

FLORIDA SPENT

\$**2.2**_b

ON CORRECTIONS
IN FY2014, MORE THAN

3X

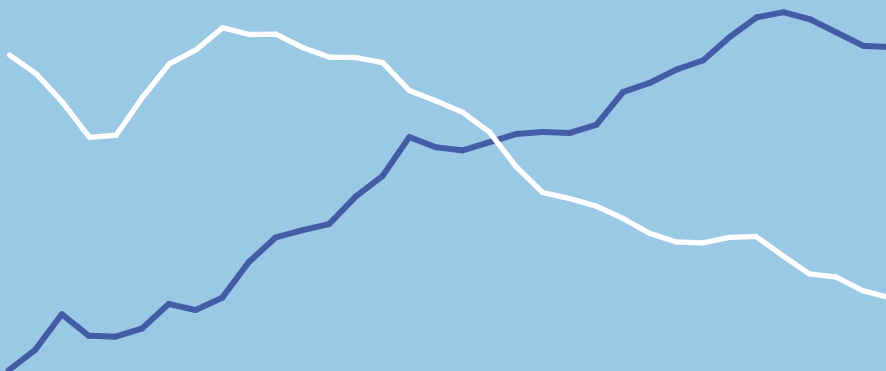
THE FY1980 BUDGET



A State of Incarceration

Florida Crime & Corrections Data Over Time

AS FLORIDA'S CRIME RATE HAS FALLEN...



...ITS INCARCERATION RATE HAS CLIMBED





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Dear Fellow Taxpayer:

Florida policymakers have touted the state's falling crime rate as an indicator that our corrections system is working; however, recent headlines paint a very different picture of a prison system that is underfunded and overworked.

To examine Florida's criminal justice system, Florida TaxWatch conducted an analysis of the state's criminal history. This paper walks through criminal justice costs, crime rates, and incarceration rates over the past 30 years, while comparing Florida to other states in the nation.

The recommendations in this paper seek to identify opportunities to reform the state's criminal justice system to better align to rehabilitative best practices. By employing these recommendations, Florida's criminal justice system will be more efficient and effective, and will be a lesser strain on the Sunshine State's taxpayers and residents.

Respectfully,

Dominic M. Calabro
Dominic M. Calabro
President & CEO

Introduction

In the 1980s and 1990s, criminal justice and corrections policies were uniformly aligned across the nation, creating a sentencing landscape that reflected public fears following the advent of crack cocaine and the “war on drugs.” As times have changed, so have methods of sentencing, and many states have begun to take a more rehabilitative approach to dealing with offenders.

Florida has made great strides towards shifting sentencing strategies to address the root causes of crime through targeted intervention and diversion options, but many outdated and severe strategies left over from the 1980s and 1990s are still used, and continue to have lasting effects (See Fig. 1). This report identifies these consequences, explains them in the context of time and the nation, and provides recommendations to improve Florida’s criminal justice policy.

Figure 1: Major Policies Contributing to Increased Incarceration Rates¹

Parole is eliminated The 1983 Sentencing Guidelines create a pre-determined and uniform sentencing structure administered by the Supreme Court	1983
Felony Habitual Offender and Violent Habitual Offender laws are passed, creating harsher punishments for repeat or violent offenders Administrative Gaintime Credits become Provisional Credits, creating stricter requirements for early release	1988
Provisional Credits are replaced with Control Release Credits, narrowing eligibility for early release even further	1991
The 1994 Sentencing Guidelines are created to reduce disparities in sentencing and ensure that offenders serve a greater percentage of their sentences Basic Gaintime is eliminated, removing the opportunity for offenders to reduce their sentences by up to one-third Control Release (Early Release) Credits are eliminated, removing inmates from consideration for early release because of reduction[s] in prison admissions and a massive and accelerated prison building program	1994
The Truth-in-Sentencing Law passes, requiring inmates to serve minimum of 85% of their court-imposed sentence The Violent Career Criminal Act is created, building upon the Felony/Habitual Offender Laws of 1988 and requiring habitual violent offenders to serve longer sentences The 1995 Sentencing Guidelines are created, moving seven offenses up from the “discretionary prison or non-prison sanction” category to the “mandatory prison sentence” category	1995
The Prison Releasee Offender Act is enacted, instituting mandatory sentences for released offenders who recidivate within three years	1997
The Criminal Punishment Code is passed, allowing for the imprisonment, up to the statutory maximum, of any felony offender regardless of their Guidelines point level score	1998
10-20-Life is instituted, creating mandatory minimum terms of imprisonment for the possession, discharge, and causing injury or death with a firearm The Three Strike Violent Felony Offender Act passes, allowing statutory maximum sentences for repetitive violent offenders	1999

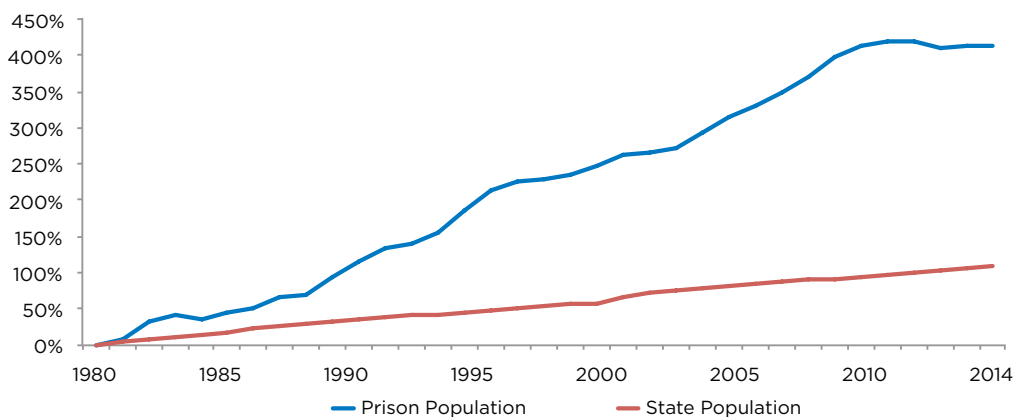
¹ “Historical Summary of Sentencing in Florida.” Florida Department of Corrections. Available at: www.dc.state.fl.us/pub/history

Incarceration

When examining prison populations, rather than prison admissions, it becomes clear that the corrections issue Florida currently faces is rooted in the history of the state's approach to crime. The sanctions implemented by Florida in the 1980s and 1990s increased the average time served by inmates, with inmates serving an average of 64.2 percent of their sentences in FY1980² and 85.6 percent³ in FY2014. This change led the prison population to expand to unprecedented levels.

Between FY1980 and FY2014, Florida's inmate population increased by an average of 5 percent each year, while the state population increased by an average of 2 percent annually.⁴ Overall, the prison population increased more than 400 percent over the past two and a half decades, four times the percent increase in the total state population, from 19,692 inmates⁵ to 100,942 inmates (see Fig 2).⁶

Figure 2: Cumulative Growth in Florida's State vs. Prison Populations (1980-2014)⁷



2 "Time Served from 1979 to 2004." (2004). Florida Department of Corrections. Available at: www.dc.state.fl.us/pub/timeserv/annual/section1.html

3 "2013-2014 Agency Statistics: Inmates Released and Time Served." Florida Department of Corrections. Available at: www.dc.state.fl.us/pub/annual/1314/stats/ir_type.html

4 Data for FY1980-2012, source: Population History Summary Table. Florida Department of Corrections. Available at: www.dc.state.fl.us/oth/timeline/pop.html; Data for FY2013 and FY2014, source: 2013-2014 and 2012-2013 "Agency Statistics: Inmate Population." Florida Department of Corrections. State population data from the Federal Bureau of Investigation UCR Data Tool, source: www.ucrdatatool.gov.

5 Population History Summary Table. Florida Department of Corrections. Available at: www.dc.state.fl.us/oth/timeline/pop.html

6 Inmate date from "2013-2014 Agency Statistics: Inmate Population." Florida Department of Corrections. Available at: www.dc.state.fl.us/pub/annual/1314/stats/im_pop.html.

7 Data for FY1980-2012, source: Population History Summary Table. Florida Department of Corrections. Available at: www.dc.state.fl.us/oth/timeline/pop.html; Data for FY2013 and FY2014, source: 2013-2014 and 2012-2013 "Agency Statistics: Inmate Population." Florida Department of Corrections.

Florida vs. Other States: Incarceration in 2013

Florida ranked 11th for incarceration rate in 2013, with 527 inmates per 100,000 residents. The top three states with the highest incarceration rates per 100,000 residents were (1) Louisiana at 850; (2) Delaware at 757; and (3) Mississippi at 734,⁸ while the lowest in the nation were Maine and Massachusetts, which both had an incarceration rate of 164 inmates per 100,000 residents.⁹

Florida ranked 2nd for total number of non-citizen inmates in 2013, with 7,090. The only state with more incarcerated non-citizens was Texas, with 8,803. Ranked just below Florida, closing out the top three, was Arizona with 4,967 non-citizen inmates,¹⁰ while the lowest ranked in the country¹¹ was Montana, with 15.¹²

Corrections Spending

Increases in inmate populations caused increased correctional costs, despite many attempts to lessen the financial burden of corrections operations. Florida's per-inmate cost reached its peak in FY2008 at just over \$55 per diem and has since decreased to approximately \$49.50 in FY2014.¹³ The total corrections budget for FY2014 was \$2.2 billion,¹⁴ compared to \$164.5 million in FY1980.¹⁵ Even accounting for inflation, which raises the FY1980 estimate to \$527.8 million,¹⁶ this still marks an over 300 percent increase in corrections spending over 24 years.

If appropriations for corrections in Florida had only increased to account for inflation, the state would have spent \$472.6 million on corrections in 2014.¹⁷ If corrections spending and populations had maintained the rate of increase seen between 1980 and 1985,¹⁸ Florida would have spent \$1.2 billion in 2014. These two estimates are approximately 80 percent and 60 percent below what Florida currently spends on corrections, respectively (See Fig. 3).

8 Rates developed using the Bureau of Justice Statistics' Corrections Statistical Analysis Tool. Available at: www.bjs.gov/index.cfm?ty=nps

9 Ibid.

10 "Prisoners in 2013." (2014). U.S. Department of Justice Bureau of Justice Statistics.

11 Of included states. States not included: Alaska, California, and Nevada.

12 See footnote 10.

13 "Annual Reports: Budget." Florida Department of Corrections. Available at: www.dc.state.fl.us/pub/index.html

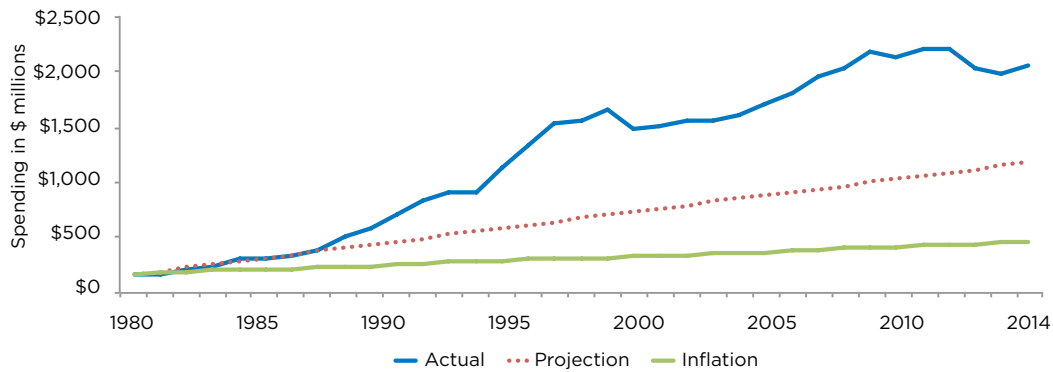
14 "2013-2014 Agency Statistics: Budget." Florida Department of Corrections. Available at: www.dc.state.fl.us/pub/annual/1314/budget.html

15 "Fiscal Analysis in Brief: Based on 1979 Legislation." Office of Economic and Demographic Research.

16 Converted to FY13-14 dollars using the Bureau of Labor Statistics Inflation Data. Available at: www.bls.gov/cpi/data.htm

17 Ibid.

18 Calculated using annual spending estimates and projecting a line of best fit.

Figure 3: Actual, Projected, and Inflation-Adjusted Corrections Spending (1980-2014)¹⁹

Florida vs. Other States: Corrections Spending in 2013

Florida ranked 4th for total²⁰ spending on corrections in 2013 at \$2.5 billion. The top three were (1) California at \$10.7 billion; (2) Texas at \$3.3 billion; and (3) New York at \$3 billion, while the lowest ranked was South Dakota, at \$93 million.²¹

Florida ranked 34th for per capita spending on corrections at \$125.46 per resident.²² The top three were (1) Alaska at \$524.92; (2) Delaware at \$291.82; and (3) California at \$277.17, while the lowest ranked was Washington at \$18.07.²³

¹⁹ This chart shows a graph of actual corrections spending compared to inflation and estimated projections based on 1980-1985 spending. Data for 1980-1995 actual budget, source: EDR Fiscal Analysis in Brief. Data for 1996-2014, source: Florida Department of Corrections Annual Budget Reports. Inflation adjusted data created using Bureau of Labor Statistics Inflation Data. Available at: www.bls.gov/cpi/data.htm

²⁰ Includes state funds, Federal funds, and bonds.

²¹ "State Expenditure Report." (2013). National Association of State Budget Officers.

²² See footnote 20.

²³ Per capita rates calculated using Census estimates for 2013 by state and state corrections expenditure estimates from: "State Expenditure Report." (2013). National Association of State Budget Officers.

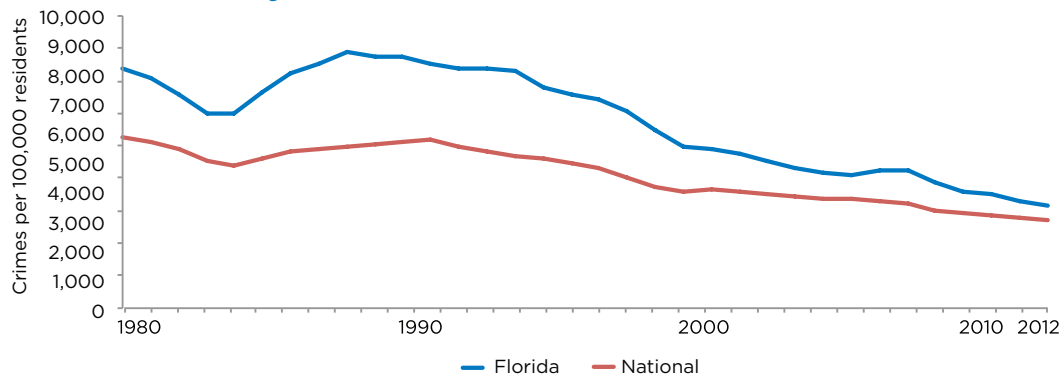
Crime Rates

Spending and inmate populations have steadily increased despite decreases in crime rates since the late 1980s.²⁴ Violent crime peaked in 1990 at 1,244.3 crimes per 100,000 residents, while property crime peaked in 1988 at 7,819.9 crimes per 100,000 residents.²⁵

Overall crime also peaked in 1988, at 8,937.6 crimes per 100,000 residents.²⁶ It has since decreased by almost 60 percent, to 3,627.3 crimes per 100,000 residents in 2013.²⁷

Decreases in crime across the nation and in Florida are relatively consistent and have maintained that consistency despite state and regional differences in approaches to sentencing and punishment. Researchers note that decreases in crime are likely not attributable to harsher sentences, a conclusion consistently substantiated for decades.²⁸ This viewpoint is further validated in Florida by data indicating that the decrease in the state's criminal activity is consistent with a national trend of decline and, though Florida's crime rate has dropped significantly, it still remains 15 percent higher than the national rate of 3,142.3 per 100,000 (See Fig. 4).

Figure 4: National vs. Florida Crime Rates (1980-2013)²⁹



²⁴ Based on 1980-2012 data from the FBI Uniform Crime Report Data Tool, available at www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm. 2013 data from the 2013 FDLE Uniform Crime Report, available at www.fdle.state.fl.us/Content/getdoc/f6d1f24d-053e-466b-a67e-3cbe2fd38de6/CIF_annual13.aspx. (Rates for 2013 were calculated at a rate congruent with 2013 Census estimates for Florida's population).

²⁵ Ibid.

²⁶ Based on 1980-2012 data from the FBI Uniform Crime Report Data Tool, available at www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm. 2013 data from the 2013 FDLE Uniform Crime Report, available at www.fdle.state.fl.us/Content/getdoc/f6d1f24d-053e-466b-a67e-3cbe2fd38de6/CIF_annual13.aspx. (Rates for 2013 were calculated at a rate congruent with 2013 Census estimates for Florida's population).

²⁷ Total crime index number from the FDLE 2013 report (698,607 crimes) and the 2013 Census estimate for Florida (population: 19,259,543) creates a crime rate of 3,627.3 crimes per 100,000 residents.

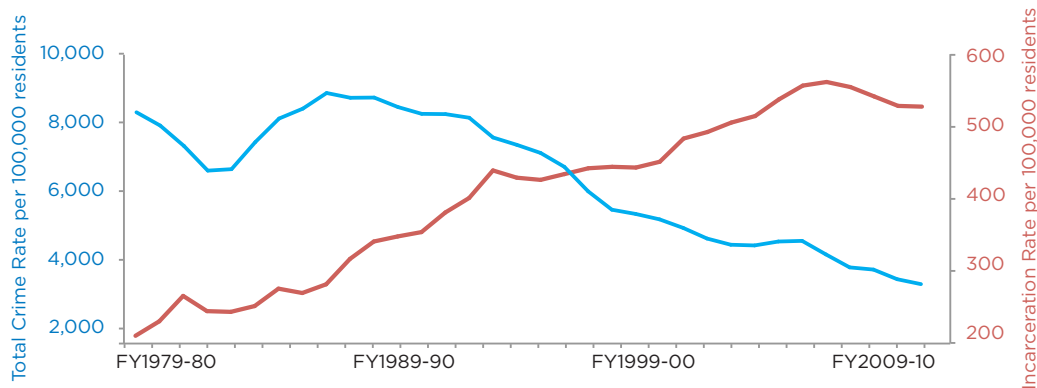
²⁸ E.g.: Blumstein et al., 1997, "Deterrence and Incapacitation - Estimating the Effects of Criminal Sanctions on Crime Rates"; Lynch & Sabol, 1997, "Did Getting Tough on Crime Pay? Policy Report No. 1"; Doob & Webster, 2003, "Sentence Severity and Crime: Accepting the Null Hypothesis"; Mauer & Ghandnoosh, 2014, "Fewer Prisoners, Less Crime: A Tale of Three States."

²⁹ Florida and national crime rates from 1980-2012 were retrieved from FBI UCR. The 2013 rate for Florida was calculated as described in footnote 26. 2013 data for the nation was calculated by adding the violent and property crime rates retrieved from the FBI "Crime in the Nation 2013" report, available at: www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013

Conclusion

Florida's crime rate has fallen significantly since 1980, but the prison population continues to grow (See Fig. 5). Furthermore, research shows that these decreases in criminal activity are not entirely a result of the deterrent effects of harsh sentencing. Instead, findings show that the decreases are consistent with a national trend, despite states' varying approaches to dealing with criminals.

Figure 5: Crime vs. Incarceration (1980-2013)³⁰



Florida maintains 100,000 prisoners and a corrections budget of more than \$2 billion despite a consistently decreasing crime rate (currently down 40 percent from 2000 levels). Now that Florida's crime rate is the lowest it has been in almost half a century,³¹ the state must seek out options to minimize expenditures on corrections.

Florida TaxWatch has several smart justice recommendations for strategies that will continue to promote crime prevention, recidivism reduction, and improved public safety, but at lower cost to the state.

³⁰ Florida 1980-2012 crime data, source: FBI Uniform Crime Report Data Tool, available at www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm. 2013 data, source: 2013 FDLE Uniform Crime Report, available at www.fdle.state.fl.us/Content/getdoc/f6d1f24d-053e-466b-a67e-3cbe2fd38de6/CIF_annual13.aspx. Incarceration data for FY1980-2012, source: Population History Summary Table. Florida Department of Corrections. Available at: www.dc.state.fl.us/oth/timeline/pop.html; Data for FY2013 and FY2014, source: 2013-2014 and 2012-2013 "Agency Statistics: Inmate Population." Florida Department of Corrections

³¹ From Florida's crime rates from 1960-2012. Seen using the Federal Bureau of Investigation UCR data tool. Available at: <http://www.ucrdatatool.gov/>

Recommendations

Allow more options for the conditional early release of low-risk inmates³²

Over-incarceration of the lowest risk populations, like the elderly and the infirm, can be addressed through the creation of a new conditional release program or the expansion of the state's conditional medical release program. Similar elderly release programs are implemented in states across the nation.³³

Expand the use of civil citation for low-level offenders³⁴

Civil citation is implemented sporadically and needs to be expanded statewide for both juveniles and adults. It gives police more discretion to be lenient where appropriate and provides a more individualized and cost-effective form of punishment that reserves prison/jail beds for more serious offenders, and keeps minor infractions from limiting individuals' future opportunities.

Restore judicial discretion for specific mandatory minimum cases

Mandatory minimums provide a valuable level of consistency regarding sentencing, but also inherently exclude consideration of mitigating circumstances and external factors. Judges should have the authority to consider whether these variables affect an offender's culpability or should influence sentencing decisions.

Promote reentry strategies to improve offender employment

Unemployment and low-socioeconomic status are two variables commonly correlated with criminal behavior. Many states are passing legislation, such as "Ban the Box" laws, to create fairer hiring practices that allow ex-offenders to be considered for employment based on merit before requiring them to divulge their criminal record.³⁵ Florida currently has similar practices in six cities that should be implemented statewide.³⁶

³² "Florida's Aging Prisoner Problem." (2014). Florida TaxWatch.

³³ States with Geriatric Release Practices include: AL, CO, CT, LA, MD, MO, NC, NM, OK, OR, TX, VA, WA, WI, WY and the District of Columbia. Source: "It's About Time: Aging Prisoners, Increasing Costs, and Geriatric Release." (2010). Vera Institute of Justice.

³⁴ Juvenile Civil Citation is currently available in 51 of Florida's 67 counties. Leon is the only county in the state with an adult civil citation. Source: "Briefing: An Adult Civil Citation Program Can Save Taxpayer Dollars." (2014). Florida TaxWatch.

³⁵ States with statewide fair hiring practices include CA, CO, NM, NV, MN, IL, MD, DE, CT, RI, and MA. Additionally, WA, OR, TX, LA, MO, WI, MI, IN, KY, TN, OH, GA, FL, NC, VA, PA, NJ, and NY have cities or counties with similar practices. Source: Ban the box: major cities and counties adopt fair hiring policies to remove unfair barriers to employment of people with criminal records." (2014). National Employment Law Project.

³⁶ Cities include: Jacksonville, Tampa, St. Petersburg, Clearwater, Pompano Beach, and Tallahassee. Sources: "Ban the box: major cities and counties adopt fair hiring policies to remove unfair barriers to employment of people with criminal records". National Employment Law Project, July 2014; "City set to hear more on ban the box directive." (2015). Tallahassee Democrat; "City set to hear more on ban the box directive." (2015). Tallahassee Democrat; and "St. Petersburg bans the box to give convicts a second chance." (2014). Bay News 9.

Use Risk Assessment to Inform Sentencing³⁷

Risk assessments allow for the calculation of a range of data, including the prediction of future risk of reoffending as well as the determination of appropriate treatment/supervision levels for offenders. The recommendations of these assessments should be supplied to and consulted at sentencing by judges, at their discretion.

Use Electronic Monitoring as an Incarceration Alternative for Nonviolent Felons³⁸

Electronic monitoring costs a fraction of what a stay in prison does, while retaining the supervision component. It should be used as a diversion tool to allow specific, nonviolent offenders to serve their sentences in the community and reserve valuable prison bed space for serious and violent offenders.

³⁷ "Annual Florida TaxWatch Government Efficiency Recommendations." (2015). Florida TaxWatch. Available at: <http://www.floridataxwatch.org/resources/pdf/2015EfficiencyRecsFinal.pdf>

³⁸ Ibid.

ABOUT FLORIDA TAXWATCH

As an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog, it is the mission of Florida TaxWatch to provide the citizens of Florida and public officials with high quality, independent research and analysis of issues related to state and local government taxation, expenditures, policies, and programs. Florida TaxWatch works to improve the productivity and accountability of Florida government. Its research recommends productivity enhancements and explains the statewide impact of fiscal and economic policies and practices on citizens and businesses.

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The findings in this *Report* are based on the data and sources referenced. Florida TaxWatch research is conducted with every reasonable attempt to verify the accuracy and reliability of the data, and the calculations and assumptions made herein. Please feel free to contact us if you feel that this paper is factually inaccurate.

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