

A golden scale of justice is positioned in the background, resting on a stack of books. In the foreground, a wooden gavel lies on a wooden surface, also resting on a stack of books. The background is a blurred, warm-toned bokeh.

***MARION COUNTY PUBLIC
POLICY INSTITUTE***

2014 STUDY

***"THE TRUE COST OF JUSTICE
IN MARION COUNTY"***



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“THE TRUE COST OF JUSTICE IN MARION COUNTY”

EXECUTIVE SUMMARY

This study was initiated by the Public Policy Institute as a result of challenges faced by local government and institutions in allocating limited resources for funding in the justice system. The purpose of this study was to gather data on the Marion County justice system and identify, if possible, new ways of solving problems within the system. Although there is much focus on the financial aspects of the system and the dollar cost savings that may be realized from some of the suggested solutions, the case studies contained in the report also identify the enormous social costs to both participants and the general citizenry of Marion County that result from existing policies and procedures.

The study group met regularly from February through October on Wednesday mornings at 7:30 AM. The meetings were well attended by stakeholders, participants, and members of the public. There was open and sometimes spirited discussion of various topics, information, issue identification and proposed solutions.

The study group started with no pre-conceived agenda or policies save one: the study report and recommendations would be governed by the data gathered by the study group. The study is data driven and heavily annotated. Most of the data contained in this report was provided by study group participants, many of whom are stakeholders in the justice system. All were questioned about the data presented and most were asked for additional information based on the study group discussions.

Some of the facts considered by the study group that were deemed important include the following:

- At any given time approximately 1,500 individuals are housed in the Marion County Jail, approximately twice the population housed in the Lake County Jail. (Lake County is the most demographically comparable to Marion within the Fifth Judicial Circuit). **3**
- Of those 1,500 individuals in the jail at any given time, almost 80% have been there before.
- Within the inmate population, 60% were on some sort of medication. 55 inmates were responsible for almost 40% of the total medication costs due to HIV infections. 30% of the population was on psychotropic medications for mental health issues.
- An Ocala Police Officer spends, on average, approximately 1.5 hours out of front line patrol duty to arrest, transport and complete the paperwork necessary to admit an individual into the Marion County Jail. Due to the size of the County and the expanded patrol areas, the average time for a Marion County Sheriff's Office Deputy to perform the same function is approximately 2.5 to 3 hours.
- The average costs of an inmate at the Marion County Jail exclusive of medical costs are approximately \$51.00 per day. **4**

- The total cost to run the jail for the 2012-2013 fiscal year was \$28,980,831.83. **4**
- Marion County sends more people to prison on a per capita basis than any other county in the state and has an incarceration rate of 1.5 times the state average.
- The average length of stay for a person charged with a felony in the Marion County jail is 27 days longer (70%) than Lake County. **27**
- The most common crimes for which arrestees were booked in Marion County during 2013 were possession of drugs and possession of drug paraphernalia (both felony and misdemeanor); theft; burglary; driving while license suspended; and driving under the influence, (54%) all of which are considered non-violent. **4**
- 28% of all people with serious mental illness are likely to be arrested. The majority of these arrests are for non-violent charges like crimes against the public order or property offenses. Many experience repeat arrests. **33**
- The yearly cost of incarceration for one prisoner in both state and Federal prisons is approximately \$22,600. **40** By comparison, assertive community treatment, which provides comprehensive services to people with serious mental illnesses, costs between \$10,000-\$15,000 per person, per year. **41**
- Police officers report that responding to “mental disturbance” calls create a significant burden on their departments. **42**
- All violation of probation warrants, even for technical violations, are issued on a “no bond” basis which requires arrest and confinement.
- Most Marion County judges do not authorize other judge’s to either change the bond requirements on warrants signed by them, or accept pleas for defendants on their docket. More flexible policies are in place in most Florida counties.

Committee Recommendations:

The study group recommendations are designed to accomplish three major goals:

1. Keep as many people out of the formal justice system as practical **without compromising community safety**;
 2. Of those within the formal justice system, use the least intensive (expensive) supervision possible without compromising community safety and move those people through the system in the most efficient manner; and
 3. Create and implement strategies to prevent the people who have been in the justice system from returning to the formal system as a result of re-offending.
1. **Pre-arrest diversion-** This solution contemplates the creation of options other than formal arrest for patrol law enforcement officers (LEO) to manage individuals who have mental health issues that cause law enforcement

intervention. Through training programs, LEOs are instructed on how to identify and manage individuals with mental health issues who have committed low level criminal offenses. Instead of taking these individuals to jail, they are dropped at a special Center (to be established) for assessment, treatment and service referrals. Medicaid, Medicare commercial insurance, and non-profit donated services are used to pay for services. The largest obstacle to implementation is the cost to the County contracting with a third party entity to run the Center. Anticipated cost: \$500,000 per year. Anticipated savings in arrest, processing, and incarceration costs per year: **\$4,925,601** 44

2. **Civil Citations and Notice to Appear-** Both the Civil Citation program and the Notice to Appear program are designed to divert people from the formal criminal justice system (CC) or expedite their processing within the system (NTA). The civil citation program focuses on people who have committed low level, non-violent offenses, are first time offenders, avoids the creation of an arrest record for these individuals, and saves significant patrol officer time to process as an arrest. Generally, accountability is enforced through a community service requirement. Failure to complete community service results in the issuance of a Notice to Appear.

The Notice to Appear program is already in limited use in Marion County. Although it technically qualifies as an arrest, rather than being booked into the county jail, defendants are required to appear in Court, much like a criminal traffic offense. This procedure saves significant patrol officer time to process as an arrest. Failure to appear results in the issuance of an arrest warrant. The NTA program is designed for those individuals who do not qualify for a civil citation.

3. **Special administration for high cost inmates-** Almost all government and private medical insurance benefits terminate once an individual is incarcerated. Those costs are paid by local tax revenue budgeted to the Sheriff's Office Medical Budget. This program is designed to create an ongoing process to review alternate supervision techniques such as ankle monitors for individuals with exceptional medical needs that would otherwise be housed in the jail. It is an attempt to reduce the financial impact these people have on the jail medical budget. Since public safety is paramount, a committee meets regularly to identify these individuals and, in cooperation with the judiciary, the State Attorney, Public Defender and the medical service providers, explore ways of maintaining appropriate supervision of these individuals while outside of jail allowing their public, private or other benefits to continue paying for their care.
4. **Improved Judicial Administration-** This program focuses primarily on administrative techniques that have been demonstrated in other jurisdictions to reduce jail time, to make best use of alternative court programs and to standardize procedures. The primary new procedure suggested is through the establishment of a "rocket docket" for plea acceptance hearings which would provide a weekly opportunity to dispose of cases where a plea has been negotiated. Also suggested

is better use of the Veteran's court by changing our qualification criteria to that utilized by most other jurisdictions thereby expanding the use of this court alternative. A reversion back to operational criteria previously utilized by the felony drug court that proved successful in the past is also recommended. Finally, suggesting a review of sentencing policy, VOP arrest warrant policies, and expanded judicial authority to accept pleas and alter bonds originally established in warrants is strongly suggested.

5. **Inmate transition program-** Based on the enormous success of this program in Duval County this could be one of the most impactful suggestions from the study group. The program assesses incarcerated individuals nearing release and works them through a transition plan that begins before release. The plans are based on education, rehabilitation services and on-going connections to services after release. An outcome similar to the Duval program could reduce the Marion County jail population by 40% resulting in a cost savings approaching \$10,000,000.00 per year.

CONCLUSION

Marion County's justice system is governed, in large part, by policies and decisions made by duly elected local government officials and constitutional officers. The system improvements suggested by the study team are largely aimed at the implementation of more efficient practices. The Study Group recognizes that implementation of some of the recommendations involve significant policy changes. It is hoped that the study's frank assessment will provide a catalyst for a re-examination of some of those policies and procedures.

The ultimate worth of this study is measured by how much of a catalyst for change it inspires. There are good signs that some of the effort by stakeholders is now directed to study group suggestions. The inmate review program is already in place; local law enforcement has embraced the civil citation program and is working on details for implementation; law enforcement is also committed to an expanded FTA program; and a misdemeanor drug court program has been started that embraces proven methodologies such as frequent court contact.

Ultimately, full implementation of some of the most impactful suggestions (jail and prison to community transition and pre-arrest diversion programs) will require courageous steps involving fundamental policy changes. They will require significant investment by local government in an effort to better our community as a whole. It is hoped that this study provides a rational foundation for those policy changes.

Respectfully Submitted
Stephen D. Spivey, Esq.,
Study Chair

The True Cost of Justice Study Report

STUDY IMPETUS, ORGANIZATION, PRINCIPALS AND METHODOLOGY

A. The Public Policy Institute

- 1) **General.** The Public Policy Institute of Marion County, Inc. (hereinafter “PPI”) is a 501(c)(3), not-for-profit, nonpartisan organization established in 1999 to provide a careful analysis of the issues and trends that shape and affect public policy in Marion County. The Institute is housed at the College of Central Florida and is dedicated to advancing public interest and improving the quality of life in Marion County by providing an opportunity for local citizens to come together in a structured environment to address recognized local concerns. Since its formulation in 1999 the PPI has produced ten (10) separate studies, three (3) seminars, and a quality of life report. PPI is governed by an all-volunteer Board of Directors who meet monthly.

“The Public Policy Institute of Marion County, Inc. is built on the traditional democratic principal that citizen involvement and participation is fundamental to a healthy community. It is the concerned citizens of Marion County that can best solve the problems we face. The PPI is designed to provide an opportunity for citizens to come together and address concerns in a rational, thoughtful manner.” 1

- 2) **The PPI Process for Topic Selection.** The PPI Board is representative of the volunteer membership of the organization which at the publication of this report numbers 25. Membership participation in both the selection of Board Members and identifying trending topics for future studies is invited. The Board’s monthly meetings are directed, in part, to discussion of current events within the community and attempts to discern evolving trends or issues affecting the community as a whole. The Board then attempts to prioritize the issues facing our community to determine which is the most pressing, and timely, topic facing our community’s needs. With the advent of the recession in 2008, tax revenues for delivery of critical services within the county have created substantial challenges for local government and institutions. Budget debates between county

government and some of these institutions, especially the Marion County Sheriff's Office, were instrumental in the Board's decision to pursue the study now titled "The True Cost of Justice in Marion County".

- 3) **The Study Chair Selection.** Once the Board has identified and titled the study topic for the next PPI project, the Board then attempts to identify and recruit a study chair. The study Chair is expected to organize and facilitate a group of community leaders and stakeholders to generate dynamic, creative, and catalytic leadership in addressing each critical issue of the study and to provide local solutions to same. In this particular study, Stephen D. Spivey was selected as the study chair based upon his involvement in the legal and judicial community as well as a broad range of community not-for-profit organizations. Mr. Spivey has been a resident of Marion County since 1986, is a practicing lawyer, and is a former Circuit Court Judge in the Fifth Judicial Circuit. He has also served as a Board Member and Officer of Interfaith Emergency Services, Inc., Recovery House, Inc., The Centers, Inc., Kids Central, Inc., and is currently vice-chair of the Public Policy Institute Board. Mr. Spivey is a volunteer and like all previous study chairs and study group participants, receives no remuneration for his contribution to the study effort.
- 4) **Funding.** The PPI is funded by donations from individuals, corporations and institutions within Marion County. Most of the funding for the study entitled "The True Cost of Justice in Marion County" was derived from equal contributions from the City of Ocala, via the Ocala Police Department and the Marion County Sheriff's Office.

B. True Cost of Justice in Marion County

- 1) **Public Forum Study Announcement.** As with most new study projects initiated by the PPI, an open forum was conducted on February 6, 2014 at the Klein Center at the College of Central Florida to announce the study. The Public was invited via notices published in the local newspaper and a list of previously identified stakeholders and their representatives were sent invitations. The title to the project was announced and all those in attendance were invited to participate in the study group. Records indicate that in excess of 65 members of the public, organization representatives and community leaders attended that public forum.
- 2) **No Preconceived Agenda.** Commensurate with PPI philosophy, the study group chair announced that there was no preconceived agenda or foregone conclusion the study would attempt to achieve. Rather, it was believed that a thorough factual investigation of the justice system as it exists in Marion County would lead to the identification of critical issues and problems. Locally implemented solutions to those problems, in whatever form or subject matter they embraced was the ultimate goal of the study. All members of the public and stakeholder representatives were invited to participate. That open door policy was maintained throughout the study process.

- 3) **Basic Guiding Principles of the Study.** The study Chair and PPI Board agreed that the study was to be governed by certain basic principals in order to identify and research both the major issues and their corresponding solutions. Those basic principals were identified as follows:
- a. **Fidelity to Data.** The study was to be guided by “just the facts”. The reader of this report will be confronted by some surprising facts which were heretofore unknown to the majority of the study group participants and presumably, the public as a whole. The study group’s diligent commitment to research and assimilation of data was fundamental to the identification of problems within our justice system and inevitably pointed to potential solutions to those problems. It is hoped that many assumptions and myths about justice in Marion County are corrected by the data presented in this report. This principal, of “going where the data leads us” is the basic foundation upon which this study is formulated.
 - b. **Transparent Methodology.** An additional basic principal of the study was to make sure that the data collection, stakeholder presentation and solution presentations from study participants and third-party organizations were presented in public forums through the study group meetings. This report outlines the data accumulated by the study group, the issues identified by that data presentation, and the potential solutions to those issues. This report is heavily annotated so that the reviewer may discern the sources of all data and information relied upon by the study group. The details of the participants and methodology utilized by the study group are described in greater detail in the “Study Mechanics” section of this report.
 - c. **Mutual Accountability.** There was a clear recognition from the PPI that there must be accountability between the stakeholders, participants, and the public in general. It is the specific intent of the PPI to utilize this study as a basis for public discussion of the issues identified. It is imperative that the public and stakeholders are accountable for the issues identified and the implementation of the suggested solutions. It is not enough that a tremendous amount of work went into this study. It has no value unless it is to further the study’s objective of influencing decision making to implement better practices by justice system participants and stakeholders.
- 4) **The Guiding Criteria for the Study.**
- a. **Public Safety.** The preservation of public safety was paramount to the study group and a foundational criterion by which all proposed solutions were governed. Most of the solutions that are recommended by the study are based upon programs implemented in other jurisdictions. All have been demonstrated to operate in a manner that does not compromise public safety.

- b. **Participants are Accountable.** It is critical that those who participate in the justice system are held accountable for the activity that brought them into the justice system. It should be noted that every solution suggested by this report involves a degree of accountability by all who participate.
- c. **The term “Justice” includes not only punishment but redemption, education, rehabilitation and integration.** For many years Florida’s criminal justice system had a singular stated goal: “Punishment”.² Part of the impetus for this study was a recognition that the high cost of incarceration and high recidivism rates are unsustainable economically and produce far ranging social costs destructive to the very fabric of our society. Many of the studies cited as authority for some of the identified solutions focus on a recognition that education, rehabilitation and reintegration into society are key components to reducing recidivism rates and ultimately, reducing the number of individuals in the justice system.

C. Study Mechanics

- 1) **Meetings.** The study group began meetings on Wednesday, February 12, 2014 from 7:30 to 9:00 a.m. and met virtually every Wednesday thereafter at the same time through October 29, 2014. Although attendance varied, between 20 and 35 persons attended each meeting. A record of those persons who attended on specific study dates is available through the PPI. The study group included, but was not limited to, the following stakeholders and their representatives: The Marion County Sheriff’s Office, the Ocala Police Department, the Marion County Board of County Commissioners, the Belleview Police Department, the Dunnellon Police Department, the Marion County Fire Rescue Department, the Department of Corrections, the Department of Juvenile Justice, National Alliance on Mental Illness (NAMI), the Salvation Army Probation and Parole, Court Administration, Clerk of Court, the Fifth Judicial Circuit Judiciary, The Centers, Inc., the State Attorney’s Office, the Public Defender’s Office, PPI Board Members, and members of the general public.
- 2) **Data Reporting.** Early on the study group devised a data collection template that was provided to each of the stakeholders attending the study group meetings. A copy of the template is available from the PPI. The various stakeholders were then each given a specific study group meeting date in the future in which to present the data requested in the template. Once the data was presented to the study group, additional questions, follow up data requests, and general discussions about the data reported would ensue. The stakeholder data presentations occurred between February and May, 2014. The first stakeholder to present data was the Marion County Sheriff’s Office who had an extensive and highly detailed data collection system. In fact, much of the data relied upon by the study group was provided by the Marion County Sheriff’s Office in either their initial presentation or through subsequent information requests. Moreover, the Sheriff’s Office representative in the study group was extremely knowledgeable and responsive to

additional data requests. Subsequent presentations were made by The Ocala Police Department, Court Administration, The Centers, Inc., Department of Corrections, Department of Juvenile Justice, Salvation Army Probation and Parole, the Public Defender's Office, Court Clerk's office, and the Judiciary.

- 3) **Data Discussion.** Each of the data presentations prompted much discussion within the study group about what the data revealed. It became obvious that there was a relatively small group of people within the Marion County community which accounted for the vast majority of the time, effort and funds utilized by the justice system. Although the specific data that led to the identified solutions is discussed in the respective sections later in this study, some of the general factual conclusions that provided impetus for the study were:
 - a. that at any given time approximately 1,500 individuals are housed in the Marion County Jail, approximately twice the population housed in the Lake County Jail. (Lake County is the most demographically comparable to Marion within the Fifth Judicial Circuit). 3
 - b. Of those 1,500 individuals in the jail at any given time, almost 80% have been there before.
 - c. Within the inmate population group, a small group of inmates account for the majority of the jail's pharmaceutical budget.
 - d. An Ocala Police Officer spends, on average, approximately two hours out of front line patrol duty to arrest, transport and complete the paperwork necessary to admit an individual into the Marion County Jail.
 - e. Due to the size of the County and the expanded patrol areas, the average time for a Marion County Sheriff's Office Deputy to perform the same function is approximately 2.5 to 3 hours.
 - f. The average cost of an inmate at the Marion County Jail exclusive of medical costs is approximately \$51.00 per day. 4

- 4) **Problem Identification.** The data presented by the various stakeholders led the study group to conclude that Marion County had a high jail population compared to similar counties; recidivism rates for jail inmates were unacceptably high; that too much of a line law enforcement officer's time was spent on administrative processing after an arrest; that a small group of people within the jail population consumed a disproportional amount of the pharmaceutical budget; that Marion County had comparatively high arrest rates for non-violent misdemeanors, petty crimes and traffic infractions; that a disproportionately large segment of the jail population suffers from a mental illness; that people within the justice system with a mental illness were more expensive, created unique behavior management issues and were more likely to remain in the system longer than those without a mental illness; and that the average time spent by a jail inmate in the Marion County Jail was longer than comparable counties. It should be noted at the state level, the Department of Corrections has three large prison facilities with over 5000 prison beds located in Marion County. Approximately 800 inmates are released to Marion County every calendar year from these and other institutions

throughout the state. Of those inmates being released, approximately 50% are assessed “High risk” for recidivism.⁵ The statewide recidivism rates for those released from the state correctional system is approximately 26%. *id*

- 5) **Proposed Solutions.** Each of the proposed solutions contained within this study are the result of the recommendations of subcommittees, each of which were assigned to address a key issue identified by the data presented. The high recidivism rates of the Marion County Jail and those of the Department of Corrections were particularly disconcerting. A number of programs successfully implemented in other jurisdictions to reduce recidivism rates were explored. Additionally, the Department of Corrections was focusing on a new prison to community transition initiative. The subcommittee chair to address the high recidivism issue was Dan Eberlein.

The significant cost of a relatively small group of individuals within the jail population with either medical or mental health problems was another issue the committee identified based on the data presented. A subcommittee was formed to explore how this population group could be managed to reduce their impact on the medical budget. Mike Graves, Public Defender for the Fifth Judicial Circuit was appointed as Committee Chair.

The data also indicated that a large number of individuals were arrested for petit theft, non-violent misdemeanors, and traffic offenses resulting in an enormous consumption of line officer patrol time and jail booking department resources. A subcommittee was formed to look at alternatives to formal arrest to more efficiently utilize patrol officer time and to reduce the resource drain created by this population group. Court Administration through its representative Tom Aemisegger was appointed as Committee Chair.

The data also indicated that the average waiting time spent in the Marion County Jail exceeded those of other jails in similarly situated counties within the State and, within the Circuit (Lake County). Discretionary sentencing by the Judiciary in Marion County was longer than other counties within the Circuit for similar offenses and one of the highest in the State. The data discussion indicated that a more efficient form of judicial administration, especially with respect to assessing plea offers would significantly reduce the average daily population. The committee to explore a more efficient judicial administration was created and Judge Robert Landt was appointed as committee chair.

Finally, the data indicated that the mentally ill who are involved in the justice system create special problems and significant expenses for both the arresting officer, the booking department, the medical budget within the jail, and the jail population in general. Alina Stoothoff, from The Centers, Inc. was appointed chair of a committee to address this issue.

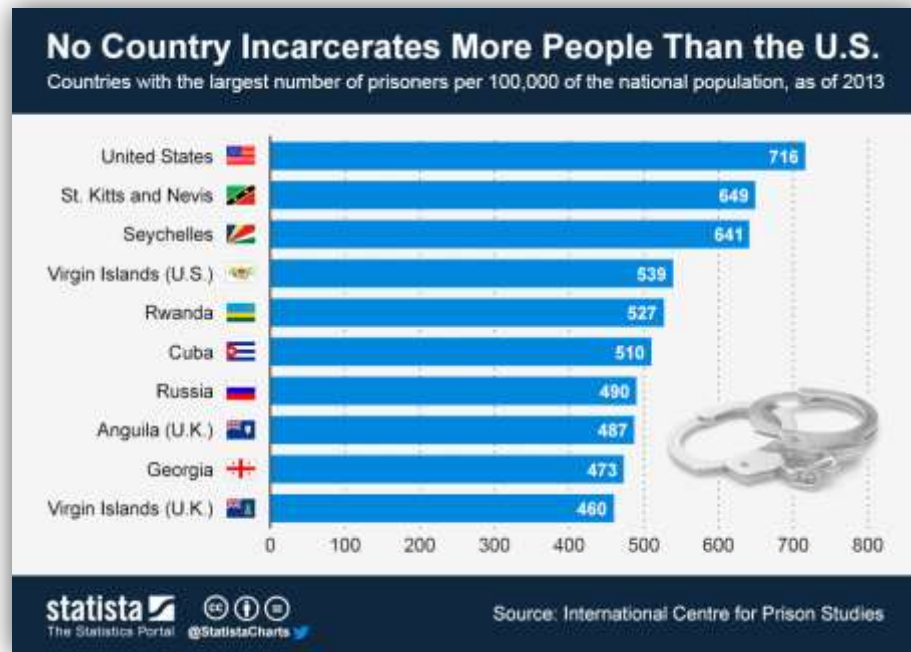
Each of the subcommittees was tasked to explore best practices from other jurisdictions to best address and craft a local solution to their particular identified problem. The study group decided early on that all such solutions recommended by these committees must be capable of being implemented on a local basis. Although the next section of this report entitled “Study Environment” will identify many outside factors which contribute to the justice system environment within Marion County, and its concomitant problems, it is recognized that solutions to many of those outside factors are beyond the control of the local government and community. They are instead the result of legislative and policy decisions by State and Federal government. Pragmatically, the committees were asked to identify solutions that could be implemented on a local basis without the need for State or Federal action.

- 6) **Solution Implementation.** Each of the subcommittees reviewed potential solutions to the problems that the study group had assigned them to address. Those solutions are presented in individual sections later in this report. Each of the suggested solutions are capable of being implemented on a local basis without reliance on factors beyond local control.

II. THE STUDY ENVIRONMENT

A. Florida

Florida, as part of the United States, is also part of what the US has been labeled in the global community: “The Incarceration Nation”. The United States currently incarcerates a higher percentage of its population than any other country in the world. In 2012, over 2.3 million Americans were in prison or jail, and one of every 48 working-age men was behind bars. ⁶ These rates are not just far above those of the rest of the world, they are also substantially higher than our own long-standing historical experience. The financial costs of our national corrections policies are staggering. In 2010, federal, state, and local governments spent about \$85 billion on corrections, the large majority of which was spent on incarceration. ⁷ Reducing the



number of non-violent offenders in our prisons and jails by half would lower this bill by \$16.9 billion per year, with the largest share of these savings accruing to financially squeezed state and local governments. *Id.* Every indication is that these savings could be achieved without any appreciable deterioration in public safety.

1. **State of Florida Department of Corrections.** Florida, like many states, went on a prison-building binge between 1980 and 2010, going from an inmate population of just under 20,000 (\$169 million) in 1980 to 102,000 in 2010 (\$2.4 billion) as “tough-on-crime” policies drove increases in the rate of incarceration.⁸ We have steadily seen crime decrease, which is in part attributable to incarceration, but only in part. Incarcerating dangerous criminals is a public safety imperative and

nonnegotiable. But evidence indicates that mass incarceration offers diminishing returns and a negative cost-benefit ratio.

By 2010, Florida was spending more general revenue on corrections than on the State University System. *Id.* Although crime was going down in Florida and nationally, it has gone down just as fast, and in some cases faster, in states such as New York and Texas that are turning to “smart justice” solutions. What other states are learning, and banking in savings, is that it is the responsibility of the state and local governments to their residents to decrease incarceration rates, lower crime rates and save taxpayer dollars.

As late as 2009, the Department of Corrections was proposing new prisons at a cost of billions to taxpayers. Gov. Rick Scott’s administration found 12,000 empty prison beds, fully staffed, and began to shut them down. *Id.* Veterans’ dorms were created to complement the effective use of specialized veterans’ courts. Money was moved for increased drug treatment, policies were adopted to allow the expansion of education programs, and efforts continue to increase the number of faith-and character-based beds, proven to reduce recidivism.

These were conservative moves and headed in the right direction. The initial results were encouraging. Closing prisons and reducing recidivism rates (a fancy term for "he got out and robbed your grandmother") were the objectives, and they were met.

What appeared as a relatively stable prison population and the impetus for prison closings is now reversed, with an increase of nearly 6 percent projected over the next five years. In 2012 our inmate population dropped below 100,000, and in February 2013 we were looking at a 1.8 percent increase over the next five years. Now we are looking at a 5.7 percent increase over the next five years, to 106,973.*Id.*

To add context, in the last 35 years the state population increased 102.8%, but the prison population jumped 402.5%, resulting in state spending on corrections during this same period increasing by 1200%, to \$2.4B.⁶ This despite the fact that crime statistics have steadily declined during this period, and have reached 30 year lows.⁹ Florida has 1.5 million felons living within the state, or one in ten adults. ⁶

The state DOC budget is creeping back up again, to a proposed \$2.3 billion. More revealing, perhaps, is a breakdown of expenditures from last year’s annual Department of Corrections report: 67% for institutions, 19 % health, 10 % community corrections, 2 % administration, and 2 % programs and education.⁸

Recently, Georgia was looking at an 8 percent increase and an increased cost of more than \$264 million. Public officials came together. They committed to stopping growth and advancing public safety. They rejected the status quo mass

incarceration and implemented strategic justice (like strengthening probation and drug treatment) and, where appropriate, refinement of sentencing (increasing as well as decreasing). Georgia is now projected to stop this growth and avert these costs. 8

Florida and Marion County have a similar choice: Stop, roll up our sleeves, bring a consensus group together to review our situation; reinvest and rigorously evaluate new policies and practices. PPI believes it is imperative that Marion County embrace a nonpartisan, multi-stakeholder review (this study) to take on this challenge.

2. Legislative Influences.

a) Overcriminalization.

Prison populations are not the only numbers that have grown dramatically, so are the number of actions criminalized by Florida laws. Hundreds of different offenses are now scattered throughout Florida statutes. Some drug and environmental laws do not even require criminal intent. Removing the element of intent

means anyone found with illegal substances, or disposing of hazardous waste improperly, commits a felony whether the offense was committed inadvertently or not. 6 The trend even has a name: “Overcriminalization”.



The Florida Statutes include a state criminal code, Title XLVI, which defines the spectrum of criminal offenses in Chapters 775-896. The most minor offenses are labeled as misdemeanors, and carry punishments up to one year in county jail. Felony offenses in Florida are divided into five categories with sentences ranging from the death penalty to a year and a day in prison. The five felony categories are as follows:

- Capital Felony-punishable by death.
- Life Felony-punishable by life imprisonment or a variable term of years depending on when the crime was committed. After September 1, 2005 all life felony punishments are for life, or a split sentence of at least 25 years coupled with lifetime probation.
- Felony of the First Degree-punishable by up to 30 years imprisonment.
- Felony of the Second Degree-punishable by up to 15 years imprisonment.

- Felony of the Third-degree-punishable by up to 5 years imprisonment.

The section which follows the criminal code in Florida Statutes, Title XLVII, covers criminal and corrections (in Chapters 900-985). Within these chapters is statute 921.0022, which distributes the five classes of felonies listed above into a severity level ranking system. There are 10 levels of severity, with Level 10 consisting of the most heinous offenses: homicide, treason, home invasion, robbery with firearm, sexual battery, kidnapping, and sale of drugs resulting in death. Conversely, Level 1 and 2 offenses are considered the least serious, and all include crimes that are nonviolent in nature. These offenses constitute the minimal behavior which can result in a felony conviction and state imprisonment. This group of crimes is the prime target for reform because they focus on nonviolent crimes that do not include weapons or direct physical harm to victims, and include the lowest risk offenders.

Severity Level 1 includes 41 third-degree felonies, which carry a penalty of state imprisonment for up to five years, including: Failure to remit sales tax greater than \$300; Fleeing or attempting to elude law enforcement officer; Tampering with an odometer; False application for driver's license or identification card; Possession of simulated identification; False statement or representation to obtain or increase unemployment compensation benefits; Tenant removes property upon which lien accrued, value more than \$50; Unlawful reproduction of a trade secret; Offenses against intellectual property; Bookmaking; Purchase or Possession (more than 20 grams) of cannabis; stopping payment with intent to defraud \$150 or more; Passing worthless check \$150 or more; Possess counterfeit controlled substance; Bigamy; Setting up a lottery or advertising a drawing for prizes.

There are 30 third-degree felonies listed under Level 2. These offenses are slightly more aggravated than those in Level 1, but many continue to deal with economic and environmental misdeeds, including: Possession of 11 turtle eggs; Dumping waste in excess of 500 lbs, or hazardous waste; Trespassing on posted commercial horticultural property; False statement in support of an insurance claim; Obtain credit with expired credit card; Obtain mortgage through false representation; Manufacture or deliver drug paraphernalia; Purchase of any controlled substance other than cannabis.

Committing the offenses highlighted above results in felony convictions and exposes Floridians to prison sentences. This is not to suggest these behaviors need to be tolerated by citizens and not carry sanctions; these offenses were made illegal by elected officials in response to specific concerns, and to deter actions which are prejudicial to good order and public safety. Most states make the majority of these actions crimes,

though some state codes label them misdemeanors not felonies. These abbreviated lists (not all 71 crimes are listed above) also show that behaviors classified as felonies in Florida can occur even among responsible citizens. The consequences of a felony conviction in Florida, standing alone, are significant and include: Loss of the right to vote, hold office or run for office; disqualification from jury duty for 7 years; Loss of the ability to have a firearm; Loss of professional licenses; Employment restrictions to include termination; Inability to serve in the U.S. military; Restrictions on family adoptions; Eviction by landlord, or from public housing; Loss of federal assistance for higher education; Loss of state benefits; and Changes in immigration status.

These adverse consequences attach immediately upon conviction and have teeth. *Id.* The concurrent social costs can be devastating. Losing the ability to vote and own a firearm terminates treasured individual rights. Being a felon severely impairs employment opportunities, wrecks personal finances and relationships, and permanently attaches the infamous title “felon” to a Floridian. A prison sentence is additive to the punishment, and when tethered to the conviction, revokes all personal freedom, costs taxpayers \$20,000 per year, and increases the state prison population.

The teen or college student who carries false identification in order to get admitted to adult activities, or purchases and possesses cannabis in sufficient quantity, is a felon. A parent that secures medical cannabinoid



pills for a child suffering life threatening seizures also commits a felony. The internet shopper that fails to file and pay sales tax commits a felony. Writing a bad check for \$150 is a felony. Misuse of credit cards is a felony.

Unauthorized discard of litter or hazardous material (used motor oil) is a felony. Overcharging for parts and repairs is a felony, and so is accepting a bet on a sports events. A computer enthusiast who misappropriates a computer program commits a felony. Seeking to elude law enforcement, whether in a vehicle or on foot, is also a felony.

Again, these behaviors are not meritorious, that is not the issue. The issue is whether these offenses are so harmful to society that a state prison term is necessary, as opposed to other sanctions available for misdemeanants. 6

Felony offenses should not be so broadly defined that they risk making felons of us all. While that may seem a bold statement, the fact that 1.5 million Floridians carry a felony conviction is strong indication of overcriminalization. *Id.* That striking number is even more compelling because it counts actual convicted felons, not those arrested and resolved through withheld adjudication or other resolutions short of plea or trial. Despite popular belief, prison admissions in Florida are not dominated by Felony Severity Level 7-10 offenses. Department of Corrections statistics show that in 2012 the top three categories for admission were drug offenses (24.6%), burglary (17.5%) and theft and fraud (15.2%). That's more than 57% of new prison admissions for nonviolent offenses. ⁶ Included within these admission numbers are third-degree felony prisoners who committed crimes in the Level 1 and 2 severity group.

- a. **Cost shifting, fees and fines.** In November 1998, Florida voters approved a constitutional amendment (Revision 7) to Article V of the Florida Constitution, requiring the state, on July 1, 2004, to assume funding responsibility of most operations of the state courts system, state attorneys, public defenders, and the Justice Administrative Commission that previously were funded by counties.

Although revision 7 to Article V of the Florida Constitution shifted responsibility of funding for most court-related duties of the state's judicial system to a statewide system, the administration of certain court-related functions that had historically been vested in the clerks was preserved in those offices under local control but with state funding. To fund the court-related functions, the Legislature enacted laws requiring the clerks to "fund their offices using revenues derived from fines, fees, service charges and court costs assessed in both civil and criminal proceedings."¹⁰ Thus, clerks' budgets, unlike other entities in the judicial system, are based on their projected revenue, not appropriated by the Legislature through the appropriations process.

In addition to the revenues used to fund their annual operations, clerks are required to share the revenue they collect with a number of state and local entities according to statutory earmarks. After an individual clerk's operations are funded and statutory earmarks are satisfied, "[e]xcept under certain conditions, one-third of these funds are transmitted to the state to help fund the operation of the state courts system." *Id.* "In Fiscal Year 2005-06, clerks of court remitted \$93.7 million in court-related collections to the state after funding their own operations. These funds offset 23 percent of the \$405.4 million cost of the state courts system during that year."

The enactment of legislation to "fund their offices using revenues derived from fines, fees, service charges and court costs assessed in both civil and

criminal proceedings” has resulted in the legislature’s increasing reliance on fee revenue. It coincides with rising concern about policies that affect the massive numbers of Floridians with criminal convictions and, in particular, those who have been incarcerated and are transitioning to life outside jail and prison. Florida has the third-largest prison population of any state.¹¹ Nearly 90 percent of the more than 100,000 people currently in



Florida’s state prisons will be released, and, if past trends persist, nearly one-third will be re-incarcerated for a new crime.¹² Those in Florida prisons are largely indigent and face considerable difficulties as they attempt to transition from prison back into the general population. On average, Florida state prison inmates read at a sixth grade level. *Id.* Nearly 70 percent read below the level necessary to begin studying for a GED, ninth grade. *Id.* Low education rates correlate to low incomes. *Id.*

Furthering inhibiting reentry prospects, a large portion of the prison population suffers from physical and mental illnesses that hinder their employment chances – and their ability to pay criminal justice debts – after release. More than 60 percent of state prison inmates in Florida have a history of substance abuse.¹³ Treatment for substance abuse was in short supply in 2007, only 27 of the 123 Florida Department of Corrections (“FDC”) facilities had treatment programs. As part of the DOC “smart justice initiative”, there are now residential therapeutic communities at 13 locations, intensive outpatient programs at 15 locations, and 19 work release centers.

Court-imposed fees and fines affect not only Floridians sentenced to state prison, but also those convicted of misdemeanors and criminal traffic violations, many of whom are sentenced to probation on the condition that they pay legal financial obligations. It is hard to gather definitive statistics on this group, but it is clearly a significant number of people. In 2013, the Florida Department of Highway Safety and Motor Vehicles reported 350,864 convictions for criminal traffic violations.¹⁵ For most people, a traffic violation fine is a nuisance, but not a significant cost. For low-income individuals, however, one ticket for driving with a suspended license can trigger a vicious cycle of court-ordered fees, followed by failure to pay, which can lead to more fees, unlicensed driving, and incarceration.

From 1996 through 2007, the Florida Legislature created or authorized more than 20 new categories of legal financial obligations (“LFOs”) – surcharges, fees, and other monetary obligations – related to criminal cases and violations. “User fees” comprise the fastest growing and largest category of LFOs. Some are authorized by statute to finance specific court costs; others may be imposed by counties; still others are imposed for particular offenses and revenue is deposited in designated state trust funds. The state justifies these fees on the grounds that it needs the funds involved to adjudicate individuals’ cases and administer punishments; however, in some instances, the revenue collected goes toward unrelated state functions. The Clerk fee allocation system is so complex, with so many designated payment “silos” for portions of the mandatory fees collected, that the Clerk’s Association had to create a distribution template to monitor same. That distribution template is 106 pages long!⁵⁰ Currently, Florida’s “user fees” include a fee to apply for one’s constitutionally mandated public defender, fees to reimburse the costs of one’s prosecution, fees for the costs of one’s public defense, and numerous other court costs. Fees authorized to recoup the costs of punishment include room and board costs, fees for medical care, probation supervision fees, substance abuse treatment costs, and the costs for other conditions of probation, such as electronic monitoring and urinalysis. In addition, many private companies that provide treatment services to probationers charge fees for their services, attendance at which is required as a condition of probation. ⁵¹ An entire industry related to third party (for profit) providers whose sole source of revenues are court ordered fees has developed. Clerks are now mandated by the legislature to refer uncollected fees more than 90 days old to collection agencies who typically charge 40% for their services.⁵¹

As the state has become more reliant on fees, it has also eliminated most exemptions for those unable to pay. In recent years, the Legislature mandated that defendants pay the costs of their prosecution and public defense, regardless of their ability to pay. Florida is one of only two states



(the other being North Carolina) that do not include an explicit waiver of the fee if a defendant is found to be indigent *.Id.* Instead, if a defendant cannot pay the fee, the statute provides that the trial court will assess the fee as part of sentencing or as a

condition of probation.¹⁶ In the past in Marion County, judges routinely sentenced misdemeanants who had waived their right to counsel to suspended jail sentences that would automatically go into effect if LFO payments were not made. ¹⁷ Such sentences deprived the defendants of a chance to show that their failure to pay LFOs was not willful, as required by both the State and Federal Constitutions. ¹⁸ This type of suspended sentence has since been eliminated in Marion County. The county Judges now utilize a deferred commitment sentence where the offender is sentenced and given a court date to return to court and explain why the sentence was not completed. The judges have the authority to eliminate or reduce the sentence based on performance upon the offenders return to court.

Suspension of an individual's driver's license is one of the most common penalties in Florida for failure to pay court-ordered legal financial obligations.¹⁹ Court clerks routinely request that the Department of Highway Safety and Motor Vehicles suspend a person's driver's license for non-payment of court-assessed financial obligations, without any prior determination that the defendant had an ability to pay.²⁰ The clerk is authorized under Florida law to charge the offender \$7 in order to file the request to suspend the person's driver's license. ²¹ State law provides that restoring a driver's license costs an additional \$60. ²² The use of driver's license suspensions causes hardship for those unable to pay and, ironically, further hinders their ability to pay their debt because they are unable to legally drive to work. As seen below, Marion County has a significant number of jail inmates whose sole offense is driving on a suspended license.

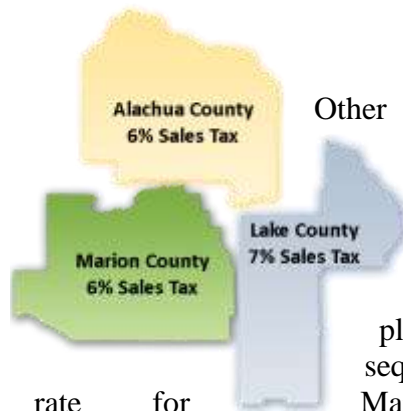
3. Marion County

- a) **Basic demographics.** Marion County had an approximate population of 337,362 citizens in 2013. The racial mix was 73% white, 11.6% latino, 13% black, and the remainder either Asian or other race. 17% lived on income below the US Poverty level. ²³

Politically, Marion County is conservative. Of registered voters, 43% are Republican, 35.5% are Democrat and 17% are unaffiliated. There are no constitutional officers or elected officials in Marion County government that are registered Democrats (Judges are elected non-partisan). ²⁴

The voters in Marion County are also fiscally conservative and, with the exception of the 2014 election in which the voters approved a tax increase for schools, the voters had not voted for any revenue increase since 2006 and had defeated the last five revenue referendums.

The County Commission (all of whom are Republican) has repeatedly waived county construction impact fees for the last four consecutive years.



Other than MTSU fees, there has been no ad valorem tax increase since 2009. The current County Commission is decidedly anti-tax, recently approved a raise for County workers (the first since 2009) and in the last fiscal year ask departments to plan for a flat budget, an improvement over sequential requests for 10% reductions. The tax rate for Marion County is 6% sales tax, 3.84 mils for ad valorem. Lake County is 7% sales tax, 4.7309 mils; Alachua is 6% sales tax, 8.799 mils. 23

b.) **Marion County jail population.** As with the State of Florida’s expansion of prison facilities during the 1980s and 1990s, Marion County saw a similar expansion of its jail facility. The current jail facility opened in December, 1985 and consisted of four separate housing units (pods) with a total housing capacity of 384 inmates. It was modified in May, 1987 and the capacity was raised to 664 beds. In 1990 an additional pod was constructed which increased the capacity to 888 beds. Another pod was added in 1992 increasing the jail’s total housing capacity to 1112 beds. There was a brief respite in the expansion due to the creation of a tri-county work camp but that facility was closed when state funding was terminated in 1997. The work camp closure required additional modification of the existing facility increasing the total capacity to 1248 beds. In 2000 the facilities were expanded to a housing capacity of 1504 beds. Another major construction expansion began in the spring of 2005 and continued through 2006 based upon revenues from a tax payer approved one cent sales tax. By 2007 the bed capacity at the jail was 2164. In 2010 the inmate worker barracks was renovated and converted to the Marion County Juvenile Justice Center. As of this report, the jail’s capacity is 1924 beds and the Marion County Juvenile Detention Center is 256 beds. 4

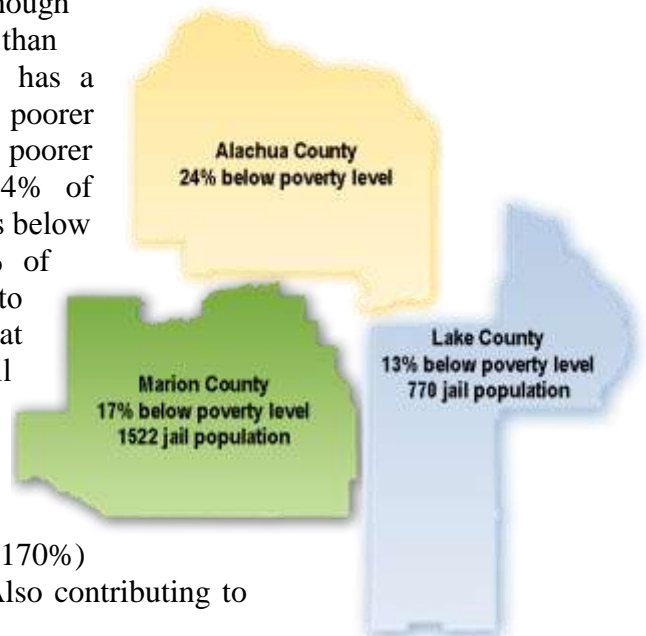
For purposes of this study, the budget and statistical figures used were as of the close of the fiscal year in September, 2013. During the 2012-2013 fiscal year the average daily population of the jail was 1522 inmates. The total cost to run the jail for that fiscal year was \$28,980,831.83. However, that amount was offset by jail generated funds from a daily subsistence fee, booking subsistence fee, inmate medical service fee, billing the US Marshall Service for housing federal inmates, and social security administration. The total amount of those fees raised in that fiscal year was \$1,037,714.25. This money was returned to the Board of County Commissioners resulting in an actual net cost of \$27,943,117.00. The average daily population for 2013 (1522) was less than 2012 (1613). The average daily cost per day per inmate was \$50.30 for fiscal year 2012-2013. 4

Although the Marion County jail has no particular formula to determine a recidivism rate, a survey of the inmate population requested by the study group indicated that 79.4% were repeat offenders and 85% of that group had prior Marion County charges.

72% of the jail inmates are there on felony charges and 28% are on misdemeanor charges. 83% of the average population is male and 17% is female; 67% of the inmates are white and 32% are black, all others comprise 1%. The average inmate is a white male, charged with a felony, and approximately 35 years of age. 67% of the felons in the jail had not been sentenced. 45% of the misdemeanants in the jail had not been sentenced.⁴

During fiscal 2012-2013 the booking unit was responsible for booking and releasing over 27,000 inmates. Marion County has an incarceration rate of 4.4 inmates per one thousand population or 1.5 times the state average of 2.9 inmates per one thousand population. The total number of inmates booked consist of both felony and misdemeanor arrests. The felony bookings consist of 45.6% while misdemeanors make up 54.4%. The total number of inmates booked into the jail for 2013 were 13,830. The most common crimes for which arrestees were booked in Marion County during 2013 were possession of drugs and possession of drug paraphernalia (both felonies and misdemeanors); theft; burglary; battery; driving while license suspended; and driving under the influence. *Id* There were 2,223 inmates that had been arrested on violation of probation warrants in 2013. A majority of the Marion County judiciary has adopted a “No Bond” policy on violation of probation warrants. ²⁹

Marion County, Lake County and Alachua County all have similar demographics and populations although Marion County’s is slightly larger than Lake County. Alachua County has a larger minority population and is poorer than Marion County, which is poorer than Lake County. Almost 24% of Alachua County’s population lives below the poverty level and only 13% of Lake County’s population fits into this group; Marion County is at 17%. ³ Lake County’s jail population is 770; Marion County’s jail population is 1522. ²⁵ The difference is partially due to the incarceration rate which is 2.6 per 100,000 in Lake but 4.4 (+170%) per 100,000 in Marion County. Also contributing to



the jail population difference is the average length of stay for a felon. In the Lake County jail it is 42.7 days; in Marion County the average length of stay for a felon is 70 days. ²⁵ The length of stay figures for misdemeanors between Lake and Marion County are comparable. Most of the jail population is there on felony and misdemeanor drug offenses or some form of theft, none of which are violent crimes.⁴

- c) **Inmate Medical Care at the Marion County jail.** The Marion County jail has a health services budget which is approximately \$7,000,000.00 or 25% of the jail budget and 7% of the Marion County Sheriff's Office budget. Although the average inmate health care cost per day during fiscal year 2012-2013 was \$12.46 or 25% of the average jail inmate cost per day, as this report indicates, a small group of inmates account for an inordinate percentage of those costs. ²⁶

The majority of the health services budget goes to staffing medical services personnel who represent 78% of all staff. Off-site hospitalization is a major expense totaling \$1.2 million dollars or approximately 18% of the total budget. 285 adult inmates were taken to the emergency room during the fiscal year and 129 of those were admitted to the hospital. Ten of those 129 admissions accounted for approximately 30% of the total hospital costs (\$361,000.00). Three had chronic medical conditions; three had cardiac disease; one had a cervical spine stenosis; one gunshot wound; one immunodeficiency disorder; and one renal failure.²⁶



The total inmate pharmaceutical cost was \$756,000.00 or 11% of the total inmate medical care budget. 60% of the inmate population (915) was on some sort of medication. 55 inmates were responsible for almost 40% of the total medication costs due to HIV infections. The second highest pharmaceutical cost was to psychotropic medications. 425 inmates or 30% of the population were on psychotropic medications. This group was responsible for approximately 28% of the total medication budget. The remaining portion of the budget (\$1,044,000.00) was utilized for dialysis, ambulance services, radiology, laboratory, and other supplies, equipment and insurance. In sum, 33% of the total inmate population consumed 66% of the medical services budget.²⁶

- d) **The Judiciary in Marion County-** Nowhere in the State of Florida is the judicial philosophy of “tough on crime” more prevalent than Marion County Florida. Of the twelve judges sitting in Marion County (Circuit and County Judges) eight of them are former prosecutors. The Circuit

Court judiciary in Marion County sentences more people to the Department of Corrections prison system, on a per capita basis, than any other county in the state. 27. The average length of stay for a person charged with a felony in the Marion County jail is 27 days longer (70%) than Lake County (the most similar county demographically with the 5th circuit). 27

The Marion County judiciary typically does not authorize any other Judge to accept a plea at arraignment on a warrant signed by another Judge or allow another judge to accept a plea on a case on another Judge's docket. Violation of Probation warrants (even for technical violations) are issued as "no bond" warrants (requiring arrest and confinement until adjudication).29 All of the Judges have individualized docket organizational systems. A majority of times, Marion County Judges will not reinstate probation after a violation but will sentence the probation violator to jail or prison.

The Marion County Court Judges that handle criminal offenses (traffic and misdemeanor) are all former prosecutors. Marion County Court Judges handled 2,700 Driving While License Suspended (DWLS) cases in Marion in 2013, 48% of all criminal traffic offenses. Of those 2,700 cases 144 had "adjudication withheld" by Marion County Judges.28 In Lake County, the county judges had a similar number of DWLS cases (2,720) during 2013 but 889 had "adjudication withheld" by Judges.28

As of this report, there are 81 inmates in the Marion County jail whose primary underlying offense was DWLS and either cannot make bond or are being held without bond and have been there between 2 and 364 days. 29

III. ILLUSTRATIVE CASE STUDIES

At this point the reader of this report may be inundated by statistical information. The “environment” described above has real world implications for people exposed to the justice system in Marion County. This environment impacts those who are participants in the system but also those who are not. It is this latter group that often bears the financial and social costs. As the case studies below demonstrate, the ripple effect and the enormous social costs can be devastating for individuals who have no real criminal history and who cannot be classified as a risk to “public safety”. One of the goals of this study is to develop alternatives that will prevent some of the situations described below.

A. Case Study No. 1

The following information was gathered and submitted by Alina Stoothoff, Interim Director of Acute Care Services at the Centers and PPI Pre Arrest Diversion Subcommittee Chair with assistance from Centers case management staff. Pursuant to HIPPA regulations, the name of the individual cannot be disclosed.

Subject: AV #2893 DOB 10/21/78

Background Information

AV is a 36 year old black male who has been diagnosed with schizophrenia, paranoid type, who currently lives with both parents in Marion County. He denies any history of abuse or neglect by his family and reports no major life traumas other than his illness. He has been in the mental health system since 1997 at the age 19 starting with four years of multiple hospitalizations in New York. He and his family moved to Marion County in 2001 and his first interaction with the Centers was that same year with an admission to the Crisis Stabilization Unit on a Baker Act after not taking his prescribed psychotropic medications and becoming very psychotic.

Between 2001 and 2014 he has had approximately 13 admissions to the Crisis Unit due to being a danger to himself or others because of his mental illness under Baker Act proceedings. He has also had 3 arrests since his arrival in Marion County. AV's psychiatric symptoms have ranged from religious preoccupation and delusions where he believes he is God to extremely paranoid delusions where he is convinced that he is being poisoned or that people are going to hurt him in some way. He has often become physically aggressive and has exhibited very bizarre behavior connected to his psychosis like shaving his eyebrows, wearing multiple layers of clothes even in the summer and threatening agitated behavior when interacting with others. His 3 arrests have all been connected to behavior due to his mental illness and have only occurred when he is off his medication and not stable.

His first arrest was in 2006 where he attacked a nurse in the CSU and was charged with felony battery on a health care provider, he stayed seven months in jail and

was given five years' probation. His second arrest was in 2007 for careless driving, when he refused to accept the ticket from the law enforcement officer. That offense also constituted a violation of his probation. He spent two months in jail and was declared incompetent and sent to North Florida Evaluation and Treatment Center until 5/2/08 when his competency was restored. His third arrest was in 2011 on a charge of Domestic Battery for attacking his mother at which time he stayed in jail for three months.

When AV is on his medication regimen, stable, and closely monitored, he does extremely well. He has participated in groups, has worked on becoming a Peer Specialist and will even mentor other patients at the Drop In Center; he attends NAMI support group meetings. He is articulate, positive and motivated to help others, exhibiting very few overt symptoms of his illness. Unfortunately, when he is stable for a while, if not monitored closely, he believes that he no longer needs his medications. He justifies this by the fact that his symptoms are gone or significantly reduced. Once he stops his medication his mental status starts to deteriorate immediately. Although he is followed by the Centers med clinic, peer support groups and case management programs it is impossible for his case manager to see him more than 2 to 3 times per month due to caseload and funding limitations. He likes being monitored or supervised and if consistently encouraged is willing to take his meds and participate in programs like the Drop-In Center and support groups. He did very well when under the supervision of probation but gets very anxious when these supervisions are coming to an end and will often decompensate. There have been several occasions when he no longer meets criteria for case management services and inevitably he starts getting anxious or stops taking his medication and often ends up hospitalized.

Potential Solution

AV is a prime candidate for a diversion program. The additional supervision and wrap around services are exactly what he needs to maintain stability and function at a level that is safer for him, law enforcement and the community.

B. Case Study(s) No. 2

The following are three examples that are representative of some of the issues the study group discussed. Each case involves some degree of minor criminal conduct and then some level of irresponsibility on the part of the defendant. These examples are representative of how a relatively minor offense can escalate, leading to more money owed, jail time and driver's license suspensions. Included in the Appendix are the Probable Cause affidavits and/or Notices to Appear which give brief factual basis for the crime; the Violation of Probation affidavits demonstrating that failure to pay money was either the only or major reason for violation; clerk's records to show case flow, ultimate disposition, and money assessed; and CCIS records to show their prior criminal record, if any.

Unfortunately, these examples were not difficult to obtain and are representative of common experiences for Marion County residents.

1) AL:

AL was originally charged under a Notice to Appear for possession of a small (misdemeanor) amount of marijuana. His original sentence withheld adjudication of guilt on the possession charge conditioned upon the successful completion of 6 months of probation which included payment of \$1,124 in court costs, assessments, and fines. He successfully completed all conditions of his probation except payment of the money; he had paid \$343 at the end of his probationary period. He tried to obtain a loan to pay the balance but was turned down because he was unemployed. A no-bond violation of probation warrant was issued with a “no other judge can modify” limitation. AL was sentenced to 60 days in jail for violating his probation (solely for nonpayment of money), was assessed additional court costs and fees, was assessed \$3,000 for his costs of incarceration (60 days in jail), his driver’s license was suspended for one year, and he was adjudicated guilty of the original drug possession offense. He now has a drug offense conviction and a suspension of his driver’s license until all money owed is paid (except cost of incarceration). The County recorded a civil judgment lien against him for the \$3,000 cost of incarceration.

2) BK:

BK was issued a traffic citation for improper passing which he failed to pay. His driver’s license was suspended for his failure to do so. He was later subject to a traffic stop and arrested for driving on a suspended license. Because his license suspension was for failing to pay a traffic fine he was eligible to select the “Clerk’s Option” which results in a withhold of adjudication for DWLS, conditioned on payment of the old fine, \$215 for DWLS and show that his driver’s license had been reinstated, which costs \$60 for a reinstatement fee. BK was given seven weeks to complete these conditions and was unable to do so. Since he did not complete the conditions of the Clerk’s Option, his case was automatically placed on the regular traffic court docket. He failed to appear for the docket hearing on his DWLS charge. The Clerk’s files show that the notice of hearing for the DWLS charge was mailed to Defendant but was returned undelivered by US Post Office. Nevertheless a no-bond FTA (Failure To Appear) warrant was issued with a “no other judge can modify” limitation. Kelly was arrested on the warrant and sentenced to 45 days in jail, assessed an additional \$400 in fines and costs plus \$2,250 for costs of incarceration. He won’t be able to reinstate his driver’s license until all the old and new monies are paid. The County has filed a civil lien for the \$2,250 costs of incarceration.

3) JA:

JA was originally charged with possession of marijuana (misdemeanor) and a pipe to smoke it in (Misdemeanor paraphernalia). His original sentence was a withhold of adjudication and probation with all the concomitant costs fees and

assessments (\$800). His probation was violated for missing two meetings on sequential days with his probation officer and failing to pay fines and fees. He had only paid \$35 toward his \$800 in fines and fees. A no-bond VOP warrant was issued and he was arrested. He was sentenced to 75 days in jail, more fines and fees (\$240 plus balance of \$765), costs of incarceration (\$3,750) and DL suspension requiring payment of all costs before re-instatement. A civil judgment and lien for the \$3,750 cost of incarceration was entered.

None of these defendants had much, if any, prior criminal record. All were determined to be “indigent” by order of court but all ended up in jail for not paying money. After release from jail, all ended up owing more money and having no driver’s license when they got out. All of them have significant challenges to get a job to earn the money to pay the fines since all now have convictions and no way to legally drive to work. While each are in their situation based on their own actions, these cases help illustrate how easy it is for the poor to get caught in the “revolving door”. The length of the jail sentences for these low level misdemeanor or traffic offenses also contribute to the problem. Few people, if any, can spend a month or two in jail and still have a job or a place to live when they are released. All of them have recorded civil judgments in the thousands of dollars which prevent them from obtaining a car loan, mortgage, or educational financing. The costs of perfecting and recording these liens is so disproportional to the amounts actually collected, the County Commission is seriously considering abandoning the practice altogether.

Case Study No. 3

The following are recent examples of how low risk, high cost, medical inmate cases can dramatically affect the jail medical budget. Once an inmate is arrested, his or her medical care becomes an obligation of the County. Any medical benefits the inmate may have are terminated upon admission into custody. One of the suggested solutions below is an effort to reduce or avoid additional medical costs through collaborative jail, Public Defender, State Attorney and Judicial efforts. The examples below not only demonstrate the high costs of medical care, but also illustrate that some of the solutions suggested in this study are already being implemented. Due to HIPPA constraints, the identities of these individuals cannot be disclosed. The information is provided by the MCSO and contracted medical provider staff.

Example #1: A 58 year old male is arrested 11/12/14 on charges of open container and trespassing at a local hospital (drinking a beer in the hospital and refused to leave) both misdemeanors. He was diagnosed on intake with Chronic Hypertension, Chronic Back pain, Alcoholism and Cardiac Disease. After review and during his incarceration at the jail, it was determined he needed an internal, and possible external, defibrillator. The estimated cost of same was over \$100,000.00. A decision was made to dismiss his criminal case due to “the likelihood that a conviction at a criminal jury trial is slight” and the inmate was

released on 12/2/14, 20 days after arrest. Even though this inmate was quickly identified and released, the MCSO still incurred charges for offsite medical care during incarceration of approximately \$77,000.00. The early release avoided another \$100,000 in expense.

Example #2: A 52 year old female is arrested 8/6/14 on charges of violation of probation for possession of illegal substances; she was arrested in a methamphetamine (meth) house. Her physical condition required she be admitted to the hospital prior to booking at the jail. She was diagnosed at the hospital with Hepatitis C, Gastrointestinal Disorders, Cervical Cancer, Alcohol Addiction and Poly Substance Abuse.; she was also wheelchair bound due to Chronic Lumbago. Her medical condition was determined to be terminal during her brief hospital stay. She was released from the hospital to hospice on 8/13/14 and died the next day. The charges for her offsite medical care during her seven (7) day incarceration period totaled approximately \$60,000.00.

Example #3: A 63 year old male was arrested 11/7/14 on charges of driving under the influence. He was diagnosed with Hypertension on intake. He was further examined and diagnosed during incarceration with a vocal cord malignancy requiring treatment with radiation and chemotherapy. He was released on own recognizance on 11/26/14. Although charges for offsite medical care during incarceration totaled approximately \$15,000.00, the amount would have been significantly higher had the inmate received radiation and chemotherapy care during his incarceration.

IV. RECOMMENDED SOLUTIONS

The study group's goals for their suggestions essentially can be distilled into four objectives: first, to prevent low level, first time offenders and those whose problems stem from mental illness from ever entering the criminal justice system; second, to explore alternatives to jail for those who do not pose a threat to public safety and who otherwise are expensive or difficult to house; third, for those in the system to move them through the system as rapidly as possible; and fourth, for those exiting the system, to provide support services to reduce the likelihood of re-offending. Each of the recommendations coming out of the subcommittee reports attempts to address either one or more of these goals. The recommendations are as follows:

- a. **Pre-arrest Diversion**
- b. **Civil Citations and Notice to Appear**
- c. **Special administration for high cost inmates**
- d. **Improved Judicial administration**
- e. **Inmate transition program**

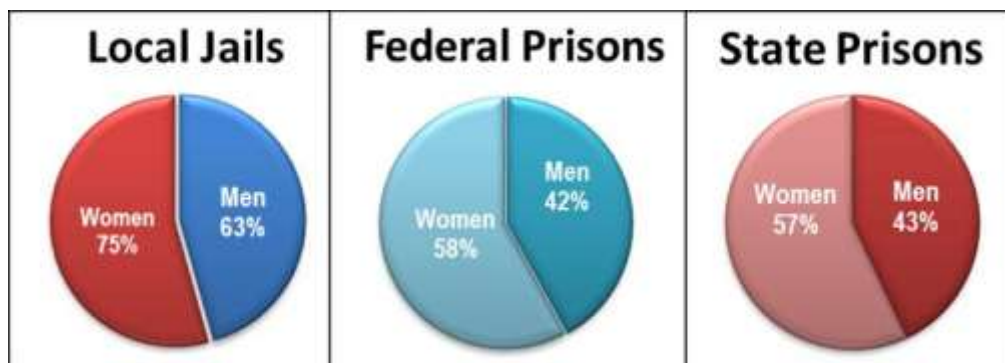
A. Pre-arrest Diversion

1. **Factual findings:** All of the stakeholders present in the study group recognized that individuals with mental illness comprise a group that is both difficult and enormously expensive to deal with in the standard criminal justice system. Many within the study group agreed that a significant portion of this population does not belong in the criminal justice system at all. The following facts led the study group to this conclusion:
 - Studies suggest that up to 15% of persons in city and county jails and state prisons have severe mental illness. *30*
 - A study by Steadman and colleagues published in 2009 evaluating the prevalence of serious mental illness (defined as major depressive disorder; depressive disorder not otherwise specified [NOS]; bipolar disorder I, II, NOS; schizophrenia spectrum disorder; schizoaffective disorder; schizophreniform disorder; brief psychotic disorder; delusional disorder; and psychotic disorder NOS) among jail inmates found rates of 14.5% for male inmates and 31.0% for female inmates *31*
 - Of probationers, 16%, or more than 500,000 people, reported having a mental disorder. *32*
 - In one study, approximately 28% of people with serious mental illness were arrested in a 10-year period. The majority of these arrests were for non-violent charges like crimes against the public order or property offenses. Many experienced repeat arrests. *33*
 - People who are incarcerated who have a mental illness have experienced, prior to their incarceration, higher rates of sexual and physical abuse victimization and unemployment than other inmates. *34*
 - When they are incarcerated, people with mental illness often lose access to Medicare, Medicaid, and Social Security benefits. Even when benefits should be restored upon release, reapplying for benefits can be time-consuming and

complex. Without case management assistance to restore benefits, prisoners re-entering after prison are at risk of recidivating or requiring costly emergency medical services. *35*

- Once arrested, individuals with mental illness and substance abuse disorders spend on average 17 more days in jail than people without these disorders who were charged with similar crimes. *36*
- Rule violations and injuries from a fight are more common among inmates who had a mental health problem. *37*
- State prisoners who had mental health problems had longer sentences than prisoners without. *38*; 4 months longer than those without *39*
- The yearly cost of incarceration for one prisoner in both state and Federal prisons is approximately \$22,600. *40*
- By comparison, assertive community treatment, which provides comprehensive services to people with serious mental illnesses, costs between \$10,000-\$15,000 per person per year. *41*
- Police officers report that responding to “mental disturbance” calls creates a significant burden on their departments. *42*
- Inmates with a history of mental health problems had higher rates of victimization than other inmates. Among state and federal prison inmates, an estimated 6.3% of those identified with serious psychological distress reported that they were sexually victimized by another inmate. In comparison, among prisoners with no indication of mental illness, 0.7% reported being victimized by another inmate. Similar differences were reported by jail inmates. An estimated 3.6% of those identified with serious psychological distress reported inmate-on-inmate sexual victimization, compared to 0.7% of inmates with no indication of mental illness. *43*

By The Number: Mental Illness Behind Bars, by Sarah Varney, May 15, 2014. Kaiser Health News



2. The Sub Committee Members:

Lori Bright (DJJ), Mary McNeloms (VA), Diane Hogan (NAMI), Juan Lopez (Schools), John Rose (Vets Helping Vets), Mike Sizemore (PPI & VHV), Diane Schrier (schools), Tim Cowart (The Centers), Dennis Yonce (OPD), Alicia Walker (MCSO), Mike Shearon (Arnette), Dyer Michell (PPI), Karla Grimsley (Interfaith), Holly Patterson (Salvation Army), Henry DeGeneste (GOCDC), Scott Hackmyer (Children’s Alliance), Loretha Torlbert-Rich, (OCC), Mike Graves (PD), Bill Miller (Asst. PD).

a) **Members and stakeholders:**

The following members are invested in to the concept of the Pre-Arrest Diversion.

STAKEHOLDER &/OR PROVIDER AGENCY	CONTACT NAME or PPI PARTICIPANT
Ocala Police Department	Major Dennis Yonce
Marion County Sheriff's Office	Captain Alicia Walker
Dunnellon Police Department	Chief Joanne Black
The Centers Inc	Alina Stoothoff & Tim Cowart
NAMI	Diane Hogan
Heart of Florida Health Center	Kerrie Jones Clark
Salvation Army	Major Holly Patterson
Interfaith Emergency Services	Karla Grimsley
Homeless Council & Coalition	Dan Horton
Arnette House	Mark Shearon
The Vines	Scott Price
DCF	Joelle Aboytes & Ron Graham
Marion County Jail & Ocala Community Care	Lt. Jill Ross & Loretha Tolbert-Rich
VA Housing & Vet Center	Dale Elzie & Richard Frank
Judges	McCune & Landt
Court Administration	Tom Aemisegger, Betty White, Todd Tuzzolino
Public Defenders Office	Bill Miller & Mike Graves
Ocala Fire Rescue	Captain Ed Raulerson
Salvation Army Probation	Linda Rankin
DOC (Parole)	Dan Eberlein
VA & Vets Helping Vets	Mary McNeloms & John Rose
City Council	Kent Guinn

BOCC	Earl Arnett
Marion County Fire Rescue	Chief Shari Hall Marion Transit
DJJ	Lori Bright & Rick Bedson

3. Program Description

The Pre-Arrest Diversion facility/program will safely divert participants at risk for arrest or re-arrest with mental health or co-occurring disorders (mental health & substance abuse) from the criminal justice system, emergency rooms or Crisis Stabilization Units to a pre-determined location where they will be able to access and receive suitable mental health, substance abuse and several other needed social/medical services expeditiously.

Participant referrals into the program may predominantly be made by law enforcement, but may also be made by provider & social service agencies, the hospitals, jails, judicial system etc.

This program provides a low demand alternative location (during the day and/or night), where a participant may receive an assessment, appropriate referral to programs/services and be given the opportunity to socialize with their peers. The program also provides Crisis Intervention Team (CIT) Training (Memphis Model) to Law Enforcement which will help them identify this population, their needs, and teach them to effectively de-escalate potentially violent situations in order to mitigate the possibility of arrest.

Linking people appropriately with needed services (including a place to socialize and/or stay) will reduce the likelihood that they will appear or reappear in the criminal justice system, medical hospitals and emergency psychiatric units thus reducing the impact on the jail, hospitals and court systems.

4. Number of Participants:

An average of 116 referrals to Mental Health Court (in the past year) are not accepted into that program but who would meet criteria for pre-arrest diversion. An average of 50 participants in the Mental Health Court program would also meet criteria. When those are added to the numbers provided by the jail from their daily census, as well as the 26 people who were Baker Acted or taken to Detox that may have been better served in this type of program, the committee was confident the program would easily maintain 50 participants per Case Coordinator. It would be prudent to start with one Case Coordinator then add more as the program grows. The proposed site for the program, The Centers Martin Luther King campus, Building No.: 2, currently has a capacity of 16 beds for those with residential treatment needs with the ability to accommodate as many as 20. The latter residential participants would be included with the original 50. The average length of stay in the program would be approximately 6 month allowing for the possibility of 100 participants per year.

Operational Flow Chart- See Appendix

5. Timeline for implementation (assumes requisite funding/ in-kind contributions from stakeholders)

STEP 1: Develop a list of established program services and activities that this population would need in order to maintain stability, sobriety and good physical health in order to avoid arrest or hospitalization.

STEP 2: Establish a group of willing stakeholders and service providers that may be utilized by this population in order to maintain physical, emotional, behavioral, financial, legal, medical, social, housing, and vocational support system stability so that arrest and emergency hospitalization is prevented or significantly reduced. Establish a staffing team that can meet regularly to guarantee communication between providers and assure that participants are given appropriate services. A management team may also be created from interested stakeholders and Providers. Currently the Mental Health Court management team is being utilized in this capacity and has been very effective in evaluating the program and providing direction when needed.

STEP 3: Establish a budget that the Providers will need in order to supply these services expeditiously, efficiently and effectively. Also establish services that are already provided that would not require additional funding or that are already funded via an alternate funding source.

STEP 4: Establish a physical location for a Pre Arrest Diversion Shelter (24/7) assuring there is a location for low demand day time activities to help assure that the participants have a place to socialize, i.e. Drop In Center or Club House.

STEP 5: Provide Crisis Intervention Team training based on the 40 hour Memphis Model utilized throughout the state for local LEOs to educate them to recognize this population, build empathy, rapport and understanding and to effectively de-escalate crisis situations to prevent unnecessary arrest or injury of the person, bystanders or the LEO. The objective is to increase the person's safety, the safety of the officer and the community.

STEP 6: Develop detailed policies and procedures for the Pre Arrest Diversion program based on what services Providers can make available in a timely manner; to establish exclusionary criteria; and to establish limits on how the person may be referred.

STEP 7: Hire and educate staff, referral sources, and providers about how to access the program, who is eligible, and what is required to divert a participant from jail and emergency hospitalization. Also educate these same groups on how to recognize this population and evaluate whether or not they may be at risk of arrest or of emergency/crisis hospitalization. Request a list from local law enforcement agencies of low level or non-violent/ low risk charges they believe

they would consider diverting from jail or hospitalization if they identified that the person would be suited for this program.

STEP 8: Set date and time that program/ facility would be open for accepting participants and notify appropriate agencies based on policies and procedures developed in Step 6 to operate the program.

6. **Pre-arrest program budget requirements**

PROJECTED START UP COSTS: = \$50,000 to \$100,000 (to furnish established location)

PROJECTED ANNUAL BUDGET: = \$400,000 (includes shelter, meals, intensive wrap around, medical, educational &/or possible residential:

BY AGENCY:

- 1) Centers Inc, = \$185,000 (Over \$500,000 in kind as Shelter already renovated and other services not counted in this budget)
- 2) Salvation Army or Interfaith = \$160,000 for staffing and incidentals to run the shelter.
- 3) NAMI = \$10,000 =Supplies for several peer & support classes taught (\$50,000 In Kind for Volunteers)
- 4) Participant Expense & Assistance = \$10,000
- 5) HFHC - Medical Tech or LPN or EMT or medical services purchased = \$30,000

7. **Measuring results:**

Evaluation and Sustainability:

- The project's effectiveness will be assessed initially based on the number of referrals made to the facility/program and successful linkages to community based services. This would include those that are in the program but not necessarily staying in the shelter.
- Tracking the census of the Shelter and the census of the people in the program that are not in the shelter, with the same expectation on increased utilization over time.
- Quantify the number of admissions made to the Marion County jail for the low level offenses this project targets to see if the current growth rate has been slowed, or reversed. Compute the benefits that jail/court diversion in terms of cost avoidance.
- Measuring the time saved for an officer to complete the delivery of a potential participant to this facility/program compared to existing practice and return to duty.
- The Providers/partner agencies will work cooperatively to determine the proper variables to collect and track as the project evolves. It is anticipated that the first variable would to daily log the number of individuals being brought to the Program/facility by law enforcement and by other referral sources. Additional measures will include tracking the outcomes of each referral compared to prior arrest or ER use history and the time saved by law enforcement. These would be reported to the management team at their meetings.

8. Anticipated Cost Avoidance:

- Jail cost avoidance \$4,925,601 44
- Averts increased spending on criminal justice system
- Averts increased spending on F.S. 916 Forensic State hospital beds
- Decreases time LEO spends with patient
- Decreases injury risk to LEO and patient due to training and recognition of LEO being *friend not foe*.
- Decrease inappropriate use of the hospital's Emergency Department.
- Decrease the use of Emergency Psychiatric Hospitalization by providing expeditious access to behavioral health services pre crisis.
- Reduces minor cases (trespass, open container, disturbing the peace, etc) that would have otherwise been referred to State Attorney, Public Defender, and Court.

9. Social impact

Provides a more financially and socially efficient option for this population than jail, medical hospital, psychiatric hospitalization or excessive use of EMS, LEO, Judges and lawyers.

- Decrease the probability of arrest or re-arrest or the possibility of a greater charge if arrested. Protect safety of participants, LEO, referring agency and community.
- Reduce extended stay in jail due to inability to navigate the system or get additional charges while in jail due to symptoms of illness. Inability to support family or loss of benefits.
- Provides social network and support to avoid arrest or alternative to incarceration if arrested.
- Promotes communication, collaboration and partnerships among all relevant county partners with respect to people with behavioral health issues, substance impairment or co-occurring disorders who are at risk of entering the criminal justice system or other behavioral health crisis.
- Improve social, medical and financial outcomes for participants in crisis or pre-crisis.
- Provide Crisis Intervention Team (CIT) training for LEO/EMS to assure safer interaction between the mentally ill/substance impaired and LEO that will secure a positive outcome. Reduce injury and costs affiliated with that to both LEO, community and person.
- Similar programs have shown that flexible, low demand peer driven services may accommodate individuals who initially are unwilling to commit to more extended care. The ultimate goal of such service is to increase an individual's motivation for treatment and then eventually engage them in more intensive services if appropriate thus decreasing the possibility of future arrest or hospitalization.
- Participants in jail for more than 30 days lose Medicaid benefits that make it impossible to find housing, treatment etc.
- Respite for families dealing with their loved ones with these illnesses.

Adult Civil Citation and NTA Programs

1. **The juvenile model:** In 2011, in an effort to keep juvenile offenders from entering the justice system, Florida established the Juvenile Civil Citation



Program, which requires counties to create civil citation programs under the advisement of their respective Chief Circuit Judge, State Attorney, Public Defender and local law enforcement. Since the implementation of the new law, 51 of the 67 counties in Florida have active juvenile civil citation programs, with 5 counties currently in the development process. ⁴⁵ These programs have diverted 6,903 juveniles from the criminal justice system. *id* The statute (F.S. 985.12) encourages, but does not demand, use of civil citations as an alternative to arrest and conviction for first time nonviolent offenders willing to admit guilt and accept consequences for their misconduct. Admittance into these programs remains at the discretion of law enforcement.

The key to an effective civil citation program rests with law enforcement officers making quality judgments to handle nonviolent offenses at the lowest level possible, without compromising public safety. The target group is first-time offenders committing nonviolent acts. In fact, Civil Citation programs show a recidivism rate of 6.6 percent, compared to the 41 percent rate of the residential facilities operated by the Department of Juvenile Justice. *id* The Civil Citation program offers these offenders an opportunity to be punished in a way that will not create a criminal record or adversely impact their future. The offender is responsible for paying fines and costs associated with their participation in the civil citation program. In addition to fines, letters of apology, drug tests, etc., these offenders perform mandated community service hours that serve as restitution. In short, the juvenile civil citation programs are cost effective, reduce recidivism, promote public safety, and instill discipline and civic pride in the offender.

Florida does not have an equivalent Adult Civil Citation statute, though the rationale for implementation and potential cost savings and reduction in recidivism is exactly the same. Currently, adults arrested for committing a nonviolent, misdemeanor-level crimes who are first time offenders have no alternative to arrest and the full process of the criminal justice system. This process costs taxpayers a significant amount of money, interrupts education, vocation, and life development opportunities for the offender, and often accelerates the progression of an individual into a life of crime. Civil Citation programs are funded by the offender, not the taxpayers, reduce law enforcement

processing time and expenses, reduce jail populations, and allow an offender to avoid the stigma and burdens created by a criminal record.

Leon County has implemented a pilot adult civil citation program which mirrors the juvenile civil citation program outlined in F.S. 985.12. Those admitted into this program are first-time drug and alcohol-related offenders. Thus far, 105 civil citations have been issued, and 72 percent of those have gone to students at high schools or colleges. These offenders have completed 725 community service hours and 64 percent of the offenders have completed their payment requirements.
id

If the adult Civil Citation program tracks the success of the juvenile civil citation program, significant cost savings will be realized, given that the cost to imprison an offender is roughly \$20,000 per year, 6 or \$18,360.00 per year in the Marion County jail.⁴ Diverting first-time, nonviolent, misdemeanor violators away from criminal convictions and jail time will help them correct their behavior and avoid falling into a cycle of ever-increasing penalties and fines, leading to longer jail terms for subsequent offenses.

2. **The Marion County Adult Civil Citation Model**

a. **Introduction:**

Marion County, Florida is located in the middle of the state and is the fifth largest of Florida's 67 counties in terms of land mass spanning more than 1,584 square miles, approximately the size of the State of Rhode Island. The county is mostly rural, with 80% of the population residing in the unincorporated portions of the county. The population center of Marion County is the City of Ocala. According to the 2013 U.S. Census Bureau, Marion County population was estimated at 335,125.

The MCSO Corrections Division was responsible for bookings and releasing over 27,000 inmates a year with misdemeanor bookings making up 54.4% and felonies 45.6%. ⁴ The report further listed the actual cost of running the Marion County Jail for the FY12/13 as \$27, 943,117.58 with an average daily inmate population of 1,522. These figures calculated by the Sheriff's office in their report show that the average cost per day is \$50.30. ⁴

This summary will take a look at two programs that would lower the percentage of misdemeanor bookings at the Marion County Jail and would lessen the amount of time a law enforcement officer would be off his/her patrol duties. This in turn would provide a savings to the citizens of Marion County while increasing public safety.

b. **Subcommittee membership**

The subcommittee members include Captain Edward Raulerson, Ocala Fire Rescue; Dr. Jerone Gamble; Earl Arnett, Marion County Board of County Commissioners; Scott Hackmyer, Marion County Children's

Alliance; Betty White, Court Administration; Henry DeGeneste, GOCDC; Thomas Aemisegger, Court Administration.

Identified Stake Holders:

Marion County Sheriff's Office
Marion County Board of County Commissioners
Ocala Police Department
City Commission of Ocala
Bellevue Police Department
City Commission of Bellevue
Dunnellon Police Department
City Commission of Dunnellon
Salvation Army Corrections, Marion County
Local Faith Based organizations
Social service organizations
Judiciary
Court Administration
Marion County Clerk of the Court
Office of the State Attorney
Public Defender's Office
The Centers, Inc.
Substance abuse treatment providers.

3. Notice To Appear (NTA)

Many citizens believe that a law enforcement officer is required to make a formal arrest and to take a person into custody in order to charge a person with a crime in Florida. However, law enforcement is authorized to bring a charge against any person without taking them into custody and to jail by issuing them a "Notice to Appear", commonly referred to as NTA and is outlined in Florida Rules of Criminal Procedure, 3.125.

The Rule in part states:

- a) *Definition.* –Unless indicated otherwise, notice to appear means a written order issued by a law enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time.
- b) *By Arresting Officer.* –If a person is arrested for an offense declared to be a misdemeanor of the first or second degree or a violation, or is arrested for violation of a municipal or county ordinance triable in the county, and demand to be taken before a judge is not made, notice to appear may be issued by the arresting officer unless:
 - c) the accused fails or refuses to sufficiently identify himself or herself or supply the required information;
 - d) the accused refuses to sign the notice to appear;
 - e) the officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others;

- f) the accused has no ties with the jurisdiction reasonably sufficient to assure the accused's appearance or there is substantial risk that the accused will refuse to respond to the notice;
- g) the officer has any suspicion that the accused may be wanted in any jurisdiction; or
- h) it appears that the accused previously has failed to respond to a notice or a summons or has violated the conditions of any pretrial release program...

The Marion County Sheriff's office; Ocala Police Department; Belleview Police Department and Dunnellon Police Department each utilize the Notice to Appear and have policies or procedures governing their use (See appendix) . It is believed that the increase use of NTAs, especially with crimes such as petit theft and retail petit theft, will provide both a cost savings to the Marion County Jail and to each law enforcement agencies by reducing the amount of time spent by patrol deputies and officers traveling to and from the jail and completing paperwork. This time saved can be as little as 50 minutes to over 3 hours. This in turn allows the law enforcement officer to increase public safety by being available for calls within their zone with a shorter response time, the visibility of the officer as a crime deterrent and the officer's attention to more proactive policing. The current number of NTA by reporting law enforcement agencies is included in the Appendix.

Enhanced use of this procedure by line law enforcement officers can be increased by additional training on the use of NTAs along with ongoing senior leadership support from law enforcement agencies. 96% of persons issued a Notice to Appear comply with the notice. ⁴⁶ For that group who choose to ignore the NTA, a bench warrant is issued and the formal arrest process ensues.

4. **Adult Civil Citation Program:**

- a. **Description:** The Adult Civil Citation Program is an alternative program that allows a law enforcement officer to divert eligible offenders, who admit guilt to a diversion program. The program is based on the Florida Juvenile Citation Program and its success. An adult civil citation program can not only save Marion County taxpayers dollars but also promote public safety. *Id* This program will be modeled on successful Juvenile Civil Citation Programs.

The Adult Civil Citation Program diverts offenders who demonstrate no risk to public safety out of the criminal justice system. Many studies document that the farther one becomes involved in the criminal justice system the more difficult it is to get out. The Civil Citation Network program in Leon County Florida eliminates the cost of processing and moving first time misdemeanor adult offenders through the criminal justice system, thus producing multiple cost savings for all associated with the criminal justice system including the clerk of the court, public defenders, judges, state attorneys, and court personnel. ⁴⁸



Florida Statute 985.12 speaks to the use of civil citations as an alternative to arrest for first time nonviolent offenders who admit guilt and accept consequences for their law violations.

An Adult Civil Citation Program in Marion County will bring cost savings to all law

enforcement agencies serving Marion County but will also increase public safety. Additionally the complete cost of this program is born by the offender, not the taxpayer. Eligible misdemeanor offenses are determined by the law enforcement agency. However; some of the misdemeanor offenses considered for this type of program are:

- Criminal Mischief
- Trespass offenses
- Selling/providing alcohol to a minor
- Disorderly Conduct
- House party
- Non-domestic battery and/or assault
- Petit Theft
- Possession of alcohol by a person under 21 years of age
- Possession of cannabis under 20 grams or paraphernalia

These categories of misdemeanor criminal offenses comprise the vast majority of misdemeanor arrests in Marion County. ²⁹ Thus the program is designed to address those offenses that will have the greatest cost savings to the County and reduce the social costs associated with these arrests.

Other eligibility criteria may include:

- Adults over the age of 18
- Reside within the county of arrest
- Be a first time offender
- Contact the provider within 7 business days from the issuance of the citation;
- Participate in a minimum hours of community work service.
- Criminal background check, (NCIC or JIS)
- Prior program history check (by the provider)
- No Prior program or criminal history
- Election of the offender not to participate
- Completion time (i.e. 3- 12 weeks)
- Law enforcement liaison officer (to be notified of both successful and unsuccessful completions)

The utilization of this program is at the officer's discretion and LEO training for the program should be mandatory.

An Adult Civil Citation Program would include but not be limited to:

- a) Participation Agreement: this would outline all the voluntary requirements of the program;
- b) Screening and development of an individualized diversion;
This portion would include use of screening tools such to address both substance abuse and mental health, this includes the need for drug screening throughout the program;
- c) Educational interventions which may include both electronic and educational groups (i.e. anger management, substance abuse education, shop lifting course etc.)
- d) Community work service;
- e) Drug screening;
- f) Counseling
- g) Fees & Fee waiver process (to provide for waiver or reduction of fees and unsuccessful completions of the program)
- h) Estimated cost would be from \$300-\$500 per participant.

b. Completion:

Successful completion of the program will be marked by written notification to the law enforcement agency or liaison where the case may by exceptional clearance.

Unsuccessful Completion of the program will be marked by a written report to the law enforcement agency or liaison at which time the agency may issue an NTA to the offender.

c. Sustainability:

Sustainability may easily be maintained as long as program evaluations are made on ongoing part of the program for the adult Civil Citation the evaluation should include: evaluations of process, outcome (short term and 3 years) and cost analysis.

All programs will occur in Marion County, Florida.

d. Implementation timeline:

Notice to Appear (NTA): Training can be developed within 3 months and placed out for use to staff within 4months.

Adult Civil Citation: Court Administration or other entity will be involved with others in the development of the administration of this program.

It should be noted that a working group has been formed to explore the implementation of this solution as of the date of this report. The group consists of the State Attorney's office, the MCSO, OPD, Belleview PD, Dunellon PD, Public Defender's Office, and Court Administration.

B. Resolution of Cases Involving Defendants With Special Medical Concerns

1. **Introduction:** The Marion county sheriff's office correction Bureau is required by both Federal and State Law to provide medical, dental and psychiatric care for inmates in their custody. The Bureau's healthcare budget for fiscal year 2012-2013 was approximately \$7 million dollars (See Appendix). Approximately 60% of the budgeted funds covers staffing/personnel and the remainder is applied to direct medical services. Analysis of the medical cost data leads to the conclusion that a small percentage of the inmate population is responsible for a substantial and disproportionate amount of medical expenditures. Jail medical costs expended on the care of these inmates would be greatly reduced through adjustment of how these cases are processed through the criminal court system. This may be accomplished using existing personnel and without compromising public safety or the defendant's right to due process.
2. **Stakeholders:** Marion County Jail Medical Services, State Attorney's Office, Public Defender's Office, Marion County Clerk of Court, Marion County Judiciary, Private Criminal Defense Bar.
3. **Process for Resolution of Cases involving Special Medical Costs and Concerns:** The Administrative Judge would appoint a single Circuit Judge to preside over this small class of cases. These cases should not be co-mingled with an existing criminal docket. It is intended that the presiding Judge would meet monthly to monitor the progress of these cases and give priority in court scheduling all matters necessary to reach resolution in these criminal cases. The State Attorney and Public Defender shall designate one assistant that will be assigned all cases in this category. These assistants should be of experience and skill to handle all levels of felony cases (excluding capital murder).

When the jail medical staff identifies an inmate who suffers from a medical condition that requires treatment and/or medication that is outside that normally provided within their jail facility, the staff shall notify the designated attorneys in the State Attorney's and Public Defender's Offices. The medical staff will provide only the name of the inmate. Defense Counsel will immediately procure all necessary medical releases, interview the inmate and ascertain the inmate's condition. Counsel for the parties will notify the Clerk of Court, who will reassign the case(s) to the designated Judge.

The State Attorney and Public Defender shall give these cases priority in efforts to reach resolution. This shall include participation in plea discussions as provided in Florida Rule of Criminal Procedure 3.171 It shall also include an analysis to determine if the defendant can be safely supervised by an incarceration alternative while the case is pending. Should efforts to resolve the case through negotiations be unsuccessful, all discovery, motions and depositions shall be given priority. The Court shall meet with Counsel monthly to monitor progress towards

resolution. If necessary the court may set discovery schedules and deadlines as allowed by law.

4. **Cost of Implementation:** Cost neutral. All personnel are currently in place.

C. Improved Judicial Administration

1. **Rocket Docket:** The Judiciary, as the gate keepers to our jail and prison and as the sole controller of the court calendars, has the unique ability to implement already proven programs to reduce costs to tax payers in Marion County resulting from the incarceration of criminal defendants in our jail. There are proven procedures implemented by other counties within the 5th Circuit which can greatly reduce the amount of time that felony defendants spend in the Marion County Jail, thereby reducing the average daily jail population, thereby significantly reducing costs.



As was previously stated, Lake County, with very similar demographics to Marion County, houses its felony defendants an average of 27 days less than Marion County. A substantial reason for this has been the implementation of a judicial administration device called the “Rocket Docket”.

The Lake County Rocket Docket is a procedural system which allows defendants to enter an agreed plea on an accelerated basis by having a weekly judicial time slot devoted solely to that purpose. The Lake County Circuit Criminal Division Judges agree to allow any defendant to plea before any judge on the criminal bench so long as certain procedural assurances are met. These procedural assurances center on a requirement that the pleas must be approved by the State Attorney assigned to the judge’s docket who has that defendant’s particular case.

The implementation of a similar accelerated docket in Marion County would result in no additional expense and is proven to greatly reduce the number of days that many defendants spend in jail. The obstacle to implementing this plan in Marion County has been a refusal by the judges on the criminal docket to authorize other judges on the criminal docket to accept pleas for “their” cases.

Implementing the Rocket Docket is simple, costs nothing additional, and is straightforward. The State Attorney’s Office and the criminal defense attorney reduce any plea agreement to writing, have the plea agreement executed by the necessary parties, and immediately schedule that defendant to appear on the next Rocket Docket to enter his plea. The Lake County Rocket Docket meets weekly. It would require that each of the four Marion County Circuit Judges assigned to the criminal docket set aside one morning every fourth week to accept pleas. Once implemented, no defendant would stay in the Marion County Jail more than seven days after reaching a plea agreement.

The goal of this program is expedite the transfer of defendants out of the Marion County Jail and on to their agreed upon sanction. In cases where a defendant has agreed to a sentence of prison time, this program would immediately shift the costs of incarcerating that felon from the tax payers of Marion County to the State as a whole. In situations where the defendant has agreed to a sentence which includes a credit for time served and then probation, the defendant is out of jail sooner, a benefit to the County, the defendant, and often to the defendant's family.

The State Attorney's Office and the Office of the Public Defender have already taken steps to identify those felons whose cases which are suitable for an expedited resolution. The implementation of an expedited plea docket would remove a road block to those criminal defendants' paths through the Marion County Jail.

The Rocket Docket can also have a significant impact on the number of days individuals who have been arrested for violating their felony probation spend in jail. Many defendants who violate their probation or parole are returned to prison as a result of their violation. Where a return to prison is the appropriate sanction, it is a needless expense to the citizens of Marion County to house a defendant whose case can be expedited simply because he must wait until the next scheduled hearing on "his judge's" calendar which, depending on timing, can be weeks. Similarly, cases where defendants are arrested for technical violations of probation and/or the commission of "minor offenses" which do not warrant the defendant being returned to prison, would be expedited, thereby greatly reducing the number of days spent in the Marion County Jail.

The effectiveness of this simple procedure cannot be discounted. The modest goal of the Rocket Docket in Marion County, when used in conjunction with the other recommended solutions, is to reduce the jail population by approximately 20 percent; a reduction in inmates that produces a savings to the tax payers of Marion County of approximately \$15,000.00 per day or **\$5,475,000.00 per year.**

2. **Effective Use of Alternate Courts:** It is undeniable that a large number of crimes are the result of the disease of substance abuse. The State Legislature has acknowledge this and has provided the judiciary with a number of tools (Fla. Stat. Chapter 397 and 948) with which to address these criminal defendants and their addictions. Section 948.16 of the Florida Statutes, specifically authorizes a misdemeanor pretrial substance abuse education and treatment intervention program, as well as a misdemeanor pretrial veterans' treatment intervention program.



The stated intent of the Florida Legislature is, “to provide an alternative to criminal imprisonment for substance abuse impaired adults and juvenile offenders by encouraging the referral of such offenders to service providers not generally available within the juvenile justice and correctional systems, instead of or in addition to criminal penalties.” (Fla. Stat. §397.305(6)).

a) **Felony Drug Court**

Marion County has a felony drug court program, which is designed in accordance with the requirements and directives of Fla. Stat. Chapter 397, and provides for a treatment based drug court program. Almost all jurisdictions in Florida have drug courts with a long history of documented success.

Historically, the Marion County program was well utilized and effective in diverting criminal defendants and treating criminal defendants for their substance abuse issues. However, the number of people currently participating in the Marion County Felony Drug Court compared to historic numbers indicates that the program is now being grossly underutilized. The current configuration of Felony Drug Court does not appear to be advancing the stated intent of the legislature nor does it appear to be successfully addressing the needs of its potential participants. Gradual changes in the program from its original format which the study group believes contribute to the declining utilization include: participation qualification criteria have been restricted; many of the incentives for participation in drug court have been removed; frequency of contact between program participants and the Court (a key component to participant success) have been significantly reduced.

The study group recommends that the Chief Judge of the Circuit (a key participant in the design of the original drug court format), or his designees, review the felony drug court program to ascertain what, if any, changes can be made to revitalize the program and to bring it back into compliance with the stated intent of the Florida Legislature, as articulated by the legislature in Section 397.305 of the Florida Statutes.

b) **Misdemeanor Alternative Court Programs**

The criminal division of Marion County’s County Court currently has four alternative court programs. These programs consist of: DUI Court, Mental Health Court, Veterans’ Court and Misdemeanor Drug Court.

1) **DUI Court**

DUI Court was the first diversionary court established by the County Court system of Marion County. DUI Court is structured to provide repeat DUI offenders with intense out-patient treatment while on supervised probation. Additionally, the offender’s compliance and progress is monitored by the court through regular

court appearances before the presiding judge. The study group has noted that much discretion is left to the presiding judge on sanctions to participants. A graduated series of standardized sanctions is suggested. It will enable the participants to know what is expected and what the sanctions are for failure. The effectiveness of the program is based on the number of people successfully completing same; sentencing participants to their original jail term for minor violations of DUI court procedures does not encourage participation and defeats the diversionary goal of the program.

2) **Mental Health Court**

Mental Health Court is a specialized court docket for defendants with mental disabilities that substitutes traditional court processing with a problem solving model. Participants are identified through specialized screening and assessments and voluntarily participate in a judicially supervised treatment plan developed jointly by a team of court staff and mental health professionals. Incentives reward adherence to the plan and other court conditions, non-adherence may be sanctioned, and this success or graduation is defined according to specific criteria.

The mission of Mental Health Court is to divert non-violent defendants with mental illnesses from the Marion County Jail and active criminal prosecution in Marion County Court to appropriately based treatment and support services to best protect public safety, reduce recidivism and help those defendants to build successful lives. The Mental Health Court system in Marion County consistently operates at or above full capacity. In light of the expense of housing non-violent defendants with mental illnesses in the Marion County Jail, this program should be evaluated to ascertain whether or not an expansion of the program would be financially beneficial to the citizens of Marion County.

The Mental Health Court would also benefit from an established pre-arrest diversion program as previously described in this report. The centralization of efforts and services for those with mental illness at a single evaluation center would provide additional cost savings and enhance the positive results of both programs. As shown earlier in this report, the ultimate cost savings are significant.

3) **Veterans' Treatment Court (Veterans' Court)**

The authority for veterans' courts is established by the T. Patt Maney Veterans' Treatment Act (Fla. Stat. 394.47891), which authorizes a veterans' court to address the substance abuse and

mental health needs of veterans within the criminal justice system. The clear intent of the T. Patt Maney Veterans' Treatment Act is to provide treatment and a special court to address the substance abuse and mental health needs of veterans within the criminal justice system. The Act defines a veteran as: "a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions..."

Pursuant to the demands of the local State Attorney's Office, entry into Marion County Veterans' Court is restricted to veterans who can prove they are *combat* veterans and is the only Veteran's Court in the state of Florida, known to the study group to have this requirement. The result of this arbitrary and unique limitation on eligibility is that there are currently seven (7) veterans in Marion County Veterans' Court. Moreover, this limitation on eligibility for admission into veterans' court appears contrary to the clear intent and language of the Veterans' Treatment Act and is barring otherwise qualified Marion County veterans from accessing services and treatment which the Florida Legislature has determined they have earned as a result of their service.

It is recommended that this program be evaluated to ascertain whether or not modifying the standards for admission to comply with clear statutory guidelines would result in expanding access of Marion County Veterans with the advantages provided by a true veterans' court system. These include access to treatment and other resources which effectively treat the disorders veterans suffer from as a result of their service and to help them return to being productive members of our community.

4) Misdemeanor Drug Court, Marion County

The County Court Judges, with the support of the Board of County Commissioners, have initiated a Misdemeanor Drug Court Program as authorized by Florida Statutes 397 and 948. The program is modeled on successful misdemeanor drug courts throughout the State and its goal is to provide individuals charged with a misdemeanor drug crime; or crimes which the legislature has deemed as related to drug use, with supervised treatment, counseling and education in order to reduce drug use, criminal recidivism and encourage the individuals to lead meaningful and productive lives.

Conclusion:

The overwhelming success of Mental Health and DUI Courts clearly show that diversion courts are an effective way to reduce cost of justice in Marion County. These programs directly reduce the actual cost of incarcerating individuals in our jail by diverting them out of the jail and into a treatment regimen and program of supervision which is less expensive to the tax payers of Marion County. Additionally, when possible the cost of treatment and supervision are born by the defendants themselves.

By providing the defendants with a program which allows them to be supervised rather than incarcerated, and by requiring that they participate both in treatment and counseling, these defendants return to being productive and financially supportive members of their families and of our community. The dollar cost savings combined with the resulting benefit to our community of people returning to productive members of society cannot be discounted.

It is strongly recommended that the Board of County Commissioners continue its policy of fostering and encouraging the development and growth of diversionary courts as they appear to be a low cost alternative to the incarceration of individuals who are suffering from various mental and/or substance abuse related disorders.

D. Transition Programs-Jail to Community; Prison to Community

1. **Introduction:** The study group was briefed on a successful Jail to Community transition program; the Jacksonville Sheriff's Re-entry Center (JREC) that has been implemented in Duval County.⁴⁹ The success of this program is remarkable. They have accomplished a 47.96% recidivism reduction rate. More importantly, recidivism is defined as "re-arrested", not charged or convicted. *Id* If Marion County could accomplish the same result, given the current 80% recidivism rate, the average jail population of 1522 could be reduced by 583 inmates, (80% x 47.96% x 1522), a cost savings of \$29,324.90 per day or **\$10,703,588.50 per year!**

The Jacksonville Re-entry Center (JREC) has been operating since 2009. Since that time, program expenditures for fiscal years 2009-2012 total \$1,646,880.00. The cost avoidance calculation, which is the savings realized by having fewer people re-arrested and in jail but excluding costs of arrest, booking, and prosecution total **\$14,947,495.00** ⁵² for that same period, a savings of 9 times their program investment.

The Jacksonville Jail to Community (JREC) plan is similar to a community to prison transition program described below that is being implemented by the DOC. Both plans involve assessment, interventions and treatment, pre-release planning, and post-release support and supervision. The JREC begins by screening individuals at booking based on a risk assessment instrument. The interventions

selected for the inmate are based on the needs, risks and strengths of each individual. Participants in the program must volunteer and have at least six months sentence remaining. The assessment provides a roadmap for treatment, case management and benchmarks to evaluate progress. The participants are housed in a separate dorm where intervention services are provided.

Upon release they are required to participate in post-release aftercare programs and are assigned a case manager to monitor participation. Additionally the case managers provide assistance in housing, employment/training, education, benefit qualification, identification, and driver's license assistance.

Because Marion County is home to one of the largest DOC correctional facilities in the State, and many inmates released from Lowell end up staying in the Marion County area, implementation by DOC of a program called the Transition from Prison to Community Initiative (TPCI) is equally important.

TPCI is an evidenced-based re-entry initiative that was introduced by the National Institute Corrections (NIC) in 2001. Since then, TPCI has been successfully implemented in several states, with a concomitant reduction in recidivism. Among the states where TPCI has been implemented are: Missouri, Michigan, Indiana, New York, and Georgia. TPCI is comprised of three phases: Getting Ready; Going Home; and Staying Home. A key factor in successful implementation will be establishment of public-private partnerships among all stakeholders at the community level. Toward this end, FDOC conducted a series of Town Hall meetings at 12 locations across the state to establish a sound foundation for public dialogue and engagement in the successful re-integration of ex-offenders into local communities.

Ex-offenders with a GED are 8% less likely to recidivate and 10% more likely to have a job upon release. Ex-offenders with a vocational certificate are 17% less likely to recidivate and 18% more to be employed. Faith-based programs result in similar outcomes, but it is not easy to isolate direct causality. TPCI is described in great detail at the following NIC website: <http://nicic.gov/Library/022669>

In 2013, 14,010 individuals were released from the Marion County Jail System 4. During the 2012-2013 fiscal year, 777 inmates were released from the Florida Department of Corrections back to Marion County. Historically, minimal attention has been given to the opportunities and obstacles in successfully reentering these citizens back into the community. The criminogenic needs of those released from these facilities are formidable. Community provision of substance abuse, mental health, unemployment, homelessness and educational services can be fragmented and does not necessarily target those most responsible for multiple incarcerations.

An effective transition strategy from the Marion County Jail and the Florida Department of Corrections requires vision, commitment and a collaborative

investment by Marion County leaders. No one entity is sufficient to meet the criminogenic needs of those citizens release from incarceration. Joint ownership from the community, jail and prison system is essential in assessing and identifying the problem in order to provide an effective solution.

Established practices cemented into institutional culture (tough on crime; zero tolerance, etc.) will be the core challenge for the success of the Resource Center Model. The we/they dichotomy will have to be reframed into a mission driven, collaborative effort that provides measurable outcomes for our Marion County Community stakeholders.

The Resource Center Subcommittee has been tasked to identify a model that will centralize and focus services in the right amount, at the right time, in the right place, to the right individuals. The Resource Center Model will provide a “One-stop” service delivery system, close to public transportation and meet the needs of returning citizens and their families. Although our main objective is to assist high risk returnees, resources and services will be available to all citizens.

2. **Committee members:** The Resource Subcommittee members include Earl Arnett, Marion County Commission, Rick Bedson, Department of Juvenile Justice, Blaine Whitt, Xtreme Solutions, Susan Cizmada, DOC Community Corrections, Carolyn Fender, Marion County Sheriff’s Department, Brian Riedl, DOC Region II Warden and committee chairman Dan Eberlein, DOC Region II Reentry Coordinator.

Identified Stakeholders include:

- Citizens returning to Marion County post release
- Marion County residents
- Marion County Sheriff’s Department
- Ocala, Belleview and Dunnellon Police Departments
- Department of Corrections
- Department of Children and Families
- Community service providers
- Faith Community
- Marion County Judicial System

All stakeholders have been reviewed by the subcommittee; we are confident that they will collaborate and participate in creating a centralized resource center that will identify and impact the criminogenic needs of citizens returning to Marion County.

These services, however limited, require a funding source. In that all stakeholders are currently providing services in one form or another, it is the intent to utilize the “Principle” of collaboration and case manage as many targeted high risk “Frequent Fliers” within current funding streams. However, after this model is successfully tested, serious efforts must be initiated to secure revenues necessary to develop a comprehensive Resource Center. Given the savings that been achieved by similar programs in Duval County, a funding investment by local government in a resource center as described below makes not only good fiscal

sense but enhances the community as a whole. Less crime, smaller jail populations, less social cost.

3. **Central Resource Center**

The development of a Central Resource Center for Marion County will be implemented in two stages: 1.) Create a working model and 2.) Establish a fully funded and comprehensive reentry Resource Center

- Year one, establish a central organization that will coordinate all reentry activity with a single Memorandum of Agreement (MOA) signed by all of the community stakeholders.

The Department of Corrections is currently implementing the Transition from Prison to the Community Initiative (TPCI) which prepares the Marion County returnees for reentry into the community. The Department currently utilizes local resources to supplement the needs of returning citizens who are at risk of recidivism. The Marion County Sheriff's Department is not funded at this time to adopt the Transition from Jail to the Community Initiative (TJCI) however they have committed to implementing a model 15 inmate reentry group to assess risk and needs, provide programming to meet the needs and prepare a transition plan for post release based on the JREC model. The services provided will be from the current MCSO staffing, volunteers and community providers.

- During year two and year three a comprehensive plan will be developed to seek county and state funding to secure staff and operational expenses. Funding will target best practices case management of targeted high risk returnees with all appropriate stakeholders meeting the criminogenic needs identified by a comprehensive transition plan. The Department of Corrections Is opening a Reentry Center in Baker County in January 2015, which is designed to prepare inmates for reentry in Region II including Marion County. It will be the intent of DOC to collaborate with Marion County Resource Center case managers to develop a prerelease transition plan that will support a citizen's successful reentry.

(See attached proposed organizational chart).

Resource Center Location for test group

- The Marion County Sheriff's Department has a double wide mobile unit on the property that is sufficient and will be allocated for Resource Center use through the first and possible subsequent years. This facility has added value in that the building is located on the MCSO Compound facilitating the registration on DOC inmates returning to Marion County. Additionally, the Community Corrections West Office is in close proximity allowing for convenient service provision for those inmates released under supervision.
- Although this facility is adequate for the test group, the specific reentry service utilization will be developed as the model progresses and the staffing requirements defined. An alternative location includes

the site of the pre-arrest diversion program described below at the Martin Luther King location of The Centers, Inc.

4. Implementation timeline

- The Department of Correction's TPCI program is currently operational and high risk inmates are being transitioned back into Marion County. This is being accomplished through comprehensive case management and transitions plans utilizing community partners, families and Community Correction's services.
- The Marion County Sheriff's Department has agreed to select 15 inmates for model development which can be implemented within 90 days.
- The creation of a central organization to manage reentry activities supported by a universal MOA signed by the Marion County stakeholders could be in place by April 2015.
- Preparing a funding stream strategic plan would begin mid-2015 and secured resources implemented by January 2016.

5. Measuring success

- Performance measures will be based upon reduction of re-arrest within three years of release.
- The Marion County performance measures will be based upon the reduction of occupied jail beds.
- The Marion County Judicial System performance measures will be based upon reducing the average length of stay in the jail and reduction of persons sentenced to DOC for non-violent, tier 1 and 2 severity level 3rd degree felonies resulting in cost avoidance.
- The social impact, although many times anecdotal, is significant such as: reduction of victimization, strengthening families and children, increasing the number of law abiding tax payers in Marion County.



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