible for nearly 90 percent of all arrests in 1992.

The focus of the law enforcement review therefore are these two agencies. Both offices are headed by leaders who have initiated change and emphasized professionalism in their organizations. They provide illustration of the point that although there is system-wide fragmentation in criminal justice planning, individual agencies in the county are interested and active in pursuing effectiveness.

Summary statistical data are presented in a comparative context when possible, to show each agency's performance in relation to statewide and local norms. Viewing the data in this manner allows agencies to evaluate the impact of various management strategies on numbers and types of arrests. Other measures of performance and effectiveness such as the ability to respond promptly to calls for service, and the cost per unit for each call were not analyzed due to less substantial relevance to jail overcrowding issues.

The demand for police services follows daily cyclical patterns which remain remarkably consistent. For this reason, a primary task for law enforcement managers is to establish a scheduling plan which assigns shift hours and days to match the calls-for-service as closely as possible. This task requires the compilation and analysis of historical data in a number of categories. How well it is done is one measure of the quality of departmental management. A sampling of internal response time

reports from both agencies was not useful for comparative purposes, but response time averages for high priority calls seemed within reasonable service expectations for each agency.

It is also possible to assess scheduling efficiency by looking at the basic workday employed by each agency. In the Orlando Police Department, patrol officers work 8-hour shifts, five days a week, while in the OCSO, patrol officers work 10-hour shifts, four days a week. The 4/10 plan is a highly valued job benefit, but management surveys elsewhere have uniformly found that a patrol force scheduled on standard 5/8 shifts can match the response performance achieved on 4/10 shifts with up to ten percent fewer officers. However ILPP did not apply this analysis to Orange County and is not prepared to comment further, as the county is currently initiating a separate staffing study of the OCSO, which will examine these crucial issues.

It should be noted that analysis of the Orange County Sheriff's data reflects solely on the prior administrations of the department. All data used in this section pre-dates the incumbent Sheriff's assumption of office and responsibility for departmental operations. This perhaps constitutes a finding in that changes in the office of so pivotal a position has substantial impact on the overall system of criminal justice.

The magnitude of police business conducted by the county's two largest law enforcement agencies is illustrated by the following summary information for 1992.

Table 5.1 Arrests by Agency, 1992

Agency	Adults	Juveniles	Total
Orange County Sheriff's Office	27,946	2,0142	9,960
Orlando Police Department	5,971	1,364	7,335
Orange County Arrests Overall	38,416	3,968	42,384

Just over half of *all* arrests fall into a "miscellaneous" offense category. Conversations with county and FDLE officials indicate that DWLS and other traffic offenses (except vehicular manslaughter and DUI), FTA/contempt of court, and probation violation are typical offenses which fall into this category. Dividing all arrests into three groups, "serious"

(index plus drug offenses), all other Part II offenses, and "miscellaneous" shows the following distribution of arrests for 1992:

Table 5.2 Arrests by Agency and Type of Charge, 1992

	Serious	Part II	Misc.
Sheriff	4,483	6,179	19,298 ²
Orlando Police	4,930	2,252	153
State Agencies	56	1,069	246
County Balance	768	1,232	1,718

Nearly two-thirds of the arrests by the Sheriff's department fall into the miscellaneous category, while only a handful of those by the Orlando Police are so classified. Essentially the same pattern occurred in 1991.

Table 5.3 Calls-for-Service by Agency, 1992

Agency	Total
Orange County Sheriff's Office	369,411*
Orlando Police Department	178,121

* In addition to citizen's requests for service, the OCSO total also includes officer and investigator initiated cases, as well as reports taken by dispatchers over the telephone.

II. LAW ENFORCEMENT SIZE AND STRUCTURE

A. Orange County Sheriff's Office

The Orange County Sheriff is a constitutional officer, not subject administratively to the Board of County Commissioners, yet funded through the county's general and other funds. The Sheriff's duties are to act as the law enforcement agency for the county, which had an estimated population in 1992 for the unincorporated areas of 459,000, or 64 percent of the total county population (Bureau of Business and Economic Research). These figures omit a huge tourist population, for which exact figures are unavailable but which has been estimated at about 150,000 in the county at any one time.

It is important to keep in mind when looking at staffing and budgets that the Sheriff's Office responsibilities include communication services to other agencies, maintenance of extensive offender identification files, the responsibility for processing and serving the county's legal documents (criminal warrants and civil orders), prisoner transport to the courts, and a large courtroom security function (bailiffs).

In 1987 the responsibility for Corrections was transferred from the Sheriff's Office to the county. The following review, accordingly, considers the staffing record through only the most recent five-year period (FY 1988/89 to 1992/93). Incremental increases occurred each year. The overall increase in actual staffing levels was 33 percent (982 to 1,307).³ The budget increased 62 percent (\$43.3 million to \$69.9 million) compared to a 59 percent increase in the total county budget. The county population grew by an estimated 15 percent during this period (FY 1988/89 to FY 1992/93).

B. Orlando Police Department

The Orlando Police Department has, in addition to conventional urban duties, the added responsibility for Orlando International Airport security, one of the busiest airports in the United States, carrying eight million passengers annually. Staffing at the Orlando Police Department increased from 640 in 1988 to 771 in 1993, an increase of 20 percent. The 1992/93 departmental budget was \$39.5 million.⁴

C. Consolidation

The term "consolidation" in the context of law enforcement covers a variety of arrangements which differ greatly in scope. Many of those interviewed mentioned the issue of a full consolidation involving the merging of all law enforcement functions of the Sheriff's Office and the Orlando Police Department. Those who raised the subject uniformly mentioned likely positive impacts on public safety, costs, and jail and court priorities and usage.

Full city/county police mergers are rare, however, and it is partial consolidation - the merging of one or more law enforcement functions of two or more jurisdictions - that most commonly occurs. The merged functions may be managed by the largest agency or formed into an

independent entity reporting to an advisory group made up of users of a given service. Numerous successful working examples of partial consolidation exist in the areas of radio communications, training, and data processing.

Formal coordination is another form of partial consolidation. Usually formalized by Joint Powers Agreements, this design involves a coordinating system which permits two or more agencies to solve problems together. Two examples of functions amenable to this kind of process are management information and crime analysis. Orange County's Metropolitan Bureau of Investigation, a task force staffed by officers from several agencies, is another and current example of a partial consolidation through a formal coordination system.

1. Full Consolidation

An essential pre-condition to full consolidation is approval of the proposal by citizens in the jurisdictions being merged. Generally, to be judged successful, the implementation of any form of consolidation must result in significant cost savings and/or measurably improved service.

Most of the studies and anecdotal accounts of full consolidation efforts reviewed by Consultants were critical in nature. At best, the evidence supporting the consolidation of large police agencies is inconclusive in regard to the economies and efficiencies achieved. Furthermore, scores of major efforts to achieve consolidation failed to secure the necessary approval of the voters in recent years.

One of the problems in securing overt approval of police agency mergers is that those who are currently satisfied with police service view the proposal as a vehicle for redistributing services to take care of areas receiving lesser quality police service and, coincidentally, reducing the level of service they enjoy under the existing system. In two relevant studies of city-county consolidation, Miami-Dade County and Jacksonville-Duval County⁸, it was reported that spending levels increased after restructuring.

From the record it is clear that the political and practical obstacles to full consolidation of large agencies are formidable if not insurmountable. In the absence of any truly successful prototype models, Consultants cannot recommend full consolidation as a viable option.

2. Partial Consolidation

Characteristically in law enforcement, cooperation and coordination are largely a function of personal relationships at the working level supplemented by information sharing at meetings of professional associations. Partial consolidations of functions, on the other hand, are established and maintained through formal agreements. The most effective and long-lasting of these sharing arrangements are those which have strong user advisory boards. This kind of board makes policy, directs planning, and selects and oversees the director of the consolidated activity.

The Sheriff's Office and the Orlando Police Department have a mutual aid agreement which, among other provisions, approves inter-jurisdictional operations by deputies and police officers. This kind of formal working relationship greatly facilitates follow-up investigations and offender apprehension efforts when responding to crimes in progress which occur near jurisdictional boundaries.⁹ There are, however, other opportunities to lessen jurisdictional boundary problems and significantly improve operational effectiveness through formal coordination or consolidation of law enforcement functions. Most of these will improve public safety, save money, and better use jail and court resources. Some of the more important possibilities, one of which promises significant cost savings, follow:

a. Crime Analysis

Most large police agencies assign several employees the task of reviewing daily crime reports for:

- Partial or whole descriptions of vehicles associated with offenses;
- Partial or whole descriptions of suspected offenders; and
- Crime patterns.

In those agencies with a crime analysis unit, information in each of the above categories is organized into bulletins for distribution to the field units on a daily basis. Commanders of field units may, on the basis of pattern data, adjust the deployment of their forces to address emerging crime problems.

The mobility of criminals and fragmented nature of most report descriptors of wanted vehicles and suspects make it clear that

considerable benefit could accrue through the pooling of crime analysis information among Orange County's police agencies. Surprisingly, however, there are no formal arrangements for the regular systematic daily exchange of such information. The general availability of fax machines suggest a system whereby at a minimum each participating agency could send a daily summary to a designated coordinating agency which, in turn, would collate the combined data for distribution to all participants in the system.

b. Centralized Identification, Latent Print and Pawn Records

The OPD maintains fingerprint identification files on all of their arrestees. They also maintain a Pawn Shop File. The OCSO maintains fingerprint identification jackets on all of their arrestees and the arrestees of all city police departments in the files as well as a Pawn Shop File. Both the OPD and OCSO maintain latent fingerprint units. The advantages of a centralized identification facility providing these services to all local law enforcement agencies are manifold:

- Redundant file keeping could be eliminated.
- File searches and latent print searches would be more thorough, with increased likelihood of "hits," i.e., all potential suspects in the county would be in the database.
- Important economies-of-scale would be achieved, most particularly in the acquisition of an automated fingerprint system.

With the impending advent of fingerprint scanners and a truly integrated system-wide criminal justice MIS, the centralized ID facility becomes even more desirable. Duplication of expensive technology is reduced and opportunities for enhanced ID applications can be easily developed.

A most useful application based on the proposed integrated MIS could be a "Known Offender File." This type of application, usually linked to an Automated Latent Print System, permits random searches of arrest files on any combination of partial descriptors, e.g., physical, known associates, vehicles.

The central ID concept has been successfully implemented in other jurisdictions, usually with some sort of a cost sharing arrangement for users.

c. Radio Communications

Both the Orlando Police Department and the Orange County Sheriff's Office maintain their own police dispatch facilities and have planned separate communication facilities. The Sheriff's communication center, which also provides police agency and fire dispatch services, receives all 911 calls in the county. Both the Orlando Police Department and the Orange County Sheriff's Office are currently in the process of building and installing their own new 800 MHz communication centers. Each of these projects would have the capability of providing dispatch services to the other agency.

ILPP's draft report recommended the creation of a regional public safety communications center. It is clear from feedback ILPP has received from both the Sheriff's Office and Orlando Police Department that both of these agencies wish to retain control of their proposed new communications facilities. The OCSO and the OPD will be, however, jointly utilizing a smart zone and sharing two radio towers and equipment facilities. Both agencies are also operating at 800 MHz and using the same vendor (Motorola) which keeps open the possibility of integrating and standardizing their systems as much as possible.

The cost/benefit arguments supporting the regional communications center concept remain valid, however, and it is in the public interest to pursue an option which holds promise for improved public safety response time, standardized management information related to public safety services, and more than substantial cost savings to both city and county over the long run. ILPP's draft proposal assessed savings primarily based on economies of scale.

It is still strongly recommended that a rigorous independent feasibility study be undertaken to quantify the costs not just of constructing two separate centers but of operating, staffing, and maintaining the two facilities over the life cycle of each project, (including the investment in planning and architecture already made) versus that of a single regional center.

III. ARREST AND RELEASE PROCEDURES

Three arrest-related practices merit further evaluation and potential modification in Orange County due to:

1. Use of misdemeanor citations in lieu of transporting and jailing less serious offenders (Notices to Appear - NTA);
2. Delays in releasing inmates not filed on by the State Attorney;
3. Bail arrangements for misdemeanor offenders.

The latter two areas are not within the power of the Sheriff or the Orlando Police to change, but their input and cooperation will be essential to any modifications by the State Attorney and the judiciary.

A. Notices to Appear

The issuance of Notices to Appear (NTAs) to minor offenders is underutilized by Orange County law enforcement agencies. (Currently no NTAs are issued after booking.) In 1992 the Orlando Police Department arrested an average of 20 persons per day, at the same time issuing less than one field NTA. The Sheriff's Office arrested an average of 82 persons per day. Of these arrestees, slightly more than three per day were given an NTA and released in the field.

There are three reasons for minimal use of NTAs in Orange County. First is a lack of general arrest standards which would require use based on objective criteria. Sheriff's personnel note that NTAs were commonly used when the concept was first introduced to the jurisdiction in the 1970s and have since fallen out of use.

Second, the wording of the various Administrative Orders governing the county's jail population cap stipulates that the law enforcement officer is obligated to physically arrest defendants who do not meet certain criteria. These criteria include failure to produce sufficient identification and proof of residential status.

Finally, and consistent with Consultants' system-wide assessment of criminal justice in Orange County, arrests and transportation to the jail

seem clearly to serve some public policy objectives, by removing certain persons from the street and view of the local community and the substantial tourist population.

The practice of physically arresting virtually all petty offenders, as opposed to issuing an NTA, is, however, a counter-productive public policy for the following reasons:

- In Florida, state law requires the full use of non-financial release procedures. The NTA is a non-financial release option that would effect a substantial reduction in jail bed requirements.
- The transport of prisoners to the booking center and the required standby during booking take the arresting officer out of service for extended periods. Scheduling and standby delays in booking due to heavy workloads keep patrol officers off the streets just when the need for patrol presence to control serious crime is greatest.
- Use of NTAs is a common and effective means of handling offenders who pose no risk to the community. Data examining low arrest ratios for serious crime show a shift in emphasis, from more serious to less serious offenders. See discussion later in the chapter.
- Modest reductions in the average length of stay (ALS) for these prisoners coupled with greater utilization of field and jail NTA citations would slow the need for jail expansion and greatly improve efficient management of existing jail and other system resources, freeing up resources for more serious public safety risks.

The release of a minor offender via an NTA hinges on the availability of identification. In the cases involving common names or weak documentary identification, the arresting officers may opt to deliver the offender to the booking station to obtain an identification photograph and fingerprints before issuing an NTA. There should be, accordingly, an arrangement whereby an Orange County Division of Corrections (OCDOC) employee is sworn by the shift to allow issuing of the NTA after obtaining prints and photo. An automated fingerprint identification system would speed this process even more. A sworn OCDOC employee on duty in booking could also solve existing problems in serving warrants in the jail. (OCDOC staff currently include many who worked in the jail when it was operated by the OCSO.)

B. Arrests versus Filings

A large number of arrestees are eventually released because a complaint is not filed. Although some of these detainees are released shortly after booking, a significant group serve a number of days in jail first. Inmates can be held three weeks or longer before being released because of a decision not to file. Even for those who are released, the time spent in arrest, transportation and booking has required resource investments from law enforcement, corrections and pretrial services.

On the basis of data samples and insights provided by many interviewees, the following dimensions of the problem emerge: State Attorney staff members estimate that 33 to 40 percent of charges are dropped. An internal Orlando Police Department report indicated that 25 percent of their felony arrests and over 57 percent of their misdemeanor arrests were not being charged by the State Attorney. Of the felonies and misdemeanors in 1992 and the first part of 1993, 20 percent of cases were not filed and 11 to 12 percent were dismissed (SRS data)⁵.

A proportion of No Bill releases (where no charges in the case will be filed) can also be the consequence of inadequate police reports or investigations. Work-to-be-done notices come from the State Attorney to request more information from the arresting agency because the original affidavit was incomplete or flawed. A high number of "work-to-be-done" notices or tasking reports might suggest a need for increased attention to law enforcement arrest standards. OCSO staff estimate their monthly total of these notices to be around 250. The OCSO makes over 2,300 adult arrests a month; as a result, about 11 percent of filing decisions are delayed due to incomplete or inadequate reports. The Orlando Police Department reports a lower rate. The Orlando Police Department, however, has been provided recent training by the State Attorney to reduce the number of tasking reports. Such training should be extended to the OCSO and other law enforcement agencies in the county.

C. Number and Level of Charges

The practice of writing many lesser offenses along with a primary one on the arrest report also indirectly increases the number of jail beds required in Orange County. Bail is set on each charge at the jail at the time of booking, so that the accumulated bail requirements result in

large enough sums that a significant number of arrestees cannot obtain pretrial release by posting bail during pretrial incarceration. The additional charges often are either dismissed or substituted for the original primary offense.

Multiple charging by law enforcement may help the State Attorney in gaining leverage in negotiating a case. The practice has a negative impact, however, on the ability of otherwise qualified inmates to obtain pretrial release. This practice is technically not allowed according to a 9th Circuit Administrative Order, but occurs nonetheless producing a system of delayed and inequitable pretrial release.

IV. FRONT DOOR OF THE SYSTEM

During the course of this study interviews with Commissioners, other elected officials and top managers, as well as review of data from all agencies strongly suggested that Orange County is focusing its criminal justice resources on the suppression of "misdemeanor-type" behavior. This causes Orange County to arrest and hold a substantially higher percent of minor offenders than the other large Florida counties.

ILPP presents in this section some statistical evidence tending to support the above premise. ILPP is not attempting to influence the county's choice of this practice; that decision is up to the citizenry. The purpose of this section is solely to focus attention on a heretofore implicit public policy and give the county an informed basis on which to determine whether it should continue to allocate its resources at the current level, reduce them, or even increase them.

The following discussion evaluates different measures Consultants used to test the hypothesis.

A. Percent of Arrests for Serious Crimes

The proportion of arrests for serious offenses in Orange County is compared with that for Florida's six other large counties (Dade, Broward, Palm Beach, Pinellas, Hillsborough, and Duval). Data comes from the annual reports of the Florida Department of Law Enforcement. Arrests are here divided into two groups based on the offense. "Serious offenses" are the index crimes and drug sales. "Less serious" are all the others. (There are more types of arrests than offenses in the "less serious" category since many offenses are not reported, e.g. prostitution, DUI, DWLS, probation violation).

The arrests for index plus drug sales as a proportion of all arrests were calculated for 1989 and 1992. A high ratio implies that a county is concentrating a higher proportion of its resources on the most serious offenses.

In both years Orange County had the lowest proportion of serious arrests. Furthermore this proportion decreased between 1989 and 1992. In 1992 less than 20 percent of arrests in Orange County were for serious offenses, whereas the average for the other six counties was 31 percent.

B. Arrest to Offense Ratios for Serious Crimes

The ratio of arrests to crime rate (reported offenses) index was calculated for the same seven counties.⁵ Overall there is an arrest for roughly one out of six index offenses reported. The higher the ratio, the better the county is doing in addressing those serious offenses. In 1989 the ratios were closely spaced. Orange County was in sixth place with one arrest for every 6.7 major crimes. By 1992 it was clearly the lowest, having fallen by 27 percent from its 1989 value to one arrest per 9.3 crimes. The average for the other counties in 1992 was one arrest per 6.4 crimes.

C. Jail Population and Crime Rate

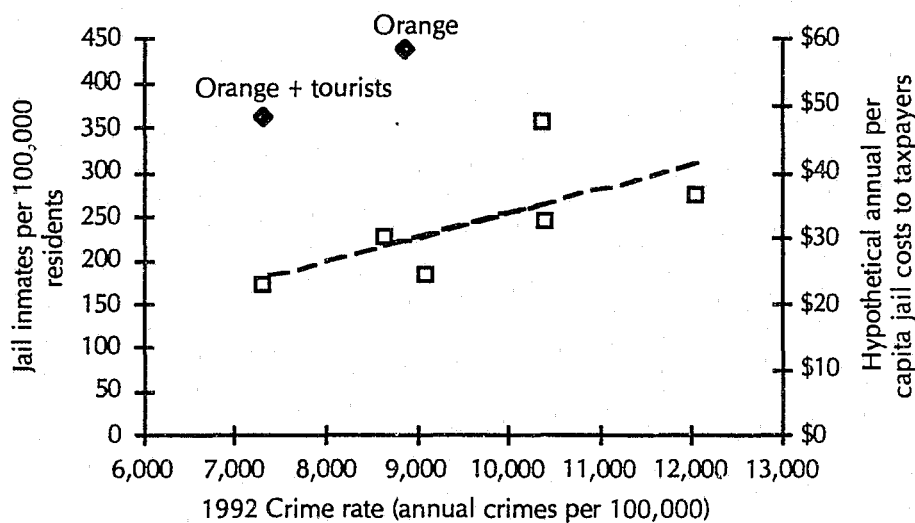
Orange County has an unusually large jail, second only to Dade County, which has almost three times as many citizens. In May 1993 the per capita jail commitment in Orange County was about 440 per 100,000 county population, far higher than any of the other six counties, which averaged 245 per 100,000.

To put the per capita incarceration figure into perspective it may be translated into the costs to the county's taxpayers. Jail costs for the other counties were not available so an estimate was made assuming that it cost all the counties the same amount — \$13,000 per year per inmate (\$35.62 a day per inmate). If that were true Orange County citizens would each be paying \$57 a year to run their jail while their counterparts in the other large counties would pay only a little over half of this (\$32 annually). Efficiencies in Orange County's actual jail costs over other counties could mitigate some of this difference.

The jail population is not large because of the volume of crime; Orange County does not have a particularly high crime rate among the seven

counties.⁶ Figure 5.1 shows the jail incarceration rate and the assumed annual cost per county resident plotted against the crime rate. Whereas for the other counties the incarceration rates (and thus jail costs) are roughly proportional to the amount of crime, Orange County stands out. *It should be reiterated that the "costs" on the graph are hypothetical, as the actual cost data are unavailable. The Orange County costs shown are high solely because the county has so many people in jail compared to the other counties and to the crime rate.* The chart also shows that the magnitude of this result changes only slightly when the tourist population is added in, and even that decrease is exaggerated because it neglects any tourist effects in the other counties.

Figure 5.1 Incarceration Rate and Cost vs. Crime Rates
Large Florida Counties, May 1993



Note: The squares forming the lower line in the graph are the following counties in order from left to right: Pinellas, Broward, Palm Beach, Duval, Hillsborough, and Dade.

D. Level of Offense of the Inmate Population

Orange County's jail population is noticeably different from the others in the makeup of its inmate population. The Office of the Inspector General reports on pretrial inmates by offense level. A review of seven of the months between July, 1992 and May 1993 showed that Orange

County had the highest percentage of misdemeanants in its pretrial population from July to November. The six other counties had in August 1992 a pretrial population which averaged only 14 percent misdemeanants; the highest was 18 percent. In Orange County over 30 percent of pretrial inmates in that month were misdemeanants.⁷

The Orange County Jail inmate profile as determined by ILPP showed that 36 percent of all male inmates (pre- and post-trial) were charged only with misdemeanors. Comparable data are not available for all of the counties, but the corresponding misdemeanor proportions found by ILPP in Hillsborough and Polk Counties were 25 percent and 28 percent, respectively.

E. Notices to Appear, Arrest Charges, and Pretrial Release

Notices to Appear (field citations) are rarely issued by either the Sheriff or the Orlando Police. Perhaps three or four out of a hundred stops are cited (agency estimates); the rest are brought to jail for booking. This is the way by which such large numbers of minor offenders enter the jail.

Many of them also find it difficult to leave since most pretrial felony releases and a third of misdemeanor releases from the Orange County Jail come through bail (data from ILPP's tracking study). Bail release depends strictly on the ability to pay. The amount of bail rises with the number and seriousness of the offenses, and tends to be high since all of the charges, not just the most serious, are considered when bail is set. The sum of the bail becomes too large for many defendants, especially

the destitute. Additionally it appears that adequate case screening does not occur for several weeks; this is another mechanism for keeping minor offenders in jail.

VI. RECOMMENDATIONS

The recommendations that follow address practices that primarily involve law enforcement and the arrest process. Recommendations to address the county's approach to "less serious" offenders (Section IV. Arrests & Jail Population of this Chapter) are not included here because to do so would overemphasize the role of law enforcement on this problem and understate the importance of needed attention from all agencies.

Form planning committees of users to implement partial, functional consolidation in the following areas:

- County-Wide Crime Analysis Center
- County-Wide Identification Center, including an automated fingerprint identification system.

Optimize use of NTAs.

The use of Notices to Appear as a tool for managing the "front door" of the jail system will vary according to local values, needs and resources. While this report emphasizes the fact that jail is the most expensive way to respond to crime and social needs, it does not mean to imply that therefore its use is always or even mostly unjustified.

Neither does this report attempt to outweigh public safety with cost effectiveness. Consultants can only advocate that whatever balance is struck between the ability to pay for jail space and the need to detain offenders, it is a consciously and mutually agreed upon decision.

NTAs present a particularly tangible case of how this balance is inevitably reached. Orlando maintains a strong image as a safe, clean and progressive community. Certain arrest practices have no doubt contributed to this environment. Developing arrest standards to expand use of NTAs must take into account the political and social forces that may have little to do with prevention or reduction of crime

but which nonetheless play important and even valuable roles in the health of the community. Coordination of agencies to generate common standards may be difficult given that the two largest agencies answer to different jurisdictions. The Sheriff is a county-wide, elected state constitutional officer and the Chief of the Orlando Police is accountable to the city's elected leadership.

Both of these agencies have expressed interest in expanding their use of the NTA alternative to incarceration and thus see the value in terms of cost and quality of service effectiveness in expanding law enforcement's range of responses to include field citations in a more systematic way.

- It should be implemented with appropriate direction in the form of a General Order for each law enforcement agency. The General Order should include criteria for release which minimize the likelihood of the offender failing to appear in court as directed, provide suitable manager/supervisor oversight, and require that all misdemeanor prisoners meeting specified criteria be released. It should also require that the reason for any exceptions to the foregoing policy be noted in the arrest report and approved by a supervisor.
- Ideally arrest standards for use of NTAs would be standardized for law enforcement agencies.
- Authorize issuance of jail NTAs (and service warrants) by sworn personnel assigned to OCDOC.

Establish new misdemeanor bail schedules requiring compliance with the Administrative Order; require bail on principal charge only, and more objectivity tied to public safety and obtaining appearances.

- Law enforcement can work on this by generating uniform arrest standards for certain crimes and limiting the practice of calling judges directly to obtain no bond orders without clear criteria, the protocol for obtaining such orders, enforced across the board.

NOTES

- 1 Orange County Sheriff's Office, Orlando Police Department, Ocoee, University of Central Florida, Edgewood, Maitland, Oakland, Apopka, Eatonville, Windermere, Winter Park Police Departments, Division of Beverage, Florida Department of Law Enforcement, Florida Fish and Game Commission, Florida Highway Patrol, Florida Marine Patrol.
- 2 ILPP is unable to explain the huge volume of miscellaneous arrests by the Sheriff, but it appears to include warrants, all of which are served by the Sheriff's office. Consultants have, moreover, observed distrust of the UCR data by local agencies statewide, so the possibility of error is not excluded. It is expected, however, that the OCSO would have a greater number of arrests in this category as it includes warrant service.
- 3 Figures provided by OCSO.
- 4 Sources: Population data comes from BEBR; staffing and budget is from OPD.
- 5 Index crimes are murder, rape, robbery, aggravated assault, burglary, larceny, and vehicle theft.
- 6 The index crime rate in Orange County is somewhat below the average of that in the seven counties, but it might be objected that index crimes are only a partial measure of the total offenses. Another measure of the serious crime in the county is the number of felons sent to prison. Orange County falls in the middle of the group on this quantity also. By either of the two measures, Orange County has an unusually high jail population.
- 7 This extreme situation may have been temporary, as the misdemeanants had dropped to 20 percent by April 1993, but in all months studied Orange County remained well above the average. Furthermore Orange County has recently shown an unusually high ratio of felony filings to arrests for serious crimes, suggesting that some of those held pretrial as felons perhaps would be classified as misdemeanants elsewhere.
- 8 Gustely, R.D. (1977). "The allocational and distributional impacts of governmental consolidation: The Dade County experience." *Urban Affairs Quarterly*, 12(3), 349-364.
- 9 The mutual aid agreements in Orange County, which allow interjurisdictional operations, carry some added liability risks to the participating agencies. An agency's exposure could be aggravated should the parties to the agreement have differing policies or undocumented policies relating to arrests, vehicle chases and the use of force. Agencies with mutual aid agreements should, accordingly, standardize and document their policies governing these sensitive situations.

PART II: THE CRIMINAL JUSTICE PROCESS

6. Managing The Offender: Corrections

Chapter 6. Managing the Offender: Corrections

I. OVERVIEW

For the public, jail is perhaps the most tangible symbol of criminal justice. And because it is an especially visible product of the system it provides the most direct target for dissatisfaction. It was because of an interest in reassessing the need for jail beds in Orange County that this study was originally commissioned.

But of course the project encompasses much more than a review of the jail. This is because, as criminal justice administrators appreciate and the public may not, the jail is not the cause of its own population, the population - its size, length of stay, and nature - is the effect of the policies and practices of the system's component agencies. An overcrowded jail may have something to do with its management, but always has a lot to do with what policies exist in all the agencies that create and control the flow into the jail: county government, law enforcement, prosecution, defense, courts, and state level agencies.

Jail population issues are thus system-wide criminal justice issues. To that extent all criminal justice agencies have a vested interest and incentive to understand effective and efficient use of this scarce resource. While Chapters 1 - 3 (Inmate Population) examined what type of offender the jail houses, this section explores how the jail houses the offender.

II. OCDOC SIZE AND STRUCTURE

Orange County's management of its inmate population differs significantly from virtually any other correctional system in the United States. Orange County took over jail operations from the Sheriff in 1987. This, however, is not the system's defining feature: The Orange County Division of Corrections (OCDOC) includes both pretrial and community corrections services in addition to traditional correctional operations. This umbrella organization adds continuity to the detention process by uniting the jail's front door (pretrial), and back door (community corrections) with the jail itself.

The structure of this correctional system reflects the philosophical approach that Orange County has taken to corrections. That philosophy is called by OCDOC the *continuum of care*. The continuum of care emerges from OCDOC's goal of not only securely housing an inmate during his or her stay, but by providing opportunities for and demanding responsibility from the inmate to become through his own efforts, a successful, law abiding citizen. OCDOC attempts to accomplish this mission through a wide range of resources including many different types and sizes of housing facilities, programs, personnel resources and community programs. Pretrial and sentenced inmates and offenders no longer in custody participate in the continuum of care's programs.

OCDOC is the county's largest single agency. According to county budget data the Division is staffed by 1,432 employees and is budgeted at \$66,644,997 for FY 1992/93, up from actual expenses of \$42,126,101 in FY 1988/89, or an increase of 58 percent. OCDOC maintains an incarcerated average daily population of approximately 3,300 inmates (May 1993), and another 8,000 in some form of supervised release, both pretrial and sentenced. Seventy percent of the inmates held at the jail are involved in some form of habilitative programming, yet only one-third of the population is sentenced.

During the last ten years, OCDOC has grown rapidly, as indicated by a dramatic increase of inmate population from approximately 750 in 1983 to the current figure of nearly 3,300. Projections developed in 1990 placed the inmate population of the Orange County Jail in the year 2006 at over 9,000 if it were to continue to grow at this rate.

III. BOOKING AND INTAKE

Over 50,000 people come through the Division's Central Booking and Intake center each year, or 950 each week. Law enforcement officers provide arrest affidavits and other required paperwork to corrections processing staff. The booking desk staff then evaluates paperwork submitted by arresting officers, conducts a series of identification procedures for each incoming arrestee, completes additional paperwork, secures personal property, provides arrestee telephone calls, provides inmate clothing and supplies, coordinates bond when appropriate, conducts initial screening of the arrestee's background, determination of applicable pretrial release options, initial housing classifications, initial and preliminary orientation, and temporary housing at Central Booking.

A. Identification Process

Securing the correct identity of an arrestee is of paramount importance to jail personnel. Accurate identification produces reliable checks for warrants and is needed by all the criminal justice agencies that review and add on to the inmate's file as the case progresses.

Arrestees booked into the jail are fingerprinted and photographed. The photographed image is digitally transmitted to the Sheriff's database and stored in both the Sheriff's and jail's files. The fingerprint process is entirely manual and has been the source of local complaints. Staff in various agencies have complained that finger prints are often rolled inadequately and prevent accurate identification. Although the state Department of Law Enforcement does not maintain an automated finger print database, national agencies do and the local advantages of such technology are significant. The most important advantage is automated fingerprint machines that can quickly and effectively record fingerprint data, which saves staff time at booking and provides an accurate record of identity for future needs.

B. Processing the Affidavit

After the immediate housing and other needs of the inmate are addressed, he or she is temporarily housed in the Central Booking and Intake facility (generally for 72 hours), while Dockets staff take over the records to process each inmate's file. The Dockets unit could be called the records system of the jail. The unit processes paperwork of all inmates coming into, moving through and going out of the jail. This includes entering affidavit information, checking on warrants, researching criminal histories, and tracking all court proceedings. Nothing affecting an inmate's stay can occur until dockets work is complete; in other words, housing classifications and pretrial release opportunities do not and cannot occur simultaneously with the unit's entry of data, as classification and pretrial staff use JAILTRAC data entered by the Dockets unit before proceeding with their respective roles.

C. Warrants

Checking a new arrestee for prior holds and warrants is a time consuming task and always a potential clog to system flow efficiency. The nature of paper flow and information management in Orange County has shown the warrants process to be just such a clog.

For offenders already in jail the time a warrant is issued in the courtroom to the time that the Sheriff's Office receives notice and begins service, takes up to two days. During this period an inmate in custody at the jail may have been released or diverted into programs.

The staffing assignments required to process warrants in the jail further detracts from efficiency. Only sworn Sheriff's Office personnel have authority to sign and serve warrants. Consequently, the OCDOC provides full-time office space to a Sheriff's deputy for this purpose. When there is no deputy on duty and because there is only one staff person assigned to this heavily used function, processing of a warrant can come to a total halt at this point until the authorized personnel has time to sign it. Swearing in Corrections personnel who work in Dockets would allow a full-time group of people able to move this burdensome paperwork through faster.

Another problem related to warrants is the lack of designation on probation violation affidavits of whether the violation was the commission of a new crime. Having this data would allow speedier decisions for pretrial release and allow Pretrial Release Services (PTS) to include more participants since a large number of violators do not commit new crimes.

IV. PRETRIAL RELEASE

From Dockets, an inmate's file forks in two directions. Pretrial Services staff seek out initial release options; and, Classification staff evaluate where an inmate should be housed if staying in jail. Depending on the workload of the Dockets unit, Pretrial and Classification staff may wait several hours before being able to conduct their own, lengthy evaluations. Furthermore, both of these second stage units duplicate Dockets work, including recording criminal histories and affidavits.

Pretrial Release Services staff have only two options when they screen recently booked inmates. In contrast to pretrial agencies nationwide, Pretrial Services has little discretionary authority. Release decisions are based on criteria set forth in administrative orders issued by the Circuit Court. Staff evaluate whether an inmate qualifies for release through its Pretrial Release program (PTR), a supervised release program nearly identical to sentenced probation, or the Population Capacity Release program (PCR), according to objective criteria set out in the administrative order governing Orange County's current jail overcrowding.

Consultants would like to briefly preface this discussion with a definition of terms and abbreviations used in this chapter for pretrial release programs. Pretrial Services, the OCDOC unit which evaluates pretrial release options for detainees shall be referred to as "PTS". The two main programs it effects and administers shall be referred to as "PTR" (Pretrial Release) and "PCR" (Population Capacity Release). Within the OCDOC, staff often refer to PTS and PTR both as PTR, which has been changed in this report to improve clarity. It should also be noted that PTR will always denote the specific program established by administrative order; pretrial release in general will be lower case and qualified to describe what type of pretrial release is being addressed.

To qualify for either release program, inmates arrested on felonies are assessed according to criteria that heavily rely on an individual's criminal history and previous contact with the courts (versus previous behavior in jail or on release). Certain classes of offenders, whether or not violence was a factor in the crime, are initially ineligible for PTR or PCR through judicial order, policy or practice. For example, if a person violates a technical condition of probation, he is generally denied bond and therefore ineligible for PTR or PCR, whereas a person accused of stealing a car (felony property crime) is potentially eligible. Data presented in Chapters 1 and 2 confirm that the jail is heavily loaded with minor offenders technically ineligible for release.

PCR and PTR present polar extremes. By policy, defendants released through the PCR program are not supervised. In contrast, PTR defendants are supervised, sometimes more rigorously than probation cases. Often PTR release conditions mirror probation conditions (e.g., substance abuse assessment, school attendance, placement counseling) even though defendants have not been convicted of a crime. The heavily supervised approach to PTR appears to be motivated by an attempt to include pretrial releasees into the continuum of care, although the stated goal of PTR is simply to ensure public safety and a defendant's appearance in court.

PCR clients are not tracked after release and receive no reminders of court hearings. PTR clients are reminded of the first hearing, but not subsequent appearances. When a PTR or PCR client fails to appear, policy requires that a warrant be issued. Pretrial staff recommend that, on the first FTA for the PTR group, they attempt to locate the client and re-schedule the court appearance in lieu of a warrant. Their impression is that most FTA's, at least among the PTR group, are not willful.

In terms of use, PCR is by far the most commonly used program. Criteria for eligibility are clearly laid out in a decision tree which allows for a rapid eligibility decision. It is also easy to administer because there is no post-release supervision. PTR requires much more thorough evaluation and background review and then determination of appropriate monitoring tools before release. Consequently its use is limited and the time it takes to effect can be very long: Only three percent of pretrial releases reviewed in ILPP's tracking study occurred via the PTR program and took an average of two weeks to happen. Nationally, use of pretrial release averages about 40 percent of all releases, without a substantive increase in failures to appear when compared with the Orange County system.

While PTR releases made directly by Pretrial Services occur within one day after booking, court-ordered PTR releases can take as long as two months. The issue here is, if a person is eventually found eligible for pretrial release up to two months after arrest, why is the release decision not made earlier? Part of the answer is found in the lack of follow-up procedures in the administrative order for Pretrial Services. But the delay can also be attributed to the lack of aggressive case management for persons in custody. At present, custody cases are not given formal priority or selected for expedited processing.

Until recently, any person arrested on a nonviolent misdemeanor or traffic offense was eligible for PCR release. This release mode has become the predominant form of pretrial release for misdemeanors. The FTA rate for PCR releases has been very high, averaging about 20 percent overall but ranging over 30 percent for some misdemeanors. In response to the high FTA rate, the PCR policies were amended in 1991 to exclude persons arrested on prostitution charges, persons with "transient or general delivery addresses", and persons with any history of failing to appear for court dates. The immediate impact of these policy changes was a dramatic reduction in PCR releases with no corresponding increase in PTR releases.

Inmates failing to qualify for these initial release programs are assigned housing and, if eligible, begin their journey through OCDOC's continuum of care.

V. JAIL OPERATIONS

Review of jail operations focuses on those areas that most directly affect effective use of limited jail beds. For this reason, certain support and operational areas (e.g., food service, visiting, etc.) are not included in this assessment.

General jail operations are managed in a modern correctional environment. Staffing ratios of correctional officers to inmates are reasonably low and fights and attacks on staff and other inmates are extremely limited. Both of these measures present a correctional system that is efficient and civilized.

The Corrections Division had as of March 1993, 1,433 authorized positions, of which only 1,385 were actually filled. There were 988 certified correctional officers, including monitors and supervisors, for an overall inmate to staff ratio of 3.4 to 1. However, this includes the 140 certified officers staffing Central Booking and Intake and another 100 in various support units. Breakdowns of inmate beds to certified staff for the individual detention facilities according to OCDOC staff are as follows:

Table 6.1 Staffing Ratios by Population and Facility - 1992

I. Based on ADP for Facility

Facility	Total Staff	Certified Staff
MJB	2.9 to 1	3.2 to 1
Main	4.3 to 1	5.2 to 1
Phoenix	4.6 to 1	5.7 to 1
Horizon	5.5 to 1	6.3 to 1

II. Based on Number of Beds per Facility

Facility	Total Staff	Certified Staff
MJB	2.5 to 1	2.7 to 1
Main	3.3 to 1	4.0 to 1
Phoenix	5.9 to 1	7.2 to 1
Horizon	6.5 to 1	7.5 to 1

While overall jail operations flow smoothly, Consultants observed an absence of management and monitoring information broken down in a way that would be useful in administering jail operations and tangibly measuring the success of the continuum of care's innovations. Apparently, OCDOC does not budget by facility as Consultants were unable to obtain budgeting materials in this form, nor does the agency have mechanisms in place to evaluate the long-term success of the overall regimen, although it is still early to observe conclusive results.

State laws allow broad use of good time credit. OCDOC applies these allowances and expands them by applying good time/work time to successful participation in programs. The Division credits inmates with five days for every 30 days of sentenced time for good behavior. It also provides six days credit for involvement in trusty labor and habilitative programs.

A. Housing and Program Screening

While pretrial release screening attempts to find the best option for releasing an individual into the community, classification screens to find the best means of housing an inmate in the correctional setting.

The classification screening also serves as the first step of assessing an inmate's placement in the continuum of care. For the first three days of an inmate's stay he or she is placed in temporary housing to become oriented to incarceration. Following this, the inmate undergoes a minimum three-day assessment period in which program coordinators and others can assess the inmate's preparedness and willingness to participate in continuum of care offerings.

The continuum of care generally moves inmates from basic services into more intense programming based on measurable progress. For example, offenders entering with substance abuse problems first undergo treatment for withdrawal, are tested for sobriety and then can move into more skill oriented, perhaps vocational, services. The initial screening does not have great flexibility in placing inmates at points along the continuum; typically inmates may enter the continuum only at its front end, requiring everyone to go through nearly the entire process. A 30-day follow-up screening does serve to reassess the appropriateness of assignments, but might have been unnecessary if the initial screening staff had broader discretionary authority. While inmates may go directly into later stage continuum programs such as work release and home supervision, the amount of time it takes to make this placement seems, in some cases, excessive. The continuum may in fact overclassify for such programs.

Some important issues arise from review of screening into the continuum of care and the logistics of its use. First, screening and assessment data are not shared with local probation, state Department of Corrections or other OCDOC unit personnel (e.g. Pretrial Release Services). Probation staff noted that on occasion an inmate who completes an in-custody substance abuse program may be required to repeat a similar program

post-sentence; the same comment has been made for domestic violence offenders. To some extent this reflects coordination with or involvement by the judiciary in developing and administering a continuum of care program.

More important, it reveals a lack of coordination in the overall system of treating crime. While there may not be exact duplication of programs, an inmate who successfully completes an in-custody anger management program may be required to participate in a post-custody spouse abuse program with a nearly identical curriculum. The benefit of such a progression weighed against the cost of this duplication is dubious.

Second, all offenders may not need a full assessment and may be disadvantaged by the assessment time-frame. Those who have reliable jobs at the time of booking or whose skill level would permit them to find employment readily, may wait at least a week in jail or longer (according to work release staff) and risk losing their jobs by the time they are moved into the Work Release Center. In another example, domestic violence offenders must wait through the assessment process before beginning a spouse abuse program, spending non-constructive time in jail, potentially losing their jobs and possibly aggravating the conditions which may have initially motivated the abuse.

The unit has a total staff of 22 consisting of a supervisor, one aide, 18 classification officers, and two program coordinators. Classification officers are assigned to and make placements in individual buildings; information is not shared, and much of the background work classification officers perform has already been collected at some time by some one else in the Corrections Division. There is no centralized classification desk which serves to pool information among officers in the unit or throughout the OCDOC.

B. Inmate Programming and Housing

Following a full assessment and screening process, inmates are placed in indicated housing and programs. Adhering to the continuum of care philosophy, programs and housing are designed to meet a variety of diverse inmate needs in graduated degrees, with inmates progressing from one program or facility to another. Table 6.2 below arrays the housing and program options available and the target groups for each and inventories capacities.

Table 6.2 OCDOC Housing/Program Options

<u>FACILITY</u>	<u>CAPACITY</u>	<u>TYPE</u>	<u>ELIGIBILITY</u>
Central Booking	127	No programs; intake facility for all inmates	All inmates pass through this facility and remain for a brief orientation stay.
Butler, Whitcomb & MJB	398	No rehabilitative programs, minimally meets standards	Inmates refusing to participate in programs; maximum security
33rd Street	1,392	Large, indirect supervision facility	General population attending programs
Horizon	768	High-rise, direct supervision facility	General population and special needs inmates
Genesis	220	Program facility with separate housing for substance abuse, alcohol abuse, chaplaincy, and GED programs	Inmates scoring appropriately on skills assessment; good behavior risks
Phoenix	288	Most intense program facility; secure residential vocational school	Similar to Genesis
Work Release	124	Dormitory housing	Pretrial and sentenced, low-minimum inmates meeting work release requirements
TOTAL	3,317		

Housing ranges from intensive residential programs with cutting edge vocational education equipment (Phoenix) to traditional, indirect supervision jails that minimally meet state correctional housing standards (Municipal Justice Building).

The Municipal Justice Building (MJB) is the OCDOC's oldest facility. The building will soon house maximum security inmates and inmates who refuse to participate in programs. It is clearly the most "punitive" of all OCDOC buildings, laid out in old style jail fashion with conditions that barely meet Florida's minimum standards for housing prisoners. This facility, too, is an aspect of the continuum of care. The premise for inmate success is that the inmate must be interested in and motivated to change his or her ways. Inmates who demonstrate unwillingness to go forward on this route will be housed in a way which reflects their own ambitions. The specifics of MJB's design, staffing and operation are addressed in the facility assessment section of the last report. In sum, while the minimal nature of MJB may serve a purpose in the

continuum of care's scheme, the building's design requires inefficient and intensive staffing raising questions as to cost effectiveness of this approach.

Butler and Whitcomb are temporary facilities (trailers) added to alleviate overcrowding.

The main facility, 33rd Street, comprises three housing elements that house general population inmates involved in programs, inmates undergoing the seven-day assessment, maximum security inmates, juveniles being tried as adults, and infirmary housing.

The Genesis program maintains a bifurcated approach to substance abuse treatment, separating alcohol abusers from drug abusers and conducting an entirely isolated chaplaincy program. Still separate from each of these components is a fourth living area dedicated to GED studies. Although each separate program appears to be operated by dedicated and sophisticated staff, offenders do not separate out so well. For example, the alcoholic is often also a poly-drug user who may need to acquire basic education skills. The contractors who operate the separate Genesis dorms are responsible solely for in-custody programming.

Horizon, also called "768" after its rated capacity, is a high rise, direct supervision facility. The building houses general population inmates, i.e., those without special disciplinary, medical and mental health problems.

The Phoenix facility is operated by the Community Corrections Division and has developed an extensive vocational program emphasizing computer literacy and basic trades (auto repair, carpentry, and electrical skills). It is too soon to evaluate the program's effectiveness, but some problems already are apparent. The full vocational program requires six months, and staff estimate that the average length of stay is approximately two months. This necessitates partial completion of curriculum by participants and/or the enrollment of the offender in a local trades school after release. There also appears to be some competition for participants between the Genesis and Phoenix facilities.

The Work Release Center is a minimum security, dormitory style jail that allows eligible inmates to continue earning income under correctional supervision and with other support services. Current capacity of the program is 164, and it is always full. There are plans to immediately increase capacity to 300 and finally to 600 when funding

is available. Pretrial inmates are eligible to participate in the Work Release program.

To enter into work release programs, inmates undergo stringent screening by a committee of OCDOC staff. This evaluation is complex, lengthy and rigid. Many inmates do not enter into the program without successful completion of preceding continuum of care stages (e.g., completion of a Phoenix program and satisfactory assessment following the orientation phase). Direct placements, furthermore, take a surprisingly lengthy time (1 to 2 weeks). The impact of this type of requirement on the already employed inmate has been discussed earlier but is intentionally pointed out again to emphasize the lack of flexibility in some aspects of OCDOC's approach. While the success rate of the current work release group is high, it is not clear that loosening eligibility requirements, and providing work release screening sooner and faster would have a negative impact on program success. This suggestion is further supported by Consultants' classification review of inmates which found that 72 percent of men and 87 percent of women are eligible for minimum to medium security settings.

The home detention program (Community Surveillance) draws many of its participants from the Work Release program, again underlining the "tracked" approach of the continuum. PTS staff cannot place inmates in either Work Release or on electronically monitored home detention. This flow creates a system of bottlenecks (screening points) along a narrow road.

VI. COMMUNITY CORRECTIONS

Constituting the back door of the detention process is OCDOC's Community Corrections Department. Community Corrections phases the offender back into the community after a case has been adjudicated. The department oversees a variety of programs including county probation, diversion services, and home supervision.

A. Presentence Investigations

The Diversion Services was responsible for completing 392 pre-sentence misdemeanor probation reports (PSIs) for the court in 1992. No workload "yardstick" exists for staff conducting PSIs. At this point, officers combine PSI work with intake duties. How much work a particular officer can handle is judged on "feel." Generally, it is

assumed that staff can do 15 PSIs per month if no intake work is assigned. Staff do their own record checks, including an FBI, NCIC and FCIC check. Staff manually check court records because disposition information is not entered into the computer system in a timely basis. Staff must submit PSIs to court within 30 days.

The court may or may not request a PSI prior to sentencing. The contents of the misdemeanor PSI report were developed through a survey of county judges. The most recent survey was several years ago. The PSI form developed from these polls can run from three to eight pages, which is excessive given the volume of cases judges must evaluate. Use of a checklist format to limit use of narrative descriptions and incorporate a points system would streamline the PSIs.

B. Home Supervision

The home supervision program is administered by OCDOC's Community Surveillance program and typically utilizes electronic surveillance equipment to monitor an offender or defendant's movements while on release in the community. According to program staff, when backlogs develop, some clients are monitored without equipment, which is not an uncommon practice among community corrections programs nationwide. The home supervision program is typically used as part of the continuum of care's intervention strategies following a period of custody, although inmates may be diverted directly into the program (following a lengthy classification and screening process).

The Community Surveillance Program averages 150 active participants, with a waiting list that has reached 40 offenders. Community surveillance handled 859 cases in 1992. Seventy percent of participants are in pretrial status. In 1992, this program reached an 87 percent success rate based on no technical violations or new criminal activity.

C. County Probation

County probation services are provided by OCDOC's Community Corrections unit. The county probation division supervised approximately 10,000 offenders in fiscal year 1991/92. Supervision workloads in the Community Corrections division are somewhat high, averaging over 140 cases per officer. Although the division has attempted to develop specialized caseloads for drug and domestic violence type

offenders, their efforts have been thwarted as a result of higher caseloads. Officers' workloads prevent home visits or rigorous supervision.

As with other programs, no outcome data is retained other than process information (number clients, number contacts, number/type termination). Strong liaison is maintained with drug treatment agencies, but system-wide coordination is missing and, likely, unattainable given caseload size.

The Supervision division has a significant number of clients who report late or not at all for a supervision intake interview. This, coincidentally, accounts for the largest proportion of probation violators - failure to report. Because the probation supervision period is so short (six months to one year), some clients are never seen by probation officers during this period of misdemeanor probation.

In order to respond to the high workloads, the Supervision Division has placed almost 900 cases on either mail-in status or on the BI Profile system. This approach permits clients to respond each month via mail or telephone on their status. Staff meet with them only when significant changes in status occur. This system works well and effectively utilizes extremely scarce personnel resources.

Supervision staff have only view access to the court's computer data. Staff use the Texas Logic caseload management system. Some of the data they enter into this system is duplicated in other programs (JAILTRAC, Clerk).

D. Diversion Services

Diversion Services handles the supervision of diversion cases referred by the State Attorney. In addition, they have a contract to supervise diversion cases within Orange County for the state Department of Corrections.

Diversion referrals have been very low, possibly as a result of a staff screening change at the State Attorney's Office. Although a reassignment of screening responsibilities within the State Attorney's Office has resulted in a significant increase in referrals during the last few months (averaging previously from 25/month to the current 25 per week), whether this trend will continue is uncertain.

As a result of low referral rates, Diversion staff initiated a system of reviewing arrest reports on a daily basis and "tagging" those cases that should be considered for State Attorney review for diversion. This is a needless duplication of activity that belongs with the State Attorney's Office.

When diversion supervision workload is low, diversion officers fill the void by becoming more actively involved with their clients, by providing, among other things, more counseling and review activities. In many cases, this duplicates the responsibilities taken on by contract treatment agencies.

Success in diversion is based on completion of the terms and conditions of diversion. No check of criminal records is done to determine whether a new arrest has occurred during the diversion period. Diversion officers processed 745 cases in fiscal year 1991/92, with 73.6 percent completing successfully based on the program definition of success.

VII. JAIL OVERCROWDING LAWSUIT

Since 1980, when the Sheriff, who then ran the jail, was sued in federal court, Orange County's jail has been under a jail population cap to limit inmate population overcrowding. The overcrowding lawsuit has resulted in the two pretrial release programs in use today, PCR and PTR. The PCR program was developed in consultation with the National Institute of Corrections. It makes use of a "decision tree" guiding releases by objectively scored criteria which primarily base release eligibility on the seriousness of the crime for which the offender was arrested.

The PCR program has been modified throughout the decade mainly to strengthen criteria for release. The program is roundly criticized by many in the court system for a perception that it results in the release of potentially dangerous and habitual offenders. While OCDOC personnel are often the target of the concern over the program, jail staff did not author the program nor can they deviate from its court mandated use. PTS staff state that notwithstanding the problems with PCR, without it, the jail would rapidly exceed mandated limits.

The requirements set forth in Administrative Order 07-91-23 represent the most recent adjustments to the court cap's second pretrial release program - PTR. PTR, as discussed earlier, resembles a probation

supervision program, except it is used for pretrial inmates. The emergence of two entirely different programs from the same court order is an interesting and unusual development.

In any case, the goals underlying any pretrial release program in an overcrowded jail should be three-fold:

- ensure public safety,
- ensure appearance at court proceedings, and
- effectively manage jail crowding.

The jail crowding lawsuit shapes the entire system of pretrial release in Orange County. Given this profound impact, the lack of system-wide involvement in regularly and vigorously assessing these and other pretrial release programs evidences yet another vital area where inter-agency action is lacking.

The PTR and PCR programs are confusing in their application and contradictory in their impact. Consultants found a thorough understanding of how these programs work and how often they are used absent among crucial criminal justice elements. This exacerbates the albeit well-founded reservations the system players have about PCR and prevent informed modification to the programs.

VIII. FINDINGS AND RECOMMENDATIONS

A. Continuum of Care

Because the overwhelming majority of inmates in the county jail will return to the community, the continuum of care approaches detention in a holistic manner that encompasses community development and participation. The mission of this program includes long-term public safety and neighborhood quality.

This approach penetrates from the highest level of the Division to the inmate. There is heavy emphasis on staff training at all levels and on modern, private sector management techniques, a unique application in the corrections field.

The goals of OCDOC's continuum of care are ambitious and certainly admirable. Successful realization of the continuum's goals to return an offender to a community in a condition that will enhance a community

rather than endanger it is ultimately beyond the reach of the Division of Corrections alone, however.

The continuum of care has attempted to create a new model for jail operations that defines a jail as an interdependent element of the whole criminal justice system. According to this view, the only way to fully accomplish its mission is to integrally involve all of the system's representatives in shaping and administering a system-wide continuum of criminal justice.

Informal examples of these mutual arrangements exist already. The Public Defender and OCDOC sponsor a part-time attorney to screen for release and plea possibilities; the State Attorney coordinates with Community Corrections staff for diversion possibilities. These are the types of partnerships which the OCDOC program must continue to pursue.

In addition, and more immediately important, the OCDOC must aggressively focus on better integrating the continuum within its own ranks. The infrastructure for the continuum was created when the pretrial and post-incarceration programs were included as a jail responsibility. Communication, information sharing and consolidation of duplicative activities, however, are all areas where improvements are needed to create full implementation of the continuum.

Examples of activities include:

- All staff should go through an orientation of Pretrial Service's role and responsibility.
- Staff meetings among mid-level managers from Classification, Dockets, Pretrial Services, Diversion Services and facility program managers should occur first to identify shared needs and resources, create a plan for consolidating (using forms to record standard affidavit and criminal history information) and dispersing work, and then schedule staff meetings quarterly to monitor priorities and progress.
- Strong links should be developed with Department of Corrections and local Probation Officers to assure that in-custody treatment, assessment, and training data is shared and that post-release planning is coordinated more effectively.

The OCDOC should explicitly evaluate its input and output to define the success or failure of its approach. Input activities would measure how well integration of activities is occurring, for example, revising the

program placement to minimize over screening. Output measures will be more difficult, but still important as a way of both monitoring progress and providing tangible evidence that will earn support of programs.

One way that OCDOC might add continuity and facilitate streamlining the program placement process is to work with the bench in developing an administrative order that articulates how the continuum—in the eyes of all the system's representatives—should be applied. Consultants put forth the following model for such an order.

Suggested criteria for an administrative order to allow for the movement of selected inmates into community corrections programs in Orange County.

1. Offense: Offenders who are sentenced for misdemeanors, traffic offenses, and second and third degree felonies will be considered eligible for participation in offense is of a violent nature (with the exception of Battery in domestic violence cases, in which the victim agrees to the release), involves the abuse of children or involves the use of a deadly weapon will not be eligible for an extension of the limits of confinement under the terms of this order. Specifically, the following crimes will not be accepted under the terms of this order:
 - Any Homicide
 - Any Robbery
 - Any Sexual Battery
 - Any Child Abuse/Neglect
 - Any Offense of Lewd Act in the Presence of a Minor
 - Any Trafficking in Controlled Substances
 - Any Offense involving the use of a deadly weapon
 - Any Criminal or Civil Contempt of Court
2. Prior Record:
 - a. Offender has not been convicted in the last ten (10) years of a felony offense involving violence, the use of a weapon, or any offense involving the abuse of children.
 - b. Offender has not been convicted of more than one (1) non-violent felony offense in the last three (3) years, excluding the instant offense.
 - c. Health Criteria:
 1. Physical Condition: Offenders with a serious medical condition, requiring frequent care will not be eligible for participation in the Community Corrections programs, as detailed in this order.

2. Offenders who are identified as acutely psychotic, severely mentally retarded, currently suicidal, or otherwise unable to cope with the program structure or understand the program conditions, will not be eligible for the Community Corrections programs, as detailed in this order.

d. Other Criteria: No inmate with a hold from any other jurisdiction will be accepted into the program. Inmates serving a sentence for additional charges that do not meet the program requirements will not be accepted.

3. Programs Included:

The programs included in the Community Corrections Department which may accept offenders under the terms of this order include the Work Release Center, Home Confinement and Day Reporting.

B. Pretrial Release

The effect of the PTR/PCR system is application of two contradictory programs and inability to fully realize the goals of pretrial release. Combined with bail/bond, they represent the full gamut of release options and do not adequately protect public safety. People who are eventually released pretrial are not released at the first or the best opportunity; some who should be released are not, and others who should not be released are..

Pretrial release in general is under used and perhaps undervalued by the Orange County criminal justice system. A pretrial release program is one of the most direct and powerful tools the system has in monitoring and managing public safety and use of the jail. For this reason, Consultants find it surprising that there has been little system-wide involvement in addressing the pretrial release function as a group. Many jurisdictions under use this management tool because of the perception that pretrial release has a primary goal of getting offenders out of jail as fast as possible without regard for public safety or likelihood of appearing in court. The opposite is in fact true. Through involvement of the judiciary, and with input from the rest of the system's representatives, requirements for pretrial release can be carefully honed to reflect the public safety values and needs of the locality. This may mean emphasis on housing certain types of offenders and diverting other specific types; it may mean firmly housing most arrestees. These and other pretrial system scenarios have cost and safety implications that will facilitate determination of a program that meets Orange County's goals.

Adjust the pretrial release program so that it is faster and more directly attached to public safety and likelihood of appearance in court.

- At arrest the judicially determined bail schedule results in a bail amount based on the severity of the current charge alone.
- The bench should assess other factors besides the most serious crime on the affidavit that predict threat to the community and likelihood of appearance in court. The bench could then develop a supplemental bail schedule based on these criteria (such as history of failing to appear and history of violence, for example) that would constitute a set of objective criteria for pretrial staff to score.
- Immediately after book-in and before any pretrial release options (including bail) occur, the pretrial release staff should assess the score and revise the bail according to the judicially determined supplemental schedule.
- Following this assessment arrestees can be bailed out, or if eligible, released through non-financial pretrial release options, with conditions if appropriate and tied to the continuum of care.

This new sequence of events, tied to objective criteria determined by the bench and administered by the Pretrial Services Unit will result in some arrestees not being released because, before they can be bailed out, they will have been determined to be more of a public safety risk than their present crime might indicate. Also, many arrestees will be released because they have been judicially determined through objective criteria to be good risks for public safety and court appearance.

Expand Pretrial Services' options for release.

- Provide PTS authority to release technical VOPs if all other program criteria are met and no criminal charges are pending.
- Permit Pretrial Release Services to consider PTR releases of those who have failed to appear in court when each failure to appear for a court hearing can be objectively determined to have been unavoidable (i.e. can prove an acceptable reason for not making a court appearance or has called in advance to warn PTS that a court appearance will not be made for good reason). The defendant must also meet all other Pretrial Release criteria and been arrested for a non-violent misdemeanor or felony offense, or a violation of probation based on a "technical" violation only.

- Allow PTS staff to assign arrestees directly to home detention and work release if program criteria are met without being required to complete unnecessary screening or orientation.
- Initiate a review by PTS of pretrial inmates still in jail for 30 days or longer after charges are filed for lower risk crimes. This review should examine PTR, work release, and home detention possibilities.
- Allow Pretrial Release staff direct contact with judges.
- Permit pretrial release staff to review for release any civil case, including failure to pay child support based on judicially determined criteria.

Expand the number of pretrial release options.

- Institute a ten percent bail bond system, administered by OCDOC staff; charge participants a one percent fee, in addition to the existing private sector bond industry.
- Consider allowing use of credit cards in lieu of cash bonds, especially for misdemeanors and lower risk felons.
- Expand authority to issue personal recognizance bonds to jail staff.
- Initiate, with coordination from the courts, a third party release program. Inmates could be released to responsible third parties.
- Establish a station house release program, essentially a notice to appear issued at booking. The goal of removing the offender from the scene is accomplished and jail beds are saved.

Re-evaluate PCR vis a vis PTR; Revise conditions of both.

The recommendations that follow are specific activities within PCR and PTR that Consultants recommend be changed. However, PCR and PTR require a fundamental review by a consortium of criminal justice representatives to determine how these two programs can be modified to be consistent, clear and successful in attaining the county's long-term jail management and pretrial release goals.

- Obtain waivers from PTR participants for PTS staff to share medical information with other agencies (DOC, Probation, courts).
- Initiate a court date reminder system administered through Pretrial Services for second and subsequent hearings for participants in the PTR program.

- Discontinue overly intrusive conditions of PTR that are not essential to public safety, population control or assurance of court appearance.
- Initiate stronger control over PCR releases, including telephone contact with pretrial release staff on a weekly basis and reminders of pending court hearings; i.e., bring both PTR and PCR closer to the center from their respective extremes of excessive and inadequate supervision

C. Booking and Intake

Booking and Intake is the single point of entry for over 50,000 offenders coming through the facility annually. It therefore requires fastidious planning to facilitate quick and accurate processing. Current operations create lags in the system by creating a linear flow of paperwork from intake desk to Dockets to Pretrial and Classification. Other factors contributing to system stoppages are the identification process which consumes staff time initially and may hinder future activity of staff checking identification to make release and warrant decisions; and, Classification screening places the same requirements of orientation and assessment on all inmates, regardless of need.

Design booking operations to maximize efficient system flow.

- Copy arrest paperwork to Dockets and Pretrial Services so that processing in the two units can occur simultaneously. (Purchase a copier to be located in Dockets for this purpose.)
- Automate the fingerprint identification process; possibly coordinate this with the Sheriff's Office.
- Limit full classification assessments to those with employability, education, drug/alcohol, and/or mental health problems. Move all other inmates as quickly as possible to program facilities after appropriate security level is determined.
- Require law enforcement officers booking individuals on warrants to attach a copy of the judicial warrant to their arrest reports for PTR staff, or in some way indicate whether an arrest is for a technical violation of probation or commission of a new crime

D. Custody Programs

Develop means for measuring the success of programs and improving their management.

- Develop outcome-oriented objectives for all programs that go beyond process goals (e.g., in addition to routine data such as the number of hours of training completed, include data about the number of participants completing the program and being employed in the trade where training occurred).
- Place the Genesis and Phoenix facilities under the same division to assure faster movement to Phoenix, Work Release, and Day Reporting.

Provide substance abuse programming appropriate to the inmate population.

- Integrate the treatment programs at Genesis along the lines of the Betty Ford Center or Hazelton Foundation models with all issues confronted by all participants.
- Develop a specialized in-custody program for pregnant inmates with histories of substance abuse (any drug or alcohol). Tie this program to post-release supervision efforts that include twice-per-week drug/alcohol testing and prompt and aggressive intervention when drug or alcohol use is detected. State Health and Human Services staff should be involved in this program effort when an offender's other children are under supervision to that agency.
- Develop a mandatory in-custody training program dealing with AIDS and other contagious diseases. Repeat this orientation weekly to assure that each inmate who is booked into the jail is exposed to this training. A special effort should be directed to high-risk inmates (IV drug users, homosexuals) that includes medical consultation and the offer of HIV screening. This orientation is required at the state prison level.

E. Work Release and Home Confinement

- Place all screening for home detention under Pretrial Release staff and all home detention monitoring under Home Detention staff.
- Expand numbers of persons on home confinement by purchasing 50 new monitors.
- Expand Day Reporting and move inmates more swiftly into the Work Release Center. Consider permitting inmates

especially if they are employed who have not completed the Phoenix vocational program to do so while residing at the Work Release Center or to do so by attending a local vocational school. A reduction in the Work Release fees for the training period should be considered. This will open beds at the Phoenix facility.

- Increase the use of Community Surveillance by making it a more critical component of the continuum of care. Move inmates more quickly through Genesis, Phoenix, and Work Release into Community Surveillance.
- Attempt to supervise "homeless" offenders on Community Surveillance throughout their supervision period when they are housed in shelters as long as they abide by all other supervision requirements.

F. Community Corrections and Diversion Services

- Prioritize the completion of PSI's on in-custody cases by assigning a clerk(s) to pull all prior record data for Probation Officers and assuring that disposition data is entered into the Court's computer system in a timely basis. Also, consider shorter, possibly checklist style court report formats to streamline the process of writing the report. The goal should be to cut preparation time for in-custody reports to 15 working days while meeting the Court's requirement for information.
- Establish a workload yardstick for all functions based on expected activities. Maintain sufficient clerical staff to carry out all clerical activities by hiring more staff or utilizing existing positions differently.
- Assign sufficient supervision staff to assure that high need/high risk offenders can be intensively supervised in low caseloads (25 to 50). This can be accomplished by "banking" low risk/low need cases in very high caseloads, and providing little or no supervision nor directly adding staff.
- Increase participation by loosening criteria and include more crews supervised by Correctional/Probation staff. A crew supervised by well-trained agency staff should be able to handle higher-risk inmates on a work assignment with few problems. Specific changes recommended include eligibility for any felony sentenced to local jail time, battery and spousal abuse cases, contempt of court, child abuse type offenses, any DUI, all violation of probation cases where a new offense involving a serious felony did not occur, any misdemeanor, any offender 18 years of age or older.

- Charge user agencies a fee to cover the costs to Community Corrections for fielding and supervising crews. This should permit the addition of crew supervisors at little or no additional cost.
- Charge an administrative fee to cover enrollment, attendance monitoring, and insurance costs.
- Automate the unit activities. Although the Texas Logic software provides a public service work monitoring system, the agency has not been successful in getting this software to work. The unit must be automated, especially if it is enlarged.
- Conduct a classification review to assure that professional staff are not routinely doing clerical work. With so much manual logging and monitoring being done, higher paid staff are now routinely doing data entry work.
- Consider pursuing legislation that would permit the release of misdemeanor inmates sentenced to 30 days or less to be released from the jail during periods of overcrowding by the Correctional Administrator if they do one day of community service labor for each day they would have been in

G. Performance Oriented Management and Budgeting

The Community Corrections Department pools cost by division rather than by attaching costs to specific programs. For this reason, knowing the specific cost of a particular program is not possible without a considerable amount of manual work. Although some programs do have general outcome measures (i.e., number of participants, number of days of labor provided . . .), specific program outcomes (i.e., number of Phoenix Vocational graduates placed in jobs within trades where training occurred within six weeks of release) should be established, along with a cost-per-unit of work done.

Without this basic information, program performance cannot be evaluated. Programs need to be assessed regularly based on outcome and service delivery cost. This permits policy makers to learn from successes, correct failures, and know the impact of spending more or cutting back on allocations. Budget and performance data also need to be maintained actively for at least five years to evaluate trend data and make regular program adjustments.

Ultimately, funding should be tied to performance outcomes, with policy makers rewarding success as well as innovative program

restructuring. The State of Florida has begun some work on outcome-oriented budgeting that may be of help to Orange County. Similar standards should be set in all service contracts with private agencies.

- Consider implementing an outcome-oriented budgeting system for all Criminal Justice agencies.
- Provide technical expertise to Criminal Justice agencies to develop results (outcome) oriented management data for every program funded by the Board of Commissioners.
- Once these systems are on-line, begin a process of policy making and funding-based on outcomes.
- Success on diversion should be re-defined to include no criminal arrests during the supervision period. Develop outcome-oriented management data to assess the diversion program on a regular basis.

H. Revenue Opportunities

The Community Corrections Department does not take advantage of all revenue opportunities. The Community Corrections Department sets rates for pre-trial supervision, misdemeanor supervision, and diversion, in accordance with minimal fees allowable under the State Penal Code, but "waives" fees or reduces them on a routine basis.

Although the Department has considered establishing fees for the work crews fielded by the Phoenix facility and the departmentally supervised crew operated under the Alternative Community Service (ACS) Program, no revenue-based crew now exists. No administrative fee is charged clients to offset the Department's costs associated with processing enrollees into the ACS program (including enrollment, attendance monitoring, and a 95 cent/day insurance policy maintained on all participants).

Fees at the Work Release Center and Day Reporting Program are set at \$50/week (\$7.14 per day), with everyone, regardless of income or salary level, paying the same amount. Provisions for waiving all or part of the fee are utilized.

The Community Surveillance Unit (home detention) is estimated to cost \$17 per day. Offenders are charged \$10 per day, but staff indicate that offenders pay an average of \$2 to \$3 per day after fees are "waived" or adjusted downward by administrative staff who consider "ability to pay."

The changes recommended below are estimated to generate more than \$300,000 if the Department sets a strict policy limiting fee waivers and reductions.

- Establish a fully-loaded cost for each departmental program and make all staff aware of this.
- Set a sliding scale fee for the Community Surveillance, Day Reporting, and Work Release programs, moving from current \$50 per week (minimum) to full cost. In setting fees for these programs, consider "ability to pay" based on current income of offender and other assets; for self-employed offenders, review last tax return to assess income level.
- Establish written policy on fee waiver or reduction, with aim toward full cost recovery for the majority of offenders.
- Charge an administrative fee to all Alternative Community Service Program participants to cover the enrollment process, attendance monitoring, and insurance costs.
- For departmental direct supervision work crews (Phoenix and ACS), charge agencies benefiting from crew labor for the cost of providing the service (staff salary, pro-rated vehicle cost and maintenance, gasoline, tools).
- As an incentive, the Board of Commissioners should consider permitting the Community Corrections Department to retain 50 percent of any additional revenue generated.

PART II: THE CRIMINAL JUSTICE PROCESS

7. Managing the Case: Adjudication

Chapter 7. Managing the Case: Adjudication

I. OVERVIEW

A decade of major growth in Orange County's population and emergence of new criminal trends produced a correspondingly greater demand for county services including those offered by the courts, the State Attorney, the Public Defender and the Clerk of the Courts, all agencies that are directly involved in the adjudication process for criminal cases. These agencies, particularly the courts, have shown a great ability to change in adapting to the county's criminal justice needs, but the impact and effectiveness of their responses have been undermined by the lack of overall system goals, producing uneven and fragmented implementation of policies and procedures, resulting in adjudication delays.

The Ninth Circuit supports a relatively straightforward court system: two law enforcement agencies drive nearly all flow into the system. Lacking a cumbersome court bureaucracy and complex criminal justice structure Orange County is afforded flexibility in its approach to managing its criminal justice, and specifically, its court system.

A. Purpose and Scope

The goal of this chapter is to present county decision-makers with a picture of how the judicial organizations relate to one another and how these relationships affect the flow of criminal justice. This review does not include the civil side of the courts.

The overall purpose of this project is not to evaluate or determine the court's or the county's criminal justice goals, but to document those goals as they exist today and evaluate how well current operations fulfill them and what the impact they have on efficient allocation and criminal justice.

1. Criminal Justice Goals

The desire to lead change in criminal justice comes to the courts with the far reaching incentive of ensuring public safety and administering justice. Through pretrial actions such as setting bond amounts through the adjudication of cases to prison or other sentences, judges set de facto policy on the treatment of crime and the protection of a community's citizens. The analysis of the current inmate population and a review by Consultants of the types of people brought into the system demonstrate what kinds of cases make up the bulk of the jail and court system's workload: minor offenders who have not yet been convicted are causing crowding, and sometimes occupying capacity where there might be more serious offenders or those who have already been found guilty of a crime. This chapter seeks to explore how the courts can affect the kind of people that the jail is used to house in a way that best meets the county's identified objectives in terms of efficiency and effectiveness.

Orange County faces an added challenge in protecting public safety. The presence of Disney World and other tourist attractions draws over 150,000 visitors every day from all over the world. The county must then address not only the needs of its local community but those of its visitors who bolster the economy. Do these two groups have conflicting interests? Does the desire to ensure a loyal tourist population compromise any goals of the criminal justice system? Is public safety synonymous with clean streets and lack of crime and social problem visibility?

2. Cost

Balancing the need to separate criminals from the community is the need to do so in a cost-effective manner. Determining appropriate cost and public safety limits begin by examining the questions posed above and finally determining the answer to the following: What is the jail supposed to do? Most counties have some common goals:

- Insure appearance in court.
- Protect against violent offenders.
- Protect against other victimization.
- Punish the offender and limit the likelihood of continued crime.

Communities must determine how they can meet this mission within the constraints of how much they have to spend. In this case, all

criminal justice agencies must make a concerted effort to identify, according to their budget and their values, who must be put in jail and who need not.

B. State of the System

1. Rapid Growth

The courts function of the criminal justice system has undergone fundamental change in the past decade, mainly in reaction to two phenomena, one common to many other medium to large size cities and another completely unique to Orlando. The first is the drug epidemic of the late 1980s, specifically crack cocaine, and the nationwide effort to control it. Between 1986 and 1989, realization of the consequences of crack addiction led to concerted efforts to deal with the problems of drug use: usually led by increased law enforcement efforts, and often coupled with heavily emphasized crime prevention and education efforts and sometimes supplemented by drug treatment programs.

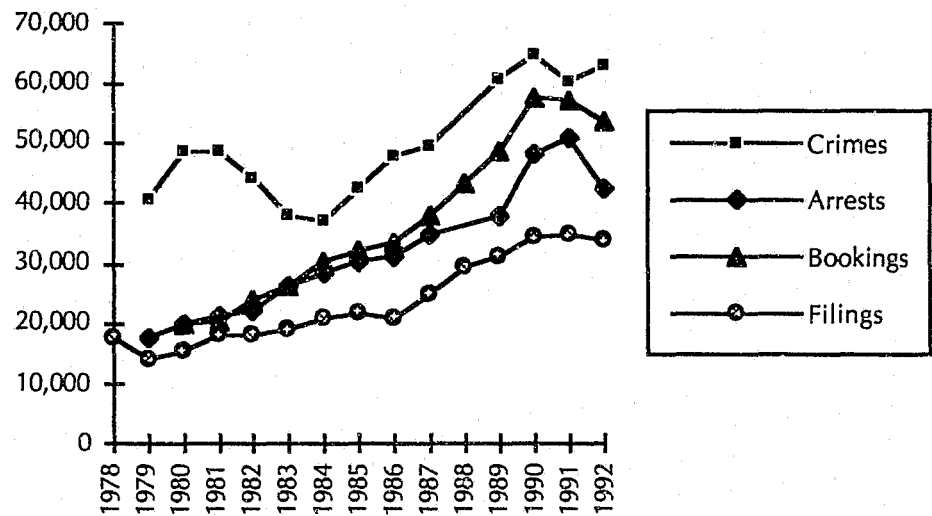
The effect on crime of the spread of this new form of cocaine abuse, however, was not limited to an increase in drug crimes. The impact of crack on destroying family structures and initiating cycles of abuse and disintegration of social and work skills has fostered crime on other areas as well. The statistics of this impact on the national level are well-documented. In Orange County a similar pattern emerged, showing up in an increase in drug arrests and filings during the mid-1980s. Circuit felony drug filings more than tripled in the Ninth Circuit from 1984 to 1989. Consequently backlogs in the circuit court also grew and the workload for judges intensified.

The second factor affecting the rapid growth in Orange County's court system include the generally high growth rates throughout Florida as it becomes ever more developed, and the Disney World complex, a phenomenon unique to this county which draws a huge tourist population regularly. (County population alone grew over 40% from 1980 to 1990.) The impact of Orlando's burgeoning tourist population certainly is a consideration toward local treatment of crime.

2. Return to Stability

Data produced by the Clerk show a new characterization of the courts: growth by all measures is down in the criminal caseload on the Circuit and County court levels. Dispositions are up, backlog is down, filings are down. This trend is producing noticeable declines in some areas. Figure 7.1 shows growth patterns of some key criminal justice workload indicators.

Figure 7.1 Index Crimes, Arrests, Bookings and Criminal Filings



Figures 6.2 and 6.3 display trends in court filing in certain areas. All three figures describe the same situation: A gradual increase of activity in the early 1980s surged to great heights beginning about 1987 and then began to steadily decline over the past couple years.

Figure 7.2 County and Circuit Court Filings
Criminal Cases Only

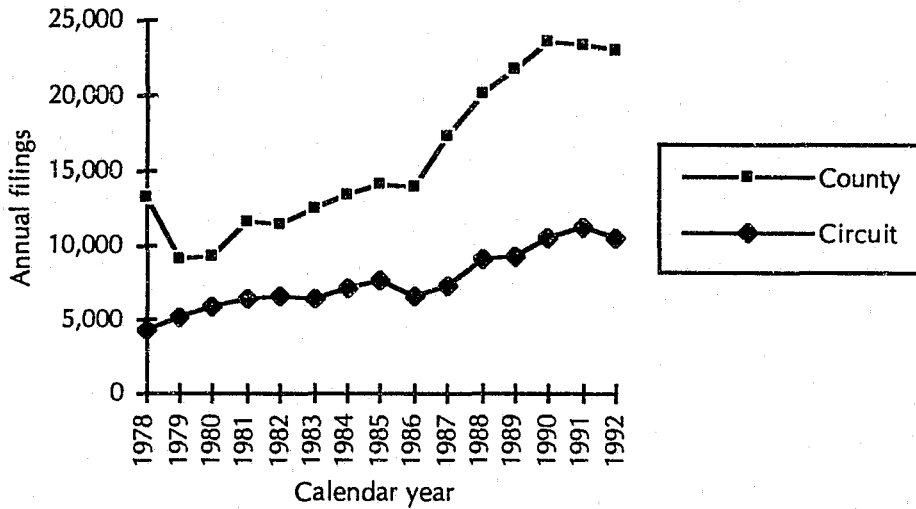
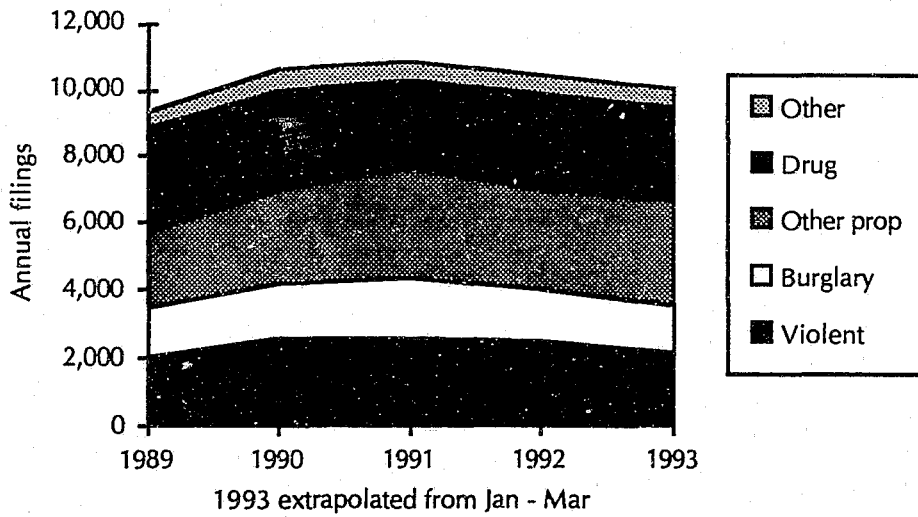


Figure 7.3 Criminal Circuit Court Filings by Type



The steady change to a slower growth rate presents a prime opportunity for the participants in the courts process as well as the entire system to rethink their approach and mission. The courts, particularly, have already pursued several changes including implementation of

differentiated case management, revamping of the Chief Judgeship, automation of jury management, and imminent development of a sizeable new courthouse to carry the courts and affiliated agencies well into the next century. (See Chapter 9 for a discussion of the courthouse project.) Still left to address are the consequences of a decade of accelerated growth: an automation system that is fragmented and a court organized more to meet the needs of a small community better than a large, urban one.

II. SYSTEM ELEMENTS

The judicial system in Orange County¹, like all other circuits in Florida, is a hybrid state and local organism, receiving partial funding from the state and the rest from local sources. This duality is reinforced by the constitutional definitions of the State Attorney, Public Defender and courts officials, who are elected by a local constituency, and whose roles are articulated in the state constitution, but who must accomplish both state and local mandates. Orange County with its fast growth and large tourist industry possesses its own particular needs for criminal justice. The duality of the system in some ways reinforces independence of the judiciary and in others confounds local coordination.

A. Circuit and County Court

1. Size and Structure

Judges are independently elected state officers. They and their judicial assistants are state employees with no direct operating budgets. The Circuit Court in principle serves the entire circuit, but in fact three of the judges are assigned to Osceola County and the rest (currently 22) are in Orange County. Orange County also has 12 County Court judges. Each county has its own County Court; the court comprises criminal, civil, domestic and juvenile divisions.

The growth of judgeships is important both as a measure of judicial caseloads and as a determinant of the staffing of the other court-related agencies. There were 15 Circuit Court judges for Orange County in 1980, which grew to 22 in 1992 and will increase to 24 in 1994. The number of County Court (excluding Osceola) judges went from 10 to 12 in the same period, with one more scheduled for 1994. Criminal case filings over this thirteen-year period increased at a much faster rate. While the number of Circuit Court judges increased by 47 percent,

felony filings went up by 78 percent, and the County Court faced an increase of 146 percent in misdemeanor filings with the concurrent addition of only two judges. Circuit civil cases grew at a comparable rate; county civil, much more slowly.

The authorization this year of three new judges to the Ninth Circuit was not accompanied by authorization of complementary resources: additional state attorneys, public defenders and court support. The Public Defender has formally submitted that the addition of judges for FY 1993/94 will increase the burden of the office's workload and may result in either decreased productivity or involuntarily retraction of some level of service. This illustrates the inter-dependent nature of criminal justice agencies, and the lack of addressing needs by first acknowledging this (in this case it is the state's failure to do so).

2. Policy in the Courts

Consultants suggest that the role of the courts is pivotal in effecting a new criminal justice approach for three reasons. First, decisions about adjudication affect flow at every other point of an offender's passage through the system and thus have a potential for great impact on both efficient use of resources, (e.g., jail beds) and effective administration of justice. Second, the courts (at the local, state and federal levels) have the most formal authority to initiate and enforce change both in how the criminal justice system conducts its business of processing cases and in what the criminal justice system will pursue as goals. The former power is accomplished at the local level through Administrative Orders and the latter through constitutional powers vested in the judiciary to make subjective decisions in adjudicating people guilty or innocent and sentencing them accordingly.

Finally, the courts are the most disinterested party to the adjudication process. Unlike the State Attorney, whose primary focus is public safety, and the Public Defender, whose focus is a defendants' individual rights, the courts must be responsible for ensuring both.

For all of these reasons, the courts emerge as the most obvious and practical choice for initiating change and guiding criminal justice management. At the same time, the importance of the courts' role demands protection of judicial independence by preventing judges from having to advocate a particular interest in the outcome of criminal justice. The reality is that the courts in Orange County have already attempted to fulfill both roles, the latter through their authority to issue administrative orders and participation in criminal system coordinating

groups. Administrative orders have been used to reduce filing times for misdemeanors, expedited contempt of court hearings, revised bond procedures and established two pretrial release programs.

Of course these are examples of actions that have the clearest relationship to administration of judicial criminal justice. The courts are also increasingly asked to use their authority to administer activities that are not traditionally considered court functions. Specifically, the public has come to see the courts not just as arbiters of an adversarial system, but as a branch of the social services offering resources to intervene and prevent legal disputes. Examples include a juvenile justice advocate to monitor custody status, a court-retained psychologist in the family law division, and a spouse abuse unit. Indeed demand for court services, especially on the civil side, is driving a fundamental evolution in the courts system. Alternative dispute resolution, use of cutting-edge technologies, and other innovations will have major implications for the growth and operations of the court.

The Chief Judge, who is traditionally elected on the basis of seniority, acts as the administrative head of the court and designates an administrative judge for each division (criminal, civil, domestic, and juvenile).² The current organization of the system prevents the Chief Judge from acting as a true manager of the courts. While the Chief Judge could play a tremendous role, in practice the position is devoted nearly full-time to a caseload, leaving available only enough time to attend to limited administrative duties, such as acting as liaison with other government and criminal justice agencies, making assignments of judges to various courtrooms (though based on consensus rather than inherent authority), and mainly dealing with personnel matters.

Presently there are only very basic and sporadic mechanisms in Orange County for setting policy in and for the courts. At the state level, general criminal justice policies are set forth in statute, supreme court rules of criminal procedure and sentencing guidelines. But at the county level there is no set of policies and procedures that provide judges with the equivalent of administrative guidelines. Instead, this function is accomplished through a confusing array of devices which have been adopted *ad hoc* to meet an isolated need. The court adheres to an individual calendar system (versus a master calendar). This system seems appropriate to Orange County's size and type of caseload. However, the individual calendar system can entrench fragmentation in that it magnifies individual behavior differences in the absence of explicit local rules. Courts that use individual calendaring generally always complement the system with a comprehensive set of rules and

regulations which add continuity across courtrooms in which judges have widely differing styles.

Figures 6.4 and 6.5 show wide variation in caseload and backlog among divisions. The truncated period of data reviewed confirms the trend of stabilizing and declining growth shown in Figures 6.1 to 6.3, as both caseload and percent of cases above standard time frame are generally declining among divisions at comparable rates. However the wide disparity between the highs and the lows may reflect the effect of an individual calendar system and the absence of overarching policies and procedures.

Figure 7.4 Caseload by Court Division
Orange County Circuit Court

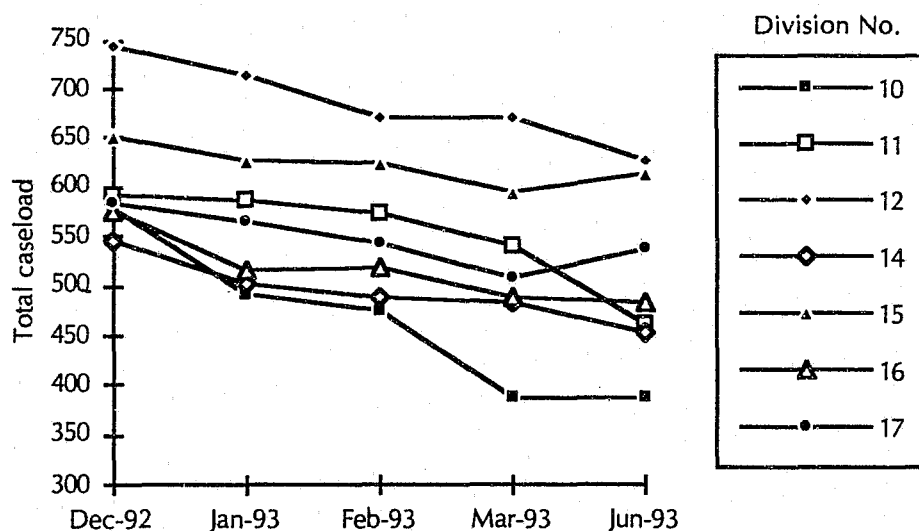
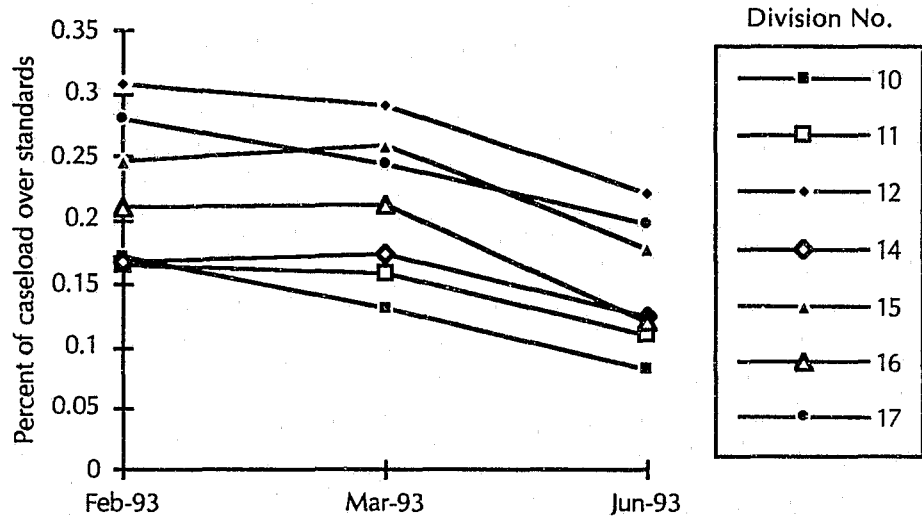


Figure 7.5 Cases Over Standard Time Limits
Orange County Circuit Court



3. Bond and Bail Practices

Bond is set at booking according to the bail schedule and instant charges. Chapters 1 and 2 showed that bond represents the primary form of pretrial release. Of pretrial releases, bond was the release mechanism for 73 percent of the felony cases and 41 percent of misdemeanors.

It is current practice to attach bond amounts to all charges if there are more than one at booking, requiring inmates to post the aggregate instead of the amount for the highest offense alone. According to the courts aggregating bond is prohibited, and this discrepancy should be addressed immediately. Consultants found that the judges were not aware of this practice and jail and law enforcement line staff were not aware that it goes against administrative order. Because the bond system accounts for the majority of jail releases it would be expected that bond as one element of the county's overall pretrial release system would be the focus for review and mutual understanding. At present, the bail schedule, based on instant charges alone, does not assess public safety risk or likelihood of appearance in court as do the non-financial pretrial release programs. Chapter 6 discusses in great detail the effect of this approach and makes recommendation for tying the bond system into public safety and appearance goals. The ultimate effect of current practice is an unmanaged bond system that is essentially determined by the arresting officer.

The fact that bond is the primary pretrial exit for persons presenting no serious threat to the community, means inability to post bond is tantamount to a pretrial jail sentence. The frequency of "time served" as a post-sentence release observed in Consultants' tracking (31% of all felony post-sentence releases and 58% of misdemeanors) fills in more detail of the overall picture: the ability of a jail inmate to qualify, financially or otherwise, for pretrial release is an important determinant of sentence length to nearly the same degree as the crime for which the offender was convicted. While in many cases the pretrial detainee serves a sentence equal in time to what he would receive once convicted, in many cases this time frame is exceeded. Furthermore, there is a philosophical argument against jailing pretrial detainees and assuming they will eventually be convicted anyway, even if this assumption is in fact correct in the majority of cases.

B. Clerk of the Courts

The Office of the Clerk of the Courts (an elective office) has as its primary responsibility the maintenance of all court records for both the Circuit and the County Courts, including criminal case files, schedules, and proceedings. Warrants, subpoenas, and other notices are issued by the Clerk. However court management, personnel, and finances are under the direction of the Court Administrator.

1. Size and Structure

The Clerk had 357 employees in FY 1990/91 and had an approved increase to 367 in FY 1991/92. The office is funded by commissions, fees, and service charges. Its total budget for FY 1992/93 is estimated at \$13.3 million, of which \$7.7 million (58%) is ultimately derived from the county's General Fund. This county allocation was decreased by a million dollars from that in the prior year even though the county budget showed an expected increase in workload. The size of the workload and thus the amount of fees is determined by the volume of court business and is not under the control of the Clerk.

Total court filings were 317,000 in 1989, 354,000 in 1990, and 347,000 in 1991. They fell to 311,000 in 1992, and for the first three months of 1993 they were considerably below the corresponding period in 1992 (70,000 vs. 84,000). However the preponderance of the filings (72% in 1992) is traffic offenses in County Court, and virtually all of the decrease lies here also. Circuit Court filings, representing more serious and complex

cases, rose from 39,000 in 1989 to 42,000 in 1990 and leveled off at 44,000 in 1991 and 1992. With regard to criminal cases, the total annual felony filings have been relatively flat at 11,000 since 1990, and misdemeanor filings at around 23,000.

The 1986 courts master plan projects a continued increase in criminal filings. This was based on the assumption that per capita filings, which had approximately doubled since 1978, would continue to rise steadily. From 1987 to 1990, the actual number of criminal filings was much greater than projected, but the rate of growth has subsided markedly in the last two years. On the other hand, civil filings have been ahead of the 1986 projections in the Circuit Court but behind in the County Court. The numbers for other types of filings have also shown substantial differences from the projections, both positive (juvenile) and negative (probate), while traffic filings were initially ahead of projections but now appear to be falling behind. Given these deviations, a reliable prediction of the future volume of work for the Clerk, either in criminal cases or overall, is not possible without considerable further study.

2. Role and Responsibility

The Clerk's Office has a central, yet passive, role in the criminal justice system. As the repository of records it collects and supplies essential information to all of the other agencies, but it does not originate any of this information or make decisions affecting the cases, nor does it have to deal directly with offenders. It might be regarded as relatively insulated from trends in the criminal justice process except insofar as they influence the volume of records and the types of reports which must be submitted to the state.

On the other hand, the Clerk can have a substantial effect on the criminal justice process if there is a change in the time and effort required for the other agencies to receive critical information, or if the information is organized and presented in a different format. A delay in transmitting disposition information to the jail means that the inmates are held longer than necessary, while if newly issued warrants do not appear the inmates may be released too soon. The courts, State Attorney, and Public Defender need access to the Clerk's calendaring information in order to develop and analyze their schedules, so to the extent that the information is difficult to obtain these agencies will encounter extra work. Almost any situation requiring telephone inquiries or manual file searches will result in a delay in the resolution of the case. Finally, summary analyses of case handling and disposition

will allow the courts to locate unnecessary points of delay in the judicial process and take corrective action.

The Clerk maintains the primary criminal justice database on all aspects of case processing except for incarceration status. Other County criminal justice agencies have access to the Clerk's data, but case or agency management reports are not routinely provided to these criminal justice agencies. The Clerk does provide pending case lists for the Circuit Court but does not provide similar reports for the County Court unless specifically requested by individual judges. The Clerk's main focus appears to be compilation of data necessary for statistical reporting to the state. Chapter 4 more thoroughly explores data management by the Clerk.

The office of the Clerk is an immense organization that must organize and accessibly store the myriad paperwork for court activity. While this report covers only criminal justice record keeping, the Clerk's office must also address the massive volume of paperwork generated in the other divisions of the court. The important point of this review is that the Clerk maintains an important role in the criminal justice system but as an agency that is once removed from the actual handling of inmates or participation in the criminal courtroom (aside from clerks collecting court information). Because of this position, Consultants emphasize that the office still has a direct *impact* on system efficiency and should not be excluded from any criminal justice planning nor should it consider its activities anything less than crucial; to the efficiency of other agencies' operations.

3. State Prison Commitment Package

The Clerk's office processes 300 to 400 sentenced cases each week. As part of these it compiles the commitment packets for inmates transferred to the state Department of Corrections (DOC). The office was unable to provide an estimate of the number of DOC commitments but the Dockets section of OCDOC estimates that it transfers 130 to 150 persons to the DOC each month. Most court files involving DOC commitments are complete by the time they are sent to the Clerk, but delays of at least two to three weeks occur when essential documents are missing. The missing documents generally are the restitution form/order, victim form, sentencing guidelines scoresheet or the cost form. Without exception, completion and provision of these forms are the responsibility of the State Attorney.

The Clerk's office prepares a weekly list, by division, of cases with missing information. The list is sent to the felony administrative judge, with copies to the State Attorney and the Dockets section. In general, the Clerk's office does not perform any follow-up with either the court

or the State Attorney. The most recent list contained 25 cases (some involving only one defendant) with the oldest cases 15 days post-sentence.

The Clerk has implemented or is planning to implement programs that should reduce the time required to complete DOC commitment packets or to update court records. At present, seven clerical staff are responsible for typing the commitment documents.³ If all of the required information is in the court file, it takes between one and three days to complete the paperwork. (This preparation time is in addition to the one to two days to receive the file and updated information from the trial clerk.) Plans have been developed to put the required commitment forms on computer, which should lead to a reduction in completion time.⁴ The Clerk has also implemented a direct input program for updating court dockets in the traffic division; the Clerk's staff are currently working with an ISS consultant to expand the program to the misdemeanor and felony divisions.

4. Traffic Infractions

Although the Clerk has a generally passive role in the criminal justice system, one area where Florida does allow the Clerks' offices to have a direct impact on offenders is with the suspension of drivers' licenses for infractions upon failure to pay fines. Yet, unlike other Florida jurisdictions, the Orange County Clerk does not have authority to grant any extensions for payment of fines for civil traffic infractions. Failure to pay such fines will result in the suspension of one's driver's license, heightening the potential of a future arrest for driving with a suspended license, which is a criminal traffic offense, and may therefore lead to an arrest warrant and/or jail time.

C. Court Administrator

The Court Administrator provides operating and logistical support to the circuit. The Court Administrator serves at the pleasure of the Chief Judge. He is a state employee, as are a handful of his top assistants. The bulk of the department's staff, however, are county employees. There are at present 73 Orange County employees in the office. (Osceola County has its own deputy court administrator and a small staff.) Virtually all of the courts' operating funds come from the county. The budget for this department grew from \$2.3 million in FY 1988/89 to an authorized \$5.7 million in FY 1992/93. Nearly half of this, however, is

paid out to court-appointed attorneys in conflict cases. The balance is split between court administration and court reporting.

The office oversees a wide array of services including budget development, witness and jury management, and number of "social" services listed previously in discussion of policy in the courts. Staffing numbers for the Orange County office include a small staff in the courthouse and satellite personnel who run programs within the province of the court.

Of special note are recent innovations forged in the area of jury management. The system is now entirely automated in contrast to prior manual operation that required an extensive investment of staff time to manage jury pools and resulted in a public perception of inefficiency. Court staff remark that the new system is many times more efficient and straightforward to administer.

Witness management could be the next target for reform. Witnesses subpoenaed for trial and depositions, by both the State Attorney and the Public Defender, are handled by the Witness Management staff, under the direction of the Court Administrator.

Approximately 12,000 to 15,000 subpoenas per month are issued by the Clerk's office for the State Attorney; the Public Defender requests subpoenas for 3,000 to 4,000 witnesses each month. The current system relies on telephone standby for both civilians and law enforcement officers. If law enforcement personnel have not been contacted during the morning of the stand-by, they are taken off the list until the following morning.

D. Prosecution

The State Attorney is an elected constitutional officer; the current State Attorney is a former Sheriff of Orange County, and also operated the jail. He is one of the senior criminal justice figures in the county and is seen as capable of leadership and change.

1. Office Organization and Budget

While the Office of the State Attorney is on the state's payroll, virtually all operating expenses are supplied by the county. The county budget for the office is very modest at only \$880,000 for this fiscal year. Most of the State Attorney's expenses are for office space; recently there have

been substantial outlays for automation as well. This amount represents a 37 percent increase over FY 1988/89.

The State Attorney has 78 attorneys working in Orange County and the Office's administration as well as 20 investigators and necessary support personnel. Fewer than a dozen of the attorneys are assigned to specialized functions: homicide, juvenile, traffic, appeals, sex crimes, and economic crimes. The remainder are all assigned to a particular courtroom, either in prosecuting misdemeanors or felonies. Typically, three or four will be assigned to a division, and among themselves will handle all decisions affecting cases assigned to that judge, with the one major exception of the intake division, described below.

2. Intake

Many experts in the field consider the intake decision and the process surrounding it to be the most important aspect of a prosecutor's office. How it functions strongly affects relations with police agencies, public perceptions of crime and the control of crime, the size of jail facilities needed in the county and the volume and flow of cases through the courts, with resultant implications for staffing in other public offices needed to handle that flow. The best and most senior attorneys should be placed in charge; it should be staffed with highly experienced lawyers; it should receive frequent attention from top management. In Orange County all of these criteria are met, with one of the office's most veteran trial attorneys heading the intake unit.

The primary functions of intake are to impose the prosecutor's policies on the flow of cases and to allocate scarce resources. A well considered decision at intake will save enormous time later in the process as weak cases are washed out before jail or courtroom resources are wasted on them; cases are assigned to the appropriate court level instead of taking up valuable circuit court time; defendants are sent promptly to diversion programs, fulfilling diversion's goal of not expending court resources when the outcome is obvious early in the process; and sorting likely pleas for early processing from likely trials for adequate preparation.

The intake decision is the heart of a prosecutor's role, for it reflects the exercise of prosecutorial discretion. It should take into account the following:

- Community values, policy or political aspect of a decision;
- Adequacy of the evidence, and necessity for further research;
- Criminal history of the defendant;
- Jail status of the defendant - these cases should be prioritized;
- Likely sentence under the sentencing guidelines;
- Strength of the defense.

The most striking feature of Orange County's intake unit is the length of time it takes to make a filing decision. Research conducted by the County Administrator's Office in preparation of the fast tracking system showed that in felony cases where the State Attorney does not file an information, it took an average of almost six weeks to come to this decision, although this includes time before the case was entered into the Clerk's database and referred to the prosecution (generally up to two days).

3. In-Jail Cases

The primary reason for faster handling of custody cases is the need to efficiently utilize jail space. County inmates who are highly likely to go to prison should be processed faster and their trip to prison (and out of the local jail) expedited. Conversely, inmates who are not going to be charged or who may plead guilty should be identified early. Finally, the internal jail status or even the bond status of inmates may partially depend on whether they are charged with misdemeanors or felonies, demanding that the level of charge should be promptly determined.

As an agency of state government with a mission to protect public safety, there is an obvious incentive for the office to take an interest in jail population management, and make the highest and best use of the jail.

4. Level and Number of Charges Filed

No decision of the prosecutor is so subjective, so reflective of perceived community values and so difficult to assess as the level of charge filed by the prosecutor. It is easiest to criticize because it is so strongly a product of personal philosophy, experience and attitude. Almost all American prosecutors at the state and local levels are elective offices in no small part because of the political nature of this decision.

Despite the lack of formal written policy, interviews with prosecutors, judges and others in the legal community suggest that the number and level of charges filed could be more carefully screened. There appears to be an undue volume of cases that are charged as felonies, without compelling need or service to public safety to do so.

5. Domestic Violence

Domestic Violence is an issue that affects all agencies which process criminal offenders and cases. Discussion of this issue is located within the State Attorney section because this office has devoted special attention to the problem and has, more than any other agency, taken on the responsibility for its eradication.

The initiative of the office has had some serious disadvantages. Resources available in other offices have not been used to their full potential forcing the State Attorney's to strategize policy unilaterally. This isolates other groups and results in an approach that has been described as rigid from arrest to sentence. The current policy toward domestic violence is essentially "no bond/no drop". This describes an approach that, in its impact on how the offender is handled and the victim protected, effectively considers all reported instances of domestic violence identical. Several follow-up studies to the ground breaking work in Minneapolis on domestic violence and the effect of arrests have discounted the impact of rigid prosecution policies on actually changing the offender or on preventing repeat offending of violence against women.

Consultants discussed the approach to domestic violence with all criminal justice agencies and representatives of intervention/treatment programs. Across the board there is support to aggressively respond to this particular crime, but disagreement over treatment and other outcome issues.

In the current "no bond/no drop policy," the offender goes to jail and begins the corrections process in which immediate diversion to a rehabilitative program is not possible. The offender waits in jail for up to several weeks or months, regardless of the magnitude of the offenses and the desire of the victim. Eventually diversion into intervention programs at the Division of Corrections may be available after a several week long assessment and successful completion of the jail's orientation process. If the case is eventually pled, the offender may find himself sentenced once again to the same program, despite already having completed the program pretrial.

The flow of domestic violence cases through the system evidences excellent motivations and commitment by individual agencies, but also shows what happens when these efforts are not coordinated. A heightened county-wide interest in addressing domestic violence has produced a recommendation for a task force that would provide the State Attorney an ideal springboard for leading and coordinating an effective strategy that can both protect the victim in an immediate sense and foster long-term offender change.

E. Defense

The Public Defender, like the State Attorney, is an elected officer who can provide policy direction to the office in its pursuit of protecting an individual's constitutional rights and ensuring that justice means justice for all. This office, however, has a tremendous workload, and by default, an approach to policy that focuses more on individual cases than in taking advantage of opportunities to use its adversary role to challenge policies affecting discrete groups of cases.

1. Organization and Budget

The county budgeted \$220,000 for the Public Defender, although this represents an impressive 294 percent increase over FY 1988/89. Public Defender costs include witness fees, communications, computer, and court reporting. The Public Defender does not receive sliding scale reimbursement (Public Defender Lien) from its clients to a meaningful degree.

Recent legislation allows the Public Defender to obtain limited staffing assistance from the counties, but that has not yet occurred in Orange County. The Public Defender's office in the Ninth Judicial Circuit consists of 85 authorized positions for FY 1993/94, a number which has grown from 76 for FY 1988/89.

The office is organized in a fashion similar to that of the prosecutor's office, with most (30 positions, 21 attorneys) assigned to the felony division covering the felony division courtrooms and most of the balance assigned to the County Court. A few positions are assigned to Osceola (11), juvenile (7), investigations (7) and intake (1). Unlike the State Attorney, the office does not have an appellate division, and thus the private bar has taken on the major fights against prosecutorial policy.

2. Workload

Data collected from the office and reported to the state Florida Public Defenders' Coordination Office provides a rough picture of the office's workload. Something quite different is happening in Orlando than in the rest of the state. The Ninth Circuit Public Defender was almost alone among Florida jurisdictions: the workload of the office grew between FY 1991/92 and the first three quarters of FY 1992/93. The caseload of most Florida public defenders fell an average of almost 11 percent (non-capital felonies), but the Ninth Circuit grew by 1.4 percent.

This caseload growth may reflect a higher proportion of cases being referred to the public defender, perhaps as a result of the current recession, but that explanation does not account for the sharp contrast with other Florida jurisdictions. It might suggest reduced scrutiny of eligibility of clients for representation. Or it might suggest an impact from the State's Attorney's higher volume of case filings.

Individual felony attorneys in the office have caseloads which vary from 90 to 150. An attorney will generally get 30 to 35 new cases each month, which means almost two new clients each working day.

3. Communication

The Public Defender's office has serious problems communicating with its clients. These problems delay efficient disposition of cases. Communication problems stem mainly from inadequate staffing in the office and lack of technology that could alleviate some personnel problems.

Only three receptionists handle incoming calls from clients and are unable to process messages in any more detail than listing of client name and other file identifier. There is no voice mail system that would allow more detail and free up time from the receptionists' burdensome workload.

The second point of communication weakness is interviewing clients in a timely manner at the jail. Two paralegals have been assigned this function, producing initial interview notes on the background of the case and the client's story. However, the defense attorney is not appointed until arraignment, and the first meaningful interview usually does not occur until discovery has been completed. As a result, the potential to use these early interviews to produce speedier case

processing is not fully tapped. The Public Defender does have an intake unit that reviews cases for bond reduction and a defense attorney will attend related hearings, even where there is no formal appointment. The intake unit and CBO attorney program, administered by the Public Defender's office, have tapped some of the potential for early case screening. The CBO Attorney program is a cooperative program between the office and the county Division of Corrections. The CBO attorney has office space at the jail and can interview inmates shortly after booking and screening to determine plea and pretrial release possibilities early in the process. Currently the jurisdiction of this attorney includes only technical violations of probation, but could potentially be expanded to many other cases whose final disposition can be easily determined in the first stages of the system.

The CBO Attorney concept also provides an example of how the Public Defender has and could take on a broader policy role that works at a higher, more comprehensive level, with the effect of more efficiently using its limited resources.

4. Public Defender's Lien

The office does not maximize use of its right to recoup fees for its services authorized as the Public Defender's lien. The conflict of interest inherent in assigning the representing attorney to inquire about fees and develop a sliding scale for reimbursement conceivably creates a conflict of interest for the attorney whose primary goal is to provide quality legal service in the best interest of one's client regardless of ability to pay. However, the ability of the office's clients to pay some proportion of the cost could be effectively administered and possibly also a significant source of support.

Establishment of a separate office or staff member to inquire about fee reimbursement would circumvent a possible conflict of interest and raise revenue for the agency. This could be accomplished through an entirely separate office, e.g., integration with the Clerk of the Court's fee collection services or by placing a fee reimbursement program within the duties of the office's non-attorney, administrative personnel. Strictly speaking, the lien is a fee for which the county is statutorily responsible for collecting. However, the Public Defender's office could facilitate this collection by routinely asking that the court assess a fair fee to the defendant.

III. SYSTEM FLOW

The picture that emerges of case flow is clear and simple: about a third of all cases are not filed on by the prosecutor, who takes a month and a half to decide this; the rest take about six months to decide, regardless of whether cases are disposed by jury or plea; the kind of case, whether murder or worthless check, has less impact on time frame than one might presume.

A. Arrest Affidavit

The arrest affidavit is the foundational document in the criminal process. The information in it is gathered by the arresting officer and the jail at booking. Once completed, the arrest affidavit is transmitted to the Clerk's office, where it is entered into the computer and a case appears on the court's docket. After opening the docket and assigning the matter to a court, the arrest affidavit is then transmitted to the State's Attorney's Office for a decision of whether charges will be filed against the defendant. The case appears on the court's docket, though nothing is done until the State Attorney decides whether to file charges. There is no obvious notation in the file to show whether the defendant is in custody.

B. Initial Appearance

Orange County accomplishes initial appearance within the mandated 24-hour time limit via a closed circuit television camera. A brief review of probable cause for arrest is done by what inmates refer to as the TV Judge who is located at a courtroom in downtown Orlando. The review is based on the information contained in the arrest affidavit.

No scrutiny occurs by the judge to determine whether charges should be handled as misdemeanors or felonies, effectively producing a direct filing system. This has obvious consequences on jail crowding and system management for such offenses as domestic violence and drug possession which are commonly charged and filed as felonies.

Bond can be increased or decreased and set for no bond cases at this appearance, based on both the arrest affidavit and information from the pretrial programs. As discussed below, the decision to allow bond or not is the single most important determinant of time served for most offenses, and therefore of the size of the jail needed.

C. Filing of Charges

The State Attorney receives the arrest affidavit from the Clerk's office computer files. The intake process is begun with the opening of the file, and when additional police reports are received from the law enforcement agency involved. A review of the case is conducted and a decision is made whether to file charges, and if so what the charges will be. Florida provides a 30-day period for filing charges for persons in jail. By showing good cause, the State Attorney can significantly extend these already lengthy periods.

Florida's practices contrast with most American jurisdictions, where charges are filed against a defendant within 48 to 72 hours after arrest. If no charges are filed, the defendant is released. In Orange County filing deadlines are used to their limit and when the office determines not to file, it can take up to several days or weeks for the arrestee to be released. ILPP's tracking analysis indicated that inmates released via a no bill or no le prose stayed in jail on average from two to six weeks.

D. Discovery

Florida is a full discovery state, which means that the prosecutor releases all written materials, with only rare exceptions, to the defense. By statute, discovery is to occur within 15 days, but very rarely is this deadline met in Orlando. Again, there are no reliable figures or management information, but judges, prosecutors and defense attorneys interviewed agreed that it might take as long as several months to get discovery. There appears to be no formal policy regarding discovery in Orange County, either in the courtrooms or in the prosecutor's office. Discovery is up to each individual assistant state attorney, who either personally copies the file and sends it or has a secretary do it. Practices vary greatly from assistant to assistant.

Most defense attorneys are reluctant to plead a client guilty without having seen the files, because only by looking at the file can they determine whether the state can prove its case. Some attorneys, however, will let a client plead guilty even if they have not had discovery as long as they are advised that they have a right to see the file. Despite these exceptions, failure to accomplish timely discovery generally means that nothing can be done with a case in the interim.

E. Arraignment

Arraignment involves an appearance of the defendant before the court after charges are formally filed by the State Attorney. As with the initial appearance, this is done by closed circuit television if the defendant is in jail. At arraignment, the defendant is informed of the charges against him, a determination of whether he is entitled to the public defender is made and a trial date is set. Trial dates are often set four or five months after the case has entered the system. No other hearing is set at arraignment, though most of the judges have a practice of setting a pretrial conference a week or two before the trial date.

F. Pretrial Conference

The pretrial conference is scheduled to occur two weeks before trial, which is two to six months from arraignment, depending on the division and its backlog. The purpose of the pretrial conference is to bring together the attorneys (prosecutor and defense) to discuss the case, determine whether a guilty plea can be negotiated, make sure all discovery has been completed, and assess the complexity of any trial if that seems likely.

In practice, this is the first real opportunity for the attorneys and a judge to look at the case together and determine whether it might be one of the two out of a hundred cases which actually go to trial, or whether it will be one of the 98 percent which plead out. The fact that the pretrial conference is the first opportunity for all parties to convene and move a case forward means that the period between booking and substantial plea negotiation is lengthy and expensive.

Apparently due to the press of workload and the lack of earlier deadlines, the pretrial conference itself is the first time an assistant state attorneys may have had to thoroughly review the file, which may be incomplete. Use of continuances at this stage is not uncommon but they are not automatically granted ad infinitum either. No uniform policy exists toward use of continuance; instead policy is effected individually by each judge's personal view toward their appropriateness under given circumstances.

In Florida, the file must contain a complete criminal history, a document critical to completion of the sentencing guidelines worksheet. This worksheet must be filled out in every applicable case, for it is the basis on which the sentence is calculated under state law. If there is no

criminal history, the worksheet cannot be filled out, the sentence range cannot be calculated and no plea negotiation can take place. Some judges suggested that it was not uncommon for assistant state attorneys to come down to the courthouse to borrow the court's file copy of the criminal history in order to complete the worksheet, apparently because it was too difficult to get the history from their own office. In some jurisdictions utilizing sentencing guidelines, the task of completing the worksheet is done by the probation department, which develops great expertise and efficiency in the increasingly complex technicalities of sentencing under guidelines.

G. Final Adjudication: Trial, Negotiation and Disposition

The trial is often presumptively set for two weeks after the pretrial conference. It rarely, if ever, actually occurs at that time. Instead, it is ordinarily reset to permit the parties to exchange information and discuss plea possibilities. Since this occurs in almost all cases, the period between the pretrial conference and the scheduled trial actually represents a time of active negotiation in the case.

This negotiation rarely occurs before the pretrial conference because communication between the defense and the prosecution on the case almost never occurs and neither party has enough information to make an informed plea bargain. Lack of information is a common complaint among defense attorneys that they attribute to an inability to easily contact the prosecution and, in the public defender's office, a phone system manned by only a few receptionists who are overwhelmed by the volume of calls and thus cannot provide much information in messages to assigned attorneys.

Actual jury trials are an everyday experience, but are a rare event in terms of case flow. An individual trial attorney with the public defender or state attorney may conduct fewer than half a dozen trials a year, even though a thousand cases may be handled in the same period by that attorney. Fewer than two percent of cases filed result in jury trials.

H. Dispositions

Guilty pleas, guilty verdicts, acquittals, dismissals: all are examples of dispositions. As indicated earlier, annual dispositions in Orange County Circuit Court exceeds 10,000 and have been outpacing filings

in recent years. Dispositions have exceeded filings in every felony division in almost every month during the first quarter of 1993. Dispositions have ranged from a low of 126 in one courtroom one month to a high of 205 in another. On the average, Orange County felony courts have recently been disposing of about 150 cases per month, compared to filings which have averaged about 120 cases per month. This probably reflects an increase in productivity as well as a backing off of the pressure of the drug problems in recent years.

There is also significant variation in the number of dispositions per courtroom. While the average has recently run between 140 and 150, several divisions consistently run well above that average and several well below.

Of the counts filed (separate charges, which may be several against the same defendant, not case) by the prosecutor, 57 percent resulted in guilty pleas, 40 percent resulted in no further action (presumably dropped because of pleas to other counts, or dropped altogether) and only two percent of all cases went to trial.

IV. SYSTEM FINDINGS & RECOMMENDATIONS

Integration of information systems and improved automation is more fully discussed in Chapter 4.

A. Calendar Management

Adopt uniform procedures for setting early pretrial conferences, motions and firm trial dates, and granting continuances, either through administrative orders or rules of court approved by the state Supreme Court.

The heart of any court is the way in which it manages its calendar. The calendar creates the method by which decisions are made and is a court's primary influence over the quality of justice in its jurisdiction.

Since 1976 there have been nine major cross-jurisdictional studies which have analyzed empirical evidence related to the pace of both civil and criminal litigation. This research has deflated several long-standing conventional beliefs about causes of delay by finding that three factors — large courts, heavy caseloads and high trial rates — are unrelated to

litigation delays. The studies also could not find any connection between proportion of serious cases and speed; courts with high volumes of serious cases are among the slowest and the fastest in disposition times.

Orange County courts utilize the individual calendar method, in contrast to a master calendar system where different judges handle each of several hearings involved in a case. While the county does a good job in avoiding needless trials, the amount of time it takes to effect a plea is the virtually the same as the time frame for trials. Because each court division operates as an independent entity in managing its calendar and establishing procedures, there is considerable variation in management policies.

Florida law requires discovery from the State Attorney 15 days after arraignment, but the actual exchange of documents rarely occurs within this time frame. Delays in discovery can take several weeks and may require motions by the Public Defender to compel discovery. For persons in jail custody, these delays mean more jail time, even when there is a willingness to enter a plea early. In practice, the first meaningful meeting between an inmate and the Public Defender is after discovery has been completed, further limiting opportunities for early case evaluation and disposition. A uniform policy on discovery, set by the courts, rather than informally controlled by the State Attorney, could easily minimize such delays.

One case management technique strongly correlated with speedy case disposition is early pretrial motion conferences. Courts implementing this procedure require that necessary motions, such as suppression of evidence or discovery, be set for a date certain and heard on that date. Adherence to these court requirements has led to early identification of cases that must be tried and those that will plead. The court should set time objectives it expects to meet, after working them out with the prosecution and defense bar, and monitor the results by division. The goal should be to have all pretrial motions resolved within three to six weeks after arraignment.

Pretrial conferences can be scheduled anywhere from two to six months after arraignment, which itself may not occur until one to two months after arrest. Pretrial conferences set after first appearance in other jurisdictions have been effective in controlling jail population by facilitating case disposition. Pretrial conferences in Orange County are often the first time that both the State Attorney and defense counsel give serious attention to the case, making these hearings a "waste of

time" for the courts, support staff, and defendants, as well as the attorneys. This overutilization of criminal justice resources can be avoided by setting these conferences earlier and requiring attorneys to be prepared.

Currently, the trial date is often the first opportunity for the judge, prosecutor and defense to meaningfully review a case. Effective case management increases the likelihood of a firm trial date, which in turn, drives the rest of the system, since pleas occur earlier if trial dates are well managed.

B. Court Management

Expand the Chief Judge's role to primary responsibility for court management and facilitate this role by eliminating or significantly reducing the Chief Judge's caseload.

As the courts' role has become more complex, there is a greater need for the Chief Judge to be primarily responsible for court management. The courts have voluntarily assumed additional responsibilities, such as assigning a psychologist to family court and working with community organizations, and have taken the initiative to implement major reforms, such as fast-track. The courts' expanded role and ability to respond to system needs requires a Chief Judge who has the necessary time to review and monitor system management. The transition of the Orange County courts to a more modern system and a new courthouse will place an even greater demand on the Chief Judge's time. To effectively handle these additional responsibilities and to allow the courts to take a leadership role in criminal justice management, the Chief Judge's current caseload should be reassigned or substantially reduced.

The Chief Judge's system management role should also include responsibility for assigning judges to work with the pre-processing screening unit, the arraignment court at the jail and coordinating pretrial release goals. As discussed earlier, the screening unit would be staffed by defense and prosecution attorneys, a law enforcement officer, a continuum of care program coordinator and pretrial release staff. Effective implementation of this unit's screening responsibility will require the active involvement of the courts by having a judge available to assist in screening, bail and release decisions.

An arraignment court at the jail is an important adjunct to the court management technique of setting pretrial conferences after first

appearance. Essential to the operations of an arraignment court is assignment by the Chief Judge of experienced judges, as well as the expansion of authority for county court judges to accept pleas and impose sentences for felony cases. By agreement of all judges, formalized in an administrative order issued by the Chief Judge, the arraignment court could also be authorized to dispose of failures to appear and technical violations of probation.

C. Fast Tracking

Formally monitor progress and evaluate results of fast track program with goal of initially expanding program to violation of probation cases; establish working committee to identify other cases suitable for fast tracking.

Orange County instituted a "fast track" system in July following careful research and on-site assistance from a state Justice Institute consultant, who is one of the judges who pioneered the concept. About 20 kinds of crimes were identified for "fast track"; the State Attorney will designate these cases on filing the charges, the Clerk will schedule them for arraignment and the judge will set the cases for disposition within 45 to 55 days after arraignment. The State Attorney agrees to produce discovery within 15 days (as required by Florida rules) and either side can derail the case by scheduling depositions of witnesses. The Department of Corrections is designated to complete the sentencing guidelines worksheets, including the critical score, at least five days before the hearing.

The kinds of crimes eligible are the lesser felonies: possession of cocaine and marijuana, delivery of cocaine or cultivation of marijuana, dealing in stolen property and third degree thefts generally, worthless checks, burglaries, and several crimes against property, like trespass or criminal mischief.

Some judges and attorneys already acknowledge that the new fast track system is likely to be expanded to other areas, notably misdemeanors. The county should immediately put together a working group to identify other kinds of cases for fast track. Some are already apparent, such as offenders at the other end of the spectrum: those likely to go to prison. Violations of probation are cases which are highly likely to go to prison, and therefore should be moved out of the jail as soon as possible to make those beds available. Likewise, cases with long

criminal histories are highly likely to go to prison, and can be immediately identified for fast track. Certain felony guideline scores, prepared early by the Department of Corrections, could also qualify a case for fast track.

D. Arraignment Court at Jail

Establish a courtroom at the jail, staffed by experienced judge, prosecutor and defense attorneys to dispose of cases identified by pre-processing screening unit as suitable for early disposition.

In conjunction with the initial coordinated screening by the preprocessing screening unit, an arraignment courtroom at the jail could be established to dispose of cases already identified as suitable for early disposition. The arraignment court should be staffed by an experienced judge, prosecutor and public defender. The purpose of staffing a jail courtroom with veteran staff is the same as for staffing the prosecution's intake division: seasoned professionals can quickly gauge the "value" and implications of a case and its most meaningful disposition.

The major benefit of jail arraignment would be a significant number of guilty pleas that could be taken within days of arrest instead of several months later. There would also be a continuation of system control over bond, pretrial release and population cap releases for persons who are not screened out by the preprocessing unit.

The overall impact of this concept is maximizing managerial control not simply over the jail system but over the entire system of meting out justice in Orange County. Likewise, its implementation cannot happen in any one agency but must occur in concert and with equal commitment.

E. Clerk of the Court

An administrative order signed by the Chief Judge should authorize the Clerk (and HHS) to send notices to all persons who have failed to pay fines for civil traffic infractions similar to those now sent to persons convicted on criminal traffic offense. Such notices should inform the person that his or her driver's license will be suspended within 30 days after the date of notice unless the fine and a delinquency fee is paid to the office of the Clerk.

The lack of the ability to grant a 30-day extension for payment of fines for civil traffic infractions subverts Florida's legislative intent to decriminalize many traffic offenses and is inconsistent with the current practice of allowing extensions for persons convicted on criminal traffic offenses of opting for traffic school in lieu of a fine for civil traffic infractions.⁵ Driving with a suspended license is one of the most common misdemeanors for which persons are booked into the county jail, and the potential for even more bookings on this offense has been created with recent legislation that authorizes license suspension for failure to pay child support.

Transfer or attach responsibility for compilation of DOC commitment packets to the State Attorney's Office or establish direct liaison with the State Attorney for completion of such packets.

Inmates who are delayed in their transfer to DOC cause an unnecessary increase in the jail population. Since the Clerk does not originate any of the information needed to complete a DOC commitment packet, responsibility for putting the information together should be transferred or attached to the State Attorney, who has access to all of the required data and generates a significant portion of it. With the transfer of responsibility the State Attorney should implement procedures that allow early preparation of commitment documents and impose strict deadlines for completion and compilation of such documents.⁶ A reasonable deadline, which can lead to a significant reduction of use of jail beds for inmates awaiting transfer to the DOC, is within one to two days of sentencing.

An acceptable alternative would be to assign a staff member to work directly with the State Attorney to obtain the needed forms or information for completing the forms that must be included in the DOC commitment packet. Given the technological capabilities of both offices, delays in the exchange of information should be minimal.

F Prosecution and Defense

Reduce the amount of time for filing charges on cases where detainee is in custody; authorize the State Attorney to release detainees via ROR in cases where charges will not be filed within established time frames.

Until recently, Florida law required charges to be filed within 21 days of arrest; this time frame is still followed in some Florida jurisdictions.

Nationally, other jurisdictions require charges, both felony and misdemeanor, to be filed within 48 to 72 hours.

Timely intake and screening decisions by the State Attorney are critical to the efficient use of criminal justice resources and to the fair administration of justice: No action can be taken on a case until the information or charging affidavit is filed. For persons detained pretrial at the jail, the period between arrest and filing is basically lost time, unless the detainee later pleads guilty and is given credit for time served. This result, however, merely ratifies late filing practices without changing disparities in sentences for persons released pretrial and those who remain in jail. Earlier filing decisions mean earlier dispositions and more efficient use of jail or criminal justice resources that allow a sentenced defendant to be assigned to the most appropriate housing level or sentencing alternative, such as work release, a substance abuse program or community service.

Delays in filing charges may be due to heavy caseloads, but incomplete or insufficient arrest affidavits do not appear to be a major factor in such delays. The Sheriff's Department estimates that no more than 11 percent of its arrests require follow-up information for the State Attorney; the proportion of these instances for the Orlando Police Department is even less.

Even with a high case volume, screening decisions can be expedited by early identification of cases where the detainee is in jail to give these cases priority. Such identification can easily be accomplished by the paralegals already assigned to the intake unit. For jail cases, the State Attorney should set a maximum filing time of 21 days, with a reasonable goal of filing within ten days or less.

For cases involving nonviolent offenses, such as felony drug possession and theft, where an information cannot be filed within revised time frames, the State Attorney should be given direct authority to release detainees in these cases from jail on their own recognizance (ROR). This release authority, which is used in other Florida jurisdictions, obviates the need for court action and, when used in cases involving little threat to public safety, eliminates the continued use of jail beds for nonviolent offenders. If and when charges are eventually filed, the defendant can be notified of the arraignment date by mail or through Pretrial Services.

Establish a joint screening/intake unit consisting of experienced attorneys from both the State Attorney and Public Defender offices.

Both the State Attorney and the Public Defender have their own intake units, but there is no coordination between these two units. In other jurisdictions, joint screening/intake units have been effective in early identification of which charges should be filed on, getting charges filed quickly, and pleading certain cases.

The Public Defender's intake unit is primarily responsible at present for identifying cases for bond reduction hearings, filing the necessary motion and attending these hearings, even when the Public Defender has not yet been appointed. Review of these cases by the Public Defender and again by the State Attorney is a fragmentation of activity and to some extent duplicative since a request for bond reduction is directly related to nature and circumstances of the charges. By combining efforts in a joint screening/intake unit, staffed by experienced attorneys, cases can be evaluated not only for bond reduction but also sufficiency of charges at the same time and at a critical point in the adjudication process. Screening of these cases by experienced attorneys from both offices will also allow the identification of cases where a public defender will most likely be appointed; within the priority system for case screening, these cases could be given preference for filing charges, resulting in earlier appointment of defense counsel.

G. Witness Management

The system for managing witnesses in Orange County can best be described as archaic: a tremendous volume of paperwork is manually updated, with the result that "witness management" is essentially answering telephone calls from witnesses calling to find out if they will be needed at trial. Initially funded by a federal grant, it appears that few program changes have been implemented since its inception seventeen years ago.

Develop an interface between the Court Administrator's and the Clerk's computer to allow electronic updating of witness lists.

At present, the Witness Management Program only has read-only access to the Clerk's courtroom information. Witness lists, based on the issued subpoenas and trial dates, are entered into the program's own computer, which is linked to the Court Administrator's, but staff do not have the capability to update these lists electronically when a case is

continued or taken off of the trial calendar. As a result, the witness lists are updated manually, a task made more difficult by the differences in the ways docket print-outs are organized by the various criminal divisions.⁷

The "Progress" program may alleviate some of this problem, but, at the time of the interview, staff reported that they had not been trained on this program nor was there any indication that Progress would be expanded to the Witness Management Program. Automation of the program's information would obviously free staff to perform actual witness management functions and would minimize instances of witnesses being called in unnecessarily.

Among the duties that staff could assume are liaison with the trial attorneys to obtain more accurate assessments of when witnesses are actually needed. Instead of putting the burden on witnesses who cannot be on one-hour standby or do not have telephones to make other arrangements with the trial attorney, staff could let these witnesses know when jury selection had been completed, if there had been another continuance or a late plea, and whether they will even be needed.

Although about one-half of all cases on the trial dockets are resolved, witnesses are not informed of these changes; they must still call in before the trial date, even though the need for these witnesses was eliminated at least two weeks earlier. Better information management would allow staff to contact these witnesses after the pretrial conference to minimize interference with witnesses' work, vacation, and child care schedules.

Revise the forms used for subpoenas to make them more readable and less confusing.

The current subpoena for witnesses is hard to read: At the top is the information about the trial, inserted into the middle is a notice about disability accommodation, and finally, at the bottom, are the instructions and telephone number for the witness to call regarding appearance. If the bottom copy of the computer-generated subpoena is served on the witness, it is difficult to even read the print. If any liquid is spilled on the subpoena, the print is erased. Not surprisingly, significant numbers of witnesses appear at the office on trial day without telephoning first and without being needed at trial. Such appearance is a waste of both staff time and witness time.

Delay the issuance of subpoenas at least until the completion of discovery and pretrial motions.

The number of subpoenas currently requested by the State Attorney could be substantially reduced, with concomitant reductions in cost and time for the Clerk, the Witness Management Program, the Sheriff's Office and the witnesses themselves. The present practice is basically "overkill", since many of these witnesses may not be called or even have material and relevant information. By the time discovery is completed, both the State Attorney and Public Defender should know which witnesses are important to their cases; pretrial motions, such as a motion to suppress evidence, can lead to reduction of charges or the dismissal of the case itself. The issuance of thousands of subpoenas can be eliminated by waiting until there has been time to develop these cases.

H. Use of Bond

Orders requiring bond to be set around the primary offense only should be strictly enforced. Bond and the conditions setting its amount should be thoroughly reviewed by the bench with input from the entire system.

The bond, pretrial release and population cap system of release becomes the de facto sentencing and jail management system of the county, in one sense relegating judges and attorneys to a role of ratifying the decisions of inflexible policies in individual agencies, rather than one of adjudicating offenses and then determining the appropriate disposition, at least for those cases not released. The system also has the effect of hurting those who cannot afford bond. The following anecdotal example illustrates both of these consequences.

Case 1 A burly, out-of-town biker, about 40 years old was one of 11 men who made up an organization to manufacture a variation of methamphetamine and distribute it throughout Florida. Defendant's job was to deliver the drug to Central Florida. After doing this for some time, he quit, and moved to New England for two years, where he was apparently not involved in crime and worked steadily. In his defense, his attorney argued that when he returned to Florida, he was again solicited by the group, but refused to rejoin. Arrested last fall, he bailed out after about a week. He pled guilty, was given time served and conditions were placed on his supervised release. He served just over a week for his offense, in addition to his supervised release.

Case 2 A slight man from an Orlando inner city neighborhood, about 20 years old was acting as the runner for a drug dealer in an Orlando park. He would take small quantities of the drug from the dealer in one part of the park and deliver it to the customer, bringing the money back to the dealer. His attorney argued that this was his first offense. Arrested last fall, he was unable to afford bond and stayed in jail until sentencing, a period of just over five months. He pled guilty, was given time served and conditions were placed on his supervised release. He served just over five months for his offense, in addition to his supervised release.

In both these cases, the sentence was effectively determined by the amount of time served in jail until the case came up for sentencing, which was originally caused by ability to post bond.

More simply, if a defendant is not released in the first week or two, he will serve between six and nine months before his case is decided, even if his sentence would be substantially less than that.

The bond schedule contained in the Administrative Order, coupled with the practical outcome of the federal court order for Population Cap Releases have become the keys for determining length of custody in Orange County's criminal justice system.

Some lesser, but equally unusual procedures contribute to jail population. By common and tacitly accepted practice, an arresting officer is permitted to contact the judge who will set bond, and ask that no bond be set. While the court exercises its own discretion, ordinarily this results in no bond being set. This practice perpetuates lack of continuity in system attention to pretrial release. Chapter 6 recommendations discuss the bond issue and how changes could be implemented in more detail.

NOTES

- 1 While Consultants area of review includes only Orange County it should be acknowledged that the Ninth Circuit also includes Osceola County. It is usually, but not always easy to differentiate the services rendered to the county and to the circuit as a whole. Nearly 90 percent of the court caseload originates in Orange County, however.
- 2 Seniority was recently removed by the judges as the primary, or sole criteria for becoming a Chief Judge.
- 3 These seven staff members are responsible for completing all sentencing packets, which can include DOC commitments as well as probation.

- 4 This project will require at least two to three months to test the system, which will probably be implemented initially in one Circuit Court division and one County Court division.
- 5 Under FS 322.245, a person charged with a criminal traffic offense or misdemeanor is essentially given a 30 day extension, after notice of a failure to comply with a court order, to pay fines, costs or complete required programs. Similarly, persons opting for traffic school in lieu of a fine are given 90 days to complete the program, which automatically includes the 30 day extension allowed by statute.
- 6 Such cases can be identified early in the adjudication process, since the State Attorney can determine which cases will most likely result in a DOC sentence.
- 7 Some divisions organize their court dockets in alphabetical order, while other judges prefer to list cases by co-defendants or private attorneys first.

PART III: USE OF CRIMINAL JUSTICE SPACE

8. Correctional Facilities

Chapter 8. Correctional Facilities

I. OVERVIEW

Consultants find that OCDOC makes logical and appropriate use of its existing detention facilities. Planning and construction of the most recent facilities, Genesis, Horizon and Phoenix facilities has resulted in well designed, efficient facilities in terms of operations, construction cost and staffing. Consultants concur with the general thrust of the Corrections Master Plan, but plan and phasing must be refined to reflect lower rate of bed space demand. Also, the Master Plan should document staffing plans for future facilities and should include an element dedicated to minimum custody housing, at the 33rd Street site and at the Work Release Center.

Consultants' analysis of the jail's inmate population, examination of the agencies constituting the criminal justice system, and tours of key criminal justice facilities show that qualitatively, the OCDOC's current Master Plan is a logical and intelligent approach to development of facilities to meet Orange County's correctional needs. The Master Plan sets out specific short- and long-term goals and provides phasing of projects to allow for monitored growth.

The magnitude of the facilities proposed by the Master Plan and the emphasis on medium to maximum type buildings, however, do not constitute the most effective approach in terms of either cost or public safety.

II. EXISTING SPACE USE

The Orange County Division of Corrections (OCDOC) operates facilities at three locations in Orlando: the 33rd Street Corrections Center, the Municipal Justice Building (MJB) and the Work Release Center in downtown Orlando. The current system bed capacity is 3,317 beds which includes secure single and double cells, as well as dormitories. The breakdown by facility is summarized in Table 8.1.

Table 8.1 Existing Detention Facilities

Facility	Rated Capacity
33rd Street Jail	1,392
Central Booking Facility	127
Genesis	220
Horizon	768
Phoenix	288
Whitcomb Trailers	182
33rd Street Correctional Center	2,977
Municipal Justice Building	216
Work Release Facility	124
System Total	3,317

A. 33rd Street Corrections Center

OCDOC operates six distinct detention facilities at the 33rd Street Corrections Center, plus support services and central administration on this 60 acre site. Figure 8.1 depicts the existing facilities and their respective bed capacities.

1. Central Booking Facility

The Central Booking Facility (CBF), which processes about 53,000 arrests per year, is the single point of intake for all male and female inmates who enter the system. The facility includes intake processing, holding cells, medical screening, observation and a video court/court movement area. The CBF has a rated housing capacity of 127 beds, which are multiple occupancy cells located on the second floor.

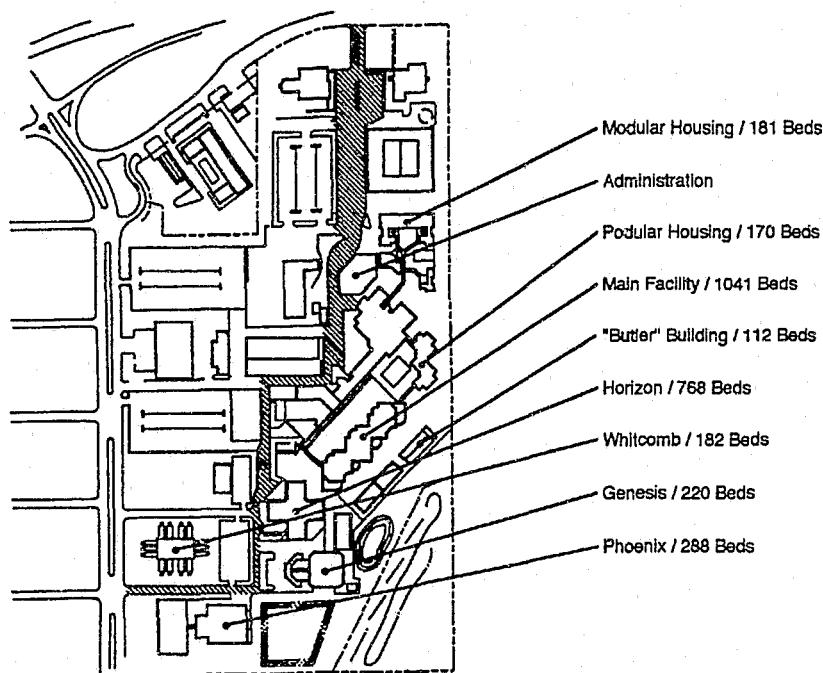
2. 33rd Street Jail

The 33rd Street Jail, also called the "Main Facility" has a rated capacity of 1392 beds and contains three discrete housing elements and a major support building. The three housing elements are the Modular Housing ("Mods") with a capacity of 181 beds, the Podular Housing ("Pods")

with a capacity of 170 cells, and the main building with a capacity of 929 beds housed in three multi-story wings "D", "E", and "F" buildings. In addition, the "Butler Building", a 112 bed temporary housing building located east of the "D" building, was added to reduce overcrowding.

Currently the "Mods" house general population inmates who participate in programs, and the "Pods" house juveniles who will stand trial as adults. Two housing units of Modular Housing have recently been remodeled to serve as infirmary housing for the entire complex.

Figure 8.1 Existing Detention Facilities: 33rd Street



Source: 1990 Corrections Facility Master Plan, HLM/Stollo.

The 33rd Street Jail (or Main Facility) is a maximum security facility used to house high security inmates who require special management. The principal categories are inmates charged with capital crimes, escape risks, psychiatric cases, and inmates housed for an initial seven-day orientation, assessment and classification. Another group includes inmates who elect not to participate in programs and are managed according to minimum requirements of Florida Standards. Part of this group will be transferred to the Municipal Justice Building, which currently houses all women, when the relocation of general population women occurs (Summer, 1993).

Housing includes single, double and multiple occupancy cells organized into small housing sub-units remotely supervised by control stations. Part of the administrative space on the fourth floor was recently remodeled to provide six direct supervision dormitories.

3. Genesis

The Genesis building (completed in 1988) houses inmates who participate in intensive programs in alcohol treatment, drug treatment, and religious study and GED. The facility has four two-level dormitories with a total self rated capacity of 220 beds, and support spaces, food service, multipurpose, and a secure outdoor courtyard used for exercise, classes and visiting.

4. Horizon

The Horizon facility, completed in 1991, is a 768 bed seven story structure with a maximum security perimeter. The lower floor includes support functions such as administration, control, and visitor processing. The area also includes several lecture/classrooms used for division-wide training. Each housing floor contains four 64-bed housing units with 32 double cells arrayed around a two story dayroom. Support areas include classrooms, food service support and secure outdoor exercise areas.

5. Phoenix

The Phoenix facility, completed in 1991, is a job skills training facility operated by the Community Corrections department within the Division of Corrections. This facility, which was modeled on the Genesis facility, has four 72-bed direct supervision dormitories with a total rated capacity of 288.

The training function includes well equipped classrooms and shops for computers, accounting, electronics, auto repair and building construction.

6. Whitcomb

The Whitcomb facility is a 182 bed temporary facility which includes fourteen detention housing trailers connected to a central support building. The facility, which has traditionally been used for male

inmates, has recently been remodeled for use by general population females who are being relocated from the MJB. Women inmates housed at Whitcomb will be eligible to participate in the job skills training programs offered at the Phoenix facility located across the street.

B. The Municipal Justice Building

The Municipal Justice Building (MJB), which is owned by the city of Orlando, houses the Orlando Police Department with a linear, indirect supervision detention facility located on the upper floors. Rated capacity of this facility is 216 beds. Typical housing units are 12 to 14 bed cells with dayrooms supervised from a security corridor which wraps around the perimeter of each floor. The upper floor includes a small management unit with interior single and double cells. The facility is functionally obsolete, and lacks support spaces and environmental and security systems common in modern jail operations.

As noted, the ODCOC is currently changing the functional use of the facility. In order to maintain equal services for male and female inmates, general population females have been moved to the Whitcomb Trailers at the 33rd Street Center. A small group of special population female inmates who elect not to participate in programs will remain at the MJB. Most of the housing will be used for male inmates who do not elect to participate in programs offered at 33rd Street. This group will be transferred from the Main Facility where they now occupy high security cells, which may be used more efficiently for special management cases.

C. Work Release Center

This low minimum security facility has a rated capacity of 124 beds in dormitory style housing. It is used for pretrial and sentenced inmates who can function in the community. Plans call for a two phase expansion of this facility, first to 300 beds and ultimately to 600 beds.

III. ORANGE COUNTY CORRECTIONS MASTER PLAN

Since 1988 development and construction at the 33rd Street Corrections Center has been guided by the Orange County Corrections Master Plan

prepared by the architecture and planning firms of Hansen, Lind and Meyer (HLM) and Strollo Architects, Inc. (SAI) working with OCDOC and other county staff.

Since serious master planning efforts began in 1988, there have been three periods and separate contracts to develop, revise and refine the Corrections Master Plan (1988, 1990, 1992 to 93). The term "Phase" has been used both to describe the master planning document and the interval for actual building, e.g. Phase I construction. The result is some linguistic confusion between planning phases and proposed construction phases. In attempt to alleviate this confusion, the term "Phase" will be used generally to refer to proposed *construction*, while the master plans will be primarily identified by the years when the studies were conducted, e.g. 1990 Master Plan.

A. Master Plan History

The Master Plan is documented in three phases. The initial Master Plan was completed in 1988. A second study based on developments at the time, entitled "Phase I Master Plan" was issued in November, 1990 while Phase II of the Master Plan, issued in May, 1992 refines the plan and details projects for construction for the period of 1993 to 1996. The key assumptions and elements of the entire Master Plan are summarized below.

B. 1990 Master Plan

This study was a revision of the original site concept in response to a higher than expected inmate population and the unforeseen need to build the Phoenix job skills facility on site, since a community location was unavailable.

1. Master Plan Population Projections

The Master Plan uses an inmate population growth model chosen from eight scenarios which applied different assumptions about county population growth, average length of stay (ALS) and booking rates to arrive at estimates of inmate populations over five-year intervals to the year 2006. The scenarios produced a 2006 projected inmate population ranging from 6,600 to 24,400, depending on the alternative.

The model ultimately chosen as the basis for the Master Plan estimates

a 2006 inmate population of about 9,000 inmates or a nearly 200% increase above current average daily population (ADP). No rationale is included in the Executive Summary of the master plan for the selection of this particular growth model, though it serves as the basis for sizing many elements of the Master Plan.

2. Master Plan Goals

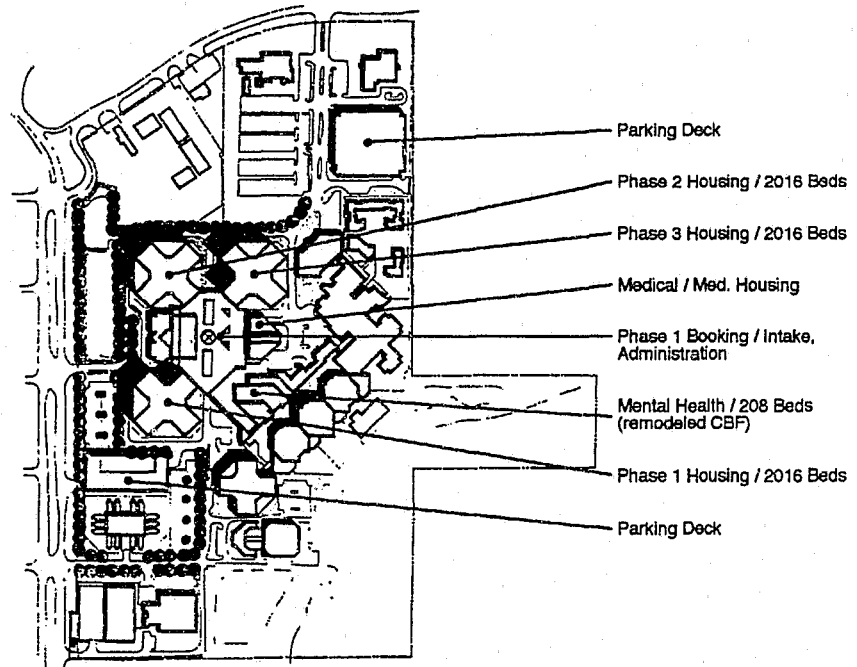
Five master plan goals or guiding principles were developed:

- 1. Accommodate the facility needs for 9,000 inmates at the 33rd Street Correctional Center with expansion capability beyond this number.**
- 2. Phase the implementation of the Master Plan.**
- 3. Integrate new and existing facilities.**
- 4. Provide adequate on-site vehicular circulation and parking.**
- 5. Develop logical, secure pedestrian circulation.**

3. Scope and Phasing

The 1990 master plan ("Phase I") proposes three distinct stages or phases to accommodate the projected need which will result in the construction of nearly 6,015 additional beds. A principal element in each phase is the construction of a high security, high rise housing building with 2,016 beds, complemented by construction of other necessary support functions and site infrastructure, including utilities and parking structures. Table 8.2 summarizes the elements of each phase proposed by the 1992 Master Plan.

Figure 8.2 Master Plan 1990 to 2006



Source: 1990 Corrections Facility Master Plan, HLM/Strollo.

Table 8.2 1992 Master Plan Elements

Phase I Construction

1. Parking Deck Number 1 (770 cars¹)
 2. New Intake/Release Facility 242,000 gsf
 3. Parking Deck Number 2 (520 cars)
 4. Women's and Assessment Housing Facility 648,000 gsf
 5. New Health Care Facility 68,000 gsf
 6. Remodel Central Booking for Mental Health Housing 49,700 gsf
- Inmate housing capacity would be 5,026 beds at the end of Phase I²*

Phase II Construction

7. New Housing Facility 648,000 gsf (2,016 beds)
 8. Parking Deck Number 3
- Inmate housing capacity would be 7,042 beds at the end of Phase II construction.*

Phase III Construction

9. New Housing Facility 648,000 gsf (2,016 beds)
- Inmate housing capacity would be 9,058 beds at the end of Phase III construction.*

cost is \$11,135,000.

Project Number 3: Women's and Assessment Housing Facility

This project is a sixteen story housing building which includes two floors of housing support and fourteen floors or seven floors of two levels of housing for a total of 2,016 beds. The project area is 648,000 gross square feet of new construction for an estimated construction cost of \$67,400,000.

Project costs, e.g. fees, equipment, and the costs of parking decks are not included in these estimates. Estimated staffing and operations costs are not included in the master plan documents.

C. 1992 Master Plan (Phase II)

In May 1991 the Board of County Commissioners authorized HLM/SAI to proceed with Phase II of the Master Plan. This effort included three components: 1. refinement of the site concept, 2. development of more detailed information on critical site infrastructure, and 3. schematic design and cost estimates for three major building projects (projects 1-3) with a total estimated construction cost of \$99,746,000.

IV. FINDINGS & RECOMMENDATIONS

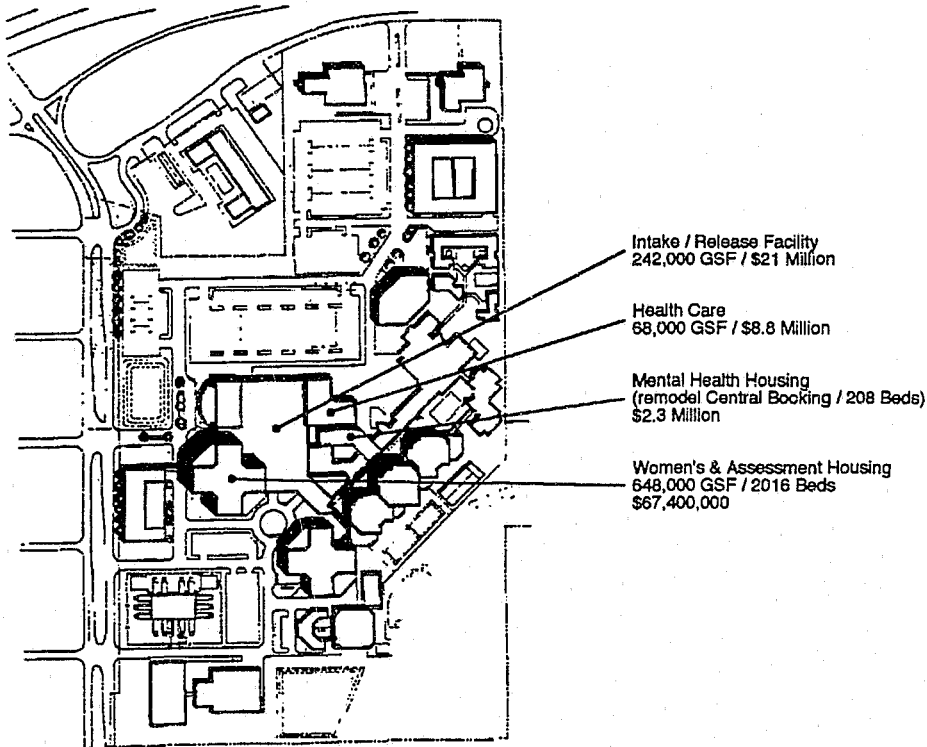
A. Central Booking Facility

The Central Booking Facility is undersized, poorly configured and lacks adequate space for crucial functions. Consultants concur with the Correctional Master Plan findings that the Central Booking Facility is functionally obsolescent and should be replaced in order to achieve safe, secure, cost efficient operations.

The Central Booking Facility has a poor functional layout which increases staff requirements and key elements are undersized for current annual booking levels (50,000 to 53,000 cases per year).

This facility is inefficiently organized and lacks adequate capacity to properly process arrestees at current volumes; it must be replaced. Circulation and the functional layout within the CBF are poorly organized and do not permit a smooth flow and result in inefficient staffing. Facility holding cells are configured along corridors which

Figure 8.3 Master Plan Phase I (Construction)



*Source: 1990 Corrections Facility Master Plan, HLM/Stollo.

The three projects of the 1990 version are:

Project Number 1: New Intake/Release Facility

Construction of a new intake/release facility. Principal project elements are Intake/Release, Administration, Complex Support Services, and secure links to existing facilities. The project includes 232,000 square feet of new construction and 10,000 square feet of remodeled area for a total estimated cost of \$21,201,000.

Project Number 2: Health Care Facilities

Principal project elements are Medical Health Care, Mental Health Care, and Support Services. The project includes 68,000 square feet of new construction and 50,000 square feet of remodeled and shell space in the existing Central Booking Facility. Total estimated construction

restrict adequate visual supervision of these areas. Areas for booking, holding, intake interviews and property storage are inadequate in size. Remodeling the CBF is discussed below in the section III D below.

B. 33rd Street Jail (Main Facility)

The Main Facility has a physical organization which results in an inefficient staffing pattern. Given the limitations imposed by the building organization, OCDOC is making the "highest and best use" of this facility in housing special populations, e.g. orientation, mental health, maximum security.

Housing in the Main Facility is grouped into small units supervised remotely from high security control rooms. The building configuration requires a higher level of staffing because for each housing floor, it is necessary to staff control rooms and provide rovers and escort officers. The smaller housing unit size also results in a higher staff to inmate ratio than the newer housing.

The Main Facility is used to house special management groups, including inmates charged with capital crimes, escape risks, mental health cases and those in initial classification and assessment. These functions appear to make the best use of housing in this building.

C. Genesis, Horizon, Phoenix

OCDOC has done innovative and cost effective design and planning in the most recent detention housing. These projects demonstrate a focus on achieving ever higher levels of efficiency in construction cost and housing staff. Consultants recommended continuing OCDOC's current approach to new housing with 64 to 72 bed units in wet and dry cells and secure dormitories.

Recent housing is well designed and staff efficient. The housing units in the Genesis, Horizon, and Phoenix buildings have been designed to support the direct supervision management, which places a single custody staff within each housing unit. Services are brought to inmates so the need for movement staff is limited.

The Genesis and Horizon buildings each contain four large dormitory style housing units configured with a central dayroom and surrounded by sleeping areas and adjacent program areas. These housing units are large (Genesis: 50 to 55 beds /Phoenix: 72 beds), well organized and

permit efficient custody staffing.

The Horizon building is a state-of-the-art detention facility which achieves economies in custody staffing and in building design. An innovative cost saving feature is the use of double rather than single cells, which resulted in a reduction of the perimeter required for single cells and a corresponding reduction in the interior floor area.

D. Municipal Justice Building

For the short term, use of the MJB as a "minimum standard" facility to house inmates who refuse to participate in programs is appropriate. For the long term, the Municipal Justice Building detention facility should be replaced and inmates relocated to the 33rd Street Correctional Center.

The intermittent visual supervision required by the linear housing form is contrary to modern practice and severely limits safe, efficient staffing. There are continual extra operational costs in terms of inmate transport, food service transport, and administrative structure for a relatively small detention unit. The housing is substandard in organization, floor area, and the building lacks essential program areas, and environmental and security systems.

The Municipal Justice Building detention facility is functionally obsolescent and should be replaced. The interim use of MJB for male inmates who receive "minimum standards" appears to be reasonable use of this outmoded facility for the short-term. This finding concurs with the analysis done during the Corrections Master Plan preparation.

Building replacement would range from \$15,000 to 33,000 per bed depending on the custody classification of inmate groupings. Estimated costs for a 220-bed facility with dormitories or cells would range from \$3,300,000 to 7,620,000 for direct construction costs alone.³

There are several important life cycle cost savings possible by closing the MJB and re-housing inmates at the 33rd Street Correctional Center since a new facility would optimize housing staff efficiency while also reducing escort and transport staff needs.

Impact

Better supervision of inmates, less chance of violence and vandalism.
Reduce escape risk associated with inmate transport.

Cost

Major staff savings possible with 64 or 72-bed units, greater efficiency of kitchen, administration and medical staff.

E. Work Release Housing

Consultants recommend that the Work Release Center become an element in the Correctional Master Plan and that development of the center be planned simultaneously with other system elements.

The capacity of the current Work Release Center is 124 beds. The OCDOC anticipates expanding the facility several-fold over the coming years from 300 and ultimately to even 600 beds. However, these plans have been discussed in a conceptual manner only with no integration with the existing correctional Master Plan.

F. Corrections Master Plan

The Master Plan is well organized and clearly presented, and plan elements and phasing appear to be well considered. The detailed technical programming represented in the architectural program is competent and thorough.

1. Overall Master Plan Revision

Revise the Master Plan to reflect lower overall demand.

Master Plan revisions should include study of a potential reduction in the scope of some of the key Phase I (construction) elements such as Intake and Medical and Mental Health facilities. Housing, which accounts for a substantial portion of the estimated Master Plan construction cost, should also be significantly reduced in size for all three phases.

The high projections result from the reliance on a short historical interval when the system experienced its most extreme growth. Recent

historical trends demonstrate a reduction or leveling of the booking rate which will further result in a reduction in the rate of jail population growth. In addition to revised jail population projections, court processing and other system improvements could significantly reduce the rate of increased demand for new detention bed space. It should be noted that a jail system of 9,000 beds would be the third largest in the United States for 1993, and Orange County already has one of the highest incarceration rates of large counties nationwide.

Further, formal master plan documents did not consider the impacts of improved inmate processing and alternatives to incarceration for pretrial and post-sentenced inmates with the resultant potential to reduce bed space demand. The Master Plan also did not evaluate and document the staffing and operating costs to run a facility of this size.

ILPP's jail population projections reflect reductions in the booking rate since 1990 and produce significantly lower estimates of jail population growth to the year 2006. The recent projections estimate a 2006 jail population (ADP) ranging from 4,349 to 6,549, which is a substantial 2,388 to 4,588 inmates less than the 1990 Master Plan projection of 8,937 inmates.

Table 8.3 below summarizes the differences in the jail population projections for 2006.

Table 8.3 Jail Population Projections for 2006

		Increase	%	Reduction in Need (ILPP v. MP)
Existing Jail Population	3,262			
ILPP Low Projection	4,349	+ 1,087	33%	-4,588
ILPP High Projection (Revised)	5,629 6,549*	+ 2,367 + 3,287	73% 101%	-3,308 -2,388
MP Projection 2006	8,937	+ 5,675	174%	

* Revision based on Orange County review of projection data. See Chapter 3.

The 1992 Master Plan estimated a construction cost for the three phases at \$235 million, with a Phase I cost of nearly \$100 million. A conceptual estimate of the potential construction cost reduction associated with

downsizing can not be made on a simple unit cost per bed since a substantial portion of the Phase I construction would include essential support services such as intake, and medical facilities.

However, it is possible to make a crude estimate in order to suggest the potential magnitude of the construction savings. The 1992 Master Plan estimated each 2,016 bed housing building at \$67,400,000 or about \$33,500 per bed, while the total cost to construct the Phase I support facilities (e.g., intake, medical) was estimated at about \$32,000,000.

Using the ILPP low projection of 4,349 in the year 2006, the 1992 Master Plan Phase I cost estimate of \$100 million may be reduced significantly. This hypothetical scenario assumes that support functions are built at 75 percent of their proposed size and new housing totals about 1,150 beds (1,033 plus 10% for system vacancies). The estimated cost total of this low range scenario would be about \$62.5 million with \$24,000,000 for support plus \$38,525,000 for housing. If the essential support components (e.g. intake, medical, etc.) remained at their original size then total project cost for Phase I would be about \$70 to 71 million or about \$19 to 20 million less than the original estimates of cost. In terms of total project "build out" for all three phases, the total cost will be significantly less.

A second case would be to use ILPP's high estimate revised in consultation with ODCOC staff to 6,549 in 2006. The master plan cost estimate, based on a 2006 population of 6,550 inmates, would be about \$134,500,000 with support at 75 percent and 3,300 new beds. Parking structures would be extra. This approximation would be about \$100 million less than the total 1992 Master Plan cost estimates. If essential support components (e.g., intake, medical, etc.) remained at their original sizes, then total construction cost would be about \$142 million, a figure \$90 to 93 million less than the total Master Plan construction cost estimate of \$235 million.

2. New Housing & Custody Breakdowns

Revise the Master Plan to reflect custody breakdowns in the inmate population.

Master plan population projections do not breakdown general inmate projections into security or custody (maximum, medium, and minimum).

A projection of inmate custody breakdowns (maximum, medium, and minimum), based on existing proportions is important in determining the nature and security level of new housing. This custody breakdown is absent in the Master Plan. Without these estimates there is a tendency to over build in terms of security level at a consequently greater cost. Consultants' jail population profile indicates that 72 percent of the jail population currently should be classified for medium or minimum security. Since a substantial proportion of the existing housing is medium or maximum security, a balanced cost effective system requires planning a proportion of less costly medium and minimum security housing.

The Master Plan should be revised to reflect the substantial actual need for minimum security bed space beyond the existing temporary housing: Butler and Whitcomb. The plan should be expanded to include a definitive program for the incremental expansion of the Work Release housing and necessary support components.

Recent construction of the Genesis, Phoenix, and Horizon units, when joined with Master Plan cost data permit crude estimates of cost impact for minimum versus medium security housing. These figures suggest approximate costs for bed space are about \$15,000 for minimum security dormitory beds and about \$33,500 per bed for double and single cells. There are significant differences when one compares the cost for 100 beds of minimum security bed space and 100 beds of medium security bed space. Using this general model (housing only without essential support elements), 100 beds of minimum security housing would cost \$1.5 million versus \$3.3 million for 100 beds of medium security housing, or a difference of \$1.8 million. In other terms, with \$3.3 million it would be possible to build 220 minimum security beds versus 100 medium security beds.

3. Staffing Plans

Prepare detailed staffing plans and cost estimates parallel with Master Plan refinements.

Detailed staffing estimates were not documented as part of the OCDOC master plan.

Current progressive practice for planning detention facilities depends heavily on the principle that operations determine design. Typically staffing plans are prepared parallel with building design. In other terms, the operations and the staffing are one of the crucial determinants

in shaping physical plans, since it costs far more to operate these facilities than it does to construct them. Though some staff planning for housing was done as part of the master planning, detailed staff planning is absent from the Master Plan documents.

As the National Institute of Corrections notes, this planning is critical since staffing costs represent 70 to 80 percent of the life cycle costs of detention facilities, while construction ranges from 5 to 10 percent. An oversight in building design which requires one extra 24-hour post could result in five extra positions at a continual annual cost or life cycle cost of \$125,000 to \$150,000 per year.

Substantial reduction can occur in future staffing costs through staff planning and downsizing.

4. Intake Center

Consultants concur with the general thrust and sequence of program elements proposed in the 1992 Master Plan: Intake, Medical/Mental Health followed by housing. Consultants believe that revised population projections require a revision of the schematic plans to reflect a reduced total demand through the year 2006.

The 33rd Street Correctional Center complex, which is one of the largest county detention facilities in the nation, experienced enormous expansion from 1983 to 1993 when the ADP went from 800 to 3,300. Though the major projects emphasized housing to cope with overcrowding, key support services, which are essential for safe and efficient operation, were not funded.⁴

One area of concern is the "overnight housing unit", which is designed to house arrestees who have a high likelihood of being released within a 24-hour period. The dormitory configuration of this area may be inappropriate, since communicable disease potential is high in this population. OCDOC may wish to consult with its medical staff and consider provision of single cells and small dorms to diminish potential exposure in this housing unit.

OCDOC estimates that existing CBF staffing is sufficient to staff the new intake center; no additional staff will be required because the facility can be configured to achieve optimal staff efficiencies in terms of economy, safety, and security.

5. Pretrial Release Unit & Arraignment Courtroom

The county should proceed with the planning and construction of the intake center as proposed in the 1992 Master Plan. This project should be downsized to reflect a slower rate of jail population growth and otherwise modified to permit the addition of a pretrial release processing unit (pre-processing screening unit), and an arraignment courtroom.

Consultants have proposed additions to the Master Plan of court-related functions to accelerate adjudication time and reduce jail bed space demand. The proposal, which is in addition to the high security courtroom in the 1992 Master Plan, includes a pre-booking processing center and a plea courtroom adjacent to the new booking area and will result in a cost increase for the Intake Center. Rough area estimates suggest 8 to 10,000 gsf required area for these functions with a construction cost ranging from \$ 864,000 to \$1,00,000.

Court processing times would be reduced with a resultant reduction in staff time and courtroom usage would be reduced.

For the interim period Consultants recommend remodeling the existing video courtroom or other area in the Central Booking Facility for use as a "Plea Courtroom" or arraignment courtroom and adding a secure trailer(s) for office functions for a Judge, State's Attorney, Public Defender, and judicial support staff.

6. Medical & Mental Health Facilities

The county should proceed with the planning and construction of medical and mental health housing as proposed in the 1992 Master plan. These projects should be downsized to reflect a slower rate of jail population growth.

Construction of new medical housing is necessary to meet the required demand and to achieve more efficient staff use while maintaining essential security. The recently remodeled modular housing units have improved the amount and quality of medical housing. However, these buildings are remotely located and do not provide a maximum security perimeter which is necessary for this special unit. Similarly, staff efficiencies could be increased for medical and custody staff with a secure infirmary located adjacent to the intake center as proposed in the Master Plan. Staff efficiencies for medical and mental health will

increase through their concentration in a central location. On the basis of the lower population projections, both program elements might be reduced in size. Costs for many hospital services and related transport and custody staffing costs will be reduced or eliminated, since on-site services will be available.

Remodeling the existing Central Booking Facility for Mental Health Housing was described in Project Number 2 (Health Care Facilities) of the 1992 Master Plan. Consultants concur that this is a reasonable and cost effective reuse of this facility.

Construction cost for medical and mental health facilities may be somewhat less than the 1992 Master plan estimates. Master plan construction cost estimates for these projects totaled \$32,000,000 (Intake Center: \$21 million, Health Care: \$ 8.8 million, Mental Health Housing \$2.3 million). Scope reductions to correspond with reductions in projected jail population will reduce the project cost.

G. Other Areas of Potential Cost Savings

1. Visitor Orientation

Further construction cost reductions may be possible with re-planning. One example is the Visitor Orientation area which is programmed at 11,000 gsf. The need for such a large area is questionable in light of the fact that current practice relies on a logical decentralized model for inmate visiting, since housing and related visiting areas are scattered over the site.

With the existing system, visitors proceed to the building where they have a scheduled visit. Small rooms or areas with video orientation devices, located in or near the public lobby of each housing building may be an effective alternative to the large, centrally located Visitor Orientation area. Aside from the area reduction in the Intake Center, there would be a major reduction of public traffic to that facility.

2. Training & Office Functions Outside Secure Perimeter

Another cost reduction strategy would be to remove certain offices and training facilities from the Intake Center and house them in a less expensive building of commercial grade construction. The 1992 Master

Plan program specifies nearly 28,000 gsf for Training and Staff Development and Division Administration. Inclusion of these functions in a building which is composed largely of heavy security grade construction occurs at a premium cost, even though these areas may be in the public zone of the building. If system managers concur that these functions might be located independently from the intake functions, a lighter commercial office structure may be a reasonable cost alternative. Further cost reductions might be realized through a study to determine if some redundancy exists for proposed training areas and the training areas included in the Horizon facility, completed in 1991.

H. Land Banking

Consultants recommend that the county study the feasibility of a land banking program for those properties east of the 33rd Street Corrections Center.

While the current projections suggest a slower rate of inmate population growth, maximizing the land available for future use would offer several benefits to the county. First, there are significant economies of scale inherent in a single site for county corrections. Second, the availability of adequate land may allow development of the optimal forms of housing in terms of both construction and long-term staffing efficiencies. A third possibility would be short term use of tracts of land to the east for surface parking as substitute for the proposed parking structures (the cost for the parking structure might be applied toward land acquisition). Finally, land aggregation for public use will become increasingly difficult as Orlando and the region continue to grow. Acquiring this land at its current low intensity might prove to be a long-term strategy that maximizes cost-effectiveness for location and construction of Corrections or other county facilities.

NOTES

- 1 Construction documents have been completed for a 900 car structure at this location.
- 2 Totals do not include Work Release Center bed space.
- 3 This estimate excludes project cost elements: fees, inspections, engineering tests, contingencies, etc.
- 4 The exception is the new central food service in the Administration Building.

PART III: USE OF CRIMINAL JUSTICE SPACE

9. Court Facilities

Chapter 9. Court Facilities

I. OVERVIEW

Detailed and technical coverage of the courthouse project is not a part of ILPP's contractual scope. The review of the court facilities element, therefore, is limited to the albeit important effect that the courts will have on long-term criminal justice needs in general. The finding that growth may not be occurring as rapidly as was previously expected holds true for both the courts and corrections fields. In both cases, projections were based on short-term periods of rapid increases in population and work load that now seem to be leveling off steadily. While growth has not stopped, the rate of increase has slowed, suggesting that attention be given to planning the court and correctional projects for a changing climate and level of demand.

Consultants have reviewed the following planning and programming documents in reviewing the proposal for a new Orange County Courthouse. The documents are:

- *Orange County Justice System Courts Master Plan*, Hansen Lind Meyer, and Carter Goble Associates, Inc., 1987-88.
- *Orange County Courthouse Program*, Hansen Lind Meyer, 1988-89.
- *Orange County Courthouse Project Update*, February 16, 1993. This document includes a report entitled "Courthouse Alternatives," issued in November, 1991 and revised in February, 1993. Courthouse Alternatives was prepared by the Administrative Support Division for the Board of County Commissioners.
- Miscellaneous meeting notes issued during the planning process.

II. ORANGE COUNTY JUSTICE SYSTEM COURTS MASTER PLAN (1987-88)

In 1986 the county retained Hansen Lind Meyer (HLM) and Carter Goble Associates (CGA) to evaluate the existing courts system facilities and to prepare a master plan for the system which defines needs in five year intervals until the year 2006. *The Orange County Justice System Courts Master Plan* (1987) documents the results of that study. The study included five elements including:

- Judicial System Needs Assessment
- Operational Issues Analysis
- Existing Facilities Analysis
- Judicial System Space Needs Assessment
- Master Plan Recommendations

A. Master Plan Goals

The Master Plan is predicated on two guiding principles which serve as the foundation for subsequent detailed planning:

1. **Plan for system expansion; and,**
2. **Consolidate all central court facilities.**

Specific recommendations are:

- *Maintain satellite courts in Ocoee, Apopka, and Winter Park at current levels and do not plan expansion. Winter Park's caseload should eventually be absorbed into the central facility.*
- *Maintain the Juvenile Courts at their current location. Allow for expansion on contiguous sites.*
- *Construct a new central court facility. Court and court support space projections employ a variety of statistical methods to estimate future staffing requirements as the basis for generating estimates of space need over time. The Courts Master Plan utilized historical trends of county population growth in interaction with court specific data such as civil and criminal case filings. Projections were based on eight years of historical data (1978-1986). The staffing estimates projected a total staff need for all departments of 973 in 1990 increasing to 1574 in 2006.*

B. Master Plan Projections

The projected space need for the central courts facility is summarized in below:

Table 9.1 Master Plan Projected Courts System Space Needs

	<u>1990</u>	<u>1995</u>	<u>2000</u>
<u>2005</u>			
Net square feet (NSF) 424,600	273,600	322,300	371,810
Department Gross square feet 573,000 (DGSF)	369,000	434,000	502,000
Building Gross square feet 716,000 (BGSF)	461,250	543,000	628,000

Chapter Four of the master plan document estimated existing DGSF for all courts functions in county owned and leased space at 243,000.

C. Alternative Project Scenarios

The study evaluated three conceptual scenarios to meet the projected space demand. Each scenario included a concept design, an estimate of site area needed, and a conceptual level cost estimate.

Scenario 1 envisioned remodeling the existing courthouse to house court support agencies and construction of a new thirteen story courts building within 1000' walking distance of the current courthouse. Scenario 1 had an estimated construction cost of \$138,000,000.

Scenario 2 proposed an new courts facility and courts support office building on a single site within the Central Business District. This scenario had an estimated project cost of \$121,900,000.

Scenario 3 proposed construction of a new courts complex on a 40 acre suburban site with an estimated project cost of \$115,793,000.

The Master Plan consultants evaluated each option on the basis of "five major criteria groupings" with over 25 discreet criteria. These criteria, which were reviewed and weighted by the Board of Commissioners served as the basis for the recommendation of Scenario 2, construction of a new courts complex in downtown Orlando.

D. Orange County Courthouse Program

This report is a detailed documentation of the functional and operational requirements for the central courthouse project. Its purpose is to refine the scope and size of the need by documenting detailed functional, operational and space requirements for every area of the project. Site design and external and internal movement concepts are refined and elaborated, and project design and construction schedules and cost projections also have been developed.

Table 9.2 below summarizes the revised required area estimates.

Table 9.2 Projected Courts System Space Needs-Courthouse Program (HLM, 1989)

	<u>1995</u>	<u>2005</u>
Department Gross square feet (DGSF)	497,300	617,000
Building Gross square feet (BGSF)	621,600	771,300

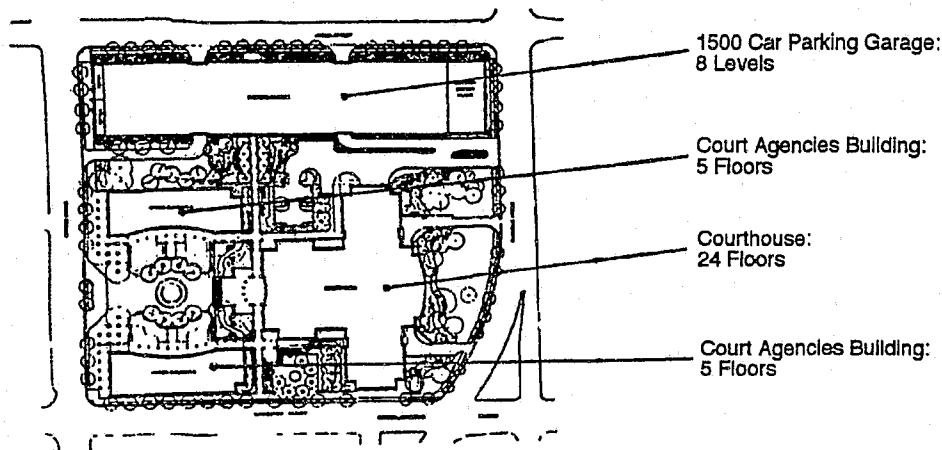
The project includes two buildings, the Courthouse and the Court Agencies Building, a 1,500 space parking structure and an open space befitting an important public building. The Courthouse "base" is a large footprint element containing court support functions with the courts in a slender tower above. The Courts Agencies Building is designed to house the State Attorney and the Public Defender functions.

Cost projections for the project estimated a total project budget of \$138,400,000 including fees.

E. Orange County Courthouse Project Update (1993)

In 1990 HLM was authorized to proceed with the design and construction documents for the Orange County Courthouse. The design was based on the requirements and concepts presented in the *Orange County Courthouse Program*. The completed design includes a twenty-four story courthouse and two five story office buildings, an energy plant and an eight level parking garage. Total architectural building gross area is 965,000 square feet, with an additional 556,000 square feet for parking.

Figure 9.1 Courthouse Project Site Plan



Source: 1990 Corrections Facility Master Plan, HLM/Strollo.

In February, 1993 the Board of Commissioners authorized construction of the new courthouse project. The *Orange County Courthouse Project Update* was prepared for use by the Commissioners and evaluates five project options ranging from no construction/continued leasing to constructing the full project. The staff recommendation was an option costing \$117,586,000 with some scope reductions and elimination of the parking garage.

III. FINDINGS & RECOMMENDATIONS

A detailed study of the Courthouse planning and programming process is an immense technical effort, which is well beyond the scope of this general overview. However, on the basis of ILPP's study of the criminal court system and a review of the planning documents described above Consultants offer some general findings and recommendations.

A. Existing Facilities

The existing courthouse and leased areas are inadequate in size, and configuration. Replacement of these outmoded facilities is necessary.

B. Estimates of Courthouse Space Demand

Numerous factors align to suggest that the rate of demand for increased adjudication spaces will be lower than the original master plan projections.

Both the detention facilities and the courthouse planning approaches rely on population projection models using data from short periods of extremely accelerated growth to estimate the future needs, usually in five-year intervals. These models generate estimates which are subject to the vagaries of public policy, changes in the local and national economies, and other factors which can not be easily predicted.

However, it is important to note that the model used in the Courts planning to estimate future caseloads utilized only eight years worth of data to project future growth, which ultimately determined the size of the Courthouse project. Consequently, the historical trend could not be factored into the projections, and the resultant projections might be significantly skewed.

ILPP's analysis presented in Chapter 7 (Adjudication) refutes the central assumptions of rates of growth commensurate with the past decade. Analysis of arrests (Chapter 3), court caseloads and other relevant data strongly implies a reduction in the rate of growth for detention facilities and suggests a decline in courts as well. This study concludes that recent trends show total caseload stabilizing or declining slightly with a future of a slower rate of growth than the dramatic rise over the past ten years.

ILPP's study of the system of adjudication has also suggested numerous ways that system management improvements can reduce caseloads and accelerate criminal court processing times. Implementation of some or all of these improvements will have the effect of reducing or attenuating the demand for space in the new courthouse. The study also makes some significant recommendations for adding spaces at the 33rd Street Correctional Center to accelerate court processing with the resultant demand reduction not only in jail bed space, but also, ultimately, in courtroom time, staff and space. The recommendations include the addition of a pre-processing screening unit and a jail arraignment courtroom.

In summary, four factors, when viewed in concert, suggest that the rate of demand for courts and court-related space will be lower than the original projections. First, the original 1990 projections were based on

a historical "bulge", and probably result in higher estimates of need. Second, recent analysis of criminal court flows result in revised caseload projections which are increasing at a lower rate, i.e., the criminal system is now growing at a slower rate, overall. Third, implementation of case management improvements and, fourth, adding pre-processing screening and an arraignment court will further modify the demand for new criminal courts in the county. It should be clearly stated that the civil courts were not part of ILPP's study.

The design of the courthouse calls for 52 judgeships and related spaces, or about 18 more courts than are now in operation. If the current trends hold, the county will not need many of these areas until sometime after the final planning interval of 2005. The result is a large area within the project that will not be needed for adjudication use for some time, which could productively be used for other purposes.

C. Courthouse Operating Costs

The county should undertake a study to plan the operating costs of the courthouse project, which takes into account all funds required to staff and run the facility which would be the county's responsibility.

The prior master plan omitted analyses of staffing and related operating costs, and thus leaves some budgeting questions unanswered. While basic building maintenance costs were projected, the larger costs of providing staffing and operational support (e.g. to supply staff and equipment to court administration, the judges, etc.) were not.

D. Surplus Space Study

The county should undertake a detailed study to explore short-term uses for possible surplus space in the courthouse. Some alternatives may include housing other public agencies, and public and/or commercial office rental.

This surplus area will represent a substantial asset to the county. The courthouse project will be 965,000 gross square feet in area, while the courthouse program estimates a need for 621,000 gross square feet of area in 1995. When one allows for mechanical, circulation, and other support areas there may be as much as 250,000 gross square feet of area available for other purposes, when the building first is completed.

The county may also wish to consider the feasibility of long-term reuse of the existing county courthouse simultaneously with the surplus space study of areas in the new courthouse.

***Appendix A:
Criminal Justice Process***

Appendix A: Overview of the Criminal Justice Process

BASIC ORGANIZATION

The American criminal justice system is an adversary system. The defining characteristic of an adversary system is that the truth of criminal charges against a person is determined by intensive cross-examination of both prosecution and defense witnesses. The determination of guilt (the truth of the charges) can be made by either a judge or a jury. The typical criminal justice system includes law enforcement agencies, prosecuting attorneys who represent the state (public), defense attorneys, the courts (which include probation officers who are "officers of the court") and the jail. With the exception of defense counsel, all of these criminal justice agencies are publicly funded. Because our adversary system is premised on a constitutional right to counsel for a person accused of criminal charges, all jurisdictions provide defense counsel to persons unable to afford their own attorneys, either through established public defender offices or through contracts with private attorneys.

Orange County's criminal justice system is organized by this general structure: There are twelve local and five state law enforcement agencies, but this report focuses on only two, the Orlando Police Department and the Orange County Sheriff's Department, which made nearly 90% of all arrests in 1992. The State Attorney files and prosecutes charges on behalf of the state; the Public Defender is appointed to represent persons charged with criminal offenses who meet its financial eligibility requirements, which are set by Florida statute. Criminal proceedings take place in either the County Court, which hears all misdemeanor cases and traffic offenses, or Circuit Court, which hears all felony cases.

Court management is the responsibility of the Chief Judge, who is elected by the other judges, and the Court Administrator. The Clerk of the Courts maintains data on court proceedings, as well as State Attorney filings, and collects fines and court costs from defendants and persons who have received traffic tickets.

Unlike most other jurisdictions, Orange County, instead of the Sheriff, operates the jail through its Division of Corrections. The jail itself is organized differently from any other county correctional facility: The Division of Corrections provides a "continuum of care," beginning with pretrial release services, a variety of housing and programs for detainees and inmates ranging from maximum security to vocational and substance abuse programs, and ending with community corrections, which provides services to persons placed on probation for misdemeanor and traffic offenses.

CRIMINAL JUSTICE PROCEDURE

Because the American adversary system provides specific constitutional rights for a defendant, every jurisdiction, including Orange County, follows the same basic criminal justice process, which begins with an arrest by a law enforcement officer. The Orange County criminal justice process, as shown in the following diagram, is not linear, but is really a decision tree until sentence completion. After arresting a person, the law enforcement officer can decide to release the person on a notice to appear or book at the jail. If the person is booked at the jail, the detainee may be eligible for pretrial release or held until first appearance, which takes place within 24 hours of the arrest. Bond may be reduced or increased at first appearance, depending on the charges or whether other charges are added.

The charge or charges, based on information provided by the arresting officer, is reviewed by the State Attorney to determine if there is probable cause, specifically whether there is sufficient evidence to believe the legal requirements for a particular crime will be established. An information is filed when this probable cause determination is made. Once the information is filed, court proceedings are set, beginning with arraignment. There may be other pretrial proceedings leading up to trial or plea negotiation. Following conviction, either by plea or trial, a defendant may be sentenced to jail time and/or probation, state prison, or an alternative to jail, such as community service, fine, or home detention (Community Surveillance). A person may be returned to jail for violation of the conditions of probation or commission of another offense.

***Appendix B:
UCR Crime and Arrest Data***

Appendix B: Uniform Crime Report (UCR) Crime and Arrest Data

The following table shows Uniform Crime Report (UCR) data from the Florida Department of Law Enforcement on arrests in Orange County from 1989 to 1992. The agencies shown are the county as a whole (all arrests), the Sheriff, Orlando Police, the state agencies (the main ones in order of importance are the Florida Highway Patrol, the Game and Fish Commission, and the Division of Beverage), and all other local agencies. In the last group most of the arrests (several hundred a year each) are by the Apopka, Maitland, Ocoee, Winter Garden, and Winter Park Police.

More than half of the arrests are made by the Sheriff's department, but this figure is misleading. The arrests are categorized as the index crimes (serious crimes of victimization), drug offenses (possession and sale), other Part II offenses of which DUI, liquor law violations and simple assault are the most numerous, and "miscellaneous." That last group is somewhat puzzling. It includes a very large number of miscellaneous offenses, most of which would appear to be fairly rare. Yet they constitute half of the total arrests in 1992 and about two-thirds of those by the Sheriff.

Consultants have attempted to determine what lies in that category. FDLE personnel were helpful but could not provide a breakdown. There must be some very common offenses in order to produce the very large total. Offenses which appear to fall into this category, according to the UCR reporting guidelines, include violation of probation or parole, failure to appear, contempt of court, fishing and hunting regulations, resisting arrest without violence, and DWLS and traffic other than DUI. Persons arrested on suspicion and then released are counted, but persons arrested and held for another jurisdiction are not. "Miscellaneous" is so large (37 percent of all arrests statewide) that FDLE would be well advised to break out its major components.

The Sheriff and the Orlando Police make roughly equal number of arrests for the serious offenses, and both make substantial numbers of Part II arrests also. It is in the miscellaneous category that they differ so spectacularly. It may reflect only a difference in reporting conventions,

or a real difference in arrest practices. Whichever is the case, the miscellaneous arrests do not appear to cover many serious offenses, so the relative numbers of total arrests by the various agencies do not provide an accurate picture of their crime fighting activities. It should be noted that many of the arrests by the smaller police departments also fall into the miscellaneous category. For several of them the miscellaneous arrests were well over half their total.

Crime and Arrest Information, 1989-1992

Year	Agency	Total	Index	Drug	Other			Percent of All Agency Arrests			Percent of Arrests for Offense Group		
					Part II	Misc		Index/drug	Part II	Misc	Index/drug	Part II	Misc
1992	County	42,384	6,782	3,455	10,732	21,415	24.2%	25.3%	50.5%	100.0%	100.0%	100.0%	
	Sheriff	29,960	2,705	1,778	6,179	19,298	15.0%	20.6%	64.4%	43.8%	57.6%	90.1%	
	Orlando Police	7,335	3,435	1,495	2,252	153	67.2%	30.7%	2.1%	48.2%	21.0%	0.7%	
	State agencies	1,371	19	37	1,069	246	4.1%	78.0%	17.9%	0.5%	10.0%	1.1%	
	County balance	3,718	623	145	1,232	1,718	20.7%	33.1%	46.2%	7.5%	11.5%	8.0%	
1991	County	50,902	9,106	3,716	11,161	26,919	25.2%	21.9%	52.9%	100.0%	100.0%	100.0%	
	Sheriff	34,526	3,919	1,779	4,562	24,266	16.5%	13.2%	70.3%	44.4%	40.9%	90.1%	
	Orlando Police	8,578	3,702	1,440	3,066	370	59.9%	35.7%	4.3%	40.1%	27.5%	1.4%	
	State agencies	2,297	28	49	1,935	285	3.4%	84.2%	12.4%	0.6%	17.3%	1.1%	
	County balance	5,501	1,457	448	1,598	1,998	34.6%	29.0%	36.3%	14.9%	14.3%	7.4%	
1990	County	48,095	10,128	4,324	14,368	19,275	30.0%	29.9%	40.1%	100.0%	100.0%	100.0%	
	Sheriff	28,057	4,939	2,078	7,039	14,001	25.0%	25.1%	49.9%	48.6%	49.0%	72.6%	
	Orlando Police	13,347	3,809	1,954	4,269	3,315	43.2%	32.0%	24.8%	39.9%	29.7%	17.2%	
	State agencies	1,989	4	6	1,752	227	0.5%	88.1%	11.4%	0.1%	12.2%	1.2%	
	County balance	4,702	1,376	286	1,308	1,732	35.3%	27.8%	36.8%	11.5%	9.1%	9.0%	
1989	County	38,063	9,025	4,781	9,765	14,492	36.3%	25.7%	38.1%	100.0%	100.0%	100.0%	
	Sheriff	16,912	3,796	1,954	4,060	7,102	34.0%	24.0%	42.0%	41.6%	41.6%	49.0%	
	Orlando Police	15,410	4,077	2,345	3,717	5,271	41.7%	24.1%	34.2%	46.5%	38.1%	36.4%	
	State agencies	1,293	8	24	959	302	2.5%	74.2%	23.4%	0.2%	9.8%	2.1%	
	County balance	4,448	1,144	458	1,029	1,817	36.0%	23.1%	40.8%	11.6%	10.5%	12.5%	

Index is murder, forcible sex, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. Drug is sales and possession. Other part II is manslaughter, kidnap, arson, simple assault, bribery, embezzlement, fraud, forgery, extortion, intimidation, prostitution, non-forcible sex, stolen property, DUI, vandalism, gambling, weapons, and liquor. The greatest numbers are DUI, liquor, and simple assault; stolen property, intimidation, and prostitution are also significant. State agency arrests are mainly DUI, with some liquor and fish & game. Miscellaneous is unspecified but appears to include DWLS, other traffic, FTA, and VOP.

***Appendix C:
Domestic Violence Task Force***

Appendix C: Domestic Violence Task Force

Domestic violence is a problem of great concern to all criminal justice agencies. A recommendation for implementing the recently initiated county-wide task force was described in Chapter 2. This appendix suggests in more detail how this task force should be organized and operated.

1. Establish a county-wide Domestic Violence Task Force, with members being agency directors or agency representatives authorized to make policy decisions. Agencies represented should include: the State Attorney, local Director of Community Corrections, Circuit Administrator for the State Department of Corrections, Chiefs of Police, the Sheriff, a treatment agency representative, a victim advocate, a shelter representative, and the Chief Judge. This group should be tasked with policy development and be responsible for developing an integrated approach to the problem of domestic violence.
2. As a first step, the Domestic Violence Task Force as a whole should agree on standards for agencies receiving domestic violence perpetrators for treatment. Standards should include, but not be limited to, type and duration of treatment, training and expertise of counselor staff, ongoing staff training requirements, criminal justice liaison expectations, victim involvement, tracking of perpetrator involvement in treatment, and timely reporting of violations. Although treatment agencies and corrections personnel have agreed to voluntary treatment standards, the courts and Department of Corrections staff have not done so.

A process for certifying agencies and monitoring continuing compliance with existing standards has been developed by participating treatment agencies. This process or another one will need to be adopted by the Domestic Violence Task Force. Consideration should be given to legislation requiring treatment agencies participating to pay a certification fee to the department responsible for the certification and ongoing monitoring.

Once standards are approved for use throughout the county, agencies not meeting these standards should not receive referrals from any criminal justice agency. It is hoped that the courts, as a task force participant, will cooperate in enforcing the standards. This can best be done if judges refer only to "certified" agencies

or permit the Department of Corrections and Probation to do so.

3. The Domestic Violence Task Force should ask law enforcement agencies to develop domestic violence arrest and investigation protocols that will assure a consistent community response. These protocols should include the following: Procedures for on-the-scene investigation and the taking of photographs of victim injuries; criteria for who is booked into jail based on domestic violence complaints; of those booked, who may be recommended for pretrial release or home detention/supervision; time frames to assure prompt submission of cases to the State Attorney and prompt referral of victims to appropriate service agencies; and the requirement of submitting an arrest report, whether or not the victim is "cooperative."
4. The Domestic Violence Task Force should develop a training program (funded separately by each Criminal Justice agency) for all those staff who interact with domestic violence cases including State Attorneys, judges, Department of Corrections and County Probation staff, jail personnel, and law enforcement staff. Such training should cover treatment issues, perpetrator profiles, and an overview of successful intervention programs.
5. Criminal justice agencies should consider "specialty" units of staff who handle domestic violence investigations, prosecution, and supervision responsibilities. These individuals should be exposed to extensive training in domestic violence issues and should meet regularly to assess their programs and recommend changes, as needed, to the Domestic Violence Task Force. Specialization assures greater consistency in responding to domestic violence issues and, ultimately, should permit the county to move more quickly toward a more effective intervention strategy.
6. The State Attorney in cooperation with Community Corrections should be asked to implement a rigorous domestic violence diversion program for misdemeanor domestic violence battery cases where no past history of restraining order violations exists. The program should have sufficient safeguards built into it to provide for victim protection. Such safeguards might include Juris Monitor, home surveillance, and immediate return to custody of offenders who fail to participate fully in a treatment program. Meaningful diversion will assure faster case processing and permit earlier involvement of perpetrators in treatment programs. In implementing this program, the State Attorney should establish clear supervision standards including prompt notification of all program failures. For the first year of program operation outcome statistics should be kept so that the effectiveness of the program can be evaluated.

7. Consider implementing a county-wide Juris Monitor Surveillance Project targeting misdemeanor domestic violence perpetrators with restraining orders. This program provides electronic bracelets attached to offenders' ankles that act like a tracking device to alert authorities and the victim if the offender approaches the residence of a spouse/partner he/she has abused. Although such a program does not enhance a victim's safety, it can deter offenders by providing an electronic record of restraining order violations. Such a program requires interagency cooperation and, therefore, should be referred to the Domestic Violence Task Force.
8. Designate an agency (perhaps Pretrial Release Services or Court Clerk) to collect and integrate information on detained domestic violence perpetrators for first appearance hearings. Such information should include restraining order history, victim injuries, offender demeanor at crime scene, criminal history information, and residence. With such data, it is hoped that judges will be able to consider pretrial release options.
9. Make available to all criminal justice agencies access to the Court Clerk's computer system data on restraining or "stay away" orders and the conditions that may exist on these orders.
10. Develop a system for collecting data from law enforcement and other criminal justice agencies on number of domestic violence cases, number and types of domestic violence injuries, program outcomes, and other appropriate management information. Make this data available to courts, agency directors, and the Domestic Violence Task Force. This type of information is essential for good decision-making.
11. The Domestic Violence Task Force should review victim advocacy services and attempt to assist with funding such efforts if existing services are found to be inadequate.

At least by first appearance, consider supervised release for domestic violence perpetrators who agree to immediately enter a treatment program, who have no prior history of abuse, who have not been charged with a felony, and meet all other PTR criteria. The use of home detention with electronic surveillance and/or Juris Monitor devices should be a requirement since local statistics indicate that domestic violence perpetrators do well on the home confinement program. Such a program should require the issuance of an arrest warrant immediately upon violation of any release conditions and coordination with law enforcement to serve the warrant within 24 hours. Orange County

should set up a tracking system for domestic violence releases that includes: re-arrests during pre-trial period and type of re-arrest (new crime, technical, etc.).

***Appendix D:
Selected Sources***

Appendix D: Selected Sources

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***Appendix E:
Interviewees***

Appendix E: Interviewees

PUBLIC DEFENDER

Honorable Joe DuRocher, Public Defender
Lou Lorincz, Chief Deputy
Jane Usina, Office Manager
Patricia Cashman, Attorney
William Kinane, Attorney
Bob Larr, Manager, Misdemeanor Unit
Christine Warren, Corrections Intake Attorney
Deb Humphrey, Capital Unit
Doug DiPrizio, Chief of Investigations
John Stone, State Attorney/Public Defender, MIS
Kelly Sims, Capital Felonies

STATE ATTORNEY

Honorable Lawson Lamar, State Attorney
Bill Vose, Chief Assistant State Attorney
Dr. Mel Jones, Administrative Director
Ken Hebert, Osceola Intake
Les Hess, Orlando Intake
Fred Lauten, Division Chief, Misdemeanor & Traffic
John Stone, State Attorney/Public Defender, MIS

CORRECTIONS

Administration

Tom Allison, Director
Larry Bacon, Deputy Director
Ed Royal, Deputy Director

Main Facility

Clarence Green, Manager
Gus Johnson, Assistant Manager
Bob Slavin, Assistant Manager
Lieutenant William Sturm, Transportation Unit

Direct Supervision (Horizon, Genesis)

Richard Anderson, Manager
Scott Bradstreet, Assistant Manager
Fred Ghrist, Lieutenant (Genesis)
Pete Brothers, Sergeant (Genesis)
Lieutenant Bibb (Horizon)

Central Booking/Municipal Justice Building

Mike Chambers, Manager
Georgette Thornton, Assistant Manager
Charles Perry, Assistant Manager

Medical Department

Betty Robertson, Manager
Priscilla Petrarca, Assistant Manager

Support Services Department

Diane Blue, Manager
Francis Patenaude, Assistant Manager

Community Corrections Department

Don Bjoring, Manager
David Diggs, Assistant Manager
George Rodon, Assistant Manager
Nancy Tran, Data Systems Coordinator
Don Pittman, Chief Probation Supervisor, Probation Unit
Garnett Ahern, Supervisor, Probation Unit
Sandy Adams, Diversion Supervisor, Probation Unit
Gary Bassa, Supervisor, Alternative Community Services
Greg Webb, Special Project Coordinator, Alternative Community Services
Steve Pieper, Supervisor, Community Surveillance

Training Department

Sally Graham, Manager

Offender Services Department

Tee Bond, Manager

Jerry Walters, Assistant Manager

George Morning, Program Development Specialist

Roberto Rodriguez, Pretrial Release Supervisor, Intake, Classification and Release Section

Ellen Ritten, Pretrial Release Officer

Cesar Malesiu, Pretrial Release

Joe Caldwell, Classification

Cathy Carr, Supervisor, Dockets

David Gillespie, Dockets

Phoenix Facility

Lt. Billy Blue

Sergeant Morelly

George Welsh, Supervisor, Work Release Center

Information Services Unit

John Amiot, Supervisor

Connie Brown, Correctional Analyst

Cynthia Sterchele, Correctional Analyst

Deanna Teminsky, Correctional Analyst

COUNTY DATA CENTER

Bill Bond, ex-Manager

COUNTY GOVERNMENT AND ADMINISTRATION

Honorable Linda Chapin, Chair, Board of County Commissioners
Honorable Mable Butler, Commissioner, Board of County Commissioners
Honorable Bill Donegan, Commissioner, Board of County Commissioners
Honorable Bob Freeman, Commissioner, Board of County Commissioners
Honorable Mary Johnson, Commissioner, Board of County Commissioners
Honorable Fran Pignone, Commissioner, Board of County Commissioners
Honorable Tom Staley, Commissioner, Board of County Commissioners
Jean Bennett, County Administrator
Howard Tipton, Assistant CAO
Ceretha Leon, Assistant CAO
Sharon Donaghue, Acting Director, Office of Management & Budget
Bob Spivey, Management & Budget Analysis, Office of Management & Budget
Jeff Newton, Assistant County Attorney
Carol Levin Reiss, Assistant County Attorney
Jim Hartman, Construction/Capital Improvements
Mike Hicks, Construction/Capital Improvements
Jack McGowan, Assistant, Construction/Capital Improvements
Tom Ackert, Civic Center Manager

SHERIFF

Honorable Kevin Beary, Sheriff
Undersheriff Rick Staly, Administrative Services Bureau
Ron Lynch, Commander, Professional Development Bureau
Bob Fuller, Research & Development
John Pavlis, Captain, Research & Development
Jean Moe, Manager, Records Section
Sherryl Kolessar, Supervisor, Report Review Section

POLICE

Chief Tom Hurlburt, Orlando Police Chief
Kevin Edmonds, Strategic Planner, Planning and Evaluation Section
Mike Carroll, Planner

CLERK OF COURTS

Honorable Fran Carlton, Clerk
Charlotte Benson, Chief Deputy Clerk
Joyce Cooper, Division Manager
Greg Farrell, Program Coordinator

COURT ADMINISTRATION

Honorable James Stroker, Chief Judge
Richard Sletten, Court Administrator
Marsha Williams, Deputy Court Administrator, Personnel
Sandra Wehner, Computer Specialist
Brett Arquette, MIS
Barbara Lane, MIS

JUDGES

Honorable Michael Cycmanick, Circuit Court Administrative Judge
Honorable Belvin Perry, Circuit Court
Honorable Fred Pfeiffer, Circuit Court
Honorable Steven Wallace, County Court Administrative Judge
Honorable Jose Rodriguez, County Court
Honorable Allen Todd, County Court
Honorable Emerson Thompson, 5th District Court of Appeals

PRIVATE ATTORNEYS

Kirk Kirkconnell
Dave Fussell
Adam Reiss
Bill Shaeffer
Michael Snurr

OTHER

George Cox, Central Florida Bonding, Inc.
Susan Yawn, Senior Circuit Administrator, Florida Dept. of Corrections
Margie Anglin, Director, Spouse Abuse, Inc.
Bob Dixon, Director, Emerge Now
Christopher Quinn, Reporter, Orlando Sentinel