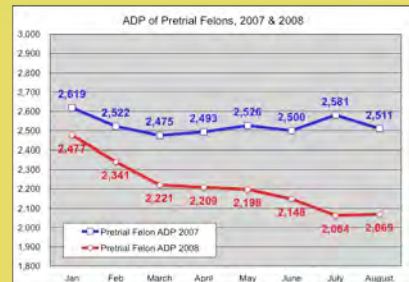
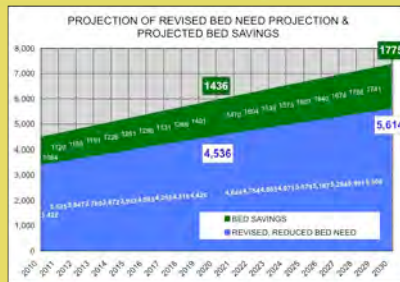
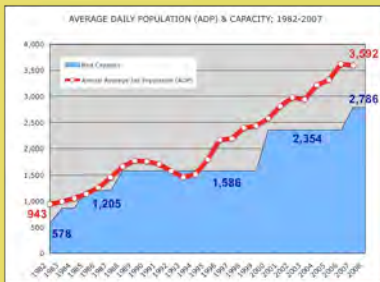


Pinellas County, Florida Criminal Justice System Study



November 2008



Submitted by:
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Law & Policy Associates
The Justice Management Institute
 under the auspices of
Ranon Partners, Inc. Tampa, FL

ACKNOWLEDGEMENTS

The consultant team is very grateful to the many fine professionals and citizens associated with Pinellas County who made so many valuable contributions to this criminal justice system study. Over 140 individuals from Pinellas County contributed to this effort, giving generously of their time, insights, and information. They are the principal reason that this report and this process has produced recommendations that can be of great value to the county in realizing the twin goals of reducing the jail population and improving the operations of the criminal justice system. Please refer to the appendix where all 140 participants are recognized.

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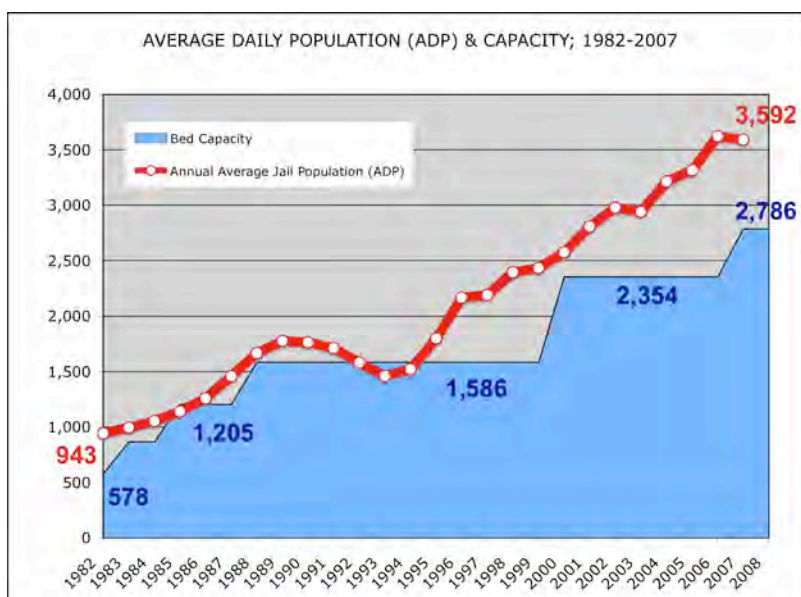
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I. INTRODUCTION

A. BACKGROUND

This study was motivated by strong, steady increases in the jail population that have created major overcrowding conditions at the jail, with many inmates sleeping in temporary beds on the floor. The county's goal has always been to operate safe, secure and standards-compliant facilities. County policymakers understand that overcrowding undermines those objectives and jeopardizes the safety and security of inmates, staff, and the public. It recalls past law suits centered around overcrowding that left Pinellas County under court supervision for nearly two decades.



This study was also motivated by the high costs to the taxpayers of building and operating jail facilities, facts about which County Board members are keenly aware. The county is committed to minimizing such expenses to the greatest degree possible while still meeting standards and providing for community safety. The importance of the cost question was underscored when possible future expenditures were reported in August 2006 during a presentation of Part 1 of a facility master plan update. The updated master plan forecast the need for an additional 4,448 beds by 2030 to add to the 2,786 beds available at that time, or 7,234 total. That increase of 159% in jail capacity, along with needed infrastructure improvements, was projected to cost the county \$560,000,000 in a three phase construction process. The initial master plan phase alone was estimated to cost \$225,000,000 and required the addition of approximately 500 new staff at opening.

In brief, the goals of the study can be summarized as follows:

1. To find opportunities within the Pinellas County criminal justice system to make changes consistent with local philosophies and public safety that have the affect of reducing the size and/or growth in jail population and thus the scope of facility needs and operations.
2. To find ways to improve the operations and processes of the Pinellas County criminal justice system and the needs of a diverse client population.

The analysis of the criminal justice system found in this study culminates in a series of recommendations that the consultants, and the client, believe will reduce the long-term jail bed capacity needs of the county, thus avoiding the expenditure of tens of millions of dollars in future years. The total amount of savings will be more fully determined in Part 2 of the facility master plan study.

B. PROCESS

This report is a product of a highly collaborative process involving over 140 people within county government, the criminal justice system, the community, and the local detention-corrections system operated by the Sheriff's Office. A list of process meetings and participants is in the Appendix. In particular, the significant changes to the criminal justice system recommended are changes that were developed through multiple discussions and close cooperation with local criminal justice practitioners.

Many of the issues explored by the consultant team were derived from a broad list of topics developed by local stakeholders through interaction with the Public Safety Coordinating Council (PSCC), and with the coordination of Justice and Consumer Services Director Tim Burns. Though information and input were received during the course of the study on virtually every issue raised, this report necessarily focuses on a smaller range of topics thought to most effectively help the county reach the goals cited above, especially those where answers were clearest regarding reductions in jail population growth. Thus some issues were not explored in depth and will need to be the focus of further investigation. Nonetheless, the consultants have attempted to in some way speak to as many issues as possible whether it be through the presentation of data, the linkage of topics to more central concerns, or the recommendations themselves.

Without the commitment of local practitioners to significant changes in criminal justice system practices and policies, the consultant team could not have recommended a modified and reduced jail facility master plan. Continued efforts to maximize court efficiency, minimize case backlogs, and operate an objective pretrial release system with a range of release options will be necessary in order to avoid future facility crowding that would put the county, its jail staff and inmates at risk.

Beyond Pinellas County there have been, and continues to be, significant changes in state law and funding that dramatically affect local practitioners and ultimately who goes to jail and for how long. These changes are not under county control and are issues that can only be addressed through interaction with elected state representatives. Therefore, the focus of this study is primarily on what local officials can do within Pinellas County.

C. MASTER PLANNING APPROACH

The consultant team's overall approach to overall detention-corrections master planning in Pinellas County is to:

1. Develop a baseline projection of jail average daily population and bed needs, analyze the existing jail site and facility capabilities and then recommend an initial facility master plan and costs. This is referred to as Part 1 of the facility master plan and was completed in August 2006. A written report and a Power Point presentation summarizing the Part 1 findings is on record with the county. As noted earlier, bed needs were only part of the findings as there were significant infrastructure improvements that need to be made regardless of bed need. Further, some existing housing structures should be demolished over the duration of the master plan given deteriorated conditions.

2. Undertake a criminal justice system analysis with the primary intent being to find ways to reduce the projected jail population and thus the demand for facilities and staff. That is the subject of this report.
3. Finalize the jail campus master plan with a far more detailed Part 2 effort that adjusts projected bed needs per the results of the Criminal Justice System Study. This master plan will identify revised facility and staff costs and will provide a detailed game plan for capital improvements. To be more responsive to the crowding crisis at hand, the consultants have worked on as many Part 2 master planning issues as possible while the criminal justice system study was being conducted. This work includes ways to reduce the amount of new staff needed in future facilities.

Should the system changes recommended in this report not be fully implemented, then the new facilities recommended in Part 2 of the Facility master Plan will reach capacity sooner than expected. In turn, the county will then need to provide additional facilities and staff much sooner than projected.

In executing this study Ranon Partners, Kimme & Associates, Inc. (K&A) and Pinellas County were fortunate to have the expert assistance of Law & Policy Associates (LPA), the Justice Management Institute (JMI), and the Carey Group. These nationally recognized firms, in working closely with local stakeholders, are principally responsible for the criminal justice system analysis, system change recommendations, and impact analysis reported in this study.

D. CRIMINAL JUSTICE SYSTEM AND MASTER PLAN STUDY HISTORY

The work represented by this study and the current facility master plan effort into which it fits was preceded by a previous jail master plan. In April of 1992 the county received a Master Plan & Program Study from Ranon & Partners, Inc. of Tampa in association with Correctional Services Group, Inc. of Kansas City, Missouri. That study outlined a facility master plan through the year 2010 that involved three phases of facility expansion. It also included an analysis of the inmate population and recommendations regarding inmate management and programs to meet inmate needs. It did not include an analysis of the criminal justice system and possible changes that would mitigate population growth.

The original master plan recommended three phases of expansion. The first phase of expansion was realized with the construction of the Central facility that in 2000 provided a new inmate intake center, video advisory court capabilities, and 768 new beds. A partial second phase was completed in 2007 with the opening of the 432 bed Health Care Facility. K&A developed the pre-design space programs for these facilities and also provided updated inmate population projections on each occasion.

E. STUDY CONTEXT - OPPORTUNITIES

Studies seeking ways to reduce jail populations frequently focus on areas of the system where operations, policies, or staff support can be changed, and in some people's eyes, improved. Thus, reports sometimes take on what some can choose to interpret as a negative or critical cast. The consultant team strongly wishes to avoid negativity with respect to any of the comments and suggestions within this report. We do so because the consultants view the changes in practice expressed through the team's recommendations as opportunities, not modifications of faulty practice. These opportunities were found through extensive data work the team was able to do as part of this concentrated effort, and by virtue of having the outsider's fresh view of what happens in a system where many practitioners struggle on a daily basis merely to keep up. Keeping up is a significant task in an environment where pressures and demands grow on practitioners through changes in law and increasing criminal activity, yet resources diminish in ways outside of local control.

Another reason any negativity is misplaced is that the consultants have learned to admire county officials and practitioners for the many good things they are doing within the system to be more efficient and effective in their criminal justice work. As examples, let us cite a number of areas where local work is impressive and where continued support is strongly deserved.

- The Public Defender jail diversion program is extraordinary. National Model.
- The jail has an incredible 56 programs in operation. The programs in Project Success and Project New Attitude appeared to have great promise. National Model.
- The county uses a lot of intermediate sanctions already (eg, DRP, EM, ROR, Jail Diversion, etc.). Progressive.
- The "Making Supervision Work for You" class can be a highly effective method to decrease VOPs and was well thought out. National Model.
- The Sheriff's Office has a court administrative order to release inmates based on perception of need and appropriateness as the population increases beyond certain thresholds. Progressive.
- The Reentry Initiative is pulling together the service provider community and the Sheriff's Office to do a better job of discharge planning. Progressive.
- Many employees within the Sheriff's Office who were handling the jail programs had a balanced view (ie, accountability and rehabilitation) toward inmates. Progressive.
- The county uses two VOP courts (one for misdemeanors, one for felonies) to cut down on the time to process VOP cases. National Model.
- The Sheriff's Office has employed a jail population control coordinator to help manage the jail population and find opportunities to reduce unnecessary incarceration. Progressive.

On top of these system strengths the consultant team found local leadership to be strong and willing to cooperate in making beneficial changes. These are all great positives that form the basis for optimism in improving local system processes and reducing the demand for expensive jail bed space.

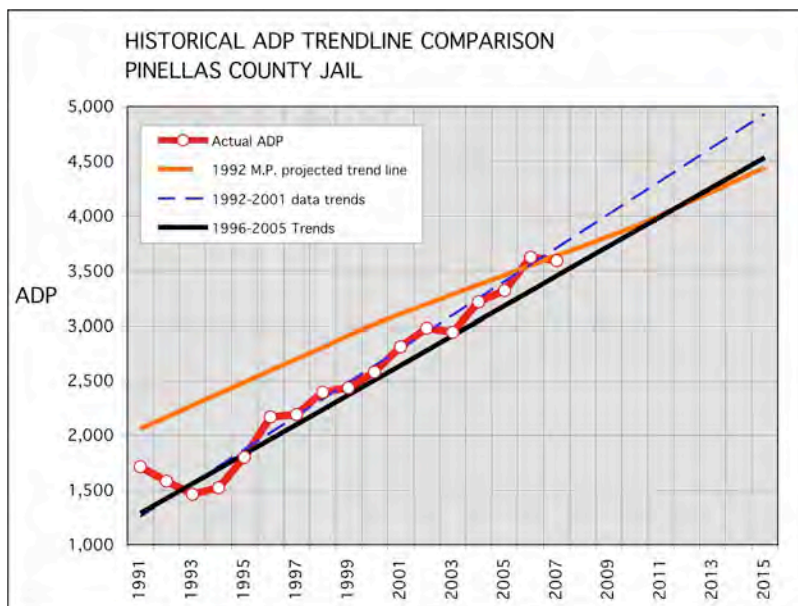
II. UPDATED JAIL POPULATION PROJECTIONS

A. PROJECTION HISTORY

A projection of the average daily jail population (ADP) and bed capacity through the year 2030 was an important element of the Part 1 Master Plan process of 2006. These projections established the magnitude of need on which all facility and staff concepts and costs were based.

The Part 1 Master Plan projections were derived from the historical ADP itself. This approach was taken because historical average daily population is typically the best predictor of average daily population, and since the ADP reflect all changes within the system which occurred in the relevant time frames (to include new and expanded alternatives to incarceration, new and tougher laws, new practices, new policies and personalities, etc.).

The population projections developed for the 1992 master plan, and updated projections by K&A, validate this approach by successfully anticipating the ADP in 2006 by using only ADP data in projecting future ADP. Below is a table that shows the original, master plan projected ADP, updates of those projections, and the actual ADP of the system (in red):



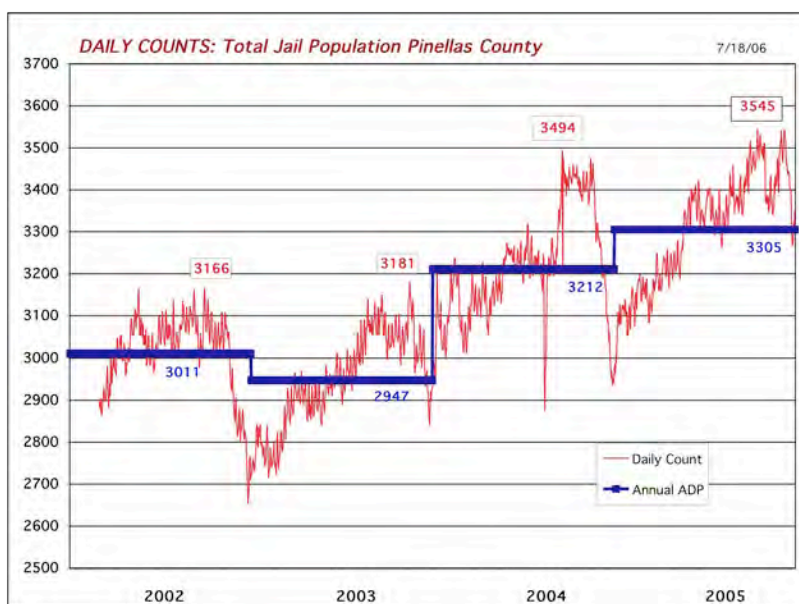
These strong and consistent trend lines confirmed by differing Pinellas County data sets should be the basis for planning unless and until other dramatic factors suggesting significant changes surface.

B. PEAK/CLASSIFICATION FACTORS AND BED NEEDS

To determine projected bed needs, the projected ADP must be multiplied by a factor which represents two critical aspects of jail life:

1. daily population counts fluctuate considerably above and below the annual average population, and
2. there needs to be sufficient beds available to insure that proper inmate classification and separation for safety and security reasons can occur in housing units (male from female, high security from low, sick from healthy, juvenile from adult, etc.).

In reference to item 1., the chart below documents daily inmate counts as contrasted against the annual averages for the last four complete years of jail data available during the master planning process (2002-2005). Noted on the chart is the peak count for each year. The peak factors derived from this information apply to the overall population, not any of the sub-groups. Sub-groups within the jail population tend to have higher peak ranges. However, many of these wider sub-group fluctuations can be absorbed into what is a very large jail population and a facility with many separate housing units.



The population peaking factor recommended as a result of studying the 2002-2005 data was 1.06.

For inmate classification-separation considerations (item 2. above) the consultants recommended doubling the population peaking factor. This doubling factor for classification was arrived at essentially by 1.) identifying all the classifications presently used by the jail, 2.) clustering them by housing type applicable (since similar types of housing are suitable to different classifications), and 3.) determining peak factors relevant to each housing type.

Starting with ADP projections for 2007, an overall population peak/classification factor of 1.12 was used in developing projected bed needs. Since the degree to which peaks deviate from averages tends to get smaller as populations increase (and Pinellas County's was projected to increase significantly) a factor of 1.08 was used for the year 2030. Between 2007 and 2030 a formula was created to incrementally close the gap in starting and ending peak/classification factors.

C. 2006 MASTER PLAN BED NEEDS PROJECTION

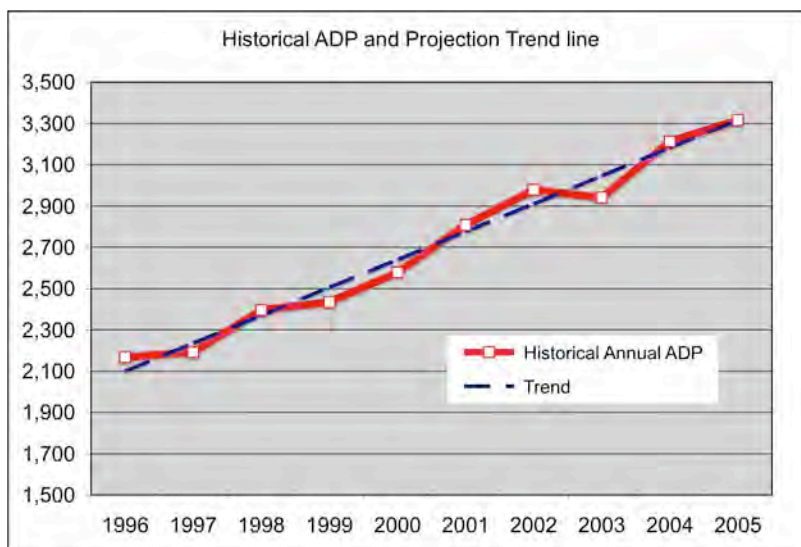
The use of the peak/classification factor established above combined with the trend lines established from 1996-2005 ADP data resulted in the following bed capacity need projections used in the Part 1 Master Plan.

2006 MASTER PLAN PROJECTION

using 1996-2005 ADP data

	2020	2030
ADP	5,345	6,698
BED NEED	5,866	7,234

Regarding trend lines, the following chart shows how historical ADP data from the 1996-2005 period relates to the projection trend line.



D. UPDATED PROJECTIONS

To update projections the consultants added ADP data from 2006 and 2007. No 2008 data was used. Therefore, to the extent that any reductions in ADP that may have occurred in 2008 because changes in the system discussed during this study started to be implemented, they are not reflected in the projections. This is appropriate because it makes long-term projections and any effects recommended changes have on them clearer to discern.

The projection of ADP and bed needs based on 1996-2007 data appears below. Unfortunately, the data of the last two years has essentially been on track with the 2006 projections, in fact be slightly above the trend line thus leading to projections that are about 2% higher than the earlier projection.

UPDATED PROJECTION

using 1996-2007 ADP data

	2020	2030
ADP	5,442	6,841
BED NEED	5,986	7,388

These projections will be the ones used to estimate the potential impact of the system changes discussed and recommended in this report.

III. BACKGROUND STATISTICAL REPORT ON THE PINELLAS COUNTY CRIMINAL JUSTICE SYSTEM

A. INTRODUCTION

The purpose of this chapter is to provide basic statistical background that supports the development of changes to local criminal justice system practices and policies that affect the size and nature of the Pinellas County Jail population. It will hopefully provide information that planners and practitioners can use to more effectively target their efforts to reduce the jail population and/or its rate of growth.

The chapter is divided into three sections. The first section documents a variety of statistics from within Pinellas County. The second section compares those data in different combinations in order to shed light on factors most and least correlating to growth in the jail population. The final section compares Pinellas County data to that of other counties within Florida and to state average data.

The emphasis in this chapter has been to gather data for which there is a long history. Meaningful issues are more reliably established if data history and the long-term trends and patterns they suggest are available. Thus most of the data sets used go back to 1990. Some however, go back to shorter timeframes based on more limited availability. The year 1999 is another benchmark common to many of the data sets.

The following are some of the data sources utilized:

- Pinellas County Sheriff's Office (jail data)
- Pinellas County Consolidated Justice Information System (CJIS)
- Pinellas County Planning Department (Pinellas County demographic data)
- Florida Department of Law Enforcement (arrest and crime report data)
- Florida Department of Corrections (prison and statewide jail data)
- Florida Office of the State Court Administrator (case data)
- Florida State Courts Summary Reporting System (case filing-disposition data)
- Florida State Legislature Office of Economic and Demographic Research (state and county population)
- National Center for State Courts Report: A Review of the Functional Operations of the Court System and Related Governmental Agencies in Pinellas County, Florida 1991 (historical court data)
- U.S. Census Bureau

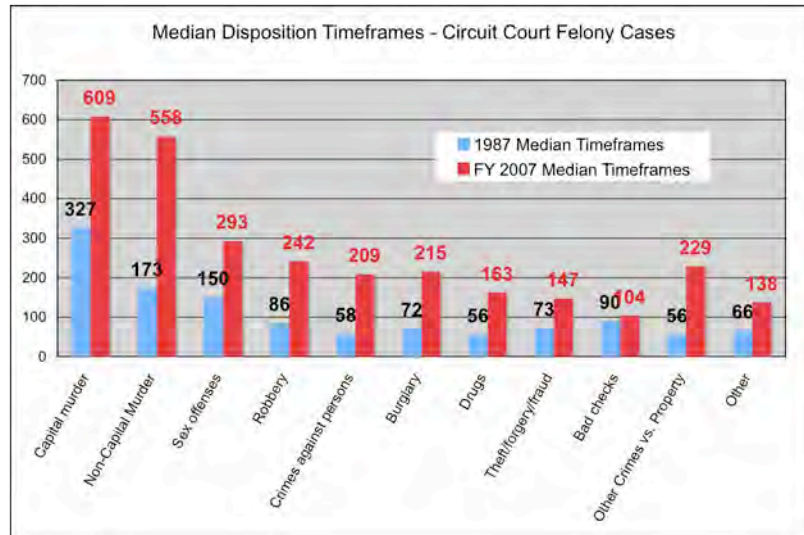
The authors would like to note that the terms "pretrial felons" and "pretrial misdemeanants" are used throughout the report. This is a conventional shorthand expression for persons who are in pretrial status who are charged with either a felony or a misdemeanor.

B. SUMMARY

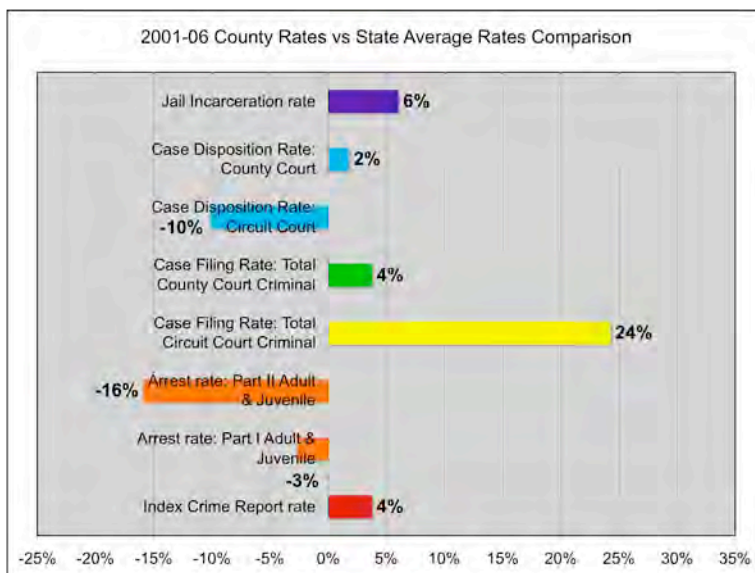
Identifying those factors that most influence a jail population is a difficult matter. There are many influences that contribute to jail counts: crime, arrests, case filings, case disposition rates, sentencing, state law, practice and policy, population growth, and demographic change. However, a look at the various sets of data, particularly over a long period of time, leads one to some conclusions worthy of further investigation in Pinellas County as one attempts to explain and address a jail population that has grown from 943 in 1982 to 3,592 in 2007, a 281% increase.

- **Average Length of Stay.** Since 1990 the average length of stay (ALOS) of county jail inmates has gone up dramatically. Its growth virtually parallels the growth in jail population whereas bookings into the jail, which actually declined after 1990 and have only just rose to the point where they match 1990 levels, appears to have had a negligible effect until just the last five years.
- **Pretrial Felonies.** Pretrial Defendants charged with felonies make up an increasingly large portion of the jail population. They have been the majority of the population since 1999 and reached 70% of the population in 2007.
- **Crime and Arrests.** Change in crime reports and arrests do not seem to explain the rate of jail population growth since there has been limited growth in these areas in general. Additionally, Pinellas County rates are below state-wide averages.
- **County Population Growth.** Population growth does not explain the increases in jail population since recent growth in Pinellas County has been relatively modest, well below the state average. However, the jail population has increased 280% since 1990 whereas the county population has grown only by an estimated 26%.
- **Crime.** While crime is down as indicated by the seven felony offenses known as Part 1 Index Crimes, Part 2 crimes, most notably drug-related crimes, property crimes and simple assault, are on the rise.
- **Drug Crime.** Drug arrests and drug case filings have in the last several years increased dramatically and undoubtedly contributed to recent surges in jail population.
- **Juvenile Crime.** Though juvenile arrests and case filings have long been on the decline this has not later translated into declining adult arrests or adult jail bookings.
- **Circuit Court Case Dispositions.** Since 1990 the annual circuit court felony case disposition rate fell below the 100% mark and was well below state averages with the exception of fiscal year 2006-07. This may suggest increased case disposition timeframes and thus might suggest longer lengths of jail stays for pre-trial felons, although there is some question about the accuracy of the recorded disposition data.

- **Circuit Court Disposition Timeframe.** The FY 2006-07 median disposition time for a Circuit Court felony case was 156 days. A review of individual case types in 1987 and FY 2006-07 show that median disposition timeframes are much longer across the board in FY 2006-07 than they were in 1987.



- **Circuit Court Felony Case Filings.** Felony case filings have grown steadily since FY 1992-93 with the per capita rate of filings being well above state averages. This undoubtedly adds to the workload of the courts, the State Attorney's office, and defense attorneys.
- **County Court Caseloads and Dispositions.** County Court criminal caseloads have been on the rise over the last seven years. Disposition rates are also well below 100% since FY 1989-90, although, here again, there is some question about the accuracy of the data.
- **Statewide Comparison.** Over the last six years the per capita arrest rates in Pinellas County have fallen below state averages. Yet the jail incarceration rate is above average. This may in part be explained by a circuit court felony case filing rate that is far above average, increased felony case disposition times, and a jail that increasingly consists of pretrial felons.



A full review of the report and all the detailed information within may lead the reader to draw different conclusions about the causes of jail population increases. Close examination of the laws, policies, practices and person-power involved in the different criminal justice areas represented by the data will likely bare the most fruit in terms of finding ways to most successfully reduce the growth in jail population without compromising public safety and the integrity of the system.

C. REVIEW OF PINELLAS COUNTY CRIMINAL JUSTICE STATISTICAL HISTORY

1. Jail Population And Overcrowding

Overcrowding poses the most significant challenge to the successful operation of the Pinellas County jail. An overcrowded facility fundamentally undermines the ability of staff to insure the safety and security of inmates, staff, and the public. Overcrowding presents the single greatest jail liability risk to a county, raising the specter of law suits, consent decrees, and court oversight of county jail operations. In the past three decades overcrowding is the most common reason why jurisdictions throughout the United States have been sued over the conditions of their jail facilities.

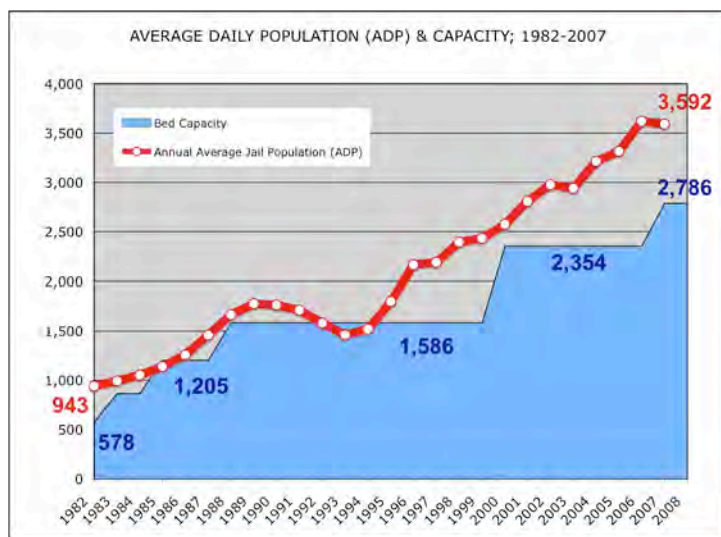
As the consultant team began to evaluate the situation in detail it was clear that strong and significant increases in the county jail population have placed the county in a seriously overcrowded condition.

During the 1990-2006 timeframe the average annual jail population rose from 1,764 inmates to 3,622 inmates, an increase of 105%.

The highest monthly average daily population in 2006 was 3,762.

Even though the county recently added a substantial number of beds to the jail campus by constructing the Health Care Facility (HCF), thus raising its standards-compliant capacity from 2,354 to 2,786, jail bed capacity remains far behind the jail population curve.

The chart below illustrates the growth in annual average daily population (ADP) from 1982 through 2007. It shows that even with the opening of the new HCF there were 806 more inmates confined than there were standards-compliant beds available on an average day in 2007. During the busiest month in 2007 the average inmate count exceeded available beds by 912.



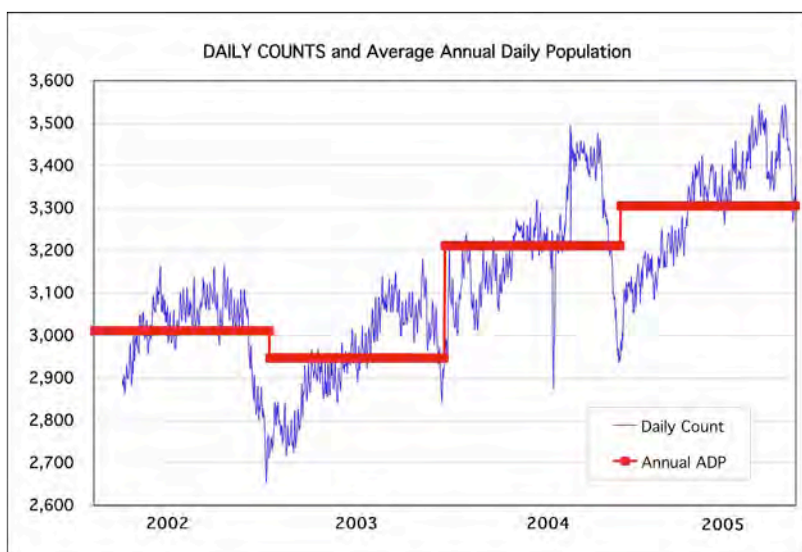
	Annual Average Jail Population (ADP)
1982	943
1983	994
1984	1054
1985	1141
1986	1257
1987	1459
1988	1667
1989	1777
1990	1764
1991	1713
1992	1580
1993	1461
1994	1520
1995	1798
1996	2167
1997	2191
1998	2395
1999	2434
2000	2578
2001	2809
2002	2979
2003	2941
2004	3213
2005	3317
2006	3622
2007	3592

The reference above to standards-compliant beds is important. They refer to the number of beds compliant with Florida Model Jail Standards (FMJS). There are other beds in the jail but they have been added incrementally over time in response to overcrowding and cannot be considered compliant in terms of facility master plan development.

The opening of the renovated PSTA bus maintenance facility will add another 256 beds but will not totally close the capacity-population gap.

In reviewing the preceding chart please note that for the last 26 years permanent bed capacity has been chasing ADP, not the other way around. Thus the frequently stated theory that counties will fill whatever beds they have has not been tested in Pinellas County.

It is important to note that the average daily population (ADP) line documented above is not as high as actual bed demand because it does not record peak days. These peaks occur on a regular basis and sometimes exceed the averages by 200 to 250 inmates on any given day. Thus, on the worst days, overcrowding is more severe than suggested by the annual and high monthly averages with deficits being 1,000 beds and more. The chart below from the consultant's 2006 Part 1 Master Plan report compares the daily counts from 2002-2005 to the annual average daily population.



Average population figures also fail to reflect the need for sufficient surplus beds to allow for effective inmate classification and separation. For jail operations to run safely and securely, and to attain reduced liability, jails must have sufficient beds to separate different inmates from each other. Such classification-separation needs include males from females, high security risks from low security risks, jailed inmates from work releasees, and the sick from the healthy, to name a few.

2. Past Projections of Average Daily Population

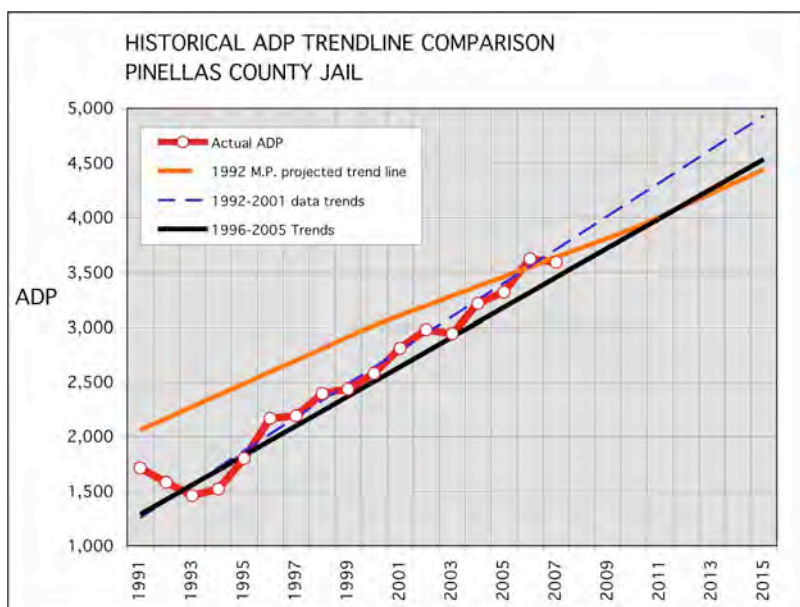
There have been several past projections of the county jail population used as the basis for facility/campus master planning. One of the earliest of these was one done as part of the

jail campus master plan of 1992. The 1992 Master Plan was completed by Ranon & Partners, Inc. of Tampa in association with Correctional Services Group of Kansas City, MO. It forecast strong growth in the jail population even after a basic assessment of alternatives to incarceration and other system changes that could affect the jail population.

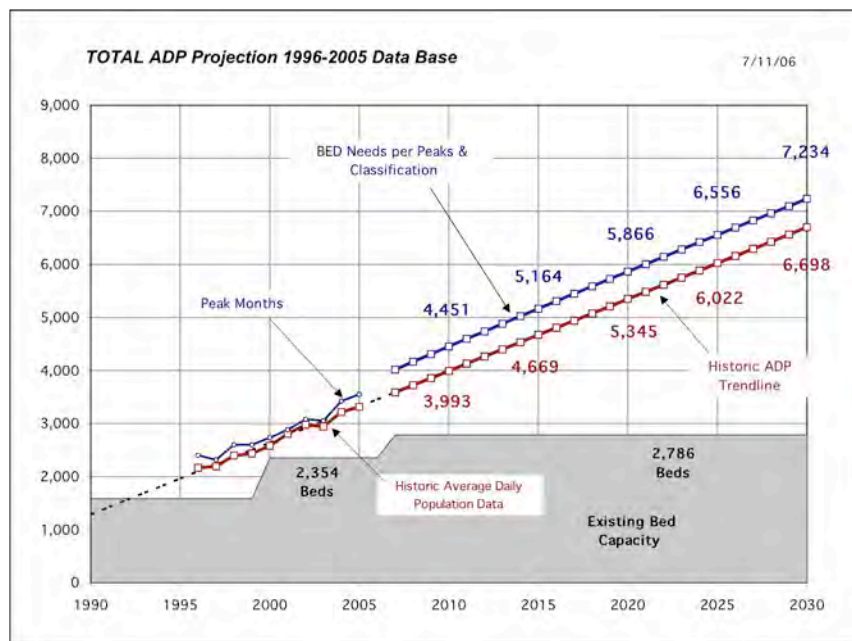
This consultant produced updated projections during planning for the Health Care facility in 2002, and then once again updated them during Part I of the on-going facility master plan which was completed in August of 2006. In the former case a database spanning the years 1992-2001 was used, and in the latter case data from 1996-2005 was used.

In terms of present day ADPs all of these trend lines match up very well. This finding is not surprising once one recognizes that the 26 year jail population history in Pinellas County has largely been one of steady and consistent growth, with the exception of a period between 1986 and 1994 where the population first surged and then declined before again catching up with the historic trend line.

The chart below documents the three projection trend lines referenced above and plots them against the actual average daily population from 1992 through 2007. Note that the 1992 Master Plan trend line converges almost exactly with the actual 2007 ADP.



By extending the 1996-2005 based projection forward, and applying to it a factor to account for peaks in population and the need for extra beds to accommodate inmate classification differences, one gets a projection of year 2030 ADP and bed need. Thus, the chart below shows a preliminary need for 7,234 beds by 2030 based on a projected ADP of 6,698. The year 2030 bed projection is about 4,450 beds, or 2.6 times more than the county currently has (excluding the PSTA renovation which is at present considered temporary). This was the projection used as the basis of the August 2006 Part 1 Facility Master Plan Report. See the chart on the next page.



3. County Growth

County growth can by itself be a factor in rising crime rates, increasing numbers of arrests, and swelling numbers of people in jail on either a pre-trial or sentenced basis. Like many Florida counties Pinellas County has a history of significant growth over the last three-and-a-half decades. The county has grown 82% from 522,329 people in 1970 to 952,654 people in 2007 (County Planning Department estimate). However, growth has slowed in recent years with the county having grown only about 12% since 1990. County census figures and annual estimated populations appear in the table to the right. The 1990 and 2000 figures are from the U.S. Census Bureau, the 1991-1999 figures are from the State Legislature, and the post-2000 data is from the Pinellas County Planning Department.

	Pinellas
1990	851,659
1991	858,838
1992	865,412
1993	872,651
1994	879,158
1995	887,769
1996	894,117
1997	900,320
1998	907,263
1999	915,789
2000	921,495
2001	926,150
2002	930,806
2003	935,461
2004	940,117
2005	944,772
2006	948,713
2007	952,654

	County Pop.	5 year Increases	10 year Increases	Cumulative Increase
1970	522,329	-	-	-
1975	667,492	28%		28%
1980	728,531	9%	39%	39%
1985	801,292	10%		53%
1990	851,659	6%	17%	63%
1995	887,769	4%		70%
2000	921,495	4%	8%	76%
2005	944,772	3%		81%
2010	964,477	2%	5%	85%
2015	979,489	2%		88%
2020	990,703	1%	3%	90%
2025	999,911	1%		91%

Insofar as projections are concerned, the County Planning Department estimates that the county will grow to 999,911, or essentially 1 million, people by the year 2025. That represents a 91% increase from the year 1970 census, but only an 8.5% increase from the 2000 census. The table on the left documents data in five-year increments from the census of 1970 to county projections for 2025. Census years are bolded.

4. Crimes Reported

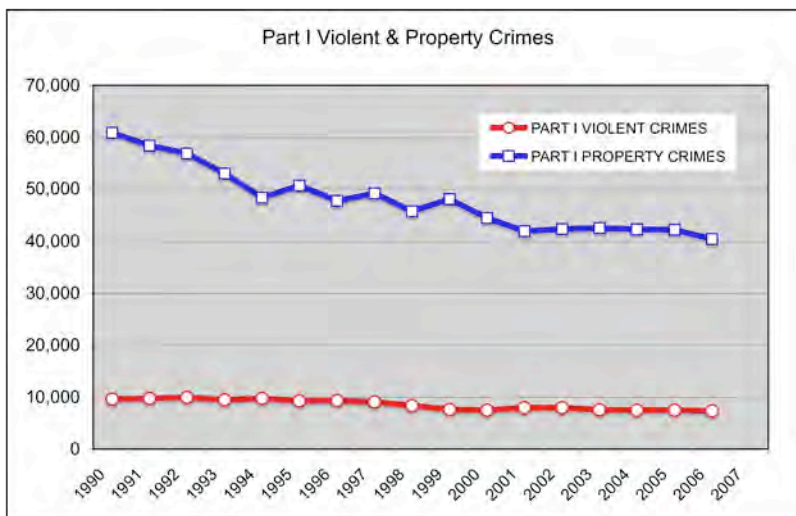
The first indicator of activity which might lead to incarceration is reported crime. In this regard the principal data available is for "Part I Index" crimes. In Florida "Part I" crimes are seven (7) very serious crimes, all felonies. These index crimes are frequently the subject of media reports regarding increases or decreases in "crime rates." Part I offenses include the violent crimes of murder, forcible rape, robbery, and aggravated assault. They also include the property offenses of burglary, theft, and vehicle theft. In most states arson is also included in this group but that is not the case in Florida.

Data on these seven offenses (plus arson) have been kept for decades by the FBI and form a longstanding data base which people commonly use to judge "crime rates". However, while significant in identifying serious offenders who likely do pretrial jail and post trial jail and/or prison time, Part I Index offenses by no means include all of the offenses that contribute to a jail population.

The rest of these offenses are referred to as "Part II" offenses and they contribute significantly to jail populations. These offenses are almost never reported upon in the media when talking about crime rates. Thus, the limited reporting on Part I offenses alone often distorts what is really going on in a community in terms of crime, arrests and growing jail populations.

Part II offenses include everything beyond the seven basic Part I offenses. They include drunk driving charges, simple assaults, family offenses, minor theft, and weapons violations, among other things. Most significantly with respect to jails, they include all forms of drug offenses: sale, manufacture, and possession. Unfortunately, available crime report data is limited to Part I crimes.

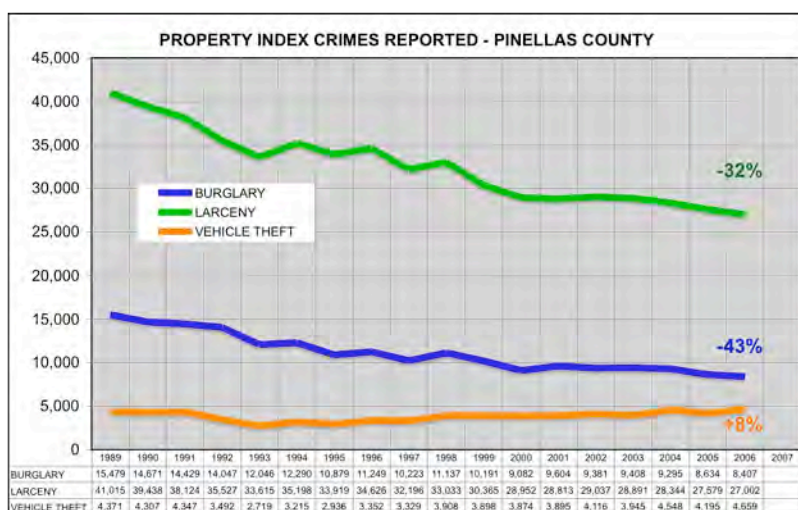
In Pinellas County, Part I property crime reports far out number violent crime reports. For example, in 2006 the 40,068 property crimes reported were 85% of the total 47,401 Part I crimes reported. This percentage has held consistently over the last 17 years. The gap between property and violent crimes can be seen in the chart below.



Also of note was that in 2006 there was roughly 1 Part I crime reported for every 20 citizens in Pinellas County based on county population estimates.

Below is a chart documenting the history of Part I violent crimes in Pinellas County from 1990 to 2006. Overall, as a category, crime reports for these offenses have declined 24% since 1990. Specifically, crime reports have declined by 41% for robbery, 22% for aggravated assault, and 17% for murder. Forcible sex offenses, however, have increased 28% in the last 17 years.

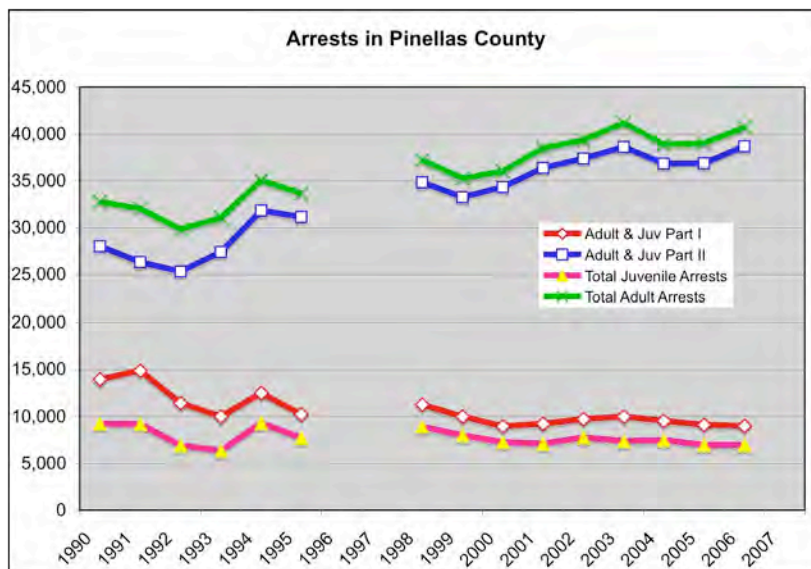
Part I property crime reports have also shown a significant decline between 1990 and 2006, 31%. Crime reports for burglary have declined 45%, for larceny have declined 36%, and for vehicle theft have declined 32%.



5. Arrests

The vast majority of jail bookings do not occur unless law enforcement officers make an arrest. Therefore, looking at arrest histories and trends provides some insight as to why jail bookings and even average length of stay might have increased.

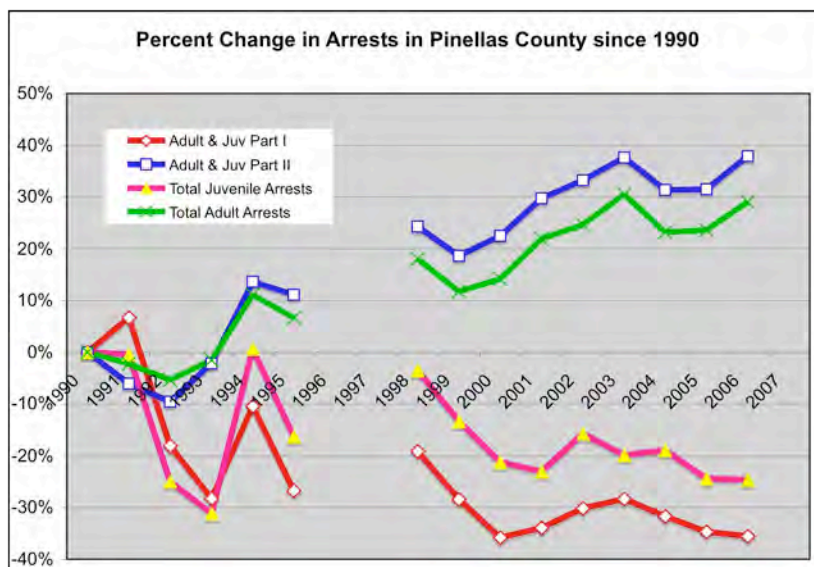
There are far more adult arrests than juvenile arrests in Pinellas County, and there are far more arrests for Part II offenses than Part I offenses. This is illustrated in the chart below. In reviewing the chart please note that data from 1996 and 1997 are not reflected. That is because the data for those years apparently excluded juvenile arrest data. The actual figures for 1996 and 1997 as well as the surrounding years can be seen in the table below the chart.



ARRESTS

	Adult & Juv Part I	Adult & Juv Part II	Total Juvenile Arrests	Total Adult Arrests
1989				
1990	13,935	28,049	9,221	32,763
1991	14,867	26,344	9,180	32,031
1992	11,419	25,359	6,916	29,862
1993	9,992	27,440	6,350	31,082
1994	12,485	31,869	9,282	35,072
1995	10,213	31,164	7,723	33,654
1996				
1997				
1998	11,274	34,871	8,898	37,247
1999	9,973	33,286	7,989	35,270
2000	8,945	34,357	7,262	36,040
2001	9,205	36,392	7,099	38,498
2002	9,737	37,383	7,772	39,348
2003	9,985	38,614	7,390	41,209
2004	9,521	36,853	7,479	38,895
2005	9,100	36,889	6,967	39,022
2006	8,987	38,691	6,948	40,730
2007				

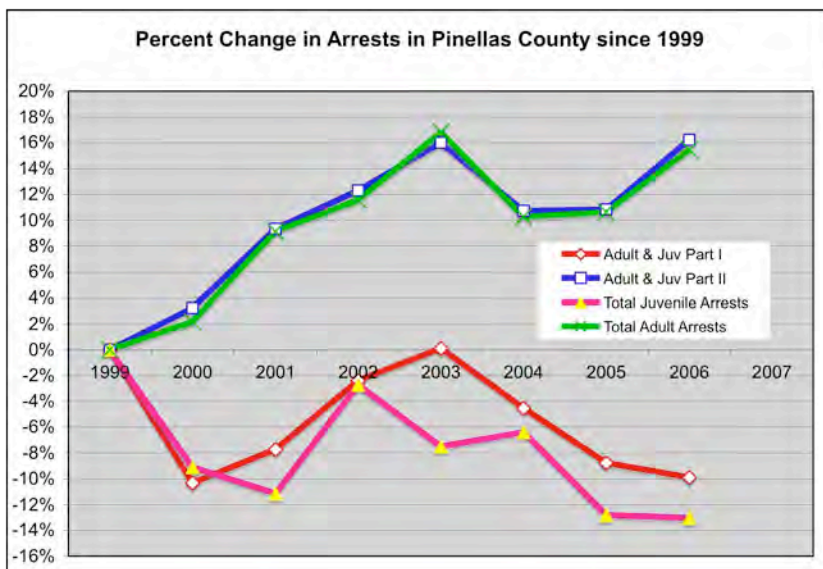
Between 1990 and 2006 adult and juvenile Part I arrests in Pinellas County *decreased* by 36% thus following a pattern seen throughout the United States. On the other hand, Part II adult and juvenile arrests increased 38%. Adult arrests for Part I and II offenses combined increased by 29% and juvenile Part I and II arrests decreased by 25%. These increases are documented on the percent change chart and table below.



PERCENT CHANGE IN ARRESTS SINCE 1990

	Adult & Juv Part I	Adult & Juv Part II	Total Juvenile Arrests	Total Adult Arrests
1989				
1990	0%	0%	0%	0%
1991	7%	-6%	0%	-2%
1992	-18%	-10%	-25%	-5%
1993	-28%	-2%	-31%	-2%
1994	-10%	14%	1%	11%
1995	-27%	11%	-16%	7%
1996				
1997				
1998	-19%	24%	-4%	18%
1999	-28%	19%	-13%	12%
2000	-36%	22%	-21%	14%
2001	-34%	30%	-23%	22%
2002	-30%	33%	-16%	25%
2003	-28%	38%	-20%	31%
2004	-32%	31%	-19%	23%
2005	-35%	32%	-24%	24%
2006	-36%	38%	-25%	29%
2007				

The following chart shows the rates of change in the four primary arrest categories since 1999. While the Part I arrests have decreased it is important to note that Part II arrests and adult arrests have increased to a greater degree.



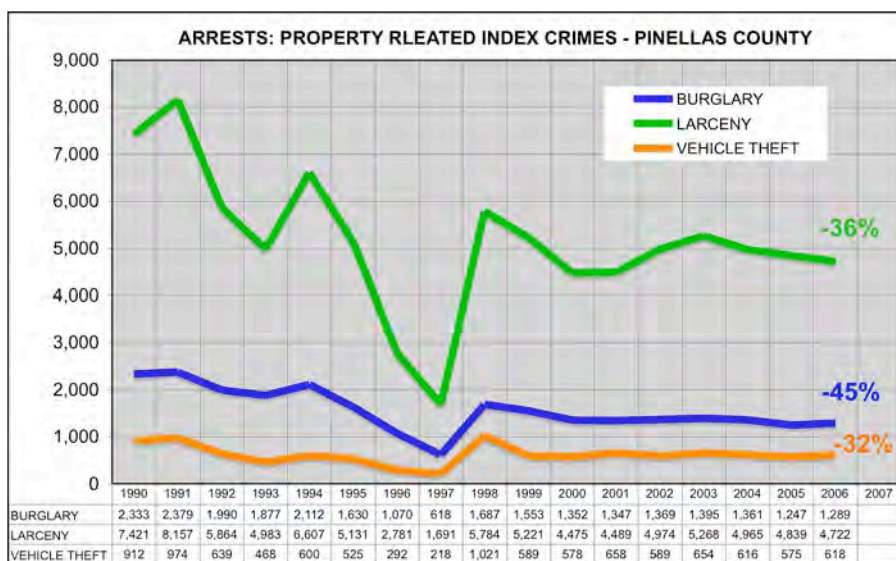
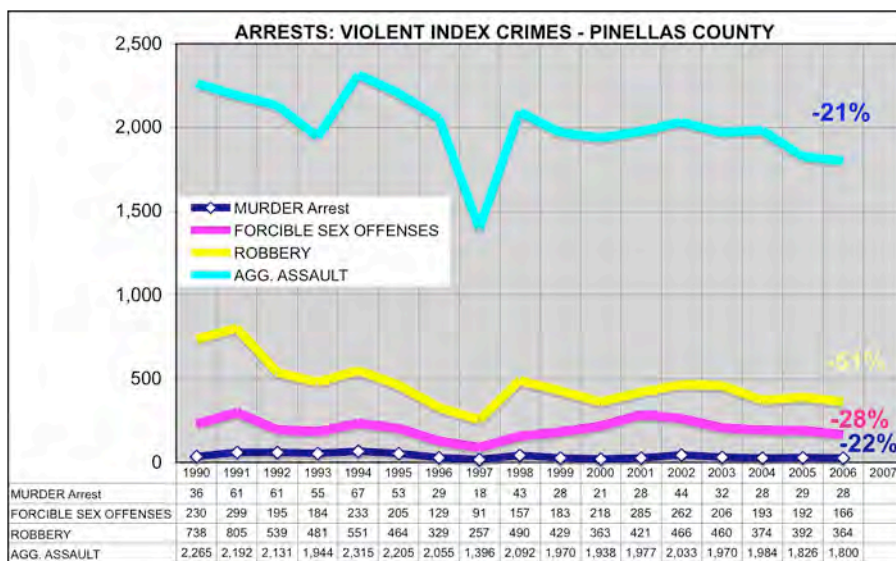
PERCENT CHANGE IN ARRESTS SINCE 1999

	Adult & Juv Part I	Adult & Juv Part II	Total Juvenile Arrests	Total Adult Arrests
1999	0%	0%	0%	0%
2000	-10%	3%	-9%	2%
2001	-8%	9%	-11%	9%
2002	-2%	12%	-3%	12%
2003	0%	16%	-7%	17%
2004	-5%	11%	-6%	10%
2005	-9%	11%	-13%	11%
2006	-10%	16%	-13%	15%
2007				

Regarding Part I adult and juvenile arrests specifically, the consultants present two charts below. The first is for Part I violent crime arrests and the second is for Part I property crime arrests. As was the case with crime report data, arrests for property crimes are far greater in number than arrests for violent crimes. However, whereas property crimes were 85% of all Part I crime reports, they were only 75% of Part I arrests.

Additionally, arrests for all Part I crimes equaled only about 19% of all Part I crimes reported in 2006. Such a rate of resolution is not unusual. So crime reports by themselves are not indicative of the amount of arrestees entering the jail system. The ability to resolve crimes and make arrests is an important variable.

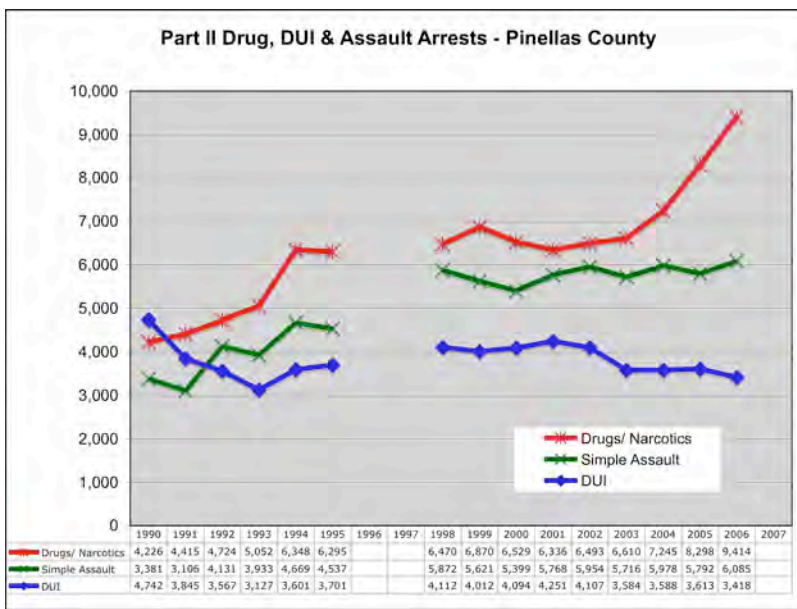
It is worth noting in the context of this discussion, however, that Capital Murder arrests, the most serious offense, equaled 70% of all murder crimes reported. So for the most serious of all crimes, arrest rates were very high.



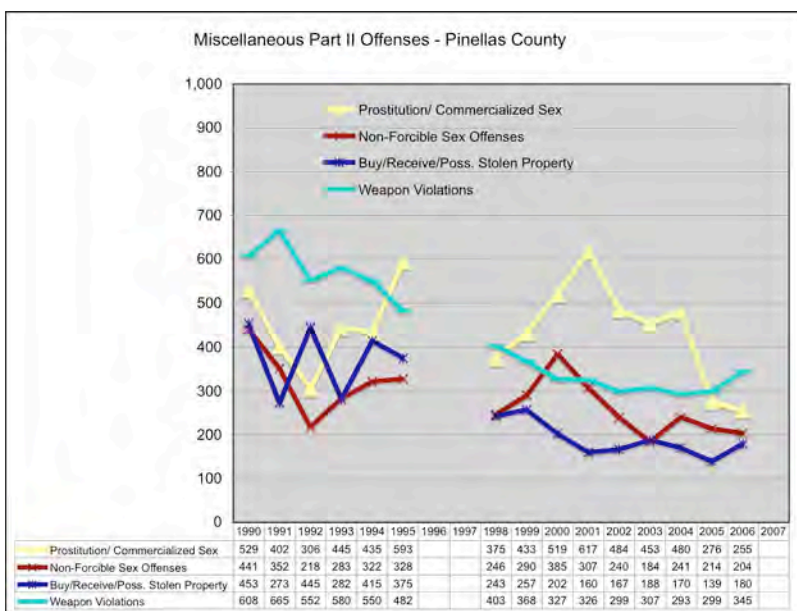
Within the overall Part II arrest rate numbers there were several categories of crime that were of particular note. These categories are:

- total Drug violations,
- DUI offenses, and
- Assault.

These arrests are frequently associated with pretrial and/or sentenced jail time. Drug and Assault arrests showed a significant increase, with drug offenses in particular rising noticeably in the past three years. DUI arrests have declined. The chart below graphically shows these changes.



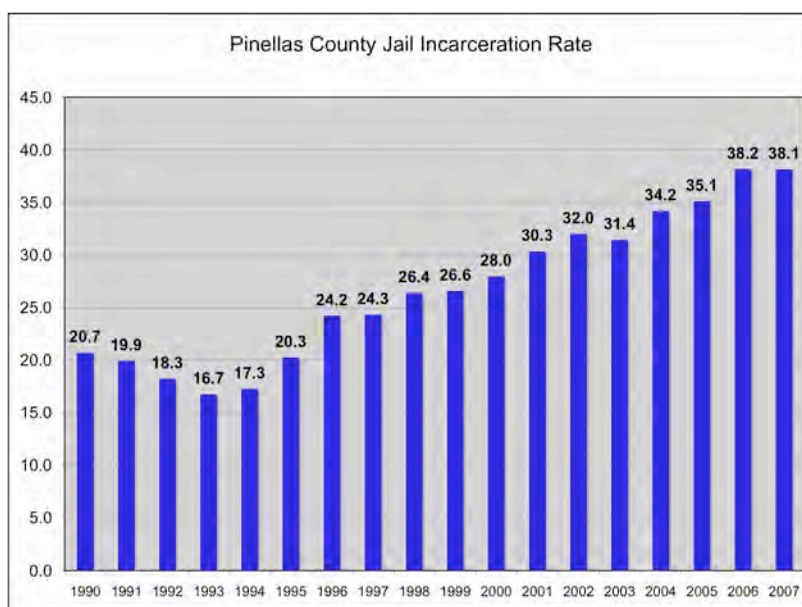
There are other noteworthy Part II offense arrests that are not nearly as high in volume as those noted above. However, they are arrests that often result in pretrial and/or sentenced jail time for the defendants. Arrests for these offenses have actually declined in number between 1990 and 2006. See the chart below.



6. Incarceration Rates

Incarceration rates are a per capita representation of the number of people in jail in relation to actual or estimated county population. The main purpose of establishing incarceration rates is to allow analysis uncomplicated by other dynamics such as county population growth or decline. They are also helpful in facilitating "apple-to-apple" comparisons to communities of different sizes, some of which will be done later in this report. For the purposes of this study the consultants have evaluated incarceration rates on a per capita basis of inmates in jail per 10,000 estimated or actual county population.

One of the reasons why the jail population has grown so fast in recent years is that the incarceration rate in Pinellas County has grown faster than the county population. The jail incarceration rate grew from 20.7 inmates per 10,000 county population in 1990, to 38.1 inmates per 10,000 in 2007, or 84%. Over that same timeframe the county population only grew an estimated 11.8%. The chart below identifies Pinellas County incarceration rates from 1990 through 2007.

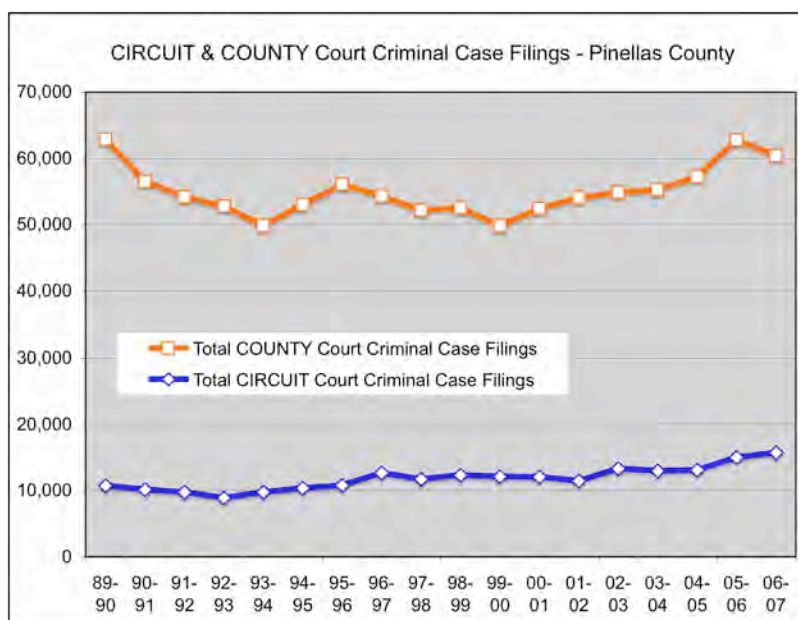


The incarceration rate increase is more dramatic if one calculates the rate of change from 1993, the low point of the last 18 years. From 1993's 16.7 inmates per 10,000 incarceration rate, the increase to 2007 has been 128%.

7. Criminal Cases Filed

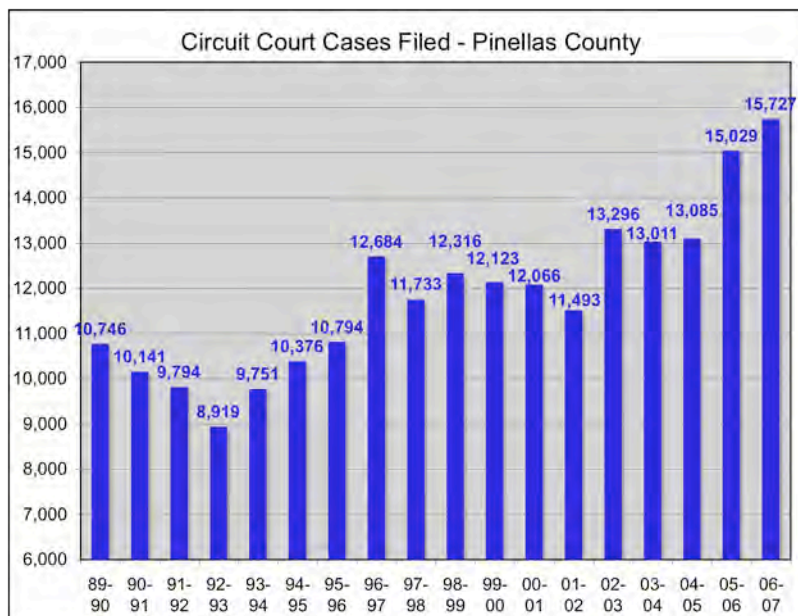
Once arrests occur a decision is made about filing or not filing a case against the alleged offender. If a case is filed it might result in an extended pre-trial and/or post-trial stay in the jail. In the Florida court system criminal cases are filed in either Circuit or County court. In general, felony cases are heard in Circuit Court, and misdemeanor and traffic cases are heard in County Court. Misdemeanor cases in County Court can be prosecuted on the basis of the arrest affidavit prepared by the arresting officer. In felony cases, however, the prosecution is based on an information filed by an Assistant State's Attorney following an investigation that includes taking sworn testimony from witnesses.

The history of Circuit Court and County/Traffic Court criminal case filings¹ since the 1989-90 fiscal year (FY) are shown below. These figures refer to total defendants regardless of the number of counts against them.



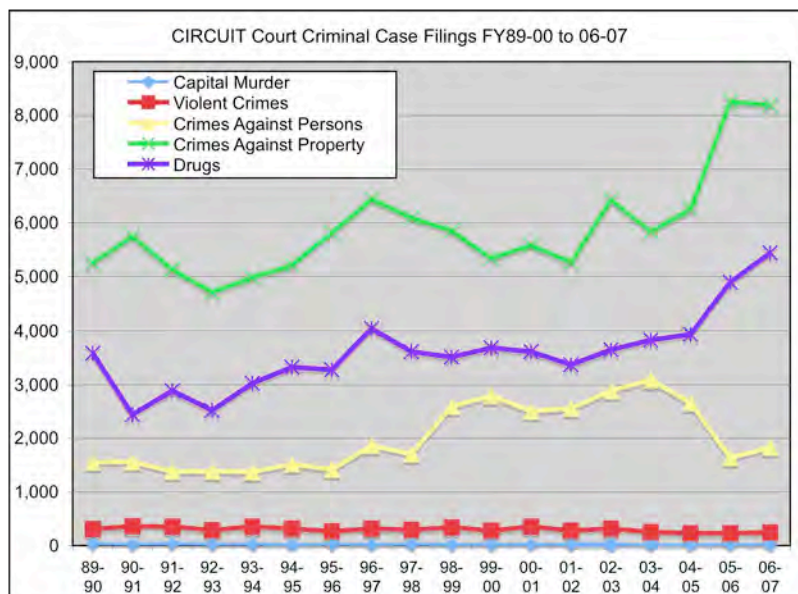
Circuit Court Case filings have generally been trending upward since Fiscal Year (FY) 1989-90 as is shown in the following chart. This appears at odds with the reduced number of Part I arrests but makes sense when felony crimes other than the seven Part I "Index" crimes, such as drug crimes, are taken into account.

¹ The data reported in this section of the report, as well as in later sections, is drawn from the Florida State Court's Summary Reporting System (SRS). Circuit Court filings, as reported there and here, are defined as for "defendants against whom an information or indictment is filed". In the County Court system filings apply "to each defendant against whom a sworn complaint, notice to appear, information or indictment is filed". Source: Annual Statistical Guide from the Florida Office of the State Courts Administrator



Within the Circuit Court totals one finds that the greatest growth occurs in the drug and property crime case categories. This is totally consistent with the increased arrests in those categories.

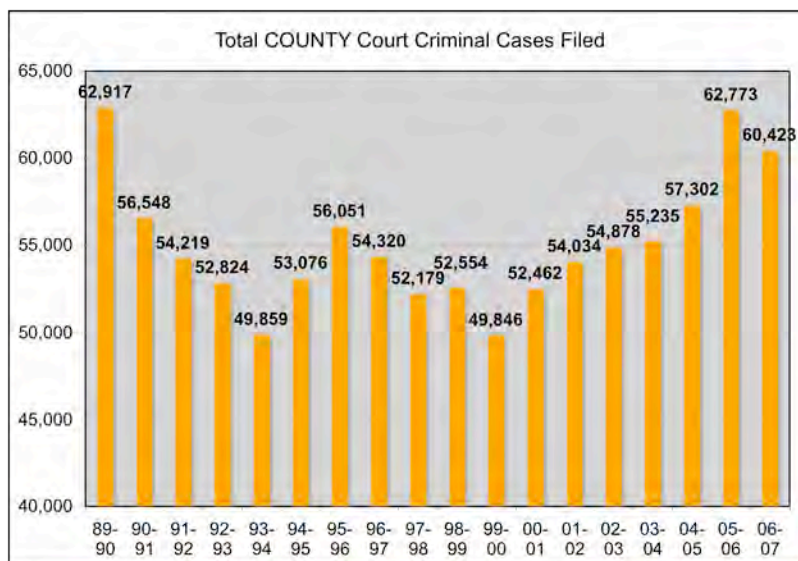
Property crime cases are more than half of Circuit Court criminal case filings. Many of these cases are not the result of "Part I" crimes. This case category has increased 50% between FY 2000-01 and FY 2006-07 with a significant surge occurring in FY 2005-06. Drug cases, none of which are "Part I" crimes (though they may be felonies), are the second largest group of filings. They have risen 62% since FY 2001-02. Filings for violent crimes, crimes against persons, and capital murder represent a minority of Circuit Court case filings and now appear to be in decline though crimes against persons cases peaked as recently as 2003-04 after a long period of increase. The history of filings for these cases is illustrated below.



PINELLAS CIRCUIT COURT CRIMINAL FILINGS (felonies)

	Capital Murder	Violent Crimes	Crimes Against Persons	Crimes Against Property	Drugs
89-90	42	310	1,556	5,255	3,583
90-91	32	360	1,562	5,748	2,439
91-92	44	353	1,383	5,129	2,885
92-93	29	287	1,381	4,704	2,518
93-94	27	353	1,372	4,976	3,023
94-95	17	315	1,515	5,208	3,321
95-96	27	265	1,414	5,816	3,272
96-97	22	319	1,862	6,439	4,042
97-98	28	297	1,705	6,094	3,609
98-99	22	341	2,593	5,846	3,514
99-00	23	282	2,790	5,341	3,687
00-01	19	354	2,500	5,581	3,612
01-02	24	284	2,556	5,262	3,367
02-03	20	318	2,882	6,428	3,648
03-04	15	251	3,083	5,835	3,827
04-05	15	228	2,655	6,249	3,938
05-06	22	232	1,634	8,249	4,892
06-07	16	246	1,829	8,195	5,441
Total:	444	5,395	36,272	106,355	28,725
Percent:	0.2%	2.5%	17.0%	49.9%	13.5%

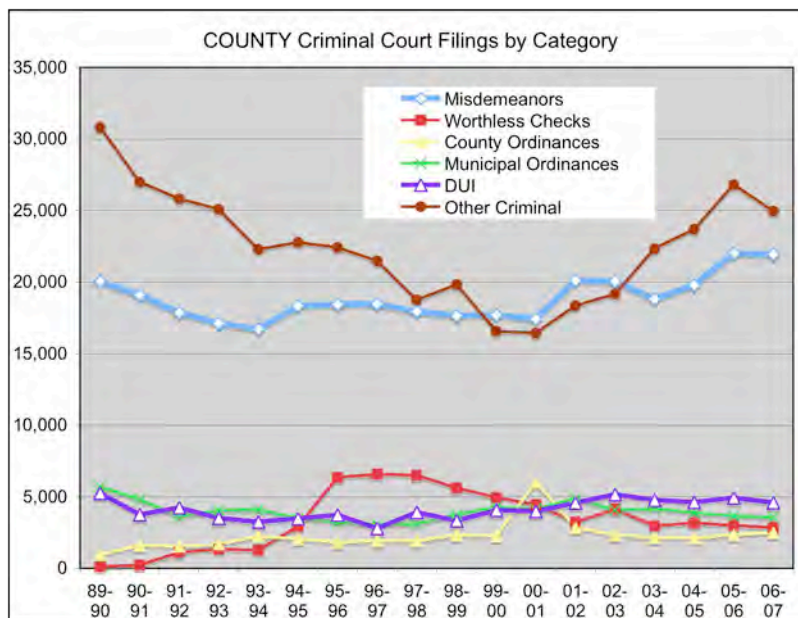
Case filings in County Court have also grown since FY 2000-01 as is shown in the chart below. The FY1999-2000 to 2005-06 growth rate was 26%. This is consistent with the general growth in Part II arrests. County Court criminal case filings surged in 2005-06 just as did Circuit Court filings.



County Court criminal case filings were greater in number than Circuit Court filings in FY1989-90 by a factor of 5.9, by a factor of 4.3 in 2000-01, and by a factor of 3.8 in 2006-07, a ratio that has been falling given the more rapid increase in felony cases. This is likely the result of legislative acts that re-defined a variety of misdemeanor offenses as felony offenses.

Fiscal Year	Total CIRCUIT Court Criminal Case Filings	Total COUNTY Court Criminal Case Filings	Times More County than Circuit Filings
	Filings	Filings	
89-90	10,746	62,917	5.9
90-91	10,141	56,548	5.6
91-92	9,794	54,219	5.5
92-93	8,919	52,824	5.9
93-94	9,751	49,859	5.1
94-95	10,376	53,076	5.1
95-96	10,794	56,051	5.2
96-97	12,684	54,320	4.3
97-98	11,733	52,179	4.4
98-99	12,316	52,554	4.3
99-00	12,123	49,846	4.1
00-01	12,066	52,462	4.3
01-02	11,493	54,034	4.7
02-03	13,296	54,878	4.1
03-04	13,011	55,235	4.2
04-05	13,085	57,302	4.4
05-06	15,029	62,773	4.2
06-07	15,727	60,423	3.8

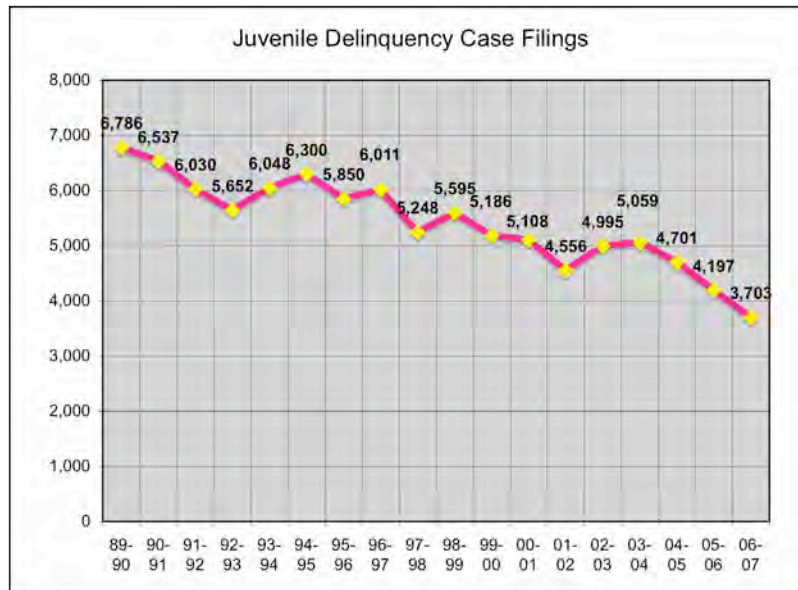
Since FY 1989-90 total misdemeanor case filings in County Court represent 34% of the court's criminal case filings. DUI cases, which are significant to the jail, only represent 7.5% of the caseload but at 4,933 cases in FY 2005-06 could potentially have a significant impact on the jail. "Other Criminal" is actually the largest part of the caseload and is on a major upswing.



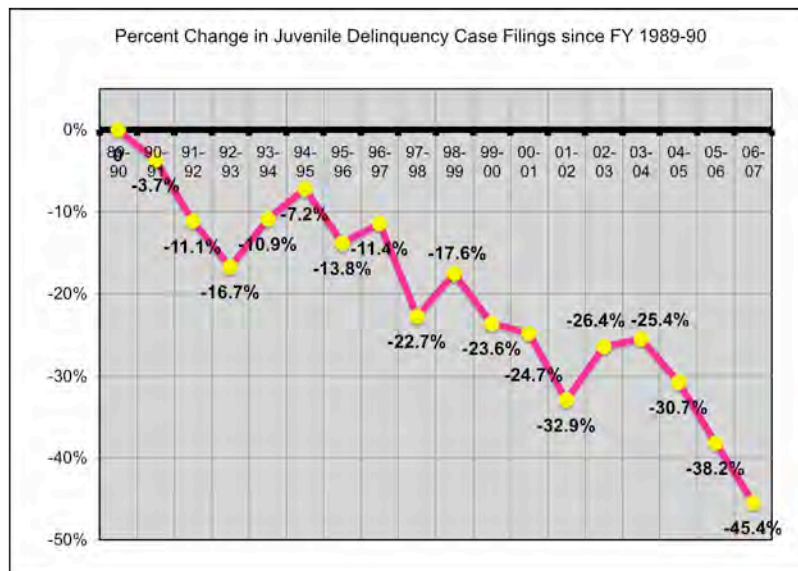
PINELLAS COUNTY COURT CRIMINAL FILINGS

	Misdemeanors	Worthless Checks	County Ordinances	Municipal Ordinances	DUI	Other Criminal
89-90	20,057	134	939	5,684	5,273	30,830
90-91	19,113	233	1,638	4,821	3,753	26,990
91-92	17,862	1,130	1,521	3,637	4,240	25,829
92-93	17,135	1,348	1,715	4,040	3,498	25,088
93-94	16,732	1,264	2,225	4,109	3,241	22,288
94-95	18,360	2,938	2,047	3,471	3,475	22,785
95-96	18,456	6,367	1,829	3,236	3,735	22,428
96-97	18,480	6,588	1,925	3,052	2,792	21,483
97-98	17,954	6,511	1,924	3,113	3,926	18,751
98-99	17,672	5,615	2,351	3,758	3,328	19,830
99-00	17,719	4,959	2,256	4,274	4,066	16,572
00-01	17,425	4,456	6,030	4,114	3,982	16,455
01-02	20,134	3,228	2,839	4,893	4,585	18,355
02-03	20,044	4,122	2,333	4,067	5,150	19,162
03-04	18,830	2,982	2,156	4,163	4,772	22,332
04-05	19,799	3,186	2,114	3,879	4,629	23,695
05-06	22,002	2,999	2,364	3,651	4,933	26,824
06-07	21,957	2,840	2,488	3,570	4,608	24,960
Percent:	34.3%	6.1%	4.1%	7.2%	7.5%	40.8%
Total:	339,731	60,900	40,694	71,532	73,986	404,657

Juvenile Delinquency case Filings in Pinellas County (6th circuit) Family Court have steadily declined since Fiscal Year 1989-90, having fallen by 45% from the highs of FY 1989-90. This tends to suggest that there will be fewer adult criminal cases in successive years as juveniles become adults. However, as we've seen above, the case filing rate for Circuit and County Court cases has actually risen over the same time period.



As a matter of percentage changes juvenile delinquency cases have declined by a cumulative total of 45.4% between FY 1989-90 and FY 2006-07, as shown by the following chart.



8. NCSC Caseload Projections

In May of 1991, the National Center for State Courts (NCSC) issued "A Review of the Functional Operations of the Court System and Related Governmental Agencies in Pinellas County, Florida". Projections of future case filings in the year 2000 were summarized on page 86. In addition to projections by the NCSC, projections from the Florida Administrative Office of the Courts (FL AOC) and Space Management Consultants (SMC) were documented.

In the 1999-2000 fiscal year actual Circuit Court criminal case filings were 12,123. The NCSC projection for that year was for 13,950 or 15% more than that actually recorded, the SMC projection was for 14,800 or 22% more, and the FL AOC projection was for 15,800 or 30% more. Case filings did however reach 15,029 in FY 2005-06.

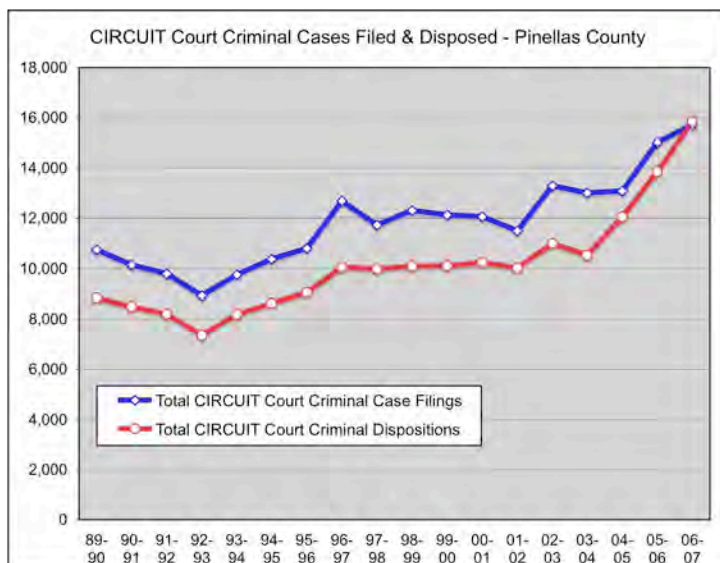
9. Case Disposition Rate Data

In a perfect system, each year the courts would be able to dispose of the same number of case that are filed, in other words achieve a 100% disposition rate. When they are unable to do so there is a strong likelihood that the pretrial stays of inmates detained in jail awaiting case disposition will increase. When that happens the jail population will rise even if the number of inmates admitted into the jail does not.

According to statistics published by the Florida Office of the State Courts Administrator, the number of cases filed in Pinellas County has not been matched by the number of cases disposed² in any of the 17 fiscal years (FY) up to 2006-07. In fact, the gap has been consistently wide in the FY1989-90 to 2005-06 time frame as illustrated in both the Circuit Court and County Court charts which follow below. The gap between filings and dispositions is strikingly large, and it is difficult to determine why filings appear to exceed dispositions so consistently. It is possible that this may be a product of data entry practices that have not taken account of the consolidation of counts or cases when they reach disposition.

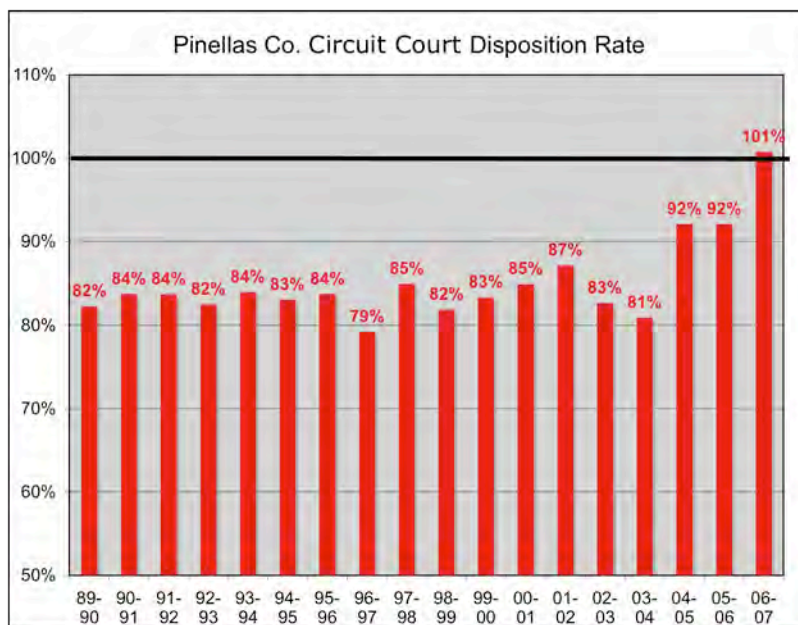
The consultants recommend that the county examine its data entry practices to determine if the problem lies there or if the gap in data is an accurate representation of what is happening in the court system. Nonetheless, the recorded data appears below.

² In this section of the report, as well as in later sections, the SRS data gathered defines Circuit Court dispositions as "each defendant disposed when a final judicial decision is rendered terminating a criminal proceeding by an acquittal, a dismissal, or a judgment stating the specific sentence (in the case of a conviction)". *Dispositions in County Court* apply to "each defendant for whom a final judicial decision is rendered terminating a criminal proceeding by an acquittal, a dismissal, or a judgment, stating the specific sentence (in the case of a conviction)". Source: Annual Statistical Guide from the Florida Office of the State Courts Administrator

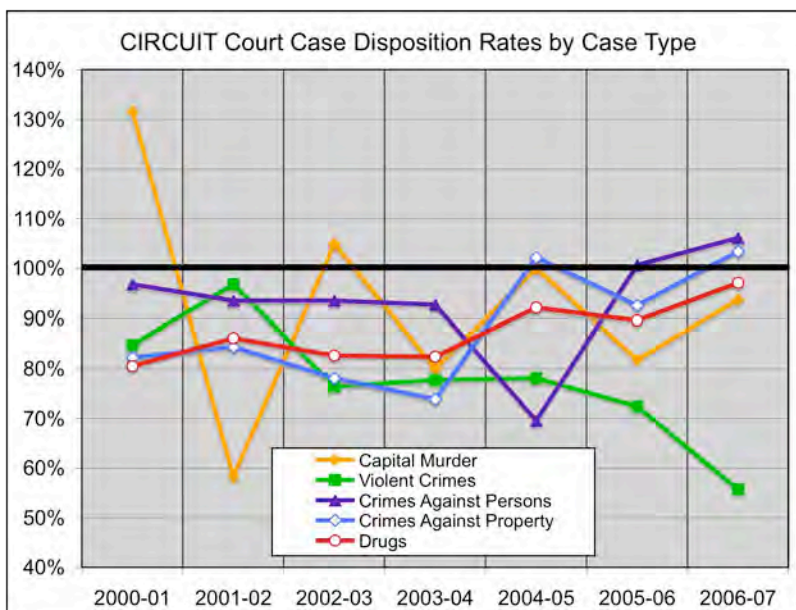


Total CIRCUIT Court Criminal Case Filings	Total CIRCUIT Court Criminal Dispositions	Fiscal Year
10,746	8,838	89-90
10,141	8,495	90-91
9,794	8,198	91-92
8,919	7,357	92-93
9,751	8,188	93-94
10,376	8,621	94-95
10,794	9,039	95-96
12,684	10,050	96-97
11,733	9,967	97-98
12,316	10,080	98-99
12,123	10,101	99-00
12,066	10,244	00-01
11,493	10,016	01-02
13,296	10,991	02-03
13,011	10,529	03-04
13,085	12,056	04-05
15,029	13,849	05-06
15,727	15,855	06-07
213,084	182,474	
	86%	

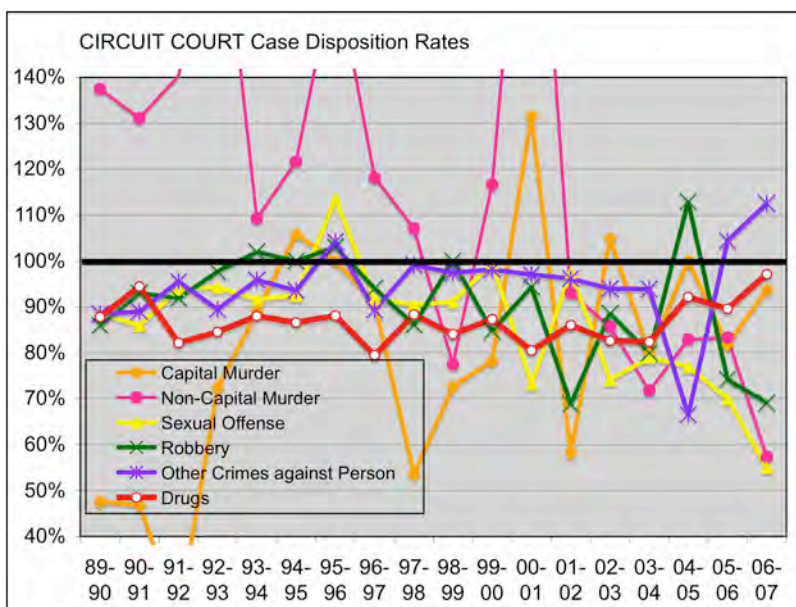
The following chart documents the percentage of Circuit Court cases disposed as compared to new filings since FY 1989-90.



The following chart identifies the disposition rate for various crime categories.



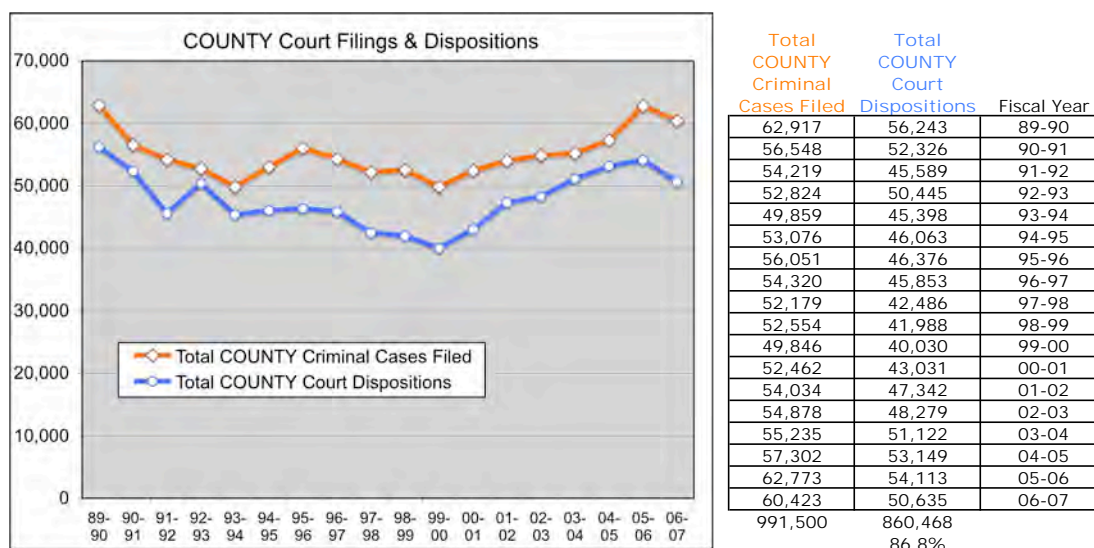
The chart below shows case disposition rates for several serious crimes that typically result in pretrial detention.



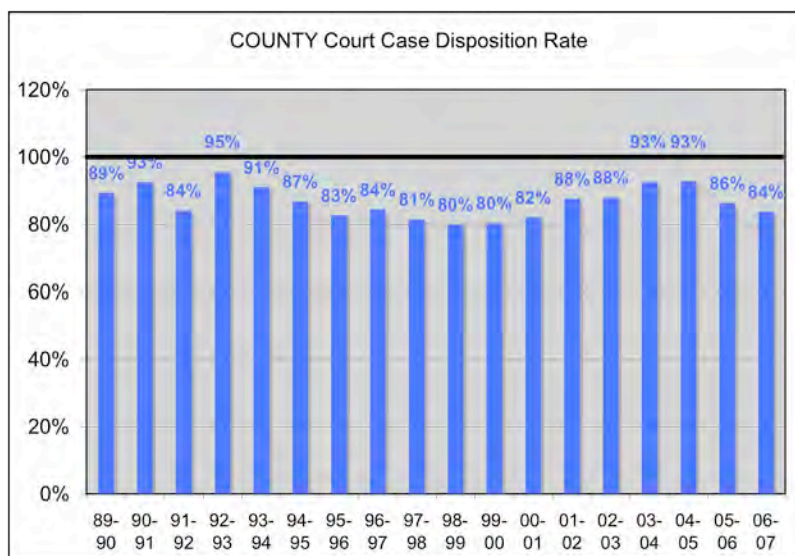
Regarding County Court criminal cases, it is also the case that the reported number of cases filed is not matched by the number of cases disposed. In fact, the gap has been consistently wide over the last 18 years. In that the County Court deals with lesser offenses resulting in pretrial jail time less frequently, County Court has far less effect on the county

jail than Circuit Court. This is true even though County Court offenders are more likely to do sentenced county jail time (as opposed to state prison time) because case delays are often offset by reduced sentences through credit for time served.

On the other hand, if more of jail time is spent serving a sentence rather than pretrial time, the desperately small pool of inmate workers at the jail (which are normally sentenced inmates) would enlarge. This would have two benefits. The jail would not have to rely on higher risk pretrial felons as potential workers, and delays in program participation for sentenced inmates could be reduced or eliminated (many perform needed work duties first before they are accepted for participation in certain programs).

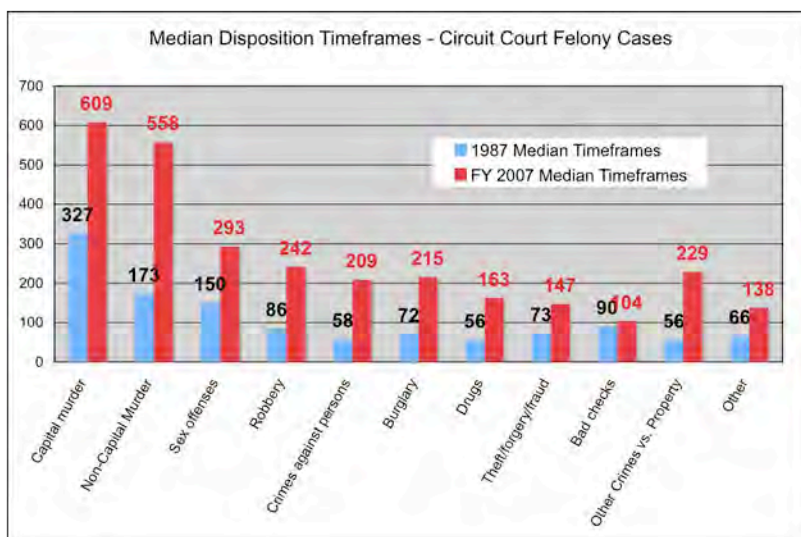


The actual percentage of County Court cases disposed compared to case filings since FY 1989-90 is shown below, as derived from the State Reporting System (SRS).

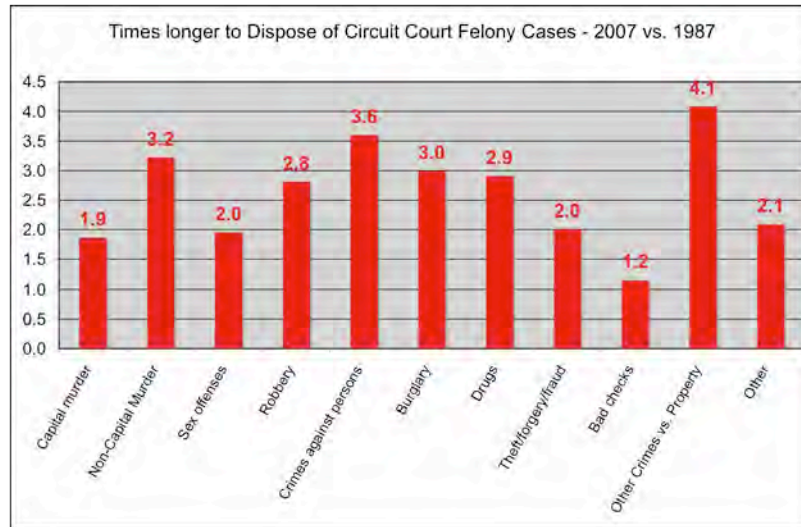


10. Median Case Disposition Timeframe – Circuit Court Criminal Cases

Current data from the court system for FY 2007 shows that since 1987 the *median* timeframe for disposing of various criminal cases in Circuit Court has increased significantly in every case type (median means the point at which 50% of the cases were longer and 50% shorter). The 1987 data was documented in the 1991 National Center for State Courts (NCSC) report on the court system. The data essentially suggests that if pretrial detention is involved, the defendant with the 2007 median timeframe case would spend considerably more time in jail than a defendant held in 1987 on the same type case. Therefore, one can see the significance of case disposition timeframe at the Pinellas County jail where up to 70% of the inmates are pretrial felons whose cases are being adjudicated in Circuit Court. The table below contrasts the data for 1987 (in blue) and that of FY 2007 (in red). Again, there may be many reasons for the increases in timeframe having to do with procedures, available personnel, evidentiary matters, and even data reporting, but initially, the data appears potentially significant to the rise in jail populations.



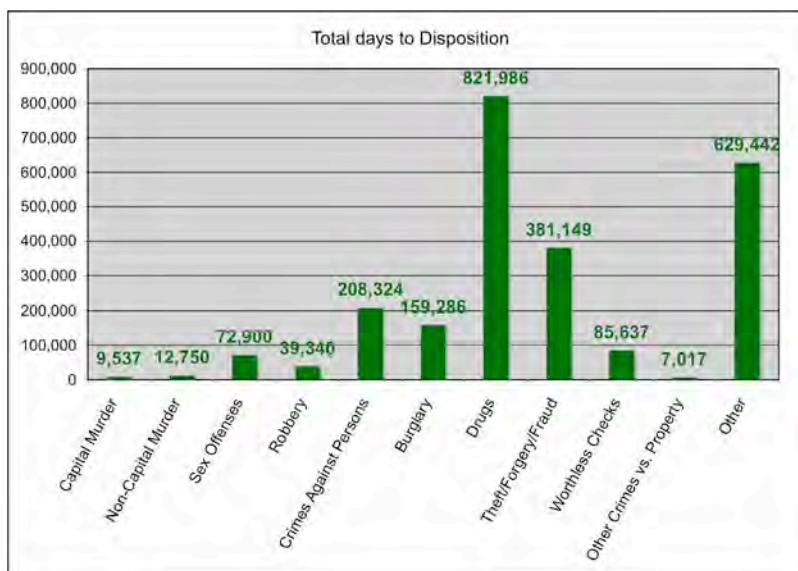
The chart below shows how many times longer the median disposition timeframe is for different cases in 2007 as compared to 1987, according to the figures in the chart above.



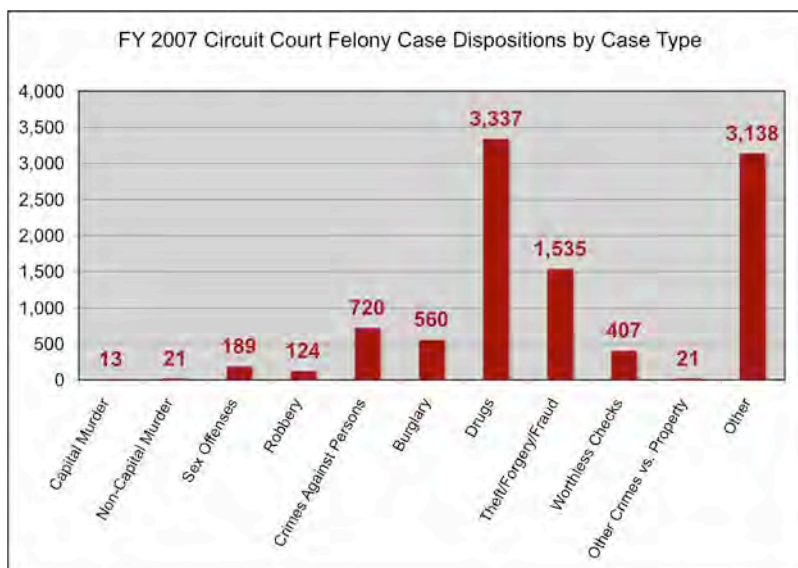
There is no comparable data in the 1991 NCSC report against which to contrast this piece of information.

In terms of potential impact on the jail it is interesting to look at the total number of case disposition days found in each category of case. As shown in the chart below, total drug case days are by far the most numerous, with nearly 825,000 days involved for those cases disposed in FY 2007. In 1987 there were 1,983 drug cases disposed, and in FY 2007 there were 3,337, a 68% increase.

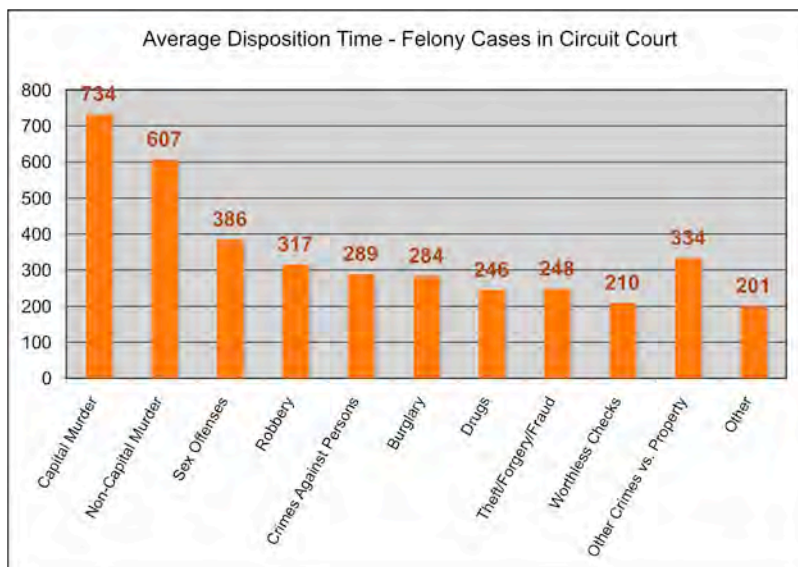
Next most significant is the category of "other". In 1987, there were only 600 cases of this type disposed versus 3,138 in 2007, or less than one-fifth 2007 totals. The "other" category includes Failure to Appear (FTA), Carry Concealed Weapon, Destruction of Evidence, Resisting Arrest, Driving While License Revoked (DWLR), Driving Under the Influence (DUI), Felony Possession of a Firearm, Fleeing & Eluding, Possession of Burglary Tools, Dealing in Stolen Property, Introduction/Possession of Contraband in a County Facility, Throw Deadly Missile, and Tampering with Physical Evidence to name a few. A number of these may be charges that were elevated by the legislature to felony status from misdemeanor status over past years.



Below is a chart documenting the number of felony cases disposed in Circuit Court in FY 2007 by case type.



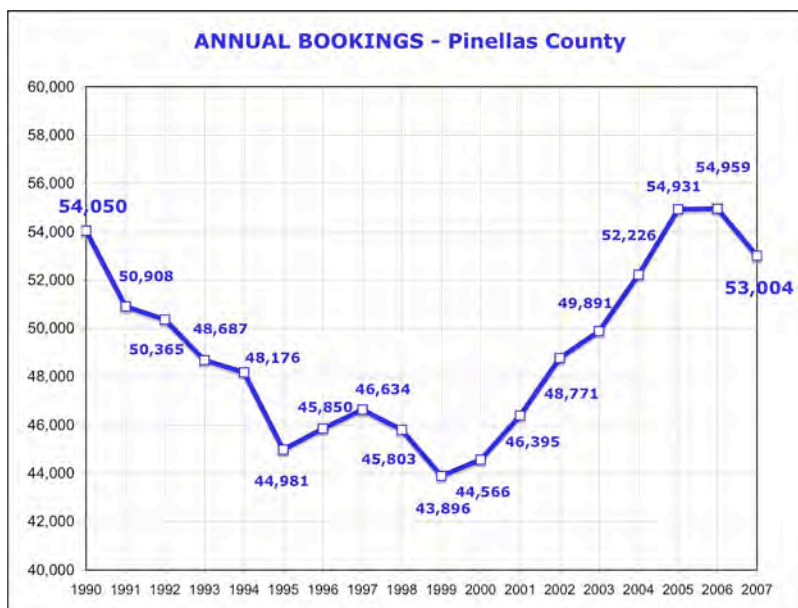
The average case disposition timeframe is documented below for FY 2007 cases.



The average case disposition timeframe for all felony cases in Circuit Court in FY 2007 was 241 days. This is considerably higher than the median timeframe of 156 days and appears to be driven by the fact that there were some very long disposition timeframes for a large number of cases.

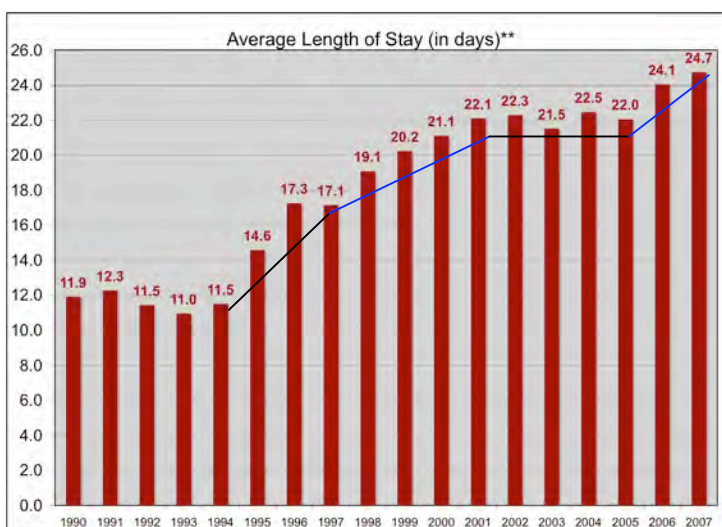
11. Jail Bookings

All detentions or incarcerations at the jail begin with a booking at the intake center. The history of bookings at the jail is unusual. Total bookings in 2007 were only slightly greater than the total in 1990. However, from 1990 the total bookings went into decline until 1999 when bookings then increased significantly. Information provided by jail staff confirm that there has been no change in the way that bookings have been recorded over the years. Each booking represents a single individual regardless of the number of charges against them.



12. Average Length of Stay (ALOS) for Jail Inmates

A key factor in the size of a jail population is the inmate average length of stay, or ALOS. In Since 1993 the ALOS has risen 119% from 11.0 days to 24.7 days in 2007 as is shown in the chart below. This essentially means that the jail ADP would rise 124% even if the exact same number of arrestees were booked year-to-year.



The most dramatic increase occurred in just three years (1993-1996) when the ALOS rose from 11.0 days to 17.3 days, or 57%. It then rose at a slower, but still significant pace of 28% from 1996 to 2001, or from 17.3 days to 22.1 days. From 2001-2005 the ALOS showed little change. In 2006 however, the ALOS surged 2.1 days or 10% in one year and then another 2.5% in 2007.

13. Validating Bookings and ALOS

During the preliminary review of the ALOS data in the preceding section, concern was expressed that the booking data in section 11 above had to be wrong and thus so was the Average Length of Stay in section 12. It was thought that it was implausible that bookings could essentially be no higher in 2007 than they were in 1990, especially when the jail population had grown so much.

The consultants computed the ALOS figures correctly, working from both ADP (average daily population) and booking information supplied by the jail. The way the ALOS was computed is a conventional way of tabulating ALOS and is particularly effective over time.

The accuracy of the booking numbers reported by the jail appeared to be the more pertinent issue.

The question regarding accounting procedures for bookings was asked of the jail staff. The question was considered by various senior staff. The answer received was that the data is not, to their knowledge, accounted for any differently today than it was back in 1990.

To test the potential accuracy of the historical booking curve, the consultants looked more closely at criminal case filings. Regarding criminal case filings, while the jail ADP rose 88% from 1990 to 2005, circuit court criminal cases rose only 22%, from 10,746 in FY1989-90 to 13,085 in FY2004-05. They surged to 15,029 in FY2005-06 (+40% compared to FY1989-90) with the jail ADP rising 105% between 1990 and 2006.

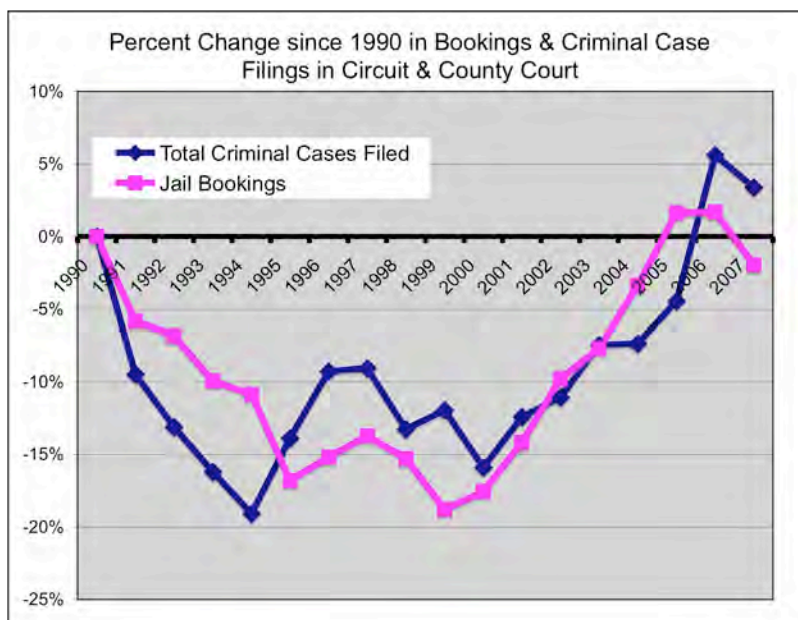
County criminal case filings, which are far larger in number and thus more reflective of changes in bookings, fell 9% from 62,917 in 1989-90 to 57,302 in FY2004-05. They then surged to 62,773 in FY 2005-06. However, this is still lower than the FY1989-90 figure, albeit not by much (-0.2%).

Combined, circuit and county criminal case filings declined 4.4% from 73,663 in FY1989-90 to 70,387 in FY2004-05. In FY2005-06, total filings surged to 77,802, but that is still only 5.6% more than in FY1989-90. Bookings in 2006 were 1.7% more than they were in 1990.

This modest increase of 5.6% in total criminal case filings over the last 16 years could easily be preceded by modest or no gains in bookings especially if, over time, a greater use of citations or diversions to other resources became involved in dealing with those arrested and charged with crimes, thus averting bookings at the jail.

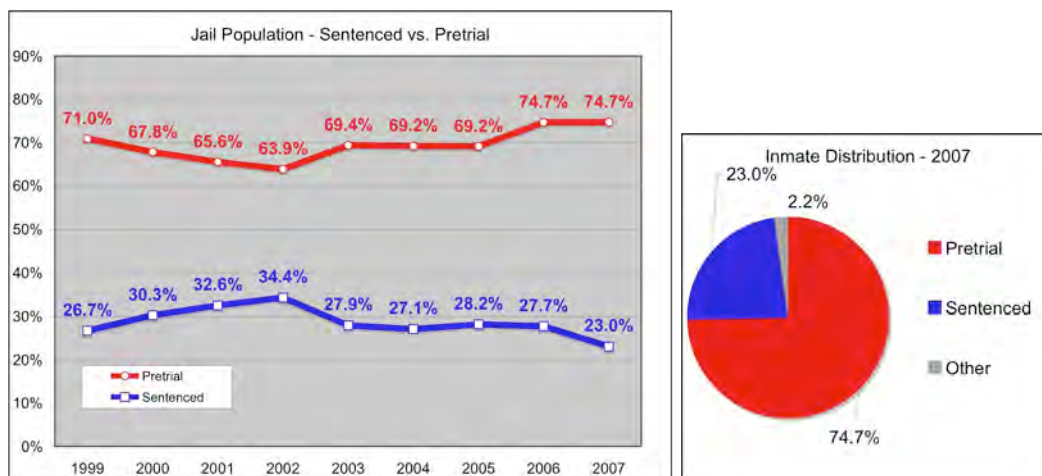
It is also relevant to note that booking totals fell steadily in the five year period of 1990 to 1995, rose slightly and then fell again to the period low in 1999. If there was a change in the way bookings were counted one might expect a large one-time drop rather than a multi-year decline that saw bookings drop 18.7% between 1990 and 1999. (Incidentally, total circuit and criminal case filings also fell significantly in the 1990 to 1995 period, falling to 59,610 in FY1994-95, or by 19% from FY1989-90). Since 1999, bookings have steadily risen to where they were similar to 1990's totals by 2005 and 2006.

The chart below compares percentage changes in bookings and total Circuit and County Court criminal case filings between 1990 and 2006. The reader will see that the data tracks fairly well together and, by themselves, raise no suspicion of significant accounting changes in bookings. Thus, the consultants conclude that the ALOS data is correctly calculated and that ALOS has been the primary driver of increases in the jail population over the last 17 years, although in recent years increased bookings has become a significant factor.

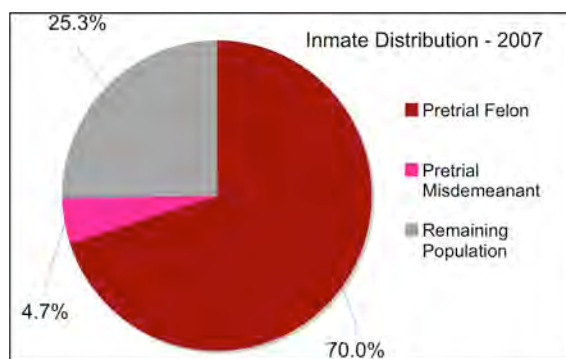


14. Legal Status of the Jail Population

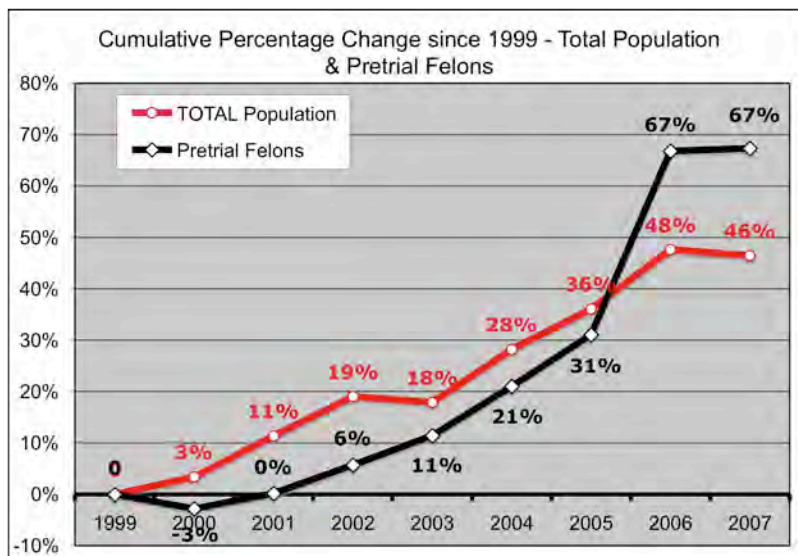
The Pinellas County jail population primarily consists of detainees waiting for their cases to be disposed in either Circuit or County court. The trend has been for this majority to increase and the proportion of sentenced inmates to decrease. See the charts below. There are inmates that fall into the "other" category that includes probation violators and holds for other jurisdictions. They are not included in the chart.



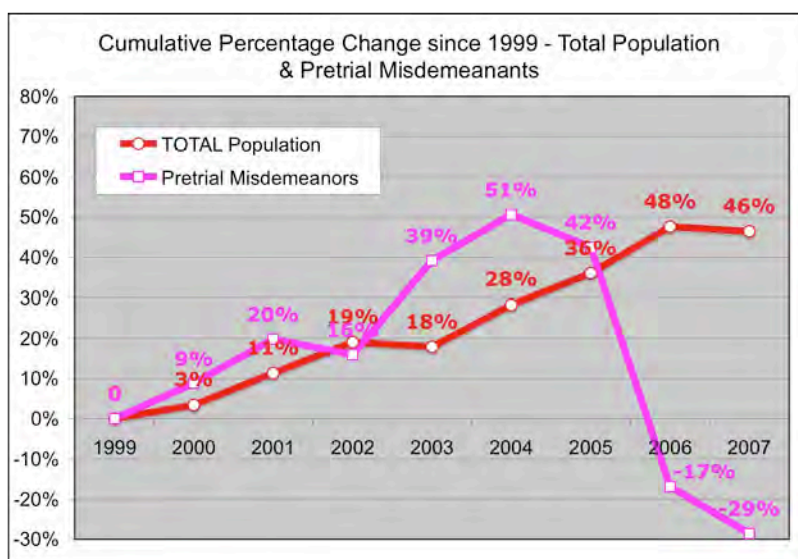
Of the pretrial total there are two categories; pretrial felons and pretrial misdemeanants. Pretrial felons dominate the pretrial category alone making up the majority of the jail population. In 2007 they represent 70% of the total jail population.



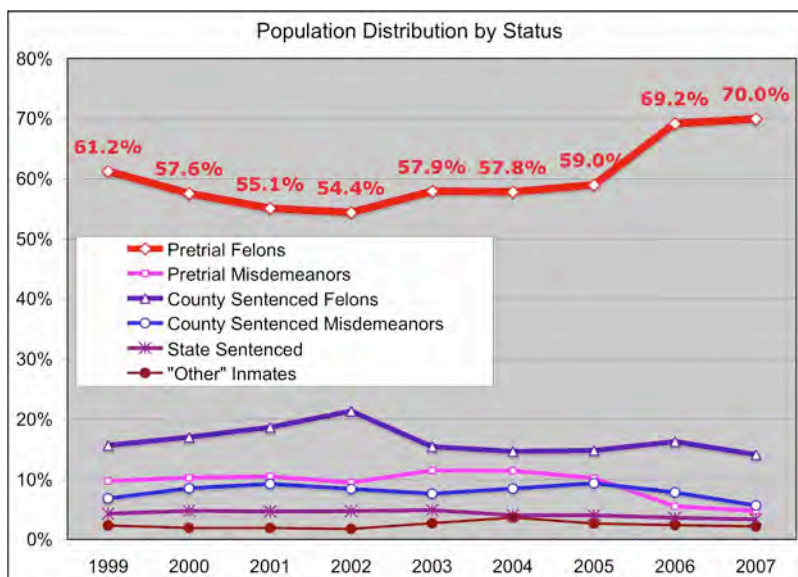
Below is a chart showing the percentage change in Pretrial Felon population compared to the change in the overall population. This population has shown major growth and appears to be driving much of the jail population growth experienced in Pinellas County.



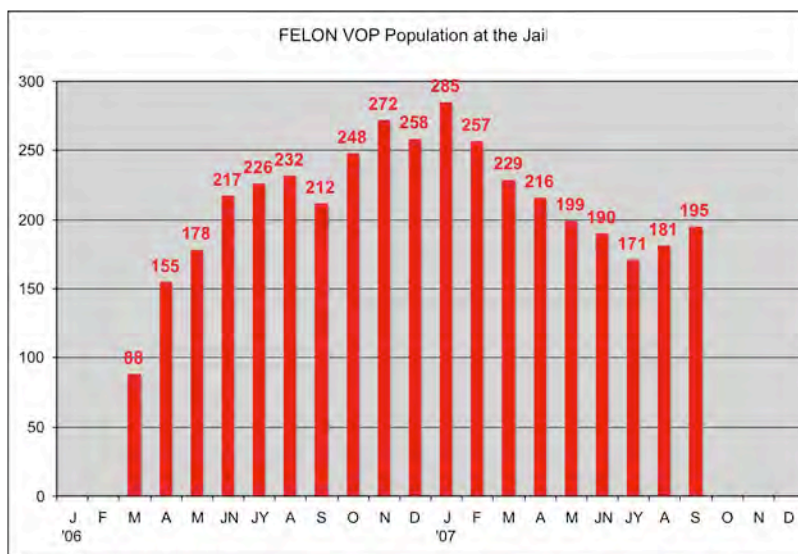
The percentage change in Pretrial Misdemeanor population compared to the change in the overall population is illustrated below. Unlike the pretrial felon population this population has been in decline since 2004.



Below is a chart with a more refined breakdown of the legal status of the inmate population. It illustrates that pretrial felons are the majority of the overall jail population and the overwhelming majority of pretrial inmates. Their proportion of a growing jail population has been on the rise.



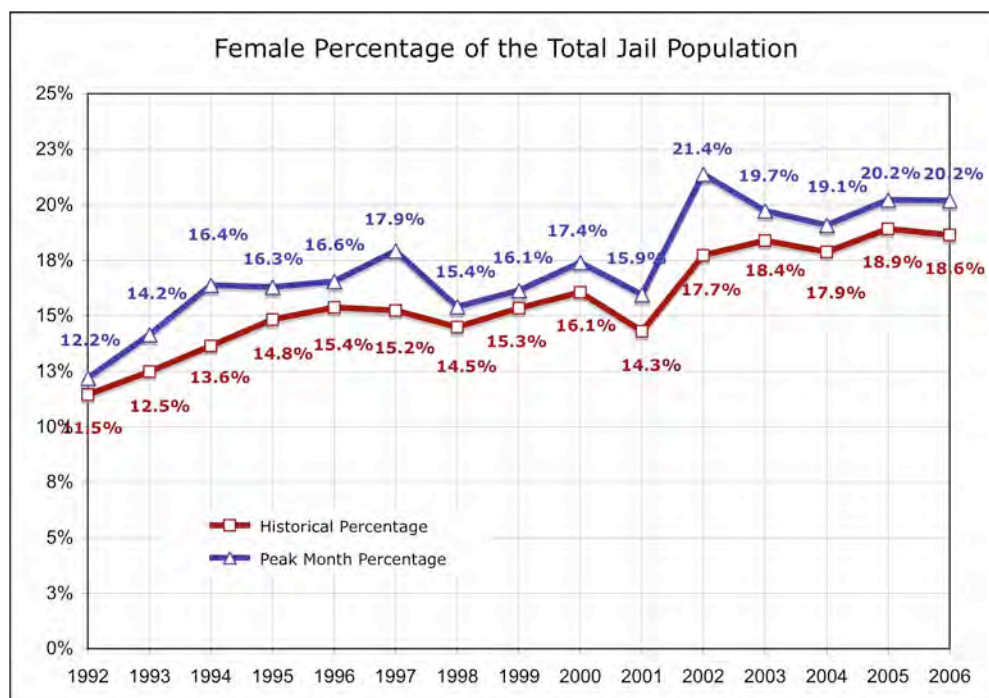
One of the interesting sub-elements of the recent jail population is probation violators. With changes in state policy resulting from some brutal, high profile offenses committed by offenders on probation, supervision and violation rules were substantially tightened and then later refined. These changes are reflected in recent Violation of Probation (VOP) population data received from the jail and illustrated in the chart below.



15. Female Inmates

The female population in Pinellas County is remarkably high. In 2005 the female percentage of population reached 18.9%. The female population represented 20.2% of the population in the peak month of 2005. Nationally, the female portion of the total jail population was only 12.7% in 2005. It was 12.9% in 2006.

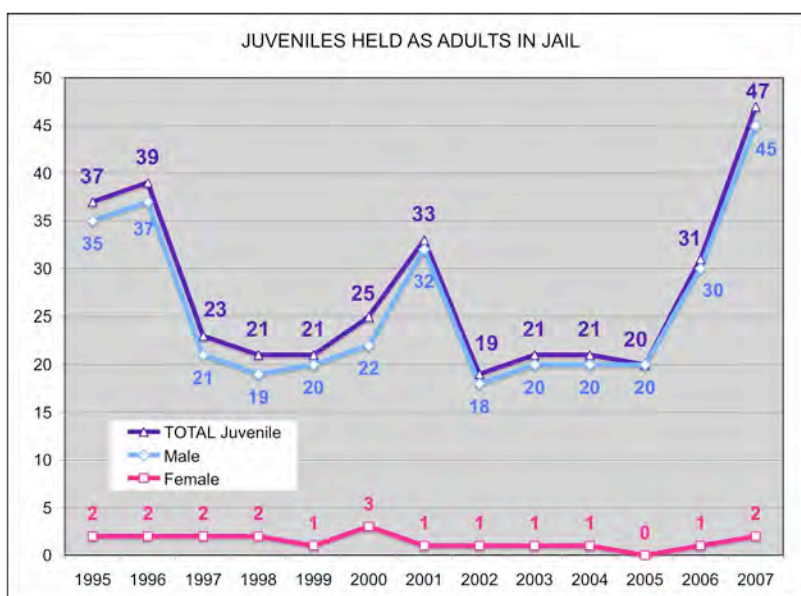
In 1995 when Pinellas County was at 14.8%, the national rate was 10.1%.



16. Juveniles In Jail

The Pinellas County Jail holds juveniles that are charged as adults. The number of juveniles is relatively small although it is on the rise, particularly in the last two years. Housing juveniles in an adult jail, even if they are to be tried as adults, poses special challenges to the jail. They must be housed separate from adults, must be provided with educational programming, and must be managed by more staff per inmate than adults.

Below is a chart that documents the average daily number of juveniles in the jail for each year from 1995 through 2007. Peaks are not identified. Male and juvenile female averages are also shown. Over the 12 year period females averaged only 5.3% of the total juvenile population. The female population is so small that one risks placing the females in a condition tantamount to isolation on many days.



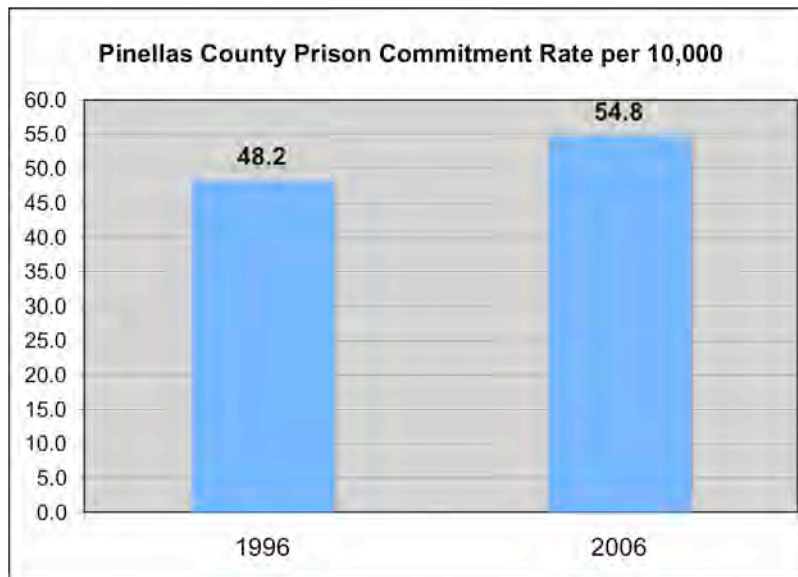
Not shown in the above chart is the number of juveniles that participated in the Boot Camp program that ended in July 2006. From 1995 through July 2006 there was a fairly steady count based on program availability. For the 11-1/2 year period for which the consultants have data it averaged 22.1 juveniles.

	Boot Camp ADP
1995	22
1996	23
1997	23
1998	26
1999	27
2000	23
2001	24
2002	23
2003	19
2004	19
2005	20
2006	16
2007	-
Average	22.1

Closed July 2006

17. State Prison Commitments

In 2006 Pinellas County committed 5,198 offenders to the state prison system for incarceration. This was 5.9% of total statewide commitments and 20.5% more than were committed to state prison a decade previously (4,312 in 1996). Even so, the 1996 totals were 6.7% of all commitments statewide. The lowered percentage in 2006 reflects the fact that other parts of the state were growing faster than Pinellas County and increasing their contributions to the state prison population commensurately.



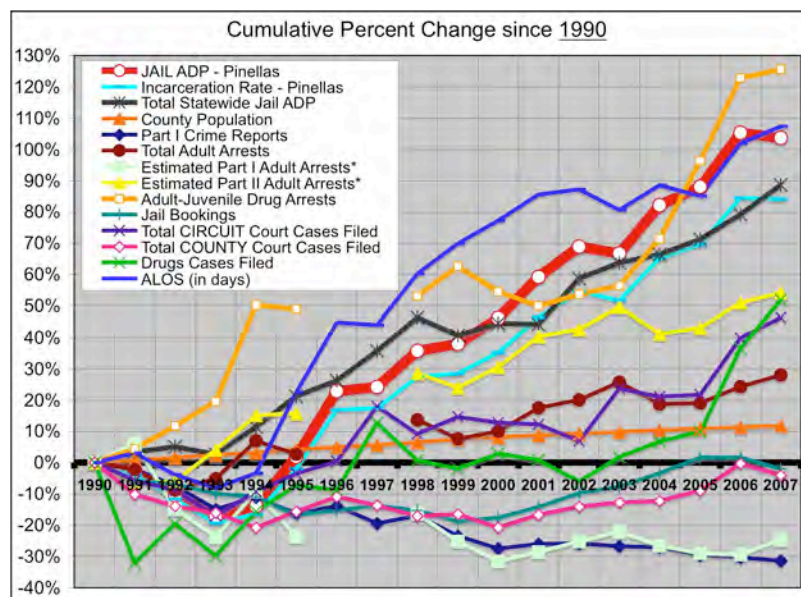
D. COMPARISON OF DIFFERENT PINELLAS COUNTY DATA SETS

1. Introduction

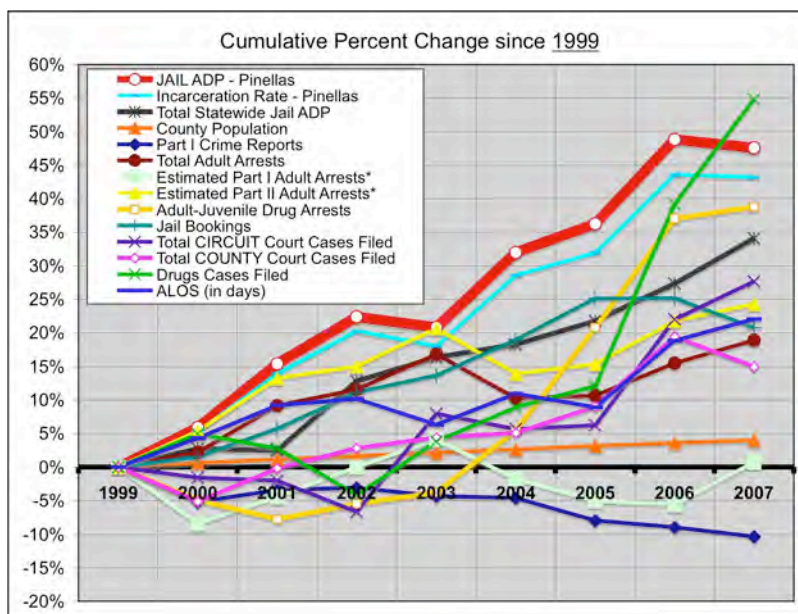
By comparing different sets of Pinellas County data against the average daily jail population (ADP), it is possible to find what factors most influence the jail population and which do not. In so doing, areas that are most promising with respect to population reduction might be discovered.

In the following sections a variety of comparisons will be made. In each chart presented the jail ADP will be represented by a thick red line with circle markers. All charts illustrate the cumulative percentage change in the selected data sets from a specific point in time, typically 1990 and/or 1999.

The chart below shows all the data sets considered in terms of their cumulative percentage change since 1990. In reading future charts please note that the line colors established for the different sets of data seen below remain the same from chart to chart.

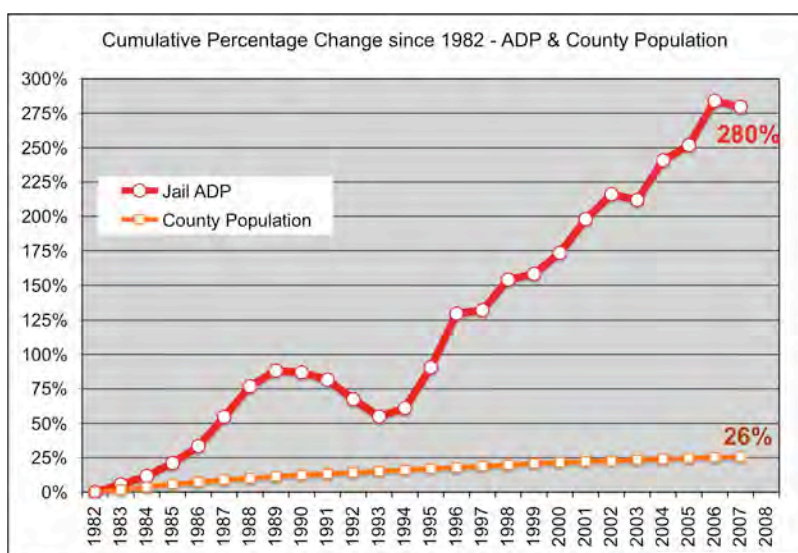


Additionally, the chart below shows the full set of data with the cumulative percentage change from 1999. That year was chosen to provide a more current perspective and because some data sets have gaps in data before 1999.

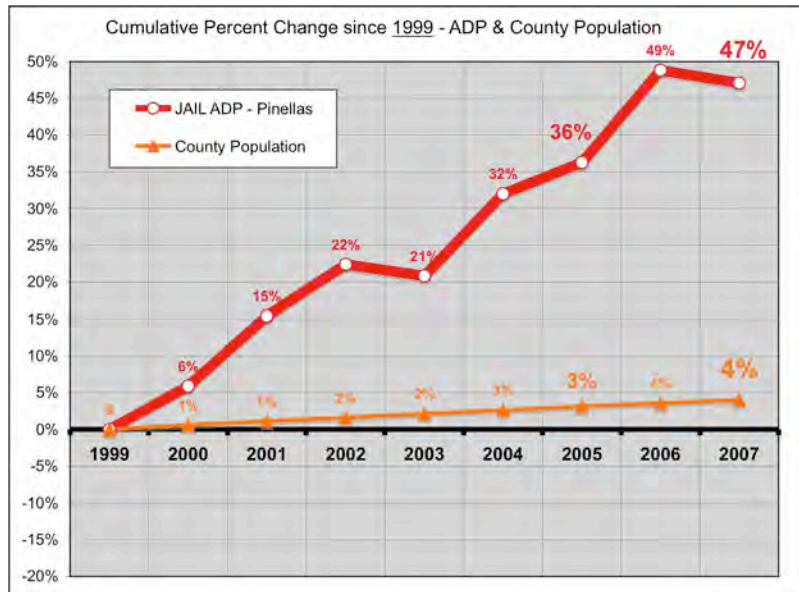


2. Jail Population and County Population

A comparison of great interest to many is that of county population growth rates and jail population growth rates. Generally speaking, most people believe that growth in the jail population should be about the same as that of county population, or even less, as media reported "crime rates" appear to be in decline. However, the jail population in Pinellas County has consistently grown far faster than the county population since 1982 with the exception of a brief period from 1989-1993. This is illustrated in the percentage change chart below which shows that the jail population has grown **far faster** than the county population (280% to 26%) over the last 25 years. Other than in census years, county population data used are estimates.



The chart below shows the county and jail population change rates since 1999. All county population information from 2001 forward are estimates from the Pinellas County Planning Department.



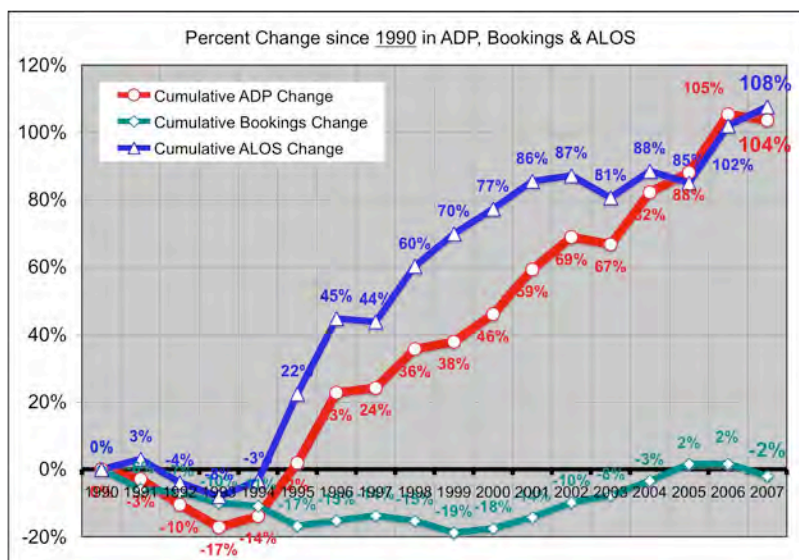
3. Bookings and ALOS: Basic Factors Behind the Jail Population

a. Data from 1990-2007

Jail populations are a product of the number of inmates received at the jail (Bookings), and their average length of stay (ALOS). Multiplied by each other, the two factors result in total detention days served. The average daily population (ADP) for the year is the total annual detention-days divided by 365 days (or 366 days in leap years).

$$\begin{aligned} \text{Annual Bookings} \times \text{ALOS} &= \text{Annual Detention Days} \\ \text{Annual Detention Days} \div \text{Days in the Year} &= \text{Annual ADP} \end{aligned}$$

The Pinellas County annual average jail population rose 104% between 1990 and 2007. Increases in ALOS appear to explain almost all of that increase as can be seen below in a chart documenting the cumulative percentage change in ADP, ALOS and annual total bookings from 1990 through 2007. Total annual bookings for 2007 are virtually the same as they were in 1990.



Below is a table that documents the annual data behind the preceding chart.

JAIL DATA SUMMARY

1990

ADP, Bookings, Average Length-of-Stay Since 1990

Pinellas County, FL

	System ADP*	Annual Change ADP	Cumulative ADP Change	Bookings	Annual Change Bookings	Cumulative Bookings Change	ALOS (in days)**	Annual Change ALOS	Cumulative ALOS Change
1990	1,764	0.0	0%	54,048	0.0	0%	11.9	0	0%
1991	1,713	-2.9%	-3%	50,904	-5.8%	-6%	12.3	3.1%	3%
1992	1,580	-7.8%	-10%	50,365	-1.1%	-7%	11.5	-6.8%	-4%
1993	1,461	-7.5%	-17%	48,687	-3.3%	-10%	11.0	-4.3%	-8%
1994	1,520	4.0%	-14%	48,176	-1.0%	-11%	11.5	5.1%	-3%
1995	1,798	18.3%	2%	44,981	-6.6%	-17%	14.6	26.7%	22%
1996	2,167	20.5%	23%	45,850	1.9%	-15%	17.3	18.2%	45%
1997	2,191	1.1%	24%	46,634	1.7%	-14%	17.1	-0.6%	44%
1998	2,395	9.3%	36%	45,803	-1.8%	-15%	19.1	11.3%	60%
1999	2,434	1.6%	38%	43,896	-4.2%	-19%	20.2	6.0%	70%
2000	2,578	5.9%	46%	44,566	1.5%	-18%	21.1	4.3%	77%
2001	2,809	9.0%	59%	46,395	4.1%	-14%	22.1	4.7%	86%
2002	2,979	6.1%	69%	48,771	5.1%	-10%	22.3	0.9%	87%
2003	2,941	-1.3%	67%	49,891	2.3%	-8%	21.5	-3.5%	81%
2004	3,213	9.2%	82%	52,226	4.7%	-3%	22.5	4.4%	88%
2005	3,317	3.2%	88%	54,931	5.2%	2%	22.0	-1.8%	85%
2006	3,622	9.2%	105%	54,959	0.1%	2%	24.1	9.1%	102%
2007	3,592	-0.8%	104%	53,004	-3.6%	-2%	24.7	2.8%	108%
average		5.9%			0.4%			5.6%	

* ADP = Average Daily Population

** ALOS = Average Length of Stay

Lengths-of-stay averages are a product of a very large number of people who stay for very short periods of time (less than 3 days) and a smaller, but very significant number of people who stay for extended periods, sometimes more than a year. Populations that have rising lengths-of-stay generally find that the former group diminishes in size, and that the latter group increases in size, with those in the middle also staying longer.

When considering the data, the consultants wanted to know if changes in the way bookings were recorded might explain the unusual data that suggests that ALOS, and ALOS alone, primarily influenced the rise in jail population since 1990. Therefore, the consultant asked several senior staff at the jail involved in both the intake process and data collection whether or not methods of recording had changed or, if not, what factors could account for the data. They essentially said that they knew of no changes in the way that bookings have been recorded. When the consultants asked if the sheriff's office once counted charges and not arrestees (which would inflate numbers) and then switched to just counting arrestees, staff indicated that they have never counted charges. Staff then went on to list the following factors as why they believe lengths-of-stay may have increased as much as they have and why the booking and ALOS data is correct.

- A third petty-theft with two prior convictions became a felony.
- All domestic related charges became "no bonds" at booking, and after advisory the judges in some cases did not move them off the no bond status.
- After one conviction on a battery, all subsequent battery charges became felonies.
- With regards to Violation of Probation (VOP), years ago a person would not have automatically been violated. With the Department of Corrections' (DOC's) recent "zero tolerance" policy and the addition of the "anti-murder" bill, people are automatically violated by law enforcement, probation officers, and jail personnel.
- The county is booking VOPs on people with new arrests. These people may have been released on bond only to be picked up again on a warrant for VOP. Now we are doing that during the initial incarceration. And, VOP requires "No Bond" status.
- We are booking people who must now stay in jail whereas in 1990 they may have been able to bond out. This includes legislation that required "No Bond" for Domestic Violence cases (mid-90's).
- Many DWLSR, Worthless Check, and DUI charges are now felonies whereas in the past they were misdemeanors (mid to late-90s). A third DUI becomes a felony in certain situations, the fourth DUI automatically becomes a felony. That means higher bonds which individuals may not be able to post.

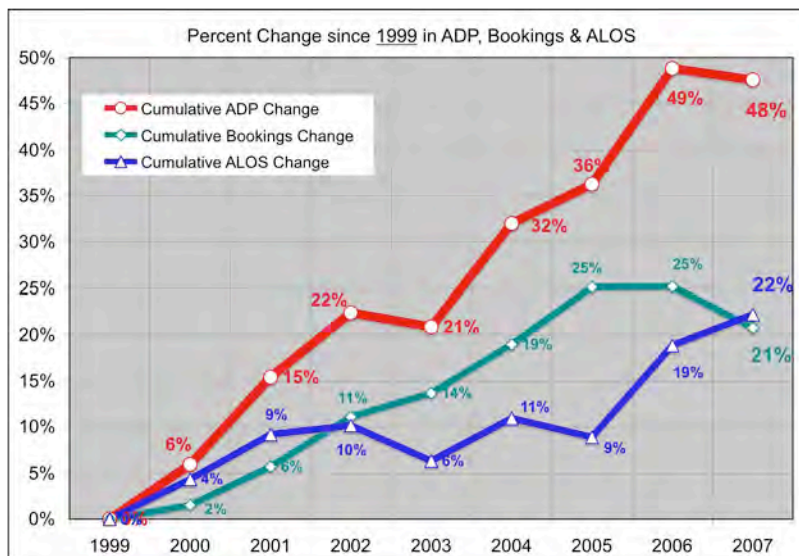
Additionally, it is possible that a wider use of citations in lieu of arrest and other diversionary measures have meant that a number of arrestees never made it to the jail for booking. Such arrestees normally stay for very short times and would therefore have reduced the average length-of-stay. Without such offenders the ALOS would rise.

What is occurring in Pinellas County is not without precedence. Indeed, in a North Carolina jurisdiction also being studied by the consultants the exact same phenomena is occurring. There the bookings were essentially the same in 1990 (43,570) as they were in 2007 (43,994). However, the average length-of-stay rose 177% from 8.0 days to 22.2 days over the same time frame, and with it the jail population rose as well.

b. Data from 1999-2007

When one examines the more recent past, 1999-2007, one finds that an increasing number of bookings actually contributes to roughly the same degree to the rise in jail population over the same time frame as does a still increasing average length of stay. Indeed, their

cumulative impacts as we reach 2007 are virtually equal. So while increasing lengths of stay are still a contributing factor to recent ADP increases, increased bookings are as well.



JAIL DATA SUMMARY

ADP, Bookings, Average Length-of-Stay Since 1999

Pinellas County, FL

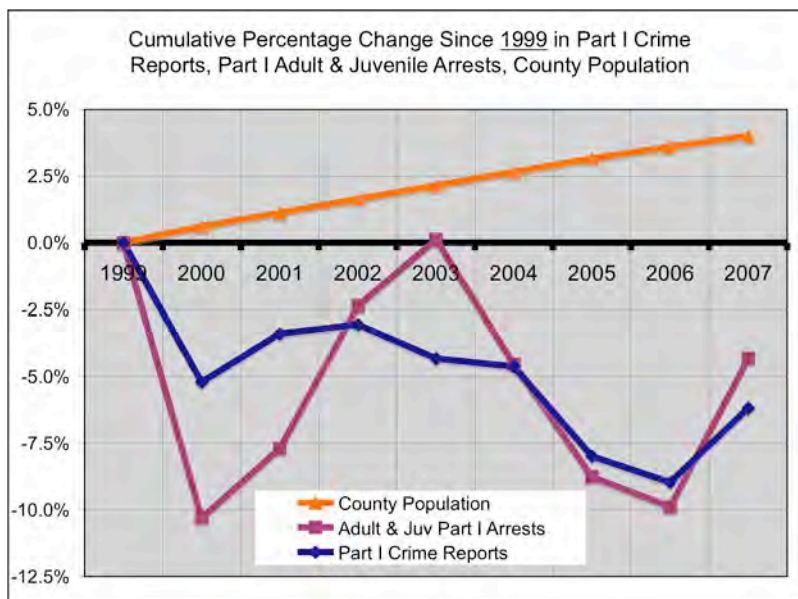
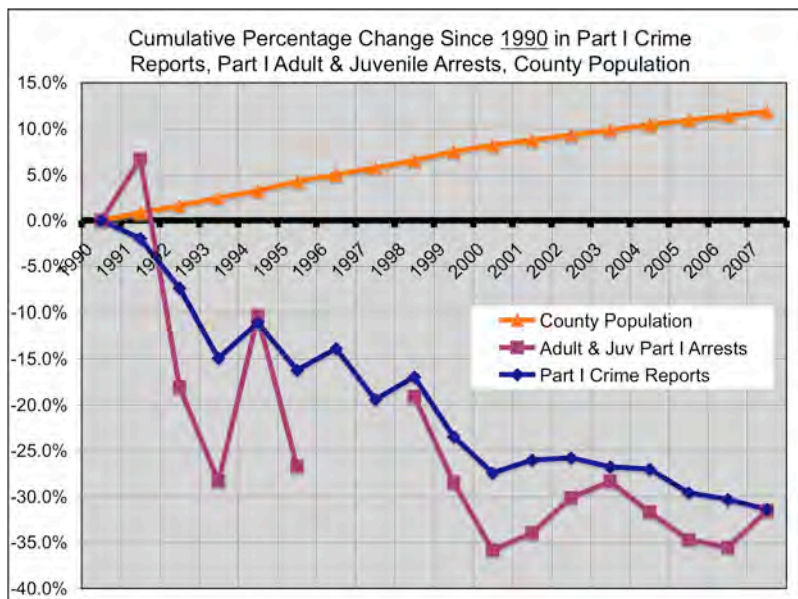
1999

	System ADP*	Annual Change ADP	Cumulative ADP Change	Bookings	Annual Change Bookings	Cumulative Bookings Change	ALOS (in days)	Annual Change ALOS	Cumulative ALOS Change
1999	2,434	-	0%	43,896	-	0%	20.2	-	0%
2000	2,578	5.9%	6%	44,566	1.5%	2%	21.1	4.3%	4%
2001	2,809	9.0%	15%	46,395	4.1%	6%	22.1	4.7%	9%
2002	2,979	6.1%	22%	48,771	5.1%	11%	22.3	0.9%	10%
2003	2,941	-1.3%	21%	49,891	2.3%	14%	21.5	-3.5%	6%
2004	3,213	9.2%	32%	52,226	4.7%	19%	22.5	4.4%	11%
2005	3,317	3.2%	36%	54,931	5.2%	25%	22.0	-1.8%	9%
2006	3,622	9.2%	49%	54,959	0.1%	25%	24.1	9.1%	19%
2007	3,592	-0.8%	48%	53,004	-3.6%	21%	24.7	2.8%	22%
average		5.1%			2.4%			2.6%	

4. Part I Crime Reports, Part I Arrests and County Population

Part I Crime Reports and adult and juvenile Part I arrests are compared against county population in the charts below. The first chart represents cumulative percentage change since 1990, and the second since 1999.

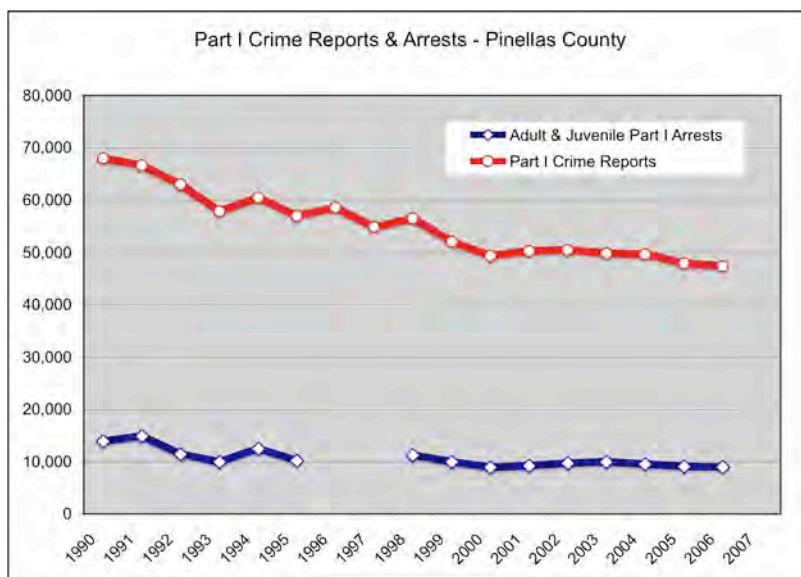
The 1990 chart shows that both Part I crime reports and Part I arrests have fallen while the county population has risen. The 1999 chart documents the same result for that time period.



5. Part I Crime Reports and Resulting Part I Arrests

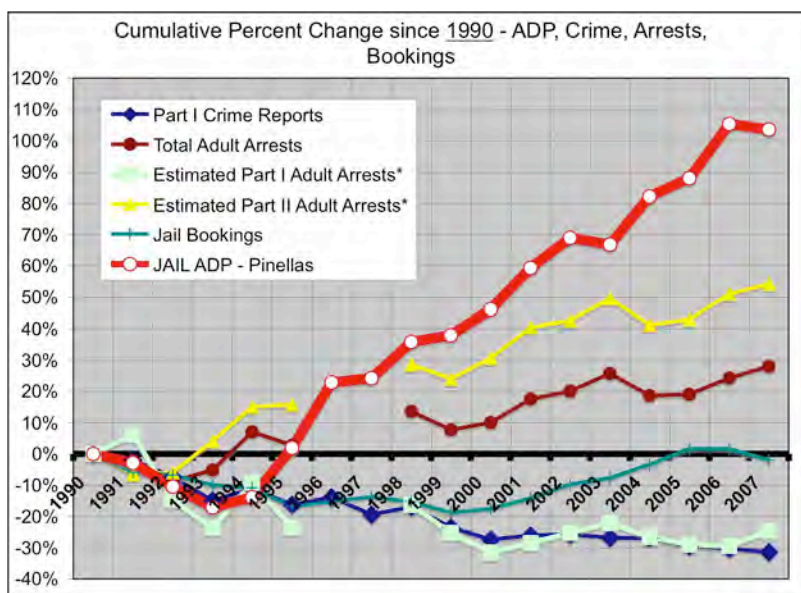
Data for Pinellas County shows that the number of Part I arrests consistently equal about one-fifth of Part I (Index) crimes reported. This relatively low number of arrests should be reviewed knowing that some arrests resolve multiple crimes.

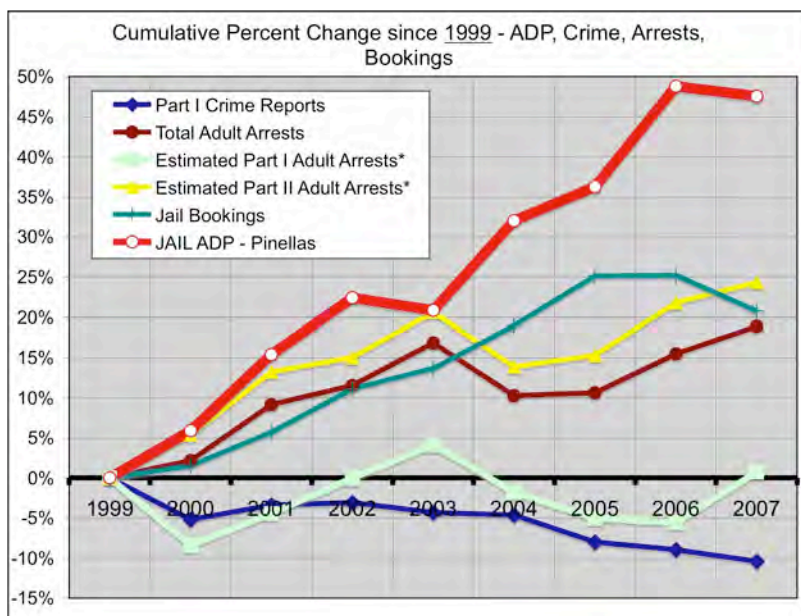
Nonetheless, the following chart documents the percentage that arrests represent of total crimes reported. Please note that complete data from 1996 and 1997 was unavailable.



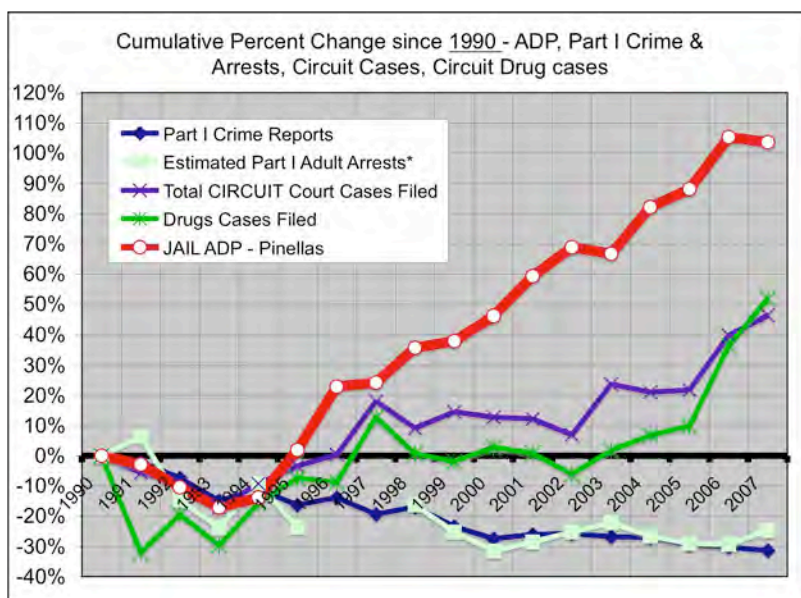
6. Jail Population, Reported Part I Crime, Adult Arrests and Bookings

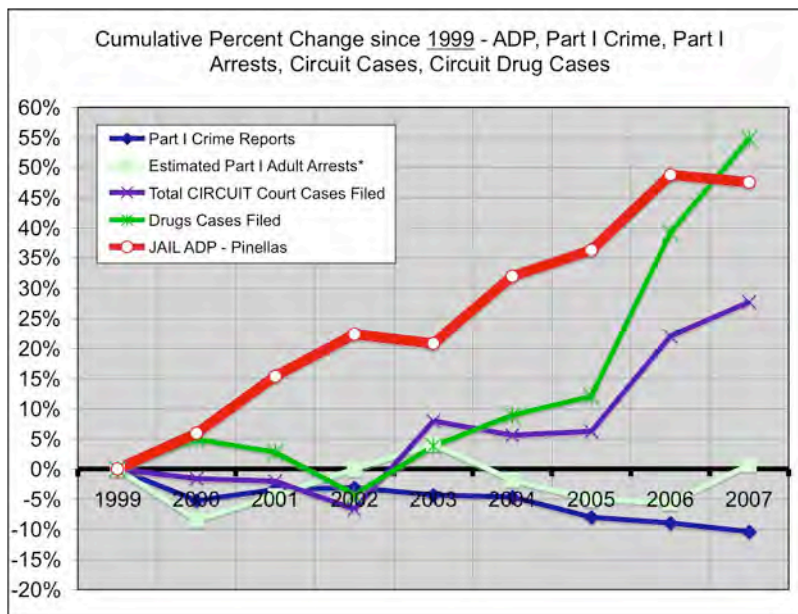
The charts below show the percentage change relationship of the jail population compared to Part I Crime Reports, Part I adult and juvenile arrests, estimated adult Part I arrests and estimated Part II adult arrests. The latter two are estimates in that they are prorated totals created by multiplying the ratio of total juvenile to adult arrests, which are known, against total Part I and Part II arrests.





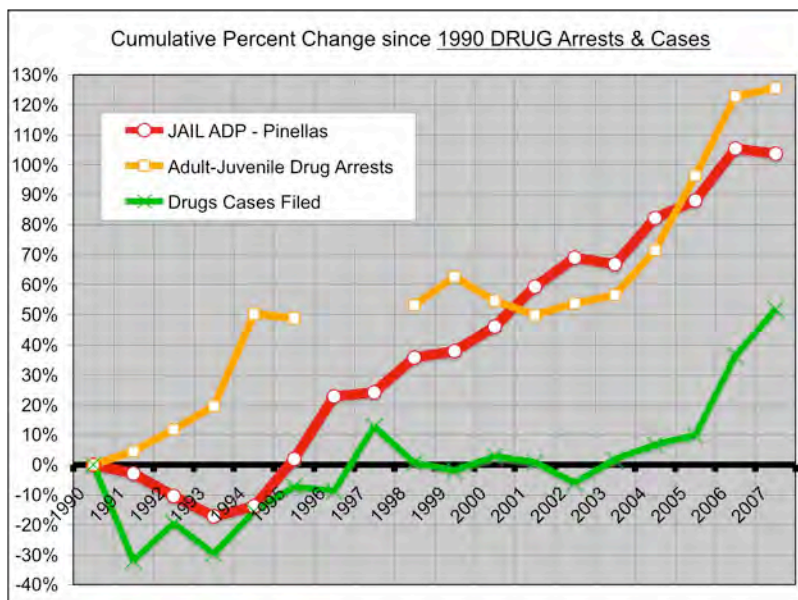
The relationship of Part I crime reports, Part I arrests, drug cases, and Circuit Court case filings to jail population is reviewed below. From the charts which follow it would appear that Circuit Court case filings and drug case filings track more closely with jail population than Part I crime reports and arrests. The percentage change chart from 1999 to the present is more striking in this regard than the 1990 percentage change chart. Again, this suggests the strong influence of drug cases and circuit court criminal felony cases as a whole.



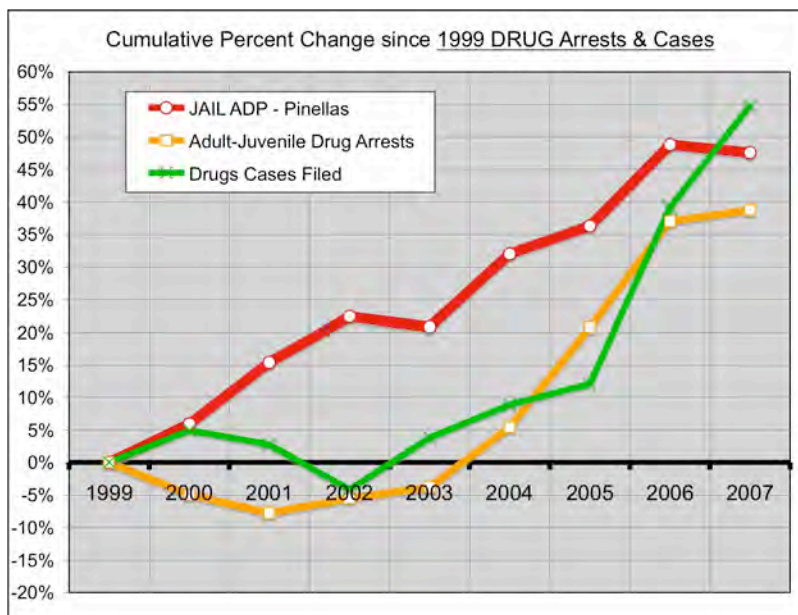


7. Drug Arrests and Case Filings

Given the preceding data it is useful to focus more tightly on the Drug data. Below is a chart that shows the percentage change since 1990 in adult and juvenile drug arrests and adult drug case filings in Circuit Court. Unfortunately, it is not possible to separate adult arrests from juvenile arrests the way the state posts the data. The chart also includes the jail ADP.



Below is the same percentage change chart showing the rates of cumulative rates of change since 1999.



8. The Most Influential Factors on the Jail Population

After reviewing each of the data sets it appears that there are several sets that have the greatest impact on the jail population. All are sets that have undergone significant rates of growth. Even though the various rates of growth do not necessarily match that of the jail population, the growth recorded in each set probably contributes part of the story of jail population increase.

In terms of data sets revealing the highest rate of growth since 1990, here are the rates of percentage increase through 2007 in order (2007 is used because information for all data sets is available up to that date):

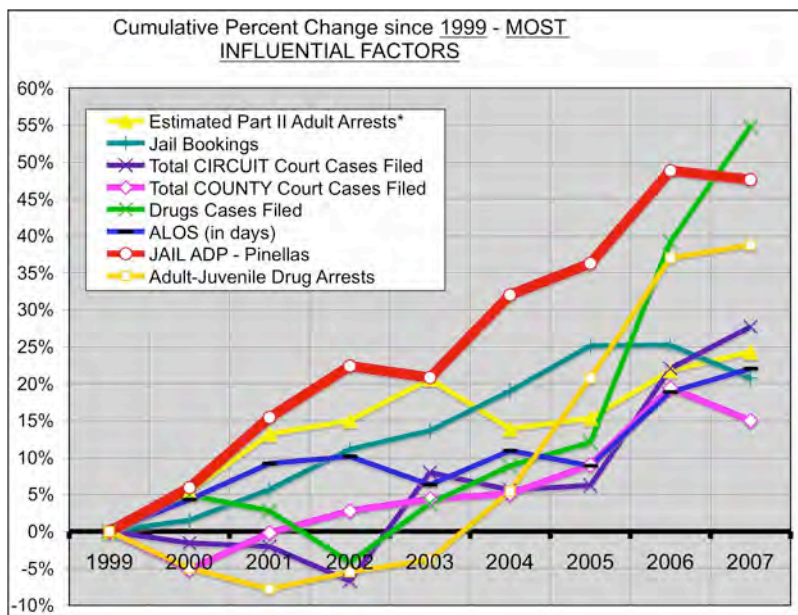
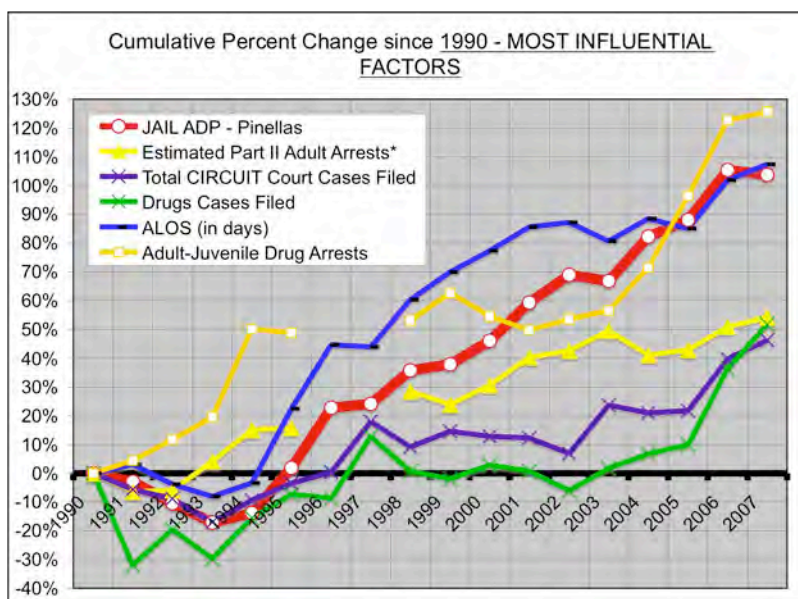
Adult and Juvenile Drug Arrests +126%
Average Length of Stay +107%
Jail Population +104%
Estimated Part II Adult Arrests +54%
Circuit Court Drug cases filed +52%
Total Circuit Court criminal cases filed +46%

In terms of data sets reviewed for their cumulative percentage increase since 1999, here is the data through 2007 in order:

Pretrial Felons Population + 67%
Circuit Court Drug cases filed + 55%
Jail Population + 48%
Adult and Juvenile Drug Arrests +39%

Circuit Court criminal cases filed + 28%
 Estimated Part II Adult Arrests + 24%
 Average Length of Stay + 22%
 Jail Bookings + 21%
 County Court criminal cases filed + 15%

The charts which appear below document the cumulative rates of change since 1990 and 1999 of the factors that by comparison have grown significantly in past years and thus contribute most to the rise in jail population.



E. ANALYSIS: COMPARISON TO OTHER JURISDICTIONS

1. Jurisdictions Used in the Comparison

It is often interesting and useful to evaluate a county's statistics in light of state averages and statistics generated by other counties to see what they reveal. Generally the counties used for comparison are those that are in the same geographic area, what is commonly referred to as "neighboring" counties, and/or are of the same size and make-up, what is commonly referred to as "peer" counties. Comparisons are limited to counties of the same state since they operate under the same laws and state policies at the same time, thus making for better "apple-to-apple" comparisons.

The consultants have analyzed comparative data for such things as arrests, case filings, and incarceration rates, all of which follow below. Rates are calculated on a per capita basis of 10,000 county population.

The following is a list of the Florida counties against which Pinellas County was compared.

Peer Counties:

Hillsborough County (Tampa)
Miami-Dade County (Miami)
Orange County (Orlando)
Broward County (Ft. Lauderdale)
Palm Beach County (W. Palm Beach)

Neighboring Counties:

Manatee County
Pasco County (also in 6th Circuit with Pinellas)
Sarasota County

Manatee, Pasco and Sarasota Counties were selected because they are Pinellas County's immediate neighbors, thus sharing geographic characteristics. Hillsborough, Miami-Dade, Orange, Broward and Palm Beach Counties were used because they are widely considered by local officials to be Pinellas County's peer counties based on population size and other general factors.

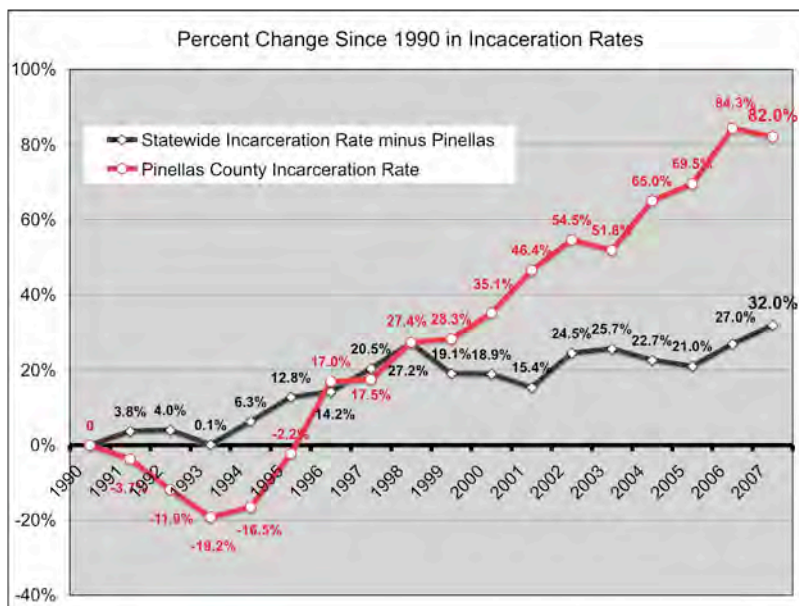
In addition to the counties, Pinellas County data was also compared to statewide averages.

*Please note that in many of the comparative bar and line charts presented Pinellas County is always shown in **red**. In the bar charts, Pinellas County is the first bar on the left. State averages are shown next in **medium grey**. The peer counties are shown using **blue** and **purple** colors and the neighboring counties are shown in **green** colors.*

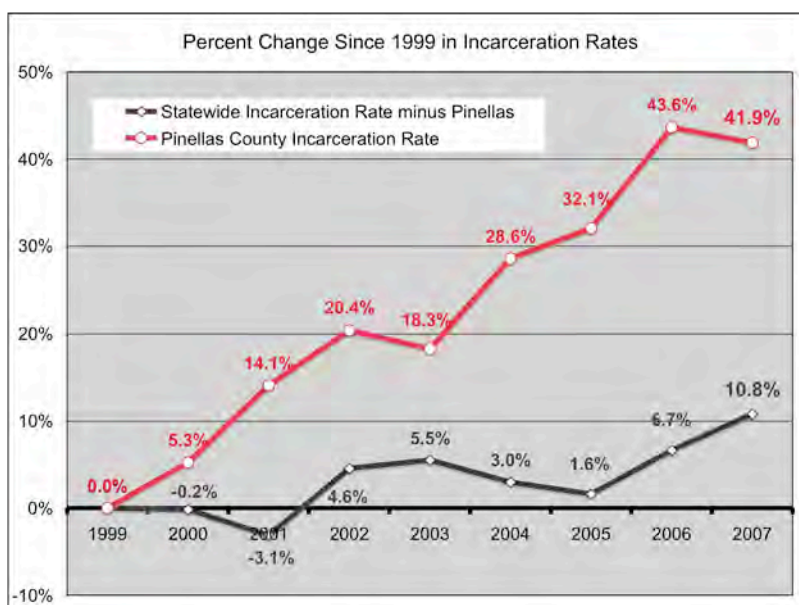
2. Pinellas and State Incarceration Rate Comparison

By comparing the growth in the Pinellas County jail incarceration rate per 10,000 people to statewide average incarceration rates (with Pinellas data removed) one finds that the Pinellas County rates have grown much faster than the statewide average. Since 1990, the Pinellas County incarceration rate has grown 82.0% whereas the statewide incarceration

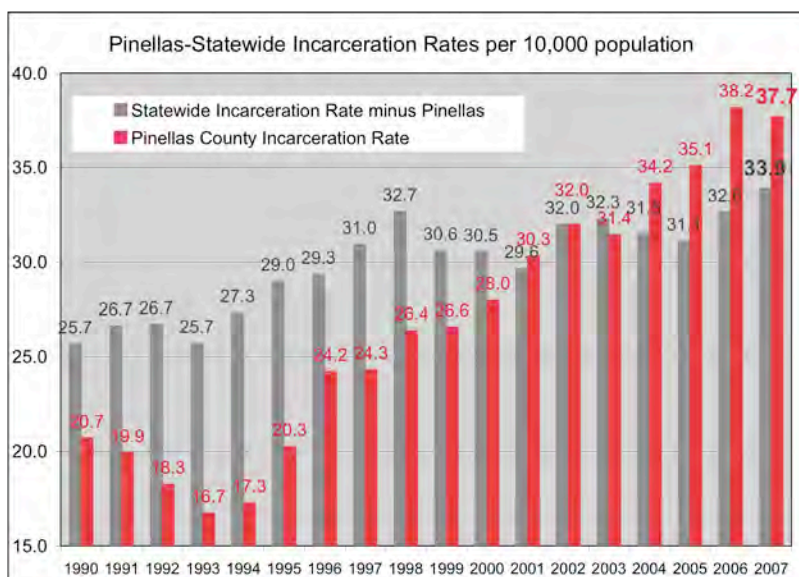
rate has grown only 32.0%, as shown in the chart below. Also, note that there is a marked departure point in the data starting in 1999.



When viewed from 1999, the disparity in growth rates is more striking. The Pinellas County incarceration rate per 10,000 has risen 41.9% since then whereas the statewide average has only grown 10.8%. See below.

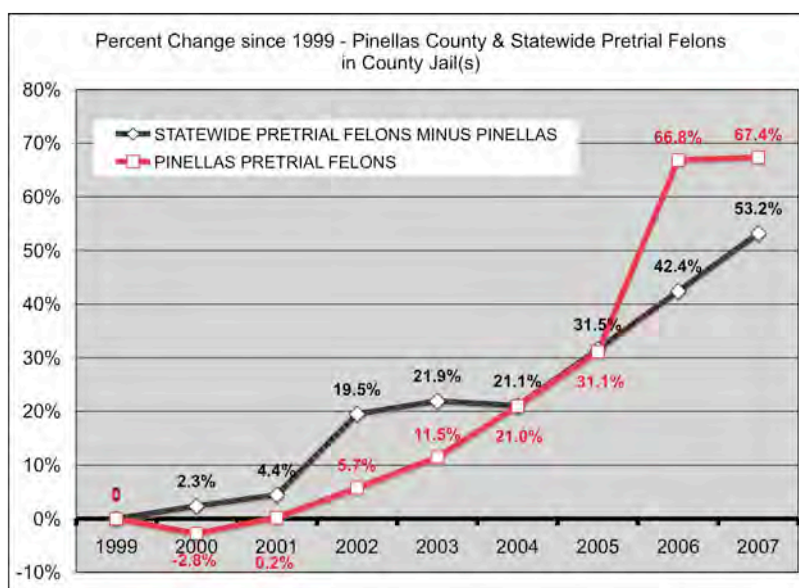


Documentation of the respective Pinellas County and statewide incarceration rates appears in the chart that follows. The reader will notice that in the early 1990's Pinellas County had an incarceration rate well below that of the statewide average. By 2002 they matched. From 2004 through 2007 the Pinellas rate was well ahead of the statewide average rate.



3. Comparison of Pretrial Felons

Pretrial Felons have risen both statewide and in Pinellas County at a significant rate since 1999. Pretrial Felons surged in a major way from 2005 to 2006 in Pinellas County and then evened out in 2007.

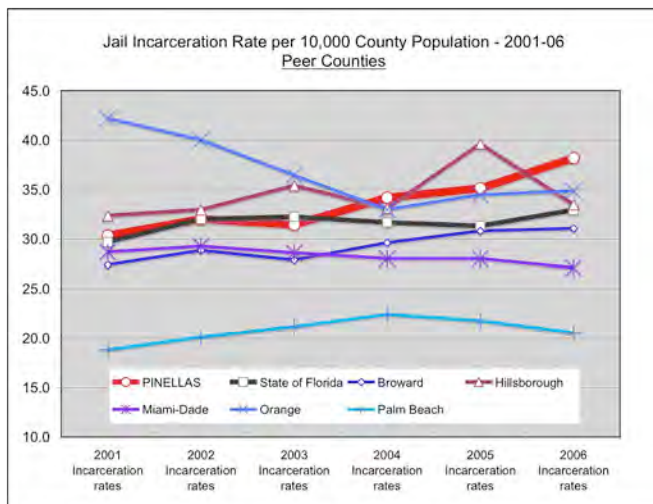


4. County Incarceration Rate Comparison

Whereas, the preceding section compared Pinellas County, a large urban county, to statewide averages that include small rural counties, the next comparison is to Pinellas County's peer counties and thus is probably more relevant. The format of the comparison is to compare "incarceration rates." Incarceration rates are derived from pairing jail population and county population in a way that an equivalent rate per capita is created.

Since 2001 the Pinellas County Jail incarceration rate per 10,000 population has risen from a middle-of-the-pack figure almost exactly at the state average (around 30/10,000) to the highest of the peer counties and well above the state average in 2006.

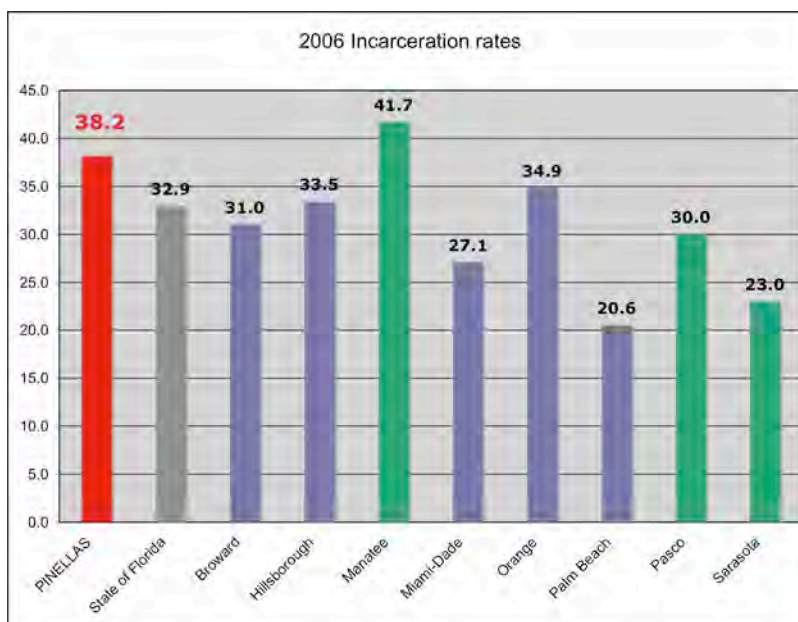
The chart below documents the comparative incarceration rates of Pinellas and its peer counties.



Among neighboring counties, Pinellas County has consistently had one of the higher incarceration rates though its rate is exceeded by that found in Manatee County.

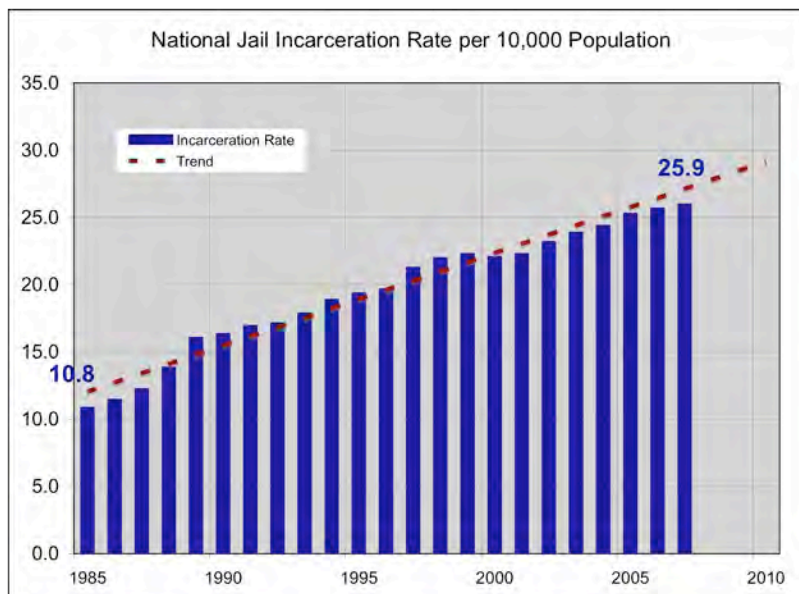


A closer look at 2006 incarceration rates reaffirms that only Manatee County's rate exceeds that of Pinellas County. Peer counties are distinguished by blue bars and neighboring counties by green bars in the chart below.



Rising incarceration rates are not just a Pinellas County or even a Florida phenomena. It is a national phenomena. Incarceration rates for county jails across the United States have steadily increased over the last three decades. This steady increase has created problems for hundreds of county jails across the United States. Thus, Pinellas County is not at all unique in experiencing dramatic growth in its jail population and its rates of incarceration. In the mid-1970's the national average incarceration rate for counties across the nation was roughly 5.0 inmates per 10,000 population. The latest data for mid-year 2007 provided by the U.S. Department of Justice, Bureau of Justice Statistics shows that that the incarceration rate has increased five-fold to 25.9 inmates per 10,000 county population. Even so, it is worth noting that the national rate is well below the Pinellas County rate of 38.6.

The growth of national incarceration rates since the mid-1980's to 2007 is documented on the chart below. Thus it is clear that jail populations across the U.S. have risen spectacularly even in the absence of county growth.

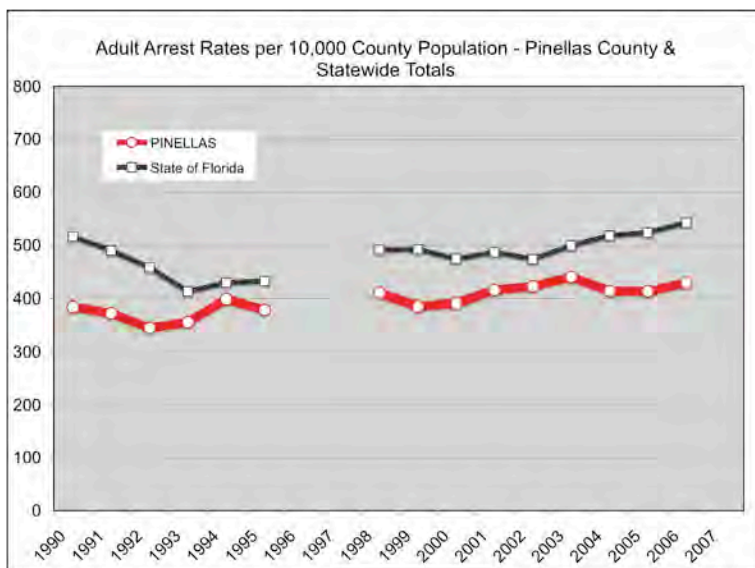


Nationally, incarceration rates have increased in spite of parallel efforts over the past couple of decades to significantly increase the alternatives to incarcerations available within county systems everywhere. Compared to the 1970's, the number, extent and variety of alternatives is far greater. Yet, jail incarceration rates and jail populations have continued to rise. There have been many reasons for this rise but among those most commonly cited are the following:

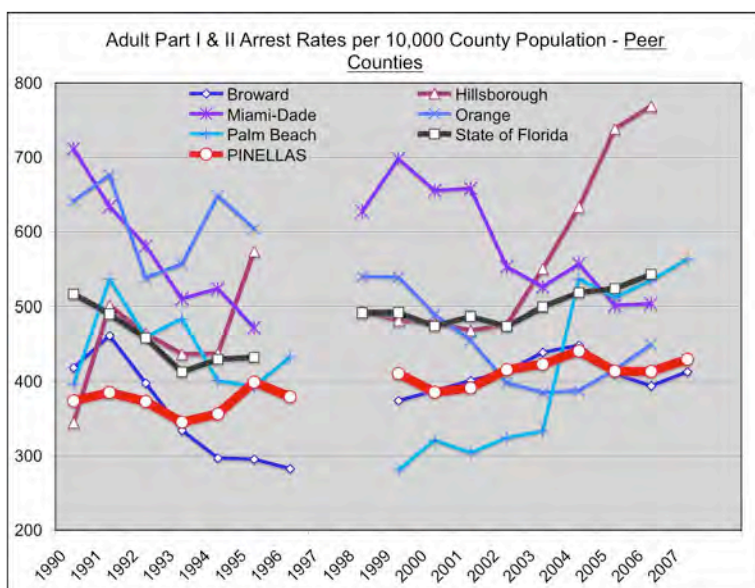
- a. Increased crime.
- b. Increased drug crime and drug use which motivates other crimes.
- c. Criminalization of offenses not previously criminal.
- d. Mandatory sentenced.
- e. Elevating misdemeanor offenses to felon status.
- f. Societal and demographic factors.
- g. Better training for law enforcement and criminal justice personnel.
- h. Better data resources with which to establish criminal history and access outstanding warrants, thus leading to more arrests.
- i. Focus on special issues such as drunk driving, child abuse and domestic violence.
- j. Tougher penalties such as three strikes laws, lengthier DWI sentences.
- k. Overwhelmed prosecution, probation and judicial staff leading to slower case processing.
- l. More elaborate criminal procedures and evidentiary requirements which lengthen case processing and thus jail length of stay.
- m. Increasing serious crime by females.
- n. Overcrowded state prisons that create backlogs in county jails and alternative sentences such as jail as a condition of felony probation instead of state prison.

5. Arrest Rates Comparison

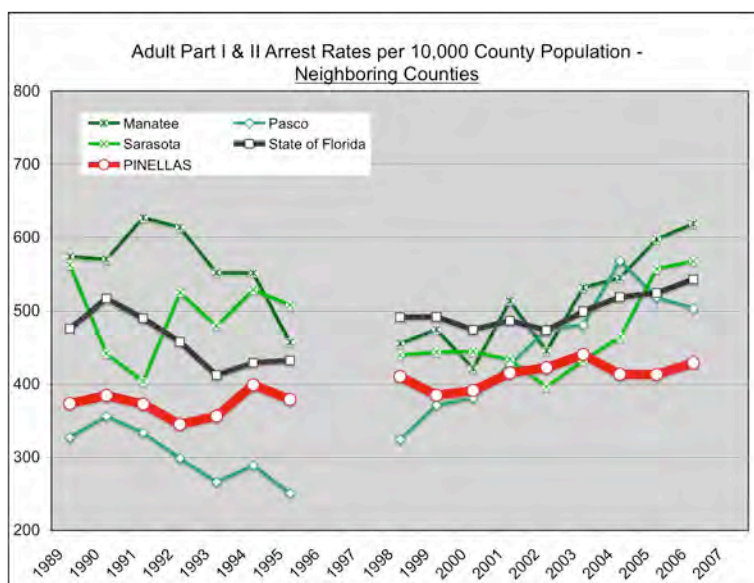
The total Pinellas County adult arrest rate, at 429 arrestees per 10,000 in 2006, is 21% less than the statewide average of 543 per 10,000. Indeed, the Pinellas County adult arrest rate, which includes both Part I and II arrestees, fell below the state average rate for every year since 1990. See the chart below.



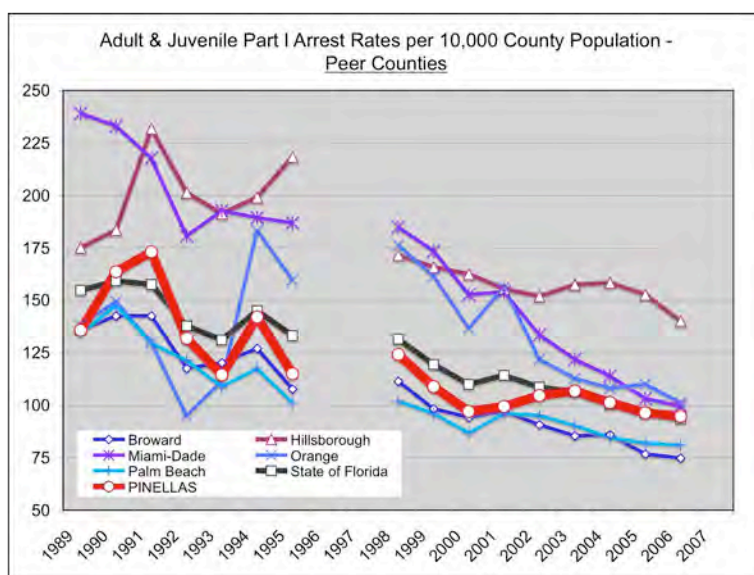
Among its peer counties Pinellas County has had a consistently, and in some years, substantially, lower per capita adult arrest rate as is shown on the chart below. For reasons not known to the authors the Hillsborough County arrest rate, which is typically higher than that of Pinellas County, has markedly increased over the last three years.



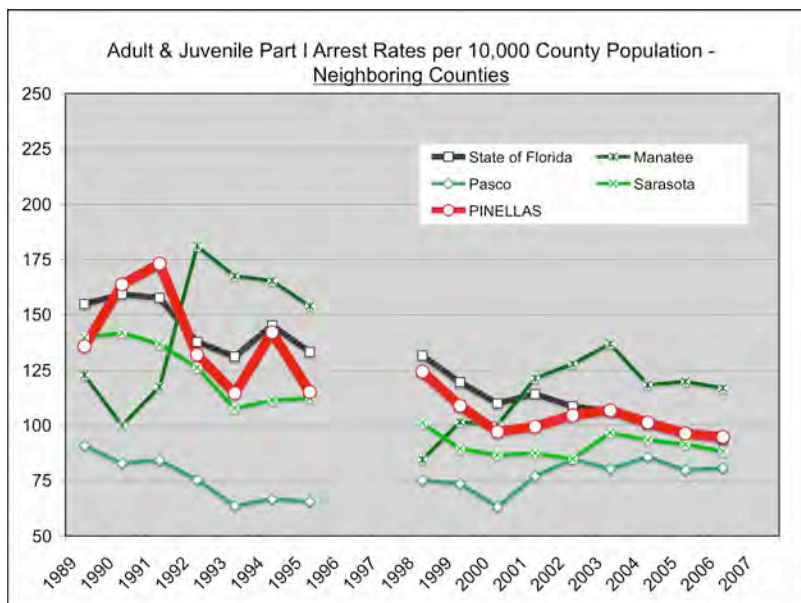
All of the neighboring counties have had higher adult arrest rates than Pinellas County since 2004. Pinellas County typically has one of the lowest rates with Pasco County being the only one lower from 1990 to 2000. Only Manatee County has dipped below the Pinellas rate since 2000, that occurring in 2002. See the chart below.



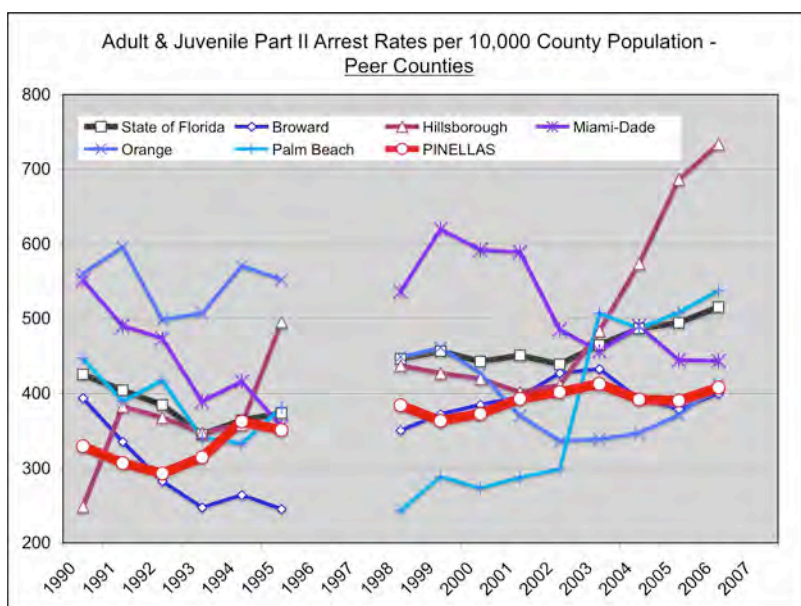
Pinellas County's rate of Part I adult and juvenile arrests per 10,000 tends to be toward the lower end among the peer comparison group though in recent years the others have fallen significantly enough to put Pinellas in the middle-of-the-pack. The following chart illustrates the comparison of Part I arrest rates for adults and juveniles among peer counties.



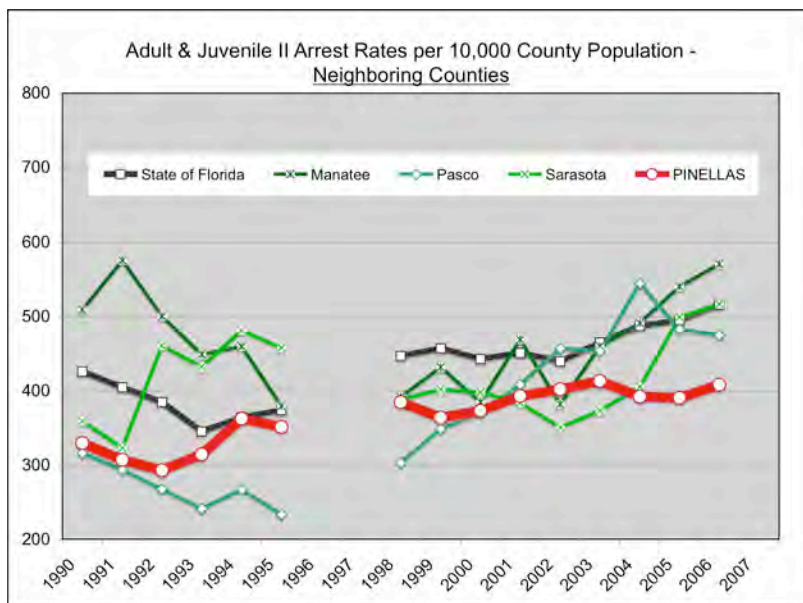
At present, Pinellas County Part I arrests are about average among the neighboring counties. In earlier years (1990-1995) Pinellas County tended to have a higher rate but there was a lot of volatility in the year-to-year data. See the chart below.



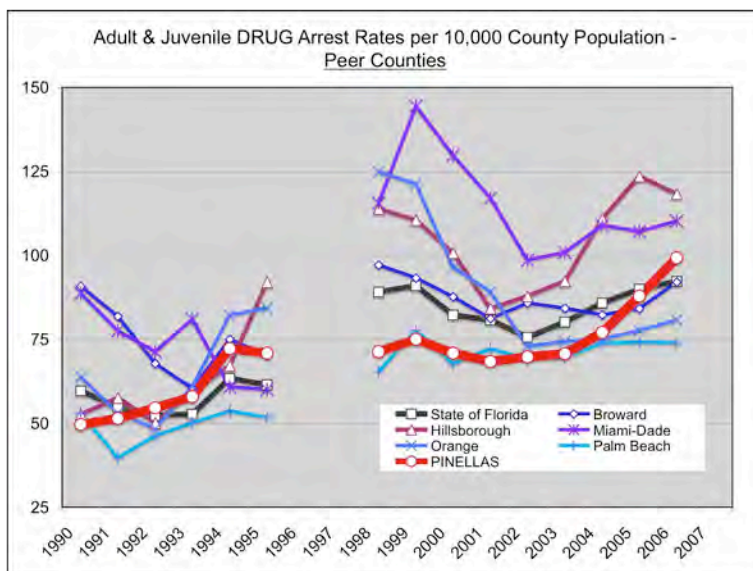
The Part II Adult and Juvenile arrest rate in Pinellas County compares favorably with the rates of its peer counties and statewide averages. It has been consistently among the lowest rates and was only 79% of the state rate in 2006. In 2006 Pinellas County nearly had the lowest rate among its peers. See the chart below.



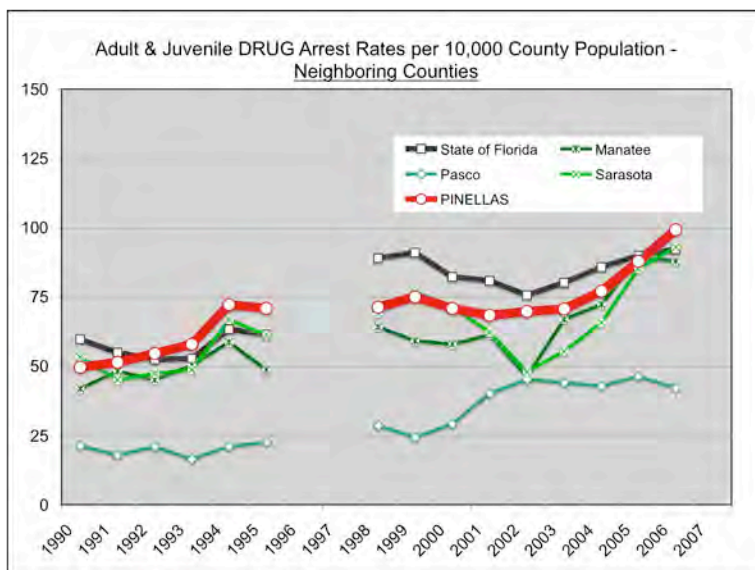
Pinellas County is either on the low end or is the lowest of the Part II arrest rates among its neighboring counties. In 2005 and 2006 it was by far the lowest as the following chart demonstrates.



Since drug crime and drug arrests have been an increasingly critical phenomena in counties across the United States the consultants focused on that element of the Part II arrests category. Here again, one finds that Pinellas County per capita arrest rates are relatively low compared to peer counties until just the last three years when arrests surged to slightly above average. Beginning in 1999, Pinellas rates have been consistently below state averages until just the last two years. See the chart below.



Drug arrest rates in the neighboring counties have generally been lower than rates in Pinellas County until just the last two years. Drug arrest rates in Manatee and Sarasota Counties have surged even faster than rates in Pinellas and, as of 2006, nearly equal Pinellas County rates. Only Pasco County has consistently recorded a far lower rate than Pinellas, averaging less than half of the Pinellas rate since 1990 (44%).



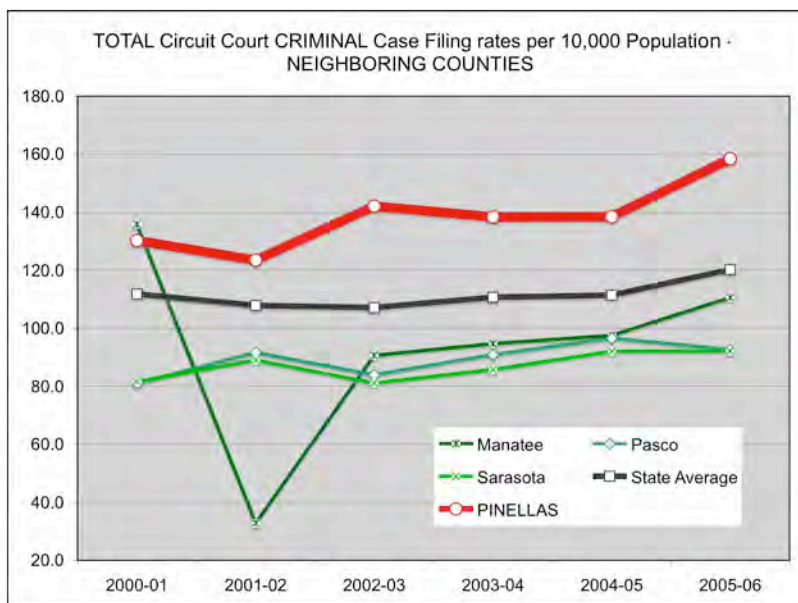
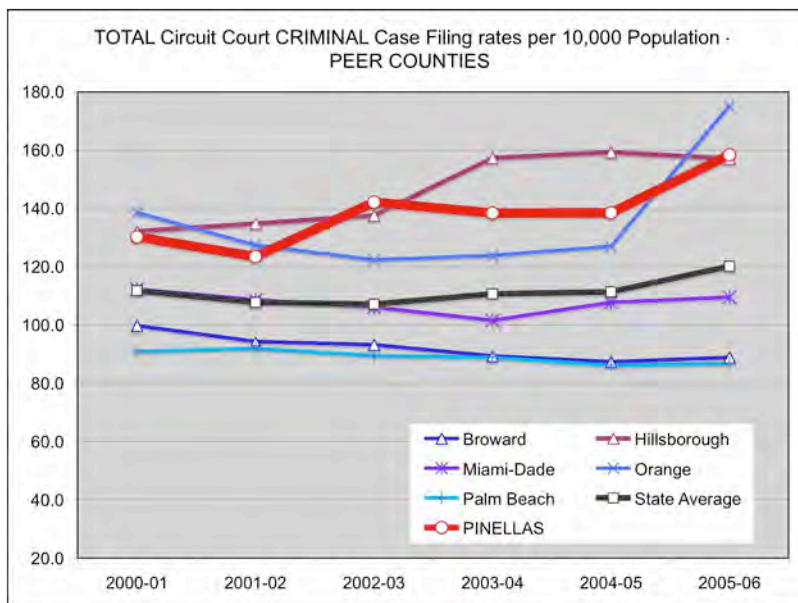
Summarizing the findings, it appears that arrest rates across the board are generally below average to average in Pinellas County. This is essentially good news to the extent that it reflects well on Pinellas County as a less crime ridden community than the average peer or neighbor county, and the state. All things being equal, one would assume from this data that the jail incarceration rate for Pinellas County would be lower than state and peer county rates, not average or above average as appears to be the case.

6. Circuit Court Criminal Case Filings Comparison

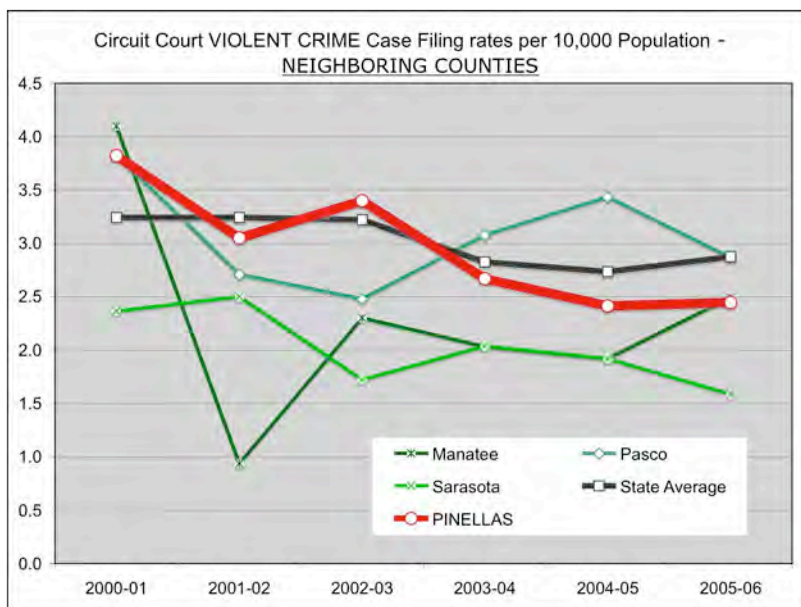
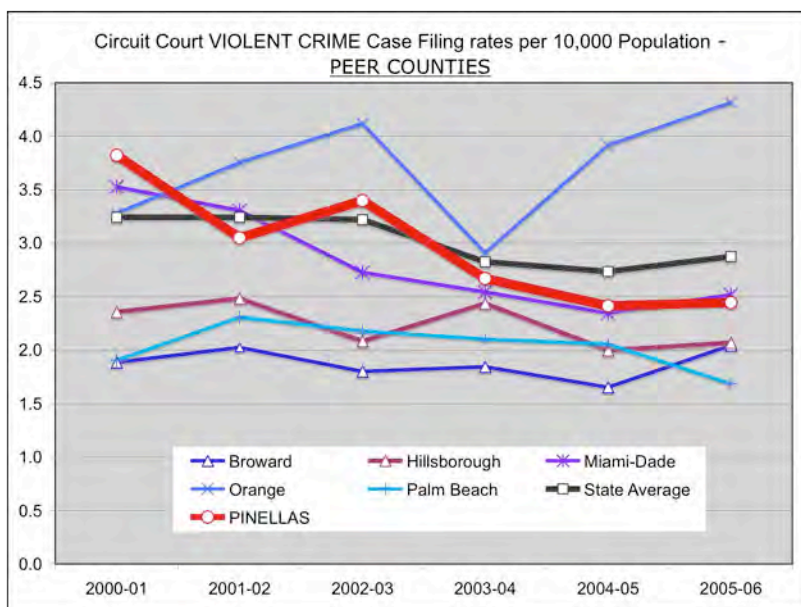
As noted earlier criminal case filings against defendants are an outgrowth of arrests made. Therefore, it is interesting to see how the rate of arrests witnessed in Pinellas County translates into comparative case filing rates against defendants. Case filing data used in the comparative analysis is from FY 2000-01 to 2005-06, which at the time of the study was the most recent data available from state court websites for all counties.

Circuit Court criminal case filings would relate to the category of Part I arrests in their entirety and some of the Part II arrests including the most serious drug crimes.

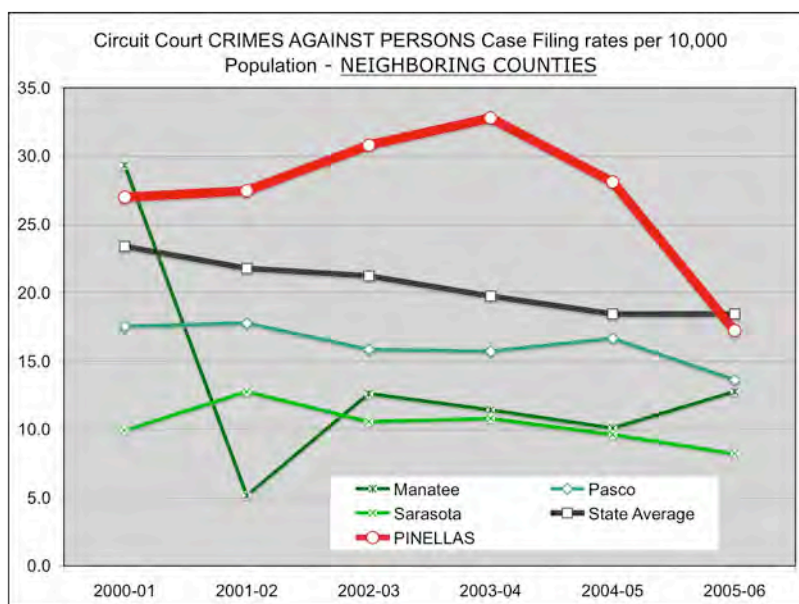
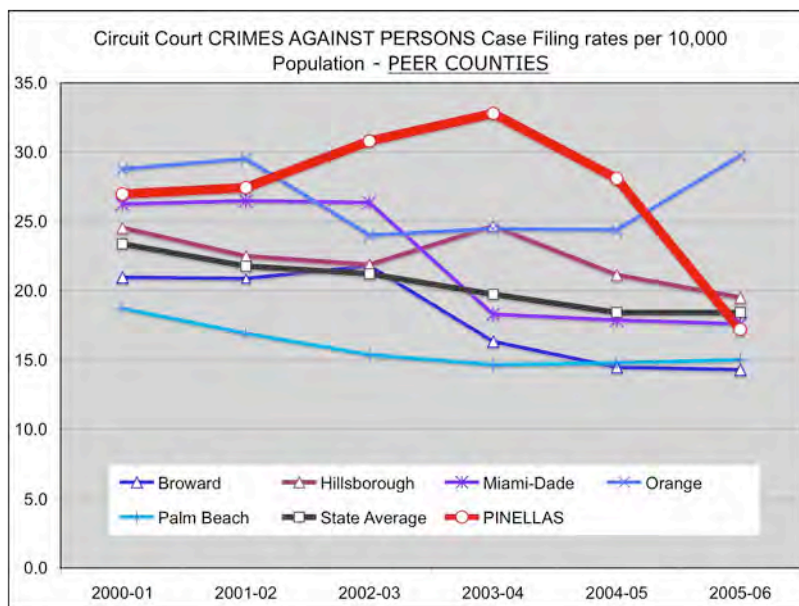
Total felony filings in Circuit Court per 10,000 in Pinellas County are quite high whereas Part I arrests and drug arrest rates are relatively low. Specifically, at 158 felony case filings per 10,000, Pinellas County's rate exceeds the state average of 120 filings per 10,000 by 32%. Pinellas County's rate of filings per 10,000 in 2005-06 exceeds that of all of the peer and neighboring counties though Hillsborough's rate is virtually identical and Orange County exceeds it. All other counties are well below Pinellas and the state average.



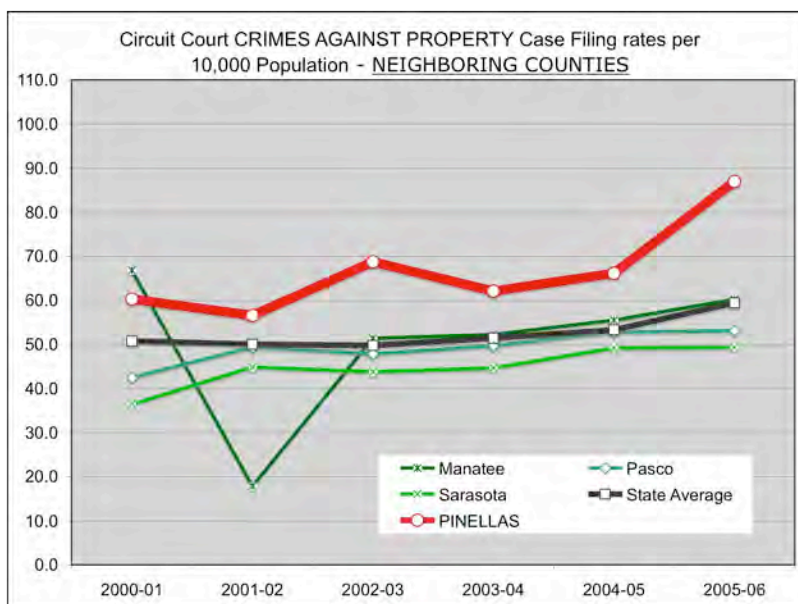
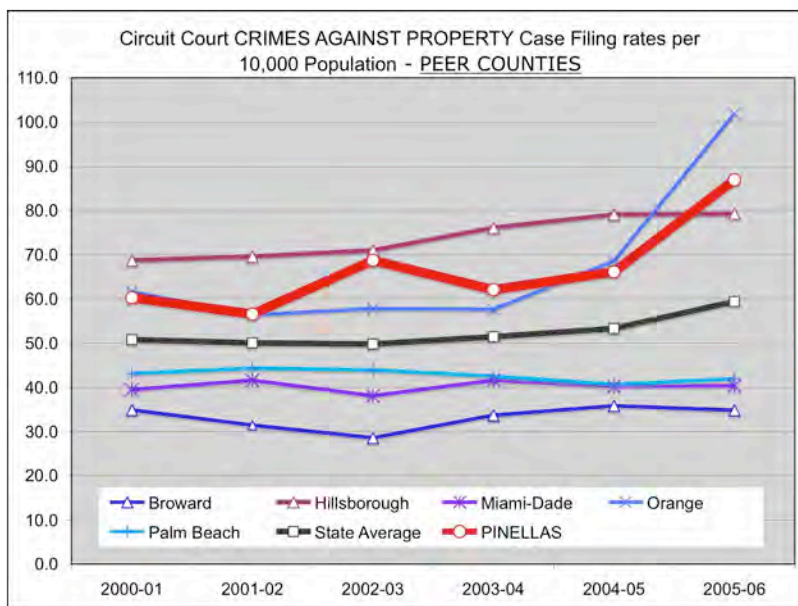
In the Circuit Court violent crime case filing category, Pinellas County is below the state average by 17% in 2005-06 and generally on the high end of the peer counties. Of the neighboring counties Pasco's rate is well ahead of Pinellas.



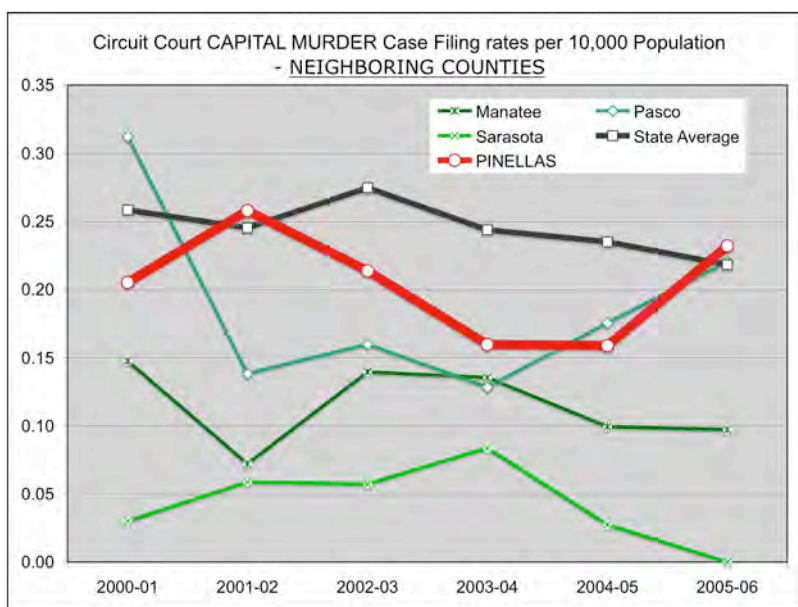
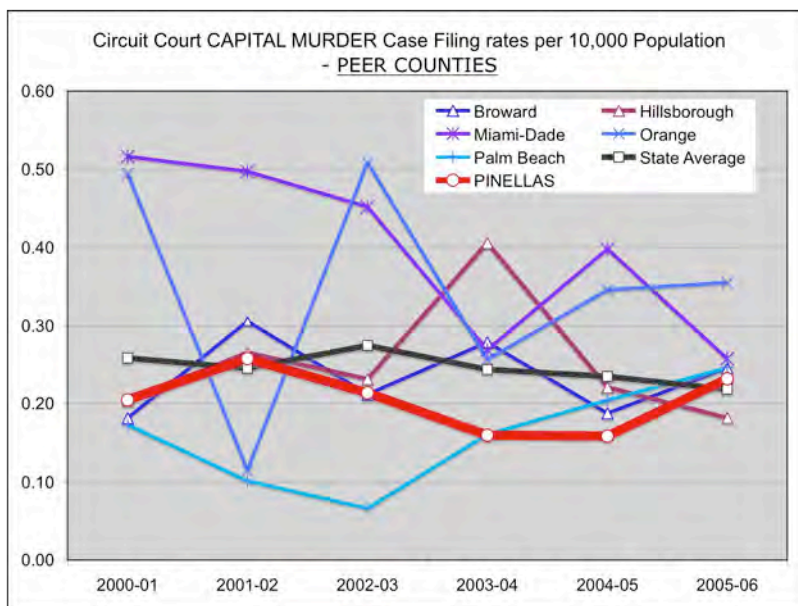
Crimes-against-person Circuit Court case filings is another category where Pinellas County is found to be below state averages in 2005-06 being 7% below the state average. In 2006 Orange County well exceeded rates in all jurisdictions studied.



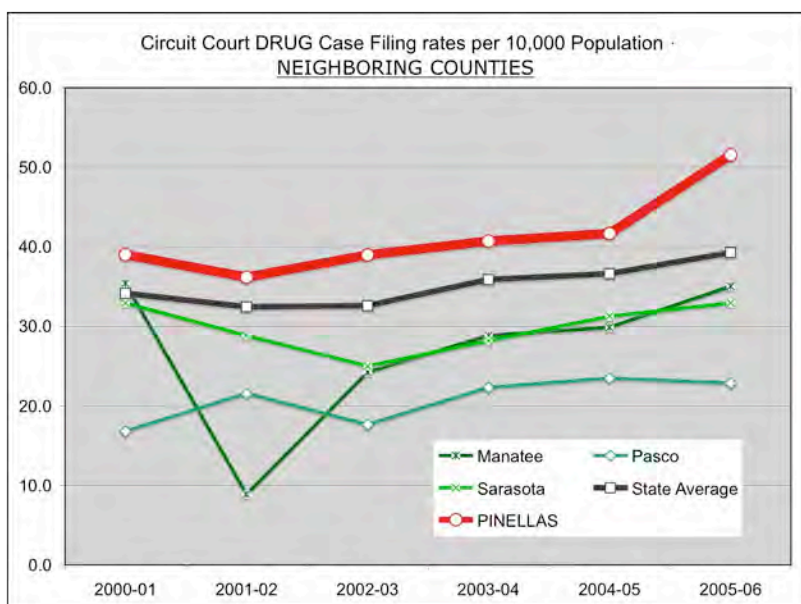
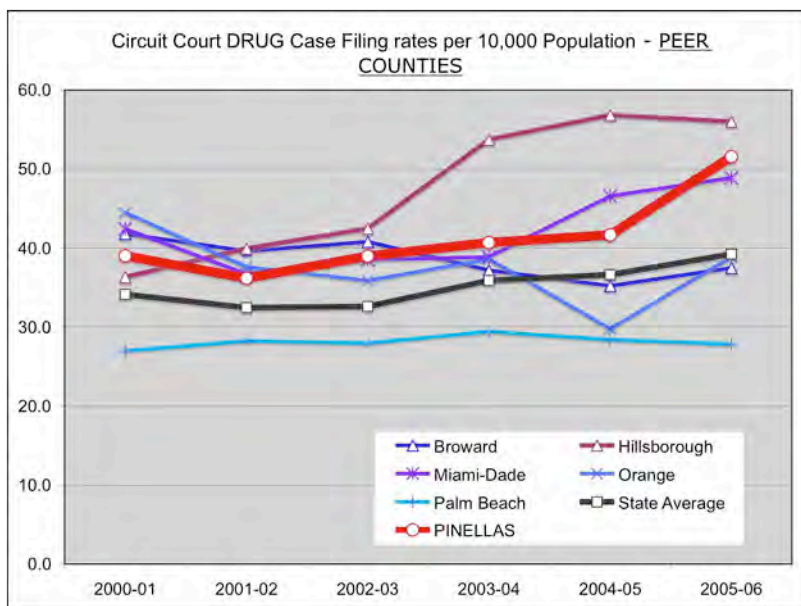
In terms of Circuit Court crimes-against-property filings, Pinellas County exceeded state averages by 46%, falling behind only Orange County (101.9 to 86.9 per 10,000 population).



The Pinellas County Circuit Court capital murder case filing rate in 2005-06 appears to be about average statewide whereas the county's rate was otherwise low compared to peer counties, but high compared to neighboring counties.



The rate at which Pinellas County files drug cases in circuit court was exceeded only by Hillsborough County in FY 2005-06 and was 31% greater than the state average last year based on what appears to be a surging level of filings.

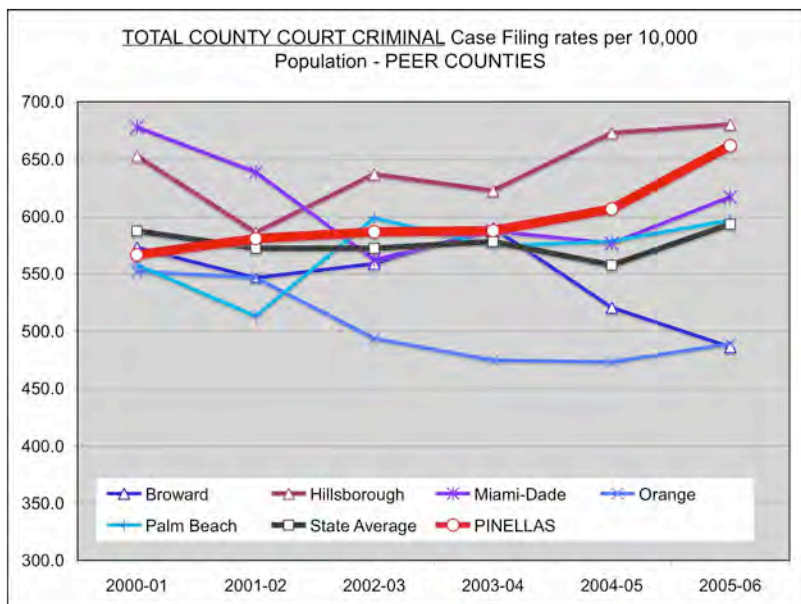


7. County Court Criminal Case Filings Comparison

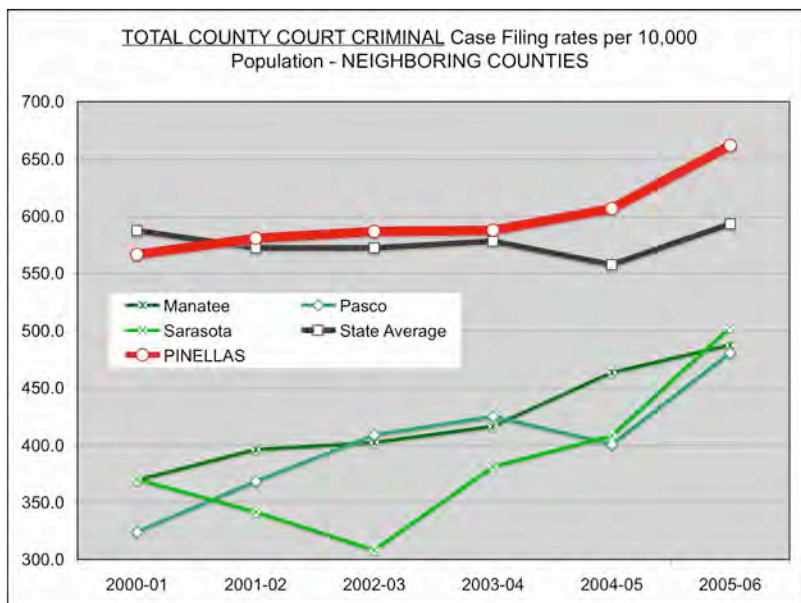
Though County Court case filings are not as impactful as Circuit Court case filings on the Pinellas County jail, they do involve some pretrial and many sentenced offenders within the jail population. It is therefore, relevant to see how Pinellas County compares to its peers and neighbors in this area.

Below is a chart that documents case filing rates per 10,000 county population (defendants) for total County Court criminal case filings. As shown by the chart comparing peer counties

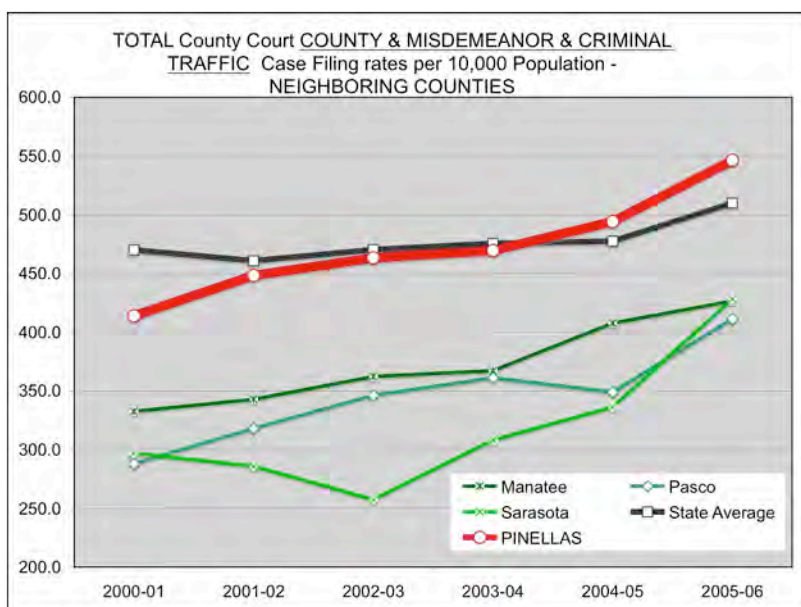
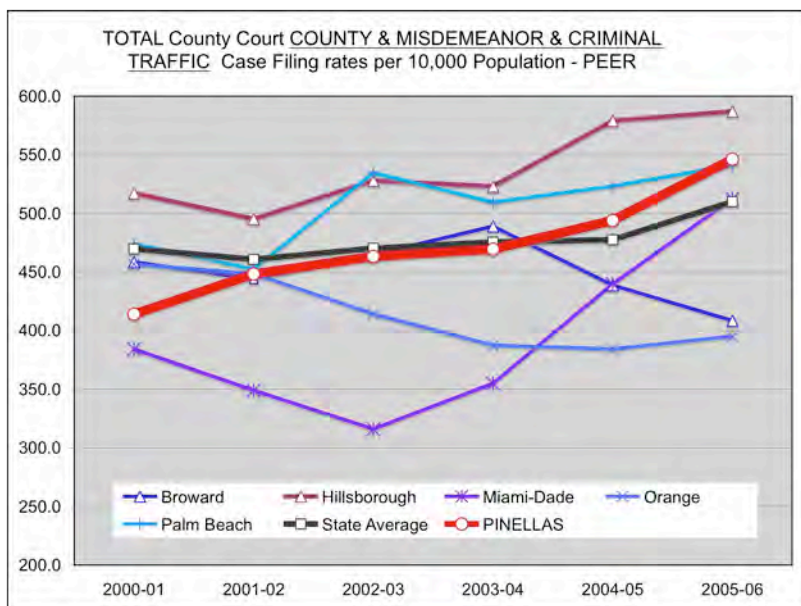
the Pinellas County rate has grown to where it is higher than all but Hillsborough County. It was 11% higher than the state average in FY 2005-06.



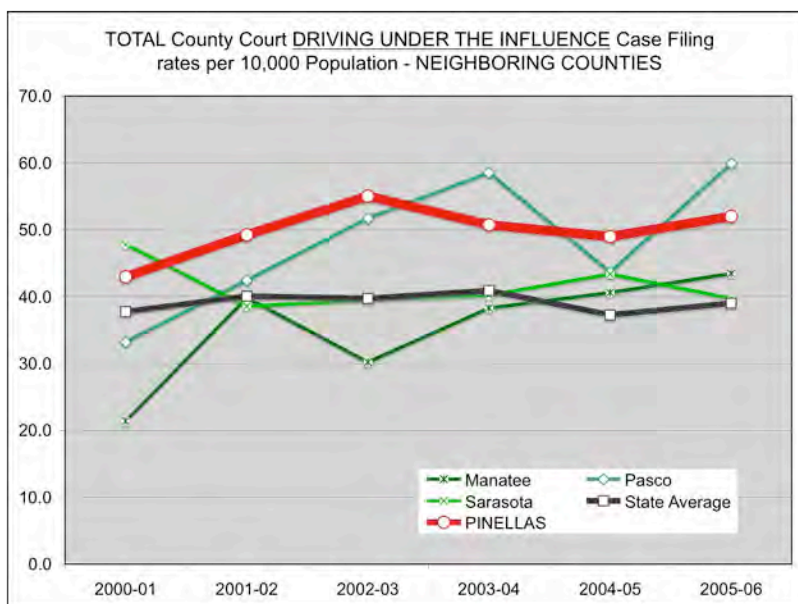
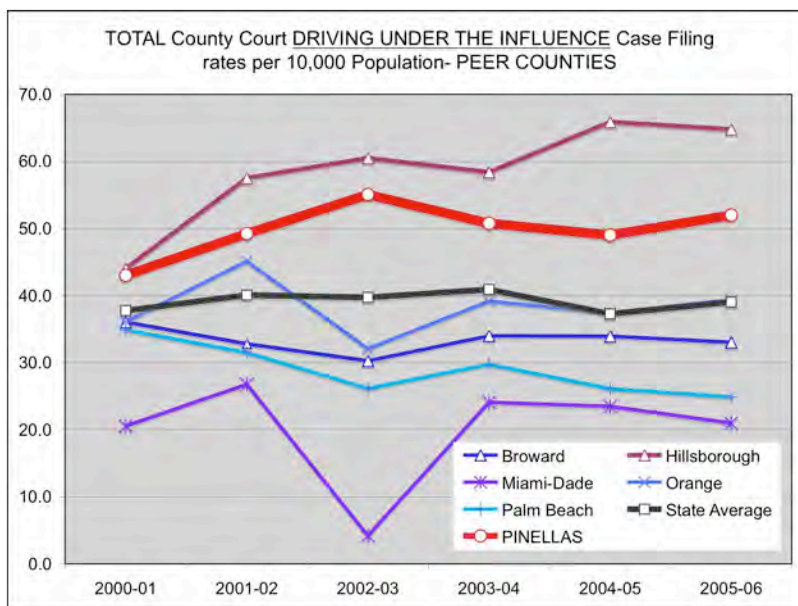
The county's total filings are at a rate much higher than neighboring counties.



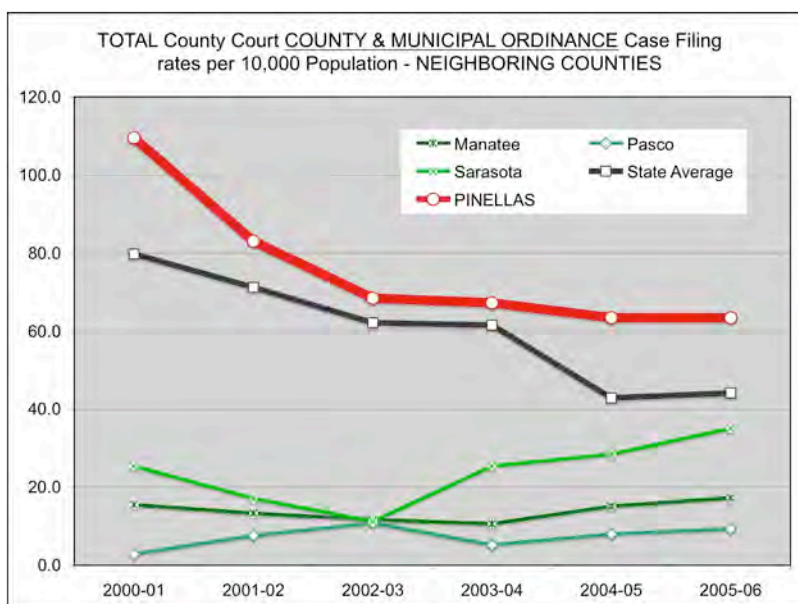
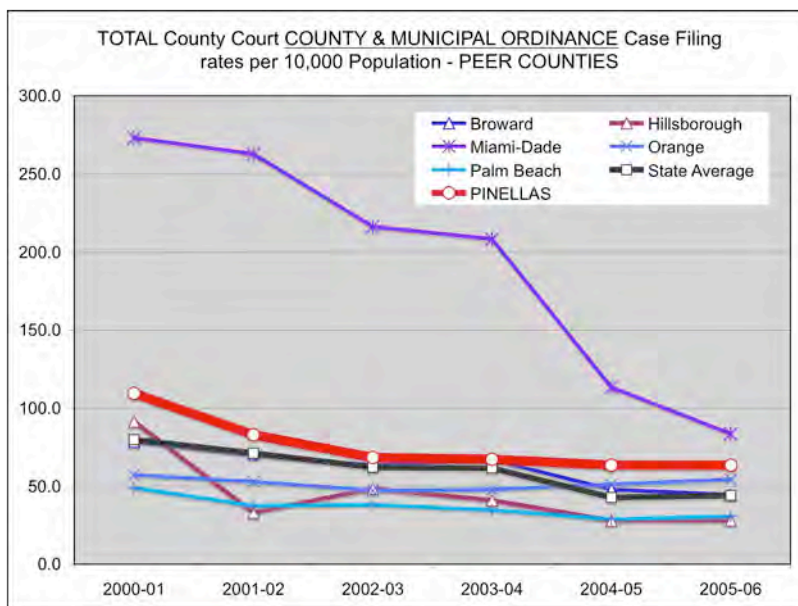
Pinellas County has developed a higher than average rate for filing misdemeanor-criminal traffic cases compared to the state and the counties in the comparison to the point that in FY 2005-06 only Hillsborough County was higher.



Pinellas County also has a higher than average rate of Driving Under the Influence (DUI) case filings, a rate exceeded only by Hillsborough County and, in certain years, Pasco County. It exceeded state averages by 33% in FY 2005-06. DUI charges for two or more offenses can involve some jail time and generate subsidiary jailable offenses like driving with a suspended license.



Pinellas County exceeded state averages for county and municipal ordinance filings by 43% in 2005-06 and has a significantly higher rate than all the other counties in the comparison except Miami-Dade. Miami-Dade had an extraordinarily high rate of filings in FY 2000-01 that has since fallen dramatically but which still exceeds all others in the comparisons.



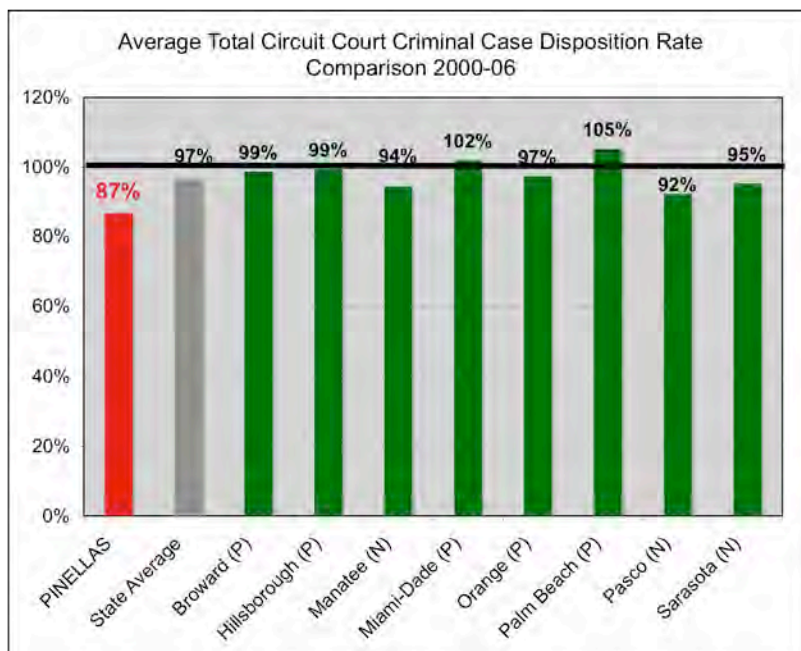
It is clear from the preceding data that with respect to felony and misdemeanor cases, Pinellas County has a generally high case filing rate that is somewhat unexpected given the relatively low arrest rates documented earlier. The high rates of felony and misdemeanor filings have been a growing phenomena over the years. Whether or not it continues to grow is an open question. However, from a workload standpoint it would seem that high numbers of cases filed creates more work than suggested by arrest rates for the judiciary, prosecution, and defense.

8. Circuit Court Case Disposition Rate Comparison

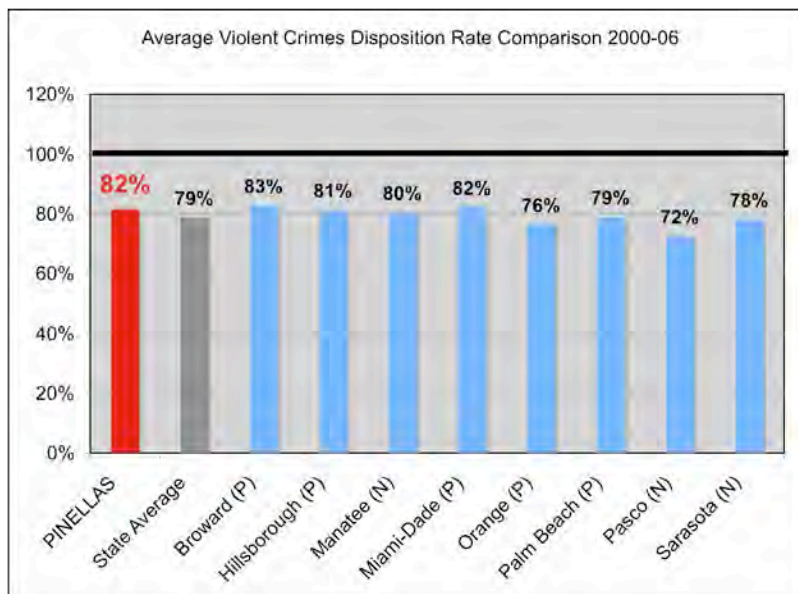
The case disposition timeframe is the time it takes the courts and judicial system as a whole to process a case from beginning to end. To the extent that these timeframes are longer or shorter they can affect the length of stay of pre-trial inmates held in jail awaiting disposition of their case. Therefore, case disposition rates can be extremely relevant to the question of how long people stay in jail and thus the size of the jail population as a whole.

Bar charts are used when examining disposition rates. The charts display the average disposition rate from FY 2000-01 through FY 2005-06. Pinellas County is always the first bar and is in red. The state average is next and is in dark grey. The counties are in various colors with peer counties denoted by a (P) next to their name. Neighboring counties have an (N) by their name.

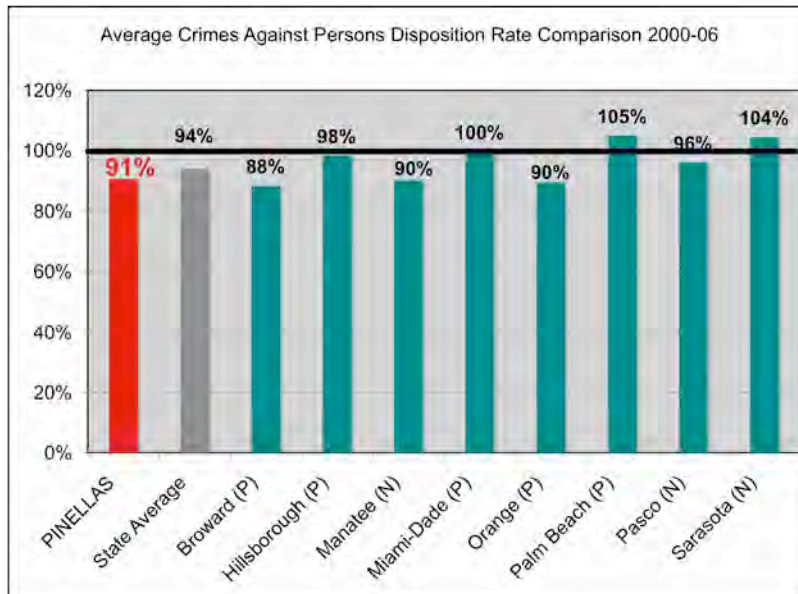
The county's disposition rate for total Circuit Court criminal cases was below state averages from FY 2000-01 through 2005-06 and below all of the peer counties studied. The statewide average for all counties (including Pinellas) is 97% whereas Pinellas County recorded 87%. Pasco County was the closest to Pinellas County at 92%. Equally large counties like Miami-Dade, Broward and Palm Beach were at or above the 100% mark. This lower rate of dispositions potentially suggests issues in case processing that could lead to greater lengths-of-stay for detained defendants and thus a larger jail population. See the chart below. Again, we would point out the questions raised earlier about the validity of the Pinellas data given the high number of undisposed cases accumulated over time.



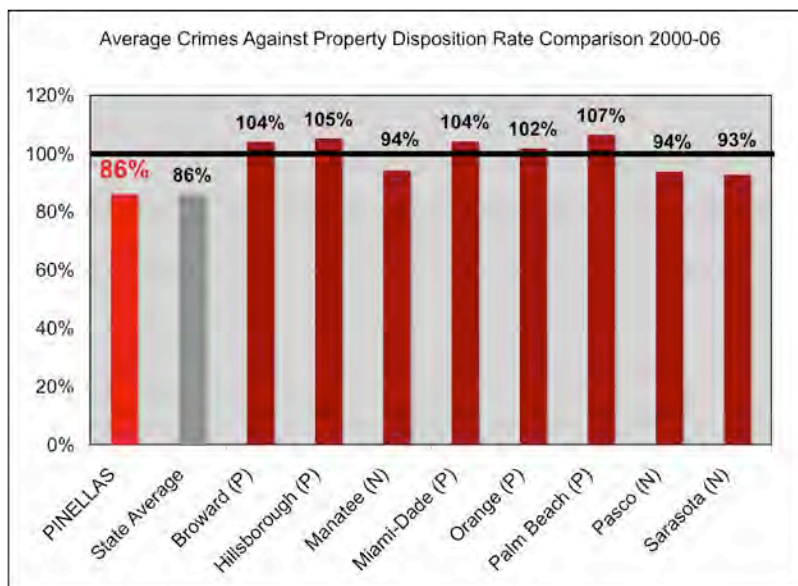
In terms of violent crime case filings it appears that a relatively low rate of dispositions for Pinellas County (82%) is not only common within the state but equal to or better than peer and neighboring counties.



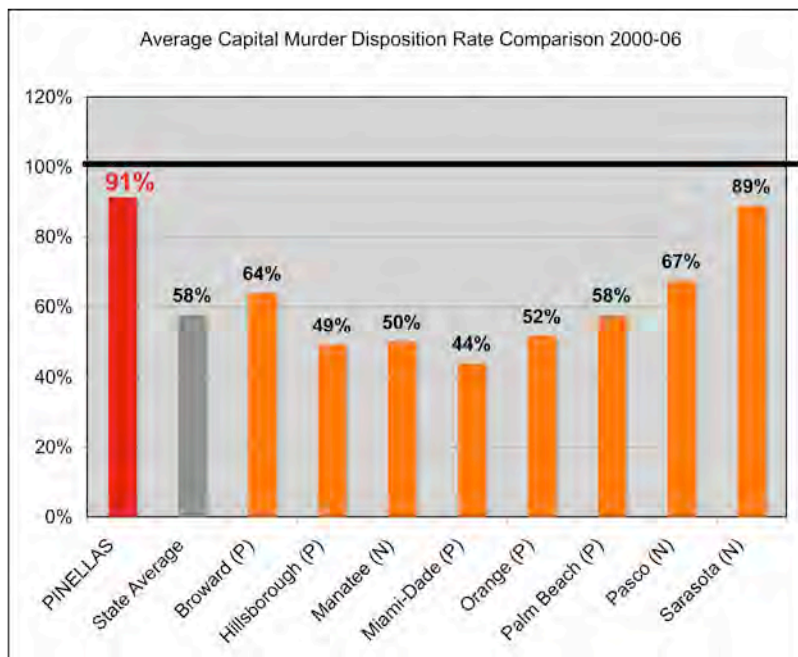
Crimes-against-persons filings in Pinellas County were disposed in 2005-06 at a rate lower than state averages and are in the middle-of-the-pack compared to peer and neighboring counties.



While Pinellas County's rate of disposing Circuit Court cases involving crimes-against-property matches the state average it falls well below the 100% mark at 86%, and is well below each of the peer and neighboring counties in the comparison.

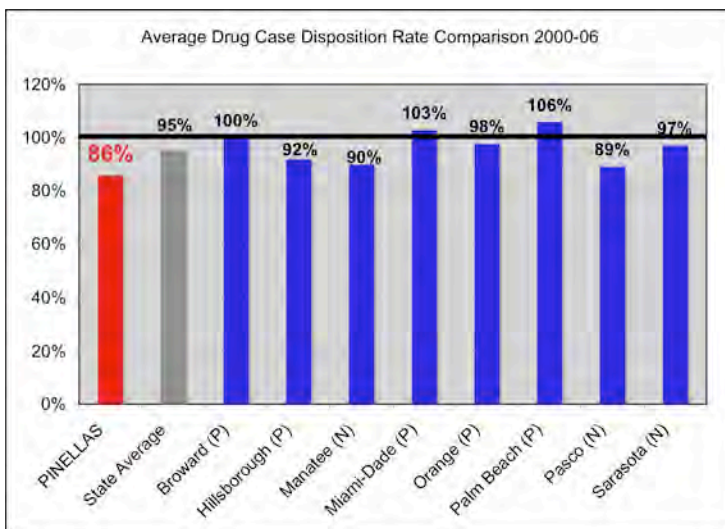


Pinellas County has a high rate of disposition for capital murder cases compared to state averages, its peer counties and its neighbors. Its 91% disposition rate, while below 100%, is much higher than the statewide mark of only 58%. Pinellas County's rate is also well ahead of all of the peer and neighboring counties.



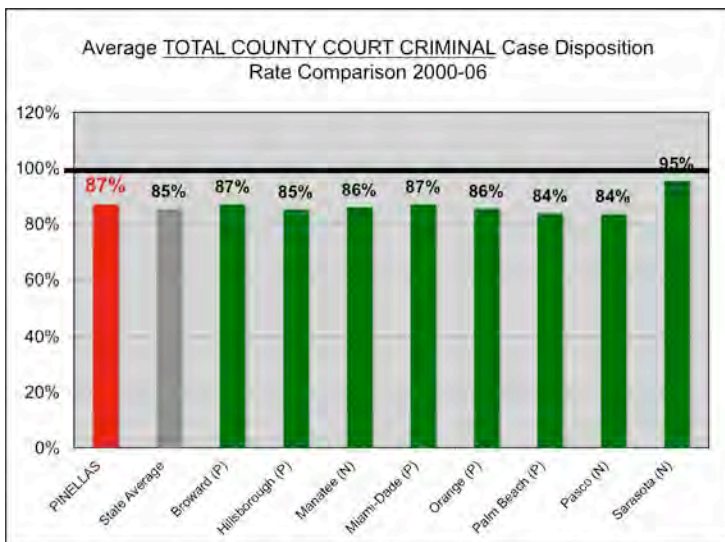
The average Circuit Court drug case disposition rate for Pinellas County from 2000-01 to 2005-06 (86%) was significantly lower than the state average (95%). It was also lower than every peer and neighboring county being evaluated. This is significant because of the dramatic rise in drug crimes committed and drug cases filed in Circuit Court. If drug cases

represent an increasing portion of the caseload and pretrial defendants in jail, disposition delays can lead to longer stays in jail and a higher jail population. Deferred prosecutions with respect to Drug Court may have an impact on this data.



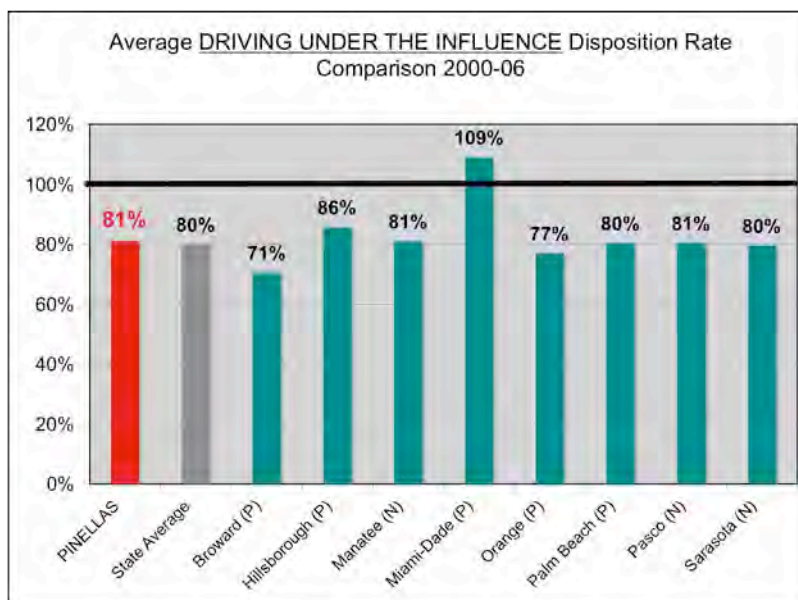
9. County Court Case Disposition Rate Comparison

The county's disposition rate for total County Court criminal cases was just above state averages from FY 2000-01 through 2005-06 and compared favorably to the neighboring and peer counties studied, even though they are all below the goal of 100%. The statewide average for all counties (including Pinellas) is 85% whereas Pinellas County recorded an average of 87%. See the chart below.

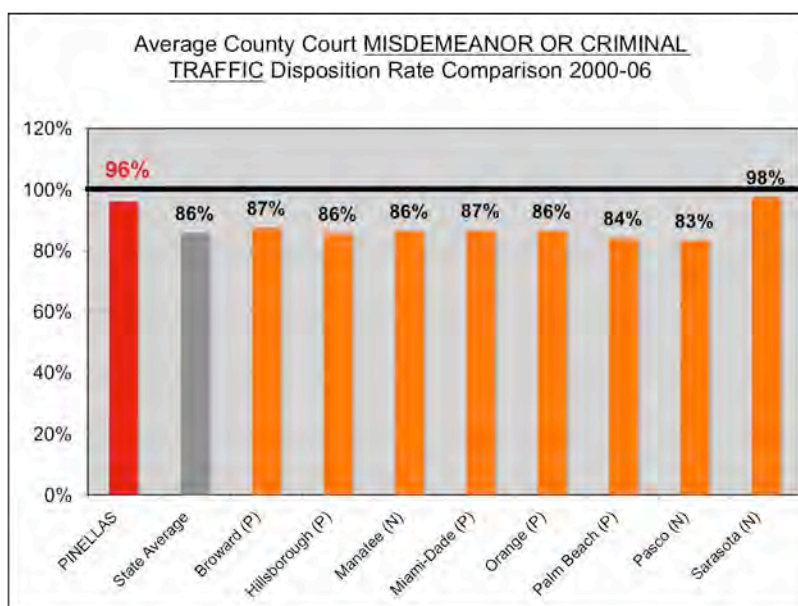


In terms of driving under the influence (DUI) case filings in County Court it appears that the relatively low rate of dispositions for Pinellas County (81%) is typical within the state.

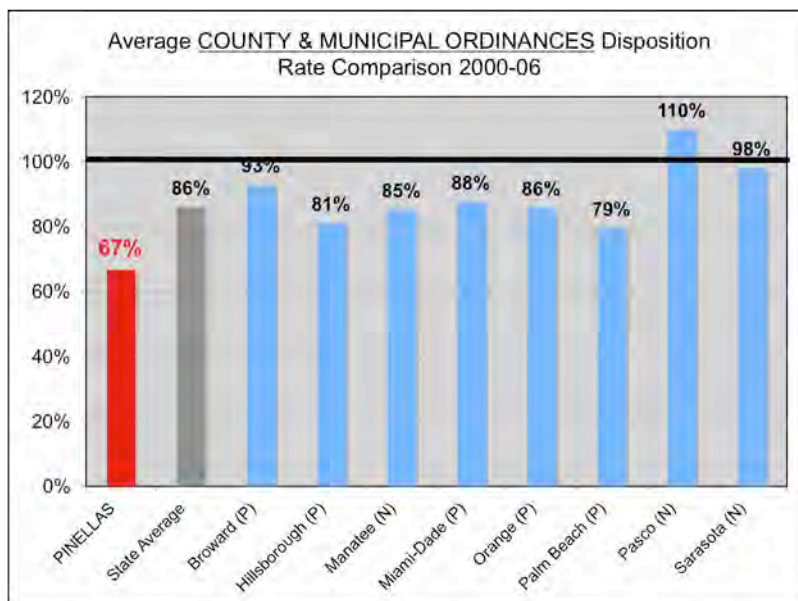
However, Miami-Dade County stands out for having an average disposition rate of 109% in this category. These data may be impacted by programmatic and diversionary activities, and how dispositions are then recorded.



Misdemeanor or Criminal Traffic filings were disposed in 2005-06 at a rate considerably higher than state averages (96% to 86%) and above all of the neighboring counties except Sarasota County.



Pinellas County's rate of disposing County Court cases involving county and municipal ordinances falls far below state averages and is well below each of the peer and neighboring counties in the comparison.



10. Comparison of Prison Commitment Rates

In 1996 Pinellas County committed 48.2 offenders per 10,000 county population to the state prison system for incarceration. By 2006 that figure had grown 13.2% to 54.6 offenders per 10,000 population.

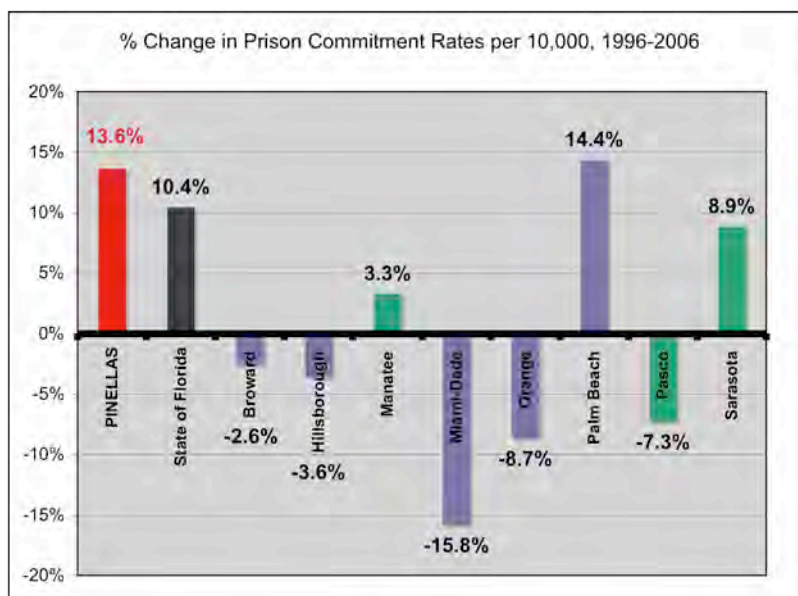
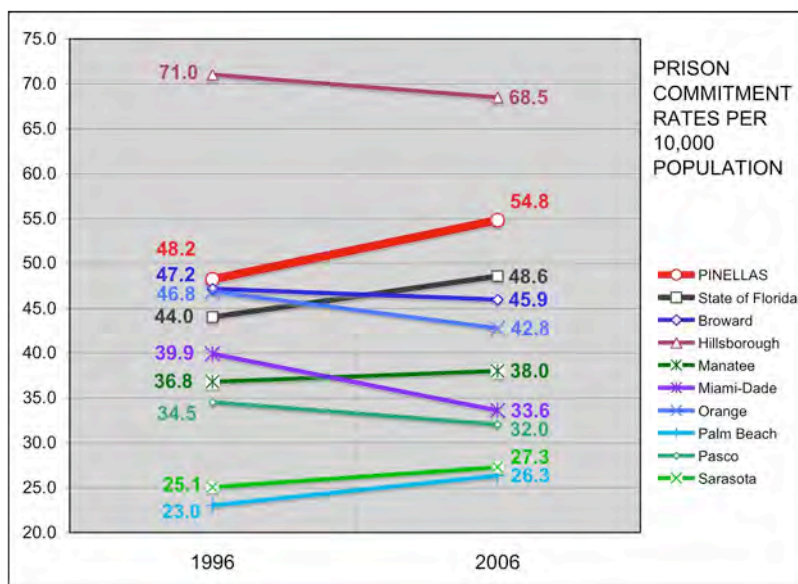
The 2006 Pinellas County commitment rate is 12.8% higher than the statewide average. In 1996 the county rate was only 9.6% greater than the statewide average.

Compared to its peer counties the Pinellas County rate exceeds all but Hillsborough County. The Hillsborough County rate is far in excess of the Pinellas rate in both 1996 (71.0 to 48.6) and 2006 (68.5 to 54.8) though Pinellas County is closing the gap because its rate increased while Hillsborough County's fell. In fact all of the peer counties have falling rates except Palm Beach County whose rate is less than half that of Pinellas County.

Among its neighboring counties the Pinellas County rate is far greater being nearly double that of Sarasota County on the low end, and about 45% ahead of Manatee County on the high end.

Only Palm Beach County showed a faster pace of change than Pinellas County between commitment rates in 1996 and 2006 (14.4% to 13.6%).

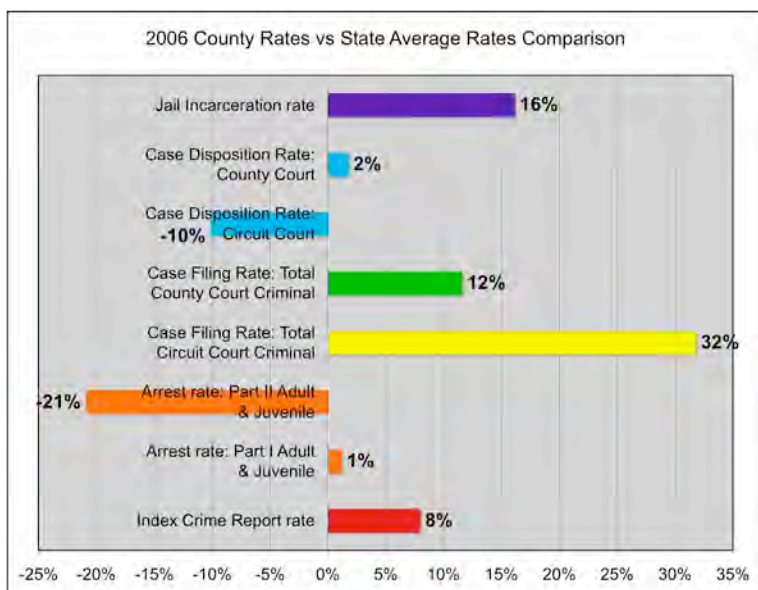
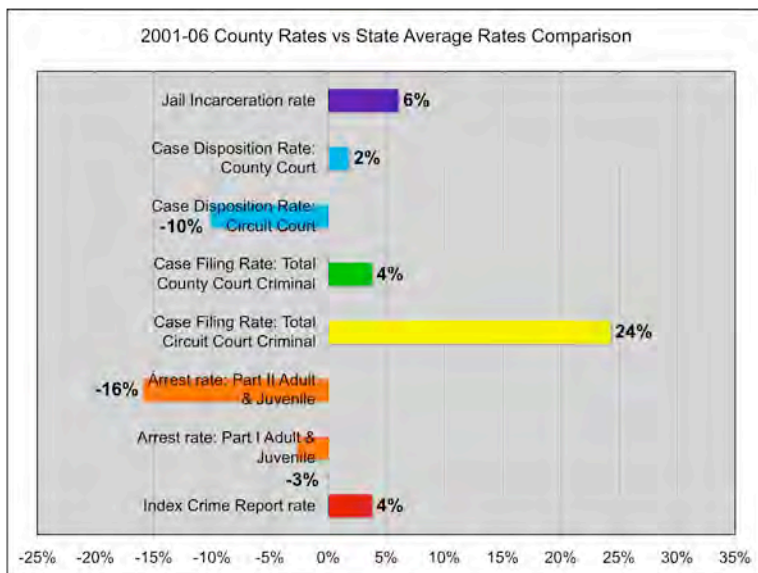
The two charts which follow document year 1996 and 2006 commitment rates and the degree of change taking place between 1996 and 2006.



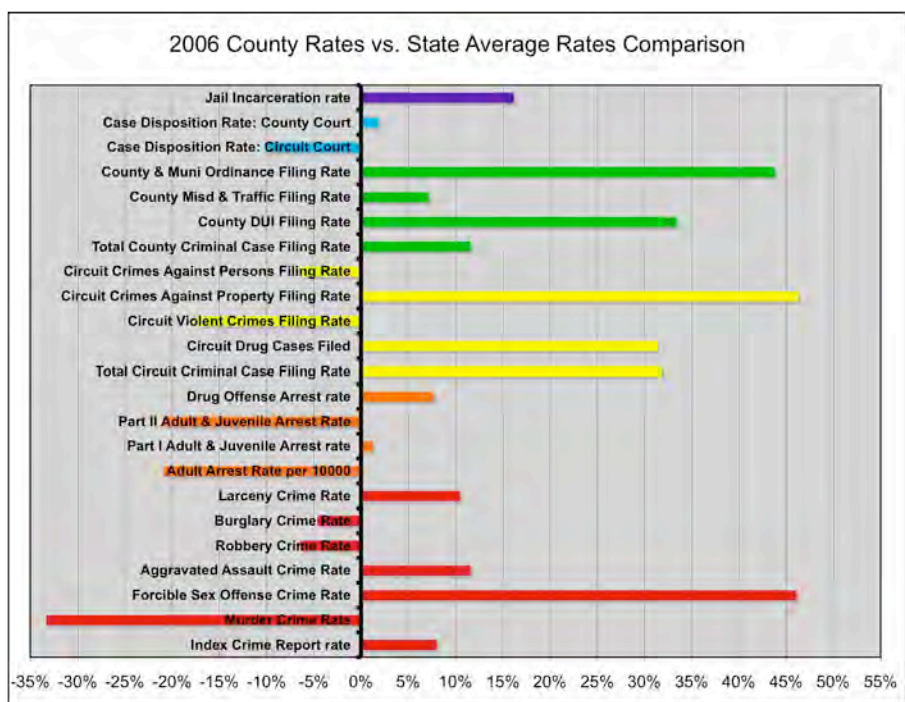
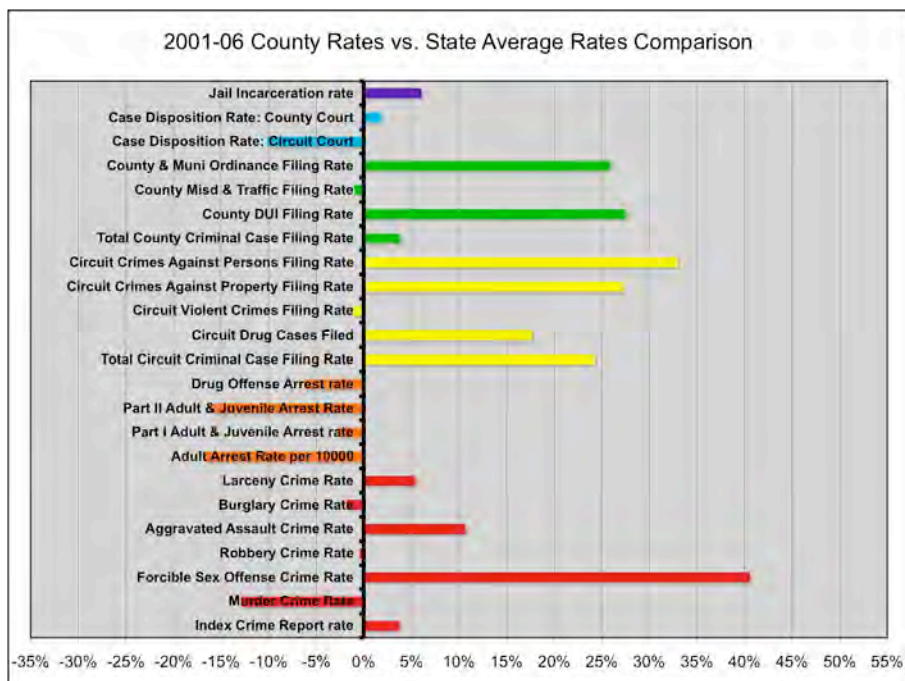
11. Summary

In reviewing the preceding comparative data it appears that jail population's rise correlates most with higher rates of case filings and the long case disposition timeframes that may, in part, result from regularly disposing of fewer cases than are filed (thus resulting in case backlogs). Rising drug arrests and increased Part II crime surely play a role as well. Additionally, changes in state law that felonized misdemeanors, and effectively slow case resolution is likely behind many of the numbers. Those factors, however, are less controllable. In the consultant's view, the Circuit and County Court case filing and disposition data is likely the more important local factor and is the most controllable element with respect to the large pretrial population. To underscore this general conclusion consider

the charts below. They compare Pinellas County rates to state average rates under the range of categories discussed throughout this report.



The charts which follow present more detailed information. The data is colored by type with crime report data one color, arrest data another, and so forth.



IV. INMATE POPULATION PROFILE

ALOS and ADP by Release Reason, PCSO Exit Sample

Release Reason	Number of Exits	Average Length of Stay in Days (ALOS)	% ADP (weighted)
Time served	2173	46.4	29.1%
To DOC- Male	687	139.8	27.7%
To probation	857	47.3	11.7%
Released	795	39.3	9.0%
Surety Bond	3490	6.6	6.6%
ROR	2518	7.0	5.1%
Released to other county	431	30.3	3.8%
To DOC – female	97	106.1	3.0%
To mental institution	23	199.9	1.3%
No information / dismissed	140	25.7	1.0%
Released to US Marshall	158	18.3	1.0%
Cash bond	1326	1.9	1.0%
Escape / walk away	3	60.0	<1%
Community control	4	19.4	<1%
Fine paid / purge	58	2.3	<1%
Supersedes bond	3	24.7	<1%
TOTALS	12,380	27.0	100%=3767

- *Time served* includes those who were detained pretrial and sentenced to time served, those who were detained pretrial and then served additional days as sentenced offenders, and those who served time only after sentencing.
- *To probation* includes those who were sentenced to probation after a period of pretrial detention, and those who were housed in jail awaiting a hearing on probation violations, and those who served jail time as a sanction for violations.
- *Released* is a catch-all that primarily includes various forms of release granted by the courts, e.g., when fine or child support paid, released to electronic monitoring, release on personal recognizance, etc.
- *Surety bond* is bail posted by bonding agent.
- *Cash bond* is posted, in toto, by releasee, friends or relatives.

- ROR includes those released by PCSO Pretrial Services Unit and by the Salvation Army.
- *Supersedens bond* is granted by the court for persons whose sentences are on appeal.

Profile of Inmates Released “Time Served”

The largest proportion of beds (29%) in the PCSO jail system are occupied by those who are eventually released “time served.” The tables below summarize the most serious initial charge category and charge type for these inmates.

Most Serious Charge Category	% of Exits Released Time Served	% of ADP Released Time Served	ALOS (days)
Felony	33.2	74.8	104.1
Misdemeanor	41.3	16.1	32.8
Infraction	16.6	8.5	23.6
Ordinance	8.8	0.6	46.2

As the table below shows, the largest percent of bed space among those released time served was occupied by those charged with low-level felonies.

Most Serious Charge Type	% of Exits Released Time Served	% of ADP Released Time Served	ALOS (days)
Felony, unspecified	<1	<1	26.8
1	3.8	8.9	84.8
2	3.2	8.0	106.1
3	26.0	57.8	75.7
Misdemeanor, unspecified	<1	<1	31.4
1	22.6	12.0	37.5
2	17.2	3.0	19.0
3	1.1	1.0	56.2
Infraction	3.6	1.0	23.2
1	<1	<1	49.3
2	10.2	5.4	31.2
3	2.0	1.1	19.9
Ordinance Violation	8.8	1.0	4.2
	100%	100%	27.0

**Charges Contributing Largest Percentage of ADP
Among Those Released Time Served (29.1% of total ADP)**

Most Serious Initial Charge, Those Released Time Served (15% missing)	% of Exits Released Time Served	% of ADP Released Time Served	ALOS (days)
Marijuana-felony possession	10.2	18.2	97.5
Felony DWLR – habitual offender	4.4	8.3	98.5
Possession of controlled substance	5.6	6.7	68.9
DWLSR –third offense	4.1	5.5	60.2
DUI	5.8	3.7	33.1
Petit Theft – Two priors felony	1.5	3.4	121.1
Battery – Strike or Touch	2.5	2.9	60.3
DWSLR	4.1	2.4	32.0
Fleeing & eluding a LEO	1.0	1.9	120.6
Burglary	1.0	1.9	106.9
TOTALS	40.2%	54.9%	46.4 (for all released time served)

DWLR offenders released time served occupied 4.7% of the jail's bed space, or 177 beds, at the time of our exit sample.

Those charged with drug possession (marijuana or other drugs) and released time served occupied another 7.2% of the bed space, or 271 beds.

ADP and ALOS by Most Serious Charge Type

Most Serious Charge Type	% of Exits	% of ADP	ALOS (days)
Felony, unspecified	3.1	1.8	15.8
1	4.6	15.0	88.0
2	5.8	13.1	61.1
3	28.7	7.6	44.8
Misdemeanor, unspecified	1.3	0.2	4.7
1	16.8	6.8	10.9
2	6.1	1.6	7.2
3	2.6	1.2	12.7
Infraction	2.7	0.5	4.8
1	0.8	0.3	12.4
2	10.0	2.4	6.5
3	1.0	0.5	13.7
Ordinance Violation	3.1	0.3	2.9
Blank / missing	13.3	7.2	14.7
	100%	100%	27.0

Most Serious Charge Category (13% missing)	% of Exits	% of ADP	ALOS (days)
Felony	48.8	85.0	50.3
Misdemeanor	30.9	10.6	9.9
Infraction	16.7	4.0	7.0
Ordinance Violation	3.6	0.4	2.9
	100% (of non-missing)	100% (of non-missing)	28.9

ADP and ALOS by Gender

Gender	% of Exits	% of ADP	ALOS (days)
Female	24.3	16.7	18.6
Male	75.7	83.3	29.7
	100%	100%	27.0

ADP and ALOS by Race

Race	% of Exits	% of ADP	ALOS (days)
White	66.0	57.4	23.5
Black	28.3	38.7	37.0
Hispanic	5.1	3.1	16.7
Asian	0.4	0.6	39.1
	100%	100%	27.0

ADP and ALOS by Marital Status

Marital Status (26% missing)	% of Exits	% of ADP	ALOS (days)
Single	68.3	71.6	37.4
Married	16.4	15.1	32.9
Divorced	14.1	12.0	30.5
Widowed	1%	1%	35.1
	100% (of non-missing)	100% (of non-missing)	27.0

ALOS and ADP by Age Groups, PCSO Exit Sample

Age	% of Exits	% of ADP	ALOS (days)
<18	1.0	1.9	54.0
18	3.4	3.1	24.2
19-20	7.3	7.3	27.0
21-29	26.9	28.7	26.2
30-39	21.3	25.6	28.9
40-49	22.5	22.9	27.4
50-59	10.	9.0	24.6
60-69	1.9	1.2	16.7
≥70	0.3	0.2	19.0
	100.0	100.0	27.0

V. RECOMMENDED APPROACHES TO MANAGING PINELLAS COUNTY JAIL POPULATION SIZE

A. INTRODUCTION

There are two fundamental ways to reduce jail capacity needs:

1. Reduce the number of persons entering the jail through greater use of notices to appear or citations and by utilizing non-jail crisis intervention options for mentally ill minor offenders; and
2. Reduce lengths of stay in jail through speedier pretrial release decision-making, releasing a larger proportion of defendants awaiting trial, increasing the efficiency of processing of detained defendants' cases, and use of community-based dispositional options for a larger proportion of convicted offenders.

The consultant team offers jail population management recommendations to Pinellas County decision-makers within these two broad strategies. Impact estimates for specific approaches within these areas are summarized in our concluding section.

B. RECOMMENDED STRATEGIES TO REDUCE THE VOLUME OF JAIL ADMISSIONS

1. ***Make greater use of notices to appear (NTAs) or citations instead of arresting and booking defendants for minor offenses and for technical violations of probation (VOPs).***

- a. Notices to Appear for Violations of Probation

When the consultant team began working on this system study, the State Department of Corrections (DOC) had recently implemented a "zero tolerance" policy requiring probation officers to issue arrest warrants on all probationers alleged to have committed any technical violation, no matter how minor. The Florida legislature also had just passed the "anti-murder law," which requires automatic jailing of a probationer alleged to have violated supervision conditions in certain circumstances. Law enforcement officers and PCSO booking officers can automatically file a violation, known as a COP VOP, on any probationer if the individual is charged with a new crime. This VOP hold prevents the probationer from bonding out of jail, even if the new charge is relatively minor. As a result of these policy changes, the number of technical violation VOPs detained in PSCO facilities ballooned to a peak of 314 in January 2007.

Recognizing that this practice was greatly exacerbating the jail crowding problem, the courts, in consultation with other criminal justice policymakers, established a VOP court with a single judge who handles all VOP cases. This has significantly decreased the time required to hear cases and make sanctioning decisions. In addition, the DOC eventually returned discretion to probation officers to use NTAs for some cases rather than issuing arrest warrants, and the VOP judge encourages the officers to do so for most technical violation cases. Local policymakers believe that these changes have reduced pressure on the jail, and the PCSO confirms that the number of VOPs housed in jail as of June 2008 was down to 202, a 36% decrease from the January 2007 high. The consultant team believes that there may be ways to further increase use of NTAs for probation violators and to limit the use of jail time as a sanction for violations, thus reducing the jailed VOP population even further.

These VOP policy shifts and their impacts on Pinellas County's jail ADP are an excellent illustration of the power of policy changes to affect the size and composition of jail populations, for better and for worse. Although the PCSO jail system will continue to be vulnerable to changes in State statutes, policies and practices, it is clear that local criminal justice policymakers can collaboratively take action to control jail population size.

b. Increased Use of Citations in Lieu of Arrest

When an individual is charged with a minor offense, it should in many cases be feasible for law enforcement officers to use a citation or Notice to Appear (NTA) instead of arresting the alleged offender and transporting him or her to jail.³ If citations were used more frequently in cases involving infractions and ordinance violations, this would reduce the number of persons brought to the Pinellas County jail. The consultant team's jail exit data indicates that 18% of releasees (equivalent to admissions) were charged with infractions or ordinance violations as their most serious offense, and that their average stay in jail was 6.2 days. If even half of these arrestees had been cited rather than brought to the jail, then jail admissions would have been reduced by nine percent, a significant reduction in relation to projecting future intake space and staffing needs.

Adoption of policies calling for increased use of in non-traffic cases is a law enforcement agency policy decision which may require new policy directives reinforced by appropriate training of officers. To safely increase use of citations, police officers will need to confirm the identity, residence and prior record of the person alleged to have committed an offense. We recognize that issuance of a citation would not be appropriate if the defendant does not have a residence in the vicinity, has a history of serious or violent crimes, or is not able to understand the significance and obligations of a citation. In order for citations to be used effectively:

- Police officers must be able to obtain reliable information on the living situation and prior record of the person at the time of the initial contact with the person charged with an offense;
- Criteria must be established governing use of citations in lieu of arrest for non-traffic misdemeanors and infractions; and
- Law enforcement agencies may wish to structure an internal review process to determine whether a citation should be issued, perhaps involving communications between the officer on the scene and a supervising officer.

Greater use of citations will require providing officers with ways to rapidly make positive identification of the defendant, access his or her prior criminal record information, and make initial checks regarding the suspect's residence. This could be done from patrol cars and/or through use of a system of Live-Scan positive identification centers located strategically around the County.

In addition to potential revisions in police policies and practices governing issuance of a citation, mechanisms would have to be put in place to:

- set a date (as soon as possible after being cited) for the person's first appearance, with that date shown on the citation;

³ Use of citations as an alternative to arrest in cases involving minor offenses is explicitly recommended by the American Bar Association's *Standards on Pretrial Release*. See Standard 10-2.1 (Third Edition, 2007).

- remind those cited about their court dates, most likely in collaboration with the PCSO Pretrial Release program; and
- take rapid follow-up action in the event of non-appearance on the scheduled date.

2. *Expand the range of options available to law enforcement officers for dealing with minor offenders, especially those who are mentally ill or under the influence of drugs or alcohol.*

Police officers are often called upon to triage crisis situations involving mentally ill or intoxicated individuals. A significant portion of these individuals are also homeless or transient, all of which makes them less likely to be released via simple ROR or bond.

The County's Health and Human Services Department should work with local law enforcement agencies and the PCSO to develop a crisis intervention team approach in which HHS staff members assist officers in determining the appropriate response to these situations. If officers and HHS personnel determine that an individual's alleged offense(s) and prior record are relatively minor and signs of mental illness and/or intoxication are verified, then the individual could be transported to a crisis center rather than the jail for further assessment and stabilization. Implementing this recommendation would require (1) information-sharing by the HHS and law enforcement agencies (1) intensive training for a core group of officers and HHS staff who volunteer to serve as primary crisis intervention team members; and (2) general training of the entire police force to familiarize them with the objectives and procedures for this option.

Another resource that the County should seriously consider establishing is a staff-secure crisis center (CC) in which those charged with minor offenses and evaluated as having mental health and/or substance abuse issues can be placed in lieu of arrest and booking into jail. This "one-stop" facility (which should not be part of the secure jail but could be located nearby) could receive, assess, and provide crisis intervention, detox, short-term medical and mental health treatment, and short-term shelter plus transition to more permanent housing and assistance in accessing public benefits (e.g., Medicaid/Medicare, SSI, Veteran's benefits, food stamps, employment, education and job training services). This facility might also serve as the central location for medical/mental health records of "chronic public system users."

To help fund the operation of the CC and the case management and other services necessary to help stabilize these individuals, we encourage the County to reach out to other systems of care, such as hospitals, that may benefit from breaking the cycle of dysfunction in which these individuals become trapped.⁴ The availability of such a facility would help relieve pressures on emergency rooms and the Pinellas Emergency Mental Health Services that are currently used by essentially the same population of "chronic public system users." Investing public and private dollars in services designed to break chronic minor offenders' cycle of recidivism can result in significant cost savings for all the partner systems over time

⁴ In Portland, OR, area hospitals contribute, via a non-profit agency serving the homeless, to the initial cost of supported housing for chronic homeless individuals they refer, many of whom have mental health and substance abuse issues and all of whom are chronic users of emergency room care. These hospitals estimate that they avoid about \$100,000 in future emergency room costs for each person who is successfully stabilized. In the two and half years since its inception, this program has served 280 clients, 80% of whom are still in stable housing and 85% of whom have not returned to an emergency room.

by enhancing their physical and mental health and reducing the likelihood that they will continue to come into frequent contact with the justice system.

In order for the CC to function optimally over the long term, it would be necessary to establish an organizational structure and Memos of Understanding (MOUs) or other formal agreements among collaborating agencies specifying shared responsibilities for funding and managing the facility and linking to other community-based supportive services.

Mechanisms should be developed for sharing costs across the County, municipalities, and private agencies. Its effective operation will require the cooperation of law enforcement agencies, state and county health and human services agencies, public health and medical professionals, and the courts. It will be particularly important to coordinate the CC's efforts with the Public Defender's Jail Diversion Program, which already targets many of these chronic public system users after arrest. Pinellas County could utilize funds it would otherwise spend constructing additional secure jail space to finance renovation or new construction of a facility to serve as the CC.

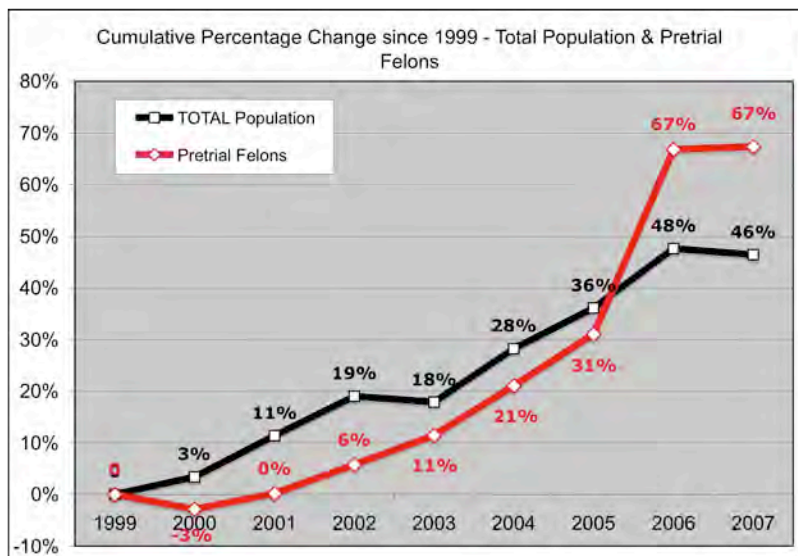
C. RECOMMENDATIONS TO ENHANCE BAIL AND PRETRIAL DECISION-MAKING POLICIES AND PRACTICES

- 1. The consultant team strongly recommends that the County and PCSO work together to strengthen the Sheriff's Pretrial Release Unit to enable safe release of a larger proportion of low-risk defendants.**

PCSO should use a validated actuarial risk assessment tool to make pretrial release decisions. Using such a tool will enable professional staff, whether civilian or uniformed, to objectively assess the nature and seriousness of defendants' risk of re-arrest and of failure to appear for court hearings if released, and to prepare recommendations concerning conditions of release necessary to minimize those risks. An actuarial system still allows for the exercise of professional judgment via overrides, for specified reasons, of release recommendations derived from applying the objective tool.

The PCSO Pretrial Services Unit is staffed by seven Detectives assigned to screen every arrest affidavit at intake to jail and, if deemed appropriate, to interview defendants for possible release. Interviews are reportedly conducted and information verified within relatively short time frames (usually one day). Every Detective is given the discretion to recommend to the court whether an individual arrestee should be released pretrial, and Detectives utilize general guidelines and their individual judgment to make their recommendations. At the time of our interviews with the Pretrial Services Unit, there were approximately 50-80 arrestees per day in need of interviewing and verification. Of that number, the Detectives estimated that about 20-35 are interviewed and approximately 50-75% of the 20-35 are recommended for ROR each day. Judges reportedly concur in a large majority of ROR recommendations at the advisory hearing (first appearance).

An increasing proportion of the jail population is comprised of pretrial holds, as illustrated in the graph below. Between 1997 and 2007, the pretrial detainee population charged with felonies rose by 67% in comparison to the 46% growth in the total jail population.



Using a validated actuarial risk assessment process to assist in making pretrial release recommendations offers a number of benefits:

- Numerous research studies confirm that a validated actuarial risk assessment process predicts rates of re-arrest or failure to appear better than professional judgment alone.
- Using actuarial risk assessment tools can better ensure that the goal of reducing the jail population while maintaining public safety can be achieved, since these tools offer a more objective way of determining who should be detained.
- Results from using an objective assessment process can be monitored over time, and the assessment tool used can be modified as community and justice system goals regarding tolerable FTA and re-arrest rates change.
- Use of an objective assessment tool can provide a method to control FTA rates by adjusting the scoring/weighting of risk factors in the scale.
- An objective assessment tool can enhance fairness of pretrial release recommendations, since the same criteria will be given the same weight across various pretrial interviewers.
- Professional reasons for override can be monitored, which may lead to revision of the objective tool

Using an actuarial/objective pretrial release assessment method will require that the PCSO and courts collaborate on the choice or design of a tool that both are comfortable with. Use of a structured interview process will require initial staff training and frequent “booster sessions” in which staff input is solicited. The PCSO will also need to pay attention to whether the assessment tool and process is implemented in the manner in which it was designed.

Without a time and task study, it is not possible to determine whether an objective/actuarial release interview and verification process will require more trained staff time than the current subjective assessment process. In many jurisdictions around the country, pretrial release assessments are conducted by civilian staff, which is an option we encourage Pinellas

County to consider so long as it is accompanied by a commitment to use an objective risk assessment tool, to provide ongoing staff training, and to continue monitoring results. Clearly, use of civilian staff would be less costly than the current process that relies on senior detectives.

A number of actuarial assessment tools are available for purchase or through the public domain. We recommend that Pinellas County consider using the VPRAI (Virginia Pretrial Risk Assessment Instrument) due to its minimal initial cost (it is public domain) and the strength of research behind its development and use.

2. *Expand the continuum of pretrial supervision programs in order to better match releasees' supervision and support needs to their assessed risk levels.*

Florida statutes make FTA chargeable as a new crime, and many objective pretrial release assessment systems take into account prior FTAs. Pretrial support and supervision can save money by helping individuals avoid failing to appear for court hearings.

By expanding and strengthening the array of supervision tools available to the PCSO Pretrial Services Unit, the consultant team believes that a larger proportion of defendants could be released, and proportionately more released defendants would appear for scheduled court hearings.

Currently, three individuals in the PSU are responsible for supervising approximately 1,700 individuals on any given day; call-ins are handled by six civilian clerks. Misdemeanants are not supervised unless they are charged with domestic violence. Defendants are required to call in to describe how they are meeting their conditions, but PSU staff do not supervise face-to-face unless there is a problem that requires a "spot check" encounter. The PSU does not conduct any drug testing. Clearly the PSU could release more offenders with a higher risk (of FTA or re-offending) profile if it had adequate supervision tools to minimize risk to the public.

There are a number of tested strategies that could be employed at relatively low cost (particularly when compared to the cost of jail), which are arrayed below in order of the least restrictive/expensive. The most restrictive pretrial release options (e. though h. in the list below) would most likely require court sanction. Conditions of release should be matched to defendants' risk factors as assessed using an actuarial risk tool combined with professional judgment. Many of these options are also appropriate as alternatives to incarceration for sentenced individuals, who in Pinellas County are supervised by the State Department of Corrections' probation staff, the Salvation Army (misdemeanants), or the PCSO.

- a. **Automated phone monitoring** – The defendant receives an automated phone call at regular intervals with prompted questions to verify he/she is complying with release conditions. This system can also be used to remind individuals of upcoming court dates (see further explanation below). Many businesses issue payment reminders to all their customers because they have discovered that this results in far fewer late payments and failures to pay. The consultant team recommends that Pinellas County invest in a phone notification system to reap the benefits of reduced FTA rates for all pretrial releasees.
- b. **Temporary cell phones** – By providing low cost phones to defendants who otherwise might have remained in jail due to lack of a stable residence, pretrial

- services will be able to maintain contact with these individuals, and they can receive automated phone reminders as well. These phones are low cost, and can be configured to block the use of long distance and other features. Defendants would be required to sign a contract indicating that they will pay (or do equivalent work service) if the phones are damaged or lost. Although some damage and loss will undoubtedly occur, this cost is considerably less than the cost of housing defendants in jail bed. which is considerable particularly if the defendant is on Pretrial status for weeks or months.
- c. **Kiosk reporting** – An automated device similar to an ATM machine where defendant reports on a regular basis and answers certain automated questions. Kiosks can be located in probation offices, courthouses or even shopping malls for ease of reporting. Kiosks are a relatively inexpensive monitoring approach that can be particularly useful in tracking transient or homeless individuals. The Kimme team recommends that lack of a stable residence not be the sole reason for excluding someone from pretrial release.
 - d. **Electronic monitoring (EM)** – The most common form of electronic monitoring prescribes when the offender must be home and monitors compliance with that schedule using an active or passive system. At present, the Sheriff's Pretrial Services Unit makes very minimal use of electronic monitoring, and persons released on EM are required to pay a per day cost for use of the equipment. However, the per day cost of electronic monitoring is far less than the cost of secure confinement in jail, and the number of persons released under EM supervision could potentially be substantially expanded with significant savings in jail bed utilization.
 - e. **GPS electronic monitoring** – Electronic devices monitor not only whether the offender is at home at the appropriate times but also the exact whereabouts of the offender through a GPS satellite device
 - f. **Drug testing** – Individuals agree to a regime of random drug testing, often as part of other supervision conditions. Drug testing provides defendants / offenders with an incentive to remain drug free and therefore to be more likely to abide by other conditions, such as showing up for court dates. There must be consequences for positive drug tests, but there should be an emphasis on directing individuals to counseling or support rather than automatic revocation of ROR or community supervision. The consultant team's analysis of exit profile data shows that over 7% of the jail ADP is individuals charged with drug possession and eventually released "time served after average stays of 70 to 90 days. With drug testing and perhaps other conditions, it is likely that a substantial portion of these individuals could be released pretrial without significant risk of re-arrest or FTA.
 - g. **Day reporting center (DRC)** – In other jurisdictions, DRCs operate differently from the one operated by PCSO as a community service referral agency for sentenced individuals. DRCs, which can be used for both pretrial and post-sentence supervision and services, are more commonly defined as places where defendants/ offenders must report on a daily or other scheduled basis to plan or confirm their daily schedule. This schedule is approved by the staff member who is responsible for verifying compliance with the approved plan. Day reporting centers often offer programs such as alcohol/drug treatment, cognitive behavioral therapy, and employment-seeking skills training, often in the evenings when more defendants / offenders can participate.

- h. **Intensive supervision (ISP)** – Monitoring an individual's behavior through multiple face to face contacts each week (usually 3-7), primarily in the field, at all hours of the day. This also usually involves drug testing for defendants where this is a concern.
- i. **Treatment** – Outpatient treatment for substance abuse and/or mental illness.
- j. **Residential housing with day release** – Placement in a residential center that requires the defendant / offender to participate in treatment and educational programs. It is often combined with day release so the individual can maintain employment and/or schooling in the community.

3. Consider providing means by which those unable to pay are not excluded from pretrial supervision program.

The consultant team recommends that the court review and revise its bail schedule and criteria to enable release of more defendants who pose a low risk of flight or danger to the community but are unable to post money bail. Some options to consider are:

- a. Using deposit bail (e.g., 10% of the bond deposited with the court) as an alternative to surety bail for persons for whom money bond is set
- b. Reducing bail amounts required via the bail schedule for persons who have prior histories of failure to appear but who are County residents and who do not pose a substantial risk of flight to avoid prosecution or danger to public safety
- c. Providing adequate means of supervising these defendants and notifying/reminding them of court dates and criteria for imposing required conditions of release (see supervision options listed above).
- d. Eliminating requirements that pretrial defendants pay for the use of electronic monitoring equipment—a requirement that discriminates against those who are unable to afford to pay for use of the equipment and reduces the pool of defendants potentially eligible for release under EM.
- e. Creating a fund to pay for supervision and services for indigent defendants. This “indigency fund” could be sustained in two ways:
 - Charge those who are able to pay an additional sum of money (perhaps \$1-2/day) for options such as electronic monitoring, phone lending, or day reporting, and dedicate that dollar amount for payment for indigent defendants using these services; and
 - Request the courts or probation to add a small amount to their service fees to support this fund.

4. Develop a release matrix system that will enable pretrial services staff to match defendants to appropriate supervision techniques based on their risk profile.

A structured decision making process will improve positive outcomes by using an actuarial risk tool to determine who is in need of greater external control. Some individuals clearly don't need external controls as they are motivated and have a support system that reinforces responsible behavior. These individuals should be considered for ROR. For others who are assessed as needing significant structure to avoid FTA or re-offending, some combination of supervision and support techniques is more appropriate. The following

matrix is provided for illustration only, showing how such a system might work using just five tools: ROR, Kiosk, DRC, ISP, and EM. The severity of alleged offenses is categorized into two groupings: lower or higher. This example suggests that certain individuals accused of violent crime would not be eligible for simple ROR no matter the risk level, since the stakes are too high and public sentiment too strong to consider anything less than some structured supervision technique(s) for these defendants. The risk of re-arrest or FTA would be determined using the validated actuarial risk instrument discussed above.

5. *Monitor the success of pretrial release decisions based on re-arrest and failure to appear rates.*

The reported failure to appear rate for the PCSO Pretrial Release Unit, as of fall of 2007, is 3%, a remarkably low rate. Based on our experience in many other jurisdictions, it seems likely that the justice system and the public might tolerate releasing those who are at somewhat higher risk of FTA if they can be referred to pretrial supervision alternatives that help defendants remember and show up for their court dates.

It is essential that the PCSO and the courts track and review FTA rates for all means of pretrial release, including bond, ROR and any supervised release options that are developed. It will be particularly important to establish performance benchmarks or targets. For example, a target might be that PCSO pretrial services will recommend 70% of those reviewed for ROR, that their re-arrest rates will not exceed 8%, and that their FTA rates will remain at 5% or lower. To achieve these goals will require both validated pretrial release decision-making criteria and a comprehensive continuum of pretrial supervision programs and techniques.

D. STRATEGIES TO SHORTEN THE DURATION OF PRETRIAL DETENTION IN FELONY AND MISDEMEANOR CASES

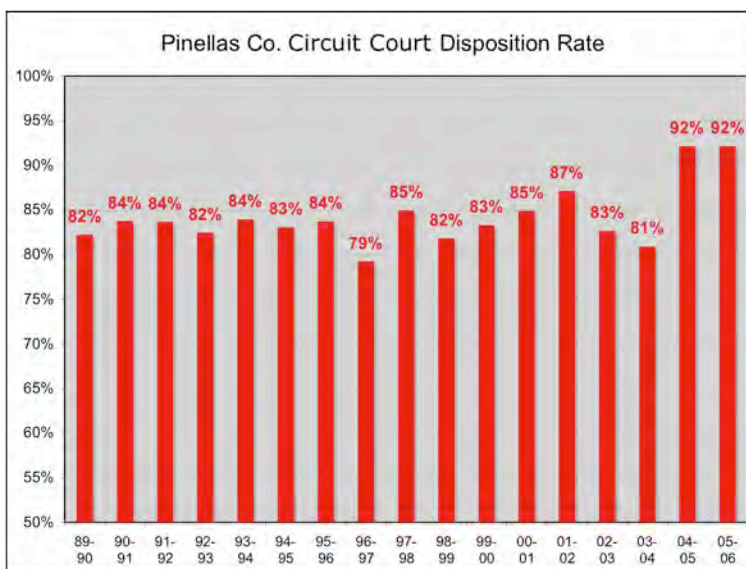
There are several interrelated strategies that can enable the Pinellas County justice system to shorten the average stay of pretrial defendants:

- Revise bail/pretrial release decision-making to enable prompt release of more low-risk defendants, with appropriate supervision when necessary (see previous section on bail and pretrial release recommendations).
- Revise court policies and procedures for handling incoming cases to enable more rapid resolution/disposition.
- Eliminate or greatly reduce existing case backlogs so that new case processing policies and procedures have the best chance of succeeding.
- Develop and utilize a broader range of dispositional options for locally sentenced individuals (see next section).
- Establish a system for performance monitoring through identifying key indicators of criminal justice system status and assigning responsibility for continuous analysis of and reporting on system effectiveness (see later chapter on performance monitoring).

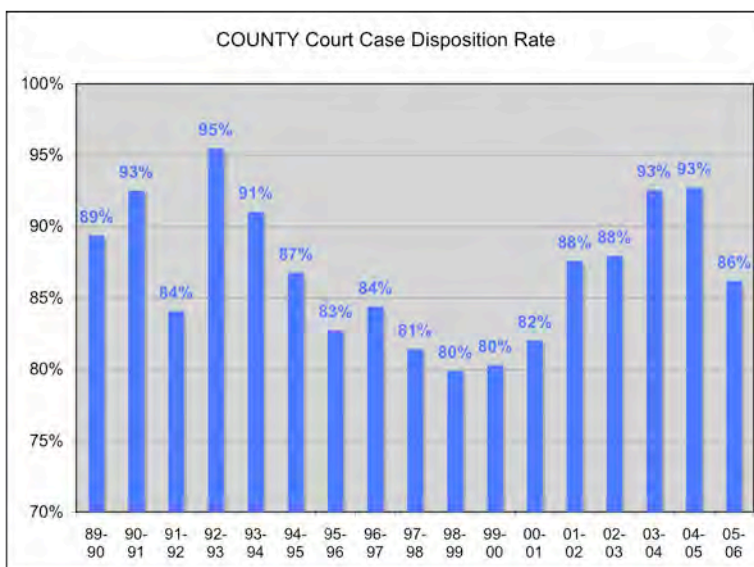
In addition to gathering information through interviews with numerous court stakeholders, the consultant team examined historic trends in case disposition rates (using data from the

State court website) and compared median time to disposition for various case types in 2007 to median times in 1987 (with the assistance of the County CJIS staff).

The chart below shows that, according to data published by the Florida Administrative Office of Courts, for the past 20 years, the number of Circuit Court cases disposed each year has lagged behind the annual number of filings. However, it should be noted that this was not the case in FY 2007. As noted earlier, however, the gap between filings and dispositions is so large, accumulating over 30,000 cases over the last 18 years, that the county should review how its data is entered and submitted to the state to verify its accuracy.



This gap between annual dispositions and filings has also occurred in the County Court (again, the data as submitted should be reviewed).

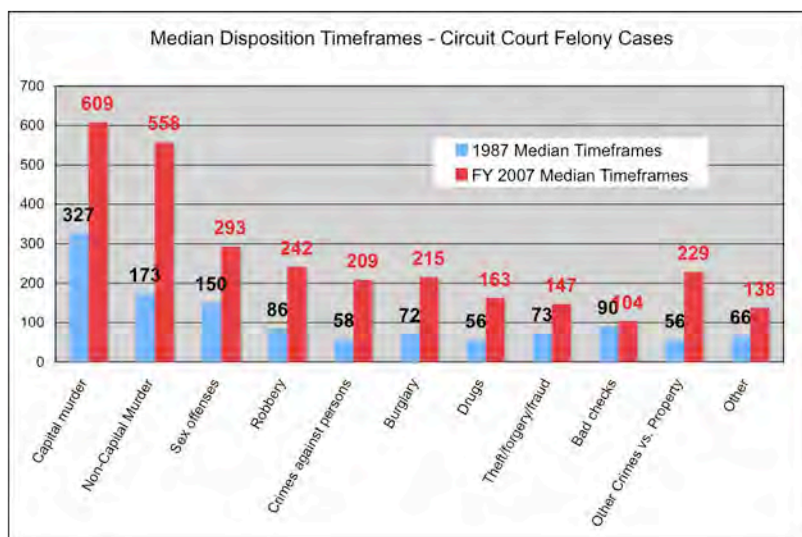


A healthy pending caseload in a general jurisdiction court handling felony cases is approximately one-quarter to one-third of the total number of annual filings, i.e., a three-to-

four-month supply. Significant reductions in felony case processing times can't be sustained over the long term unless the size and age of the pending caseload is manageable. When pending caseloads are very large, timely resolution is very difficult because neither attorneys nor judges have adequate time to prepare for court events which in each case must be scheduled at lengthy intervals because there are so many others in line.

Judges, prosecutors and defense attorneys are well aware that a large pending case backlog is a major obstacle to more efficient processing of newly filed cases. Pinellas County court personnel interviewed by the consultant team report feeling increasingly unable to resolve cases within timeframes they consider reasonable.

The following chart shows that the median time between filing and disposition for nearly all types of felony cases disposed in the year 2007 far exceeded the voluntary Florida Supreme Court case processing standards adopted in 1985 that suggest all felony cases should be disposed within 180 days of arrest.



There are a number of factors that have contributed to the increase in case processing times, including the following:

- The State Legislature has enacted laws that make repeated commission of a number of offenses—including third DWLS, petty theft, bad checks, and prostitution offenses—felonies, whereas they were formerly misdemeanors. As more cases come into the courts, they clog the courts and increase the workloads of attorneys and judges.
- The Legislature has enacted a number of mandatory sentencing laws that increase the likelihood of relatively lengthy mandatory sentences in some categories of cases, thus making it difficult to resolve many of these cases. Defendants (including defendants in pretrial custody) have no incentive to plead to charges that will result in long prison terms and no incentive to seek an early trial.

- In the late 1980s and early 1990s, the Florida Supreme Court placed heavy emphasis on timely resolution of cases and the extent to which courts were able to achieve compliance with Florida's case processing time standards that call for felony cases to be resolved within 180 days. In the past 10-15 years, there has been virtually no attention to monitoring time to disposition and no incentives for timely resolution.
- The development of the drug court model, under which cases of defendants remain open while the case is under the jurisdiction of the drug court, contributes to lengthening time to disposition in those cases. (Although the effective "disposition" for case management purposes takes place at the time that the defendant is admitted into the drug court, the information system and statistical data regard the case as disposed only at the time the case is formally closed—which may be many months or over a year later.)

Below is a table of legislative changes that have been enacted in the last ten years. These changes have had a significant impact on court and jail systems throughout the state including Pinellas County.

Florida State Policy and Legislative Changes Affecting Court Workload, Jail Population, and Resources Available to State and Local Criminal Justice Systems

Effective Date	Policy or Statute	Impacts
Oct. 1, 1998	Criminal Punishment Code: Repealed sentencing guidelines; retains sentencing points structure; significantly broadens upward departure discretion for felonies; permits prison sentences for all felony convictions; requires that sentencing court justify in writing all sentences that decrease penalty below to lowest permissible sentence ("departure sentences" – upward departures need not be justified)	Courts: Increased potential penalties for offenses means that cases take longer to dispose, court (judicial, State Attorney and Public Defender) workloads increase, and case backlogs increase. Judges may be less likely to give departure sentences. Jail: Increases the average stay of defendants detained awaiting trial, which in turn increases pretrial jail ADP.
July 1, 1999	Three Strike Violent Felony Offender Act: Those convicted of a third felony for a violent offense must receive the statutory maximum sentence specified in the Code	Courts: Increased mandatory penalties for offenses means that cases take longer to dispose, court (judicial, State Attorney and Public Defender) workloads increase, and case backlogs increase. Jail: Increases the average stay of defendants detained awaiting trial, which in turn

		increases pretrial jail ADP.
Various	<p>Changing classification of offenses from misdemeanor to felony:</p> <p>Third DWLS (licenses can be suspended for failure to pay tickets to maintain vehicle insurance, to pay child support, or for DUI)</p> <p>Second prostitution/soliciting</p> <p>Second battery</p> <p>Third DUI</p> <p>Second petty theft</p>	<p>Courts:</p> <p>Changes in offense classification leading to increased potential penalties for offenses means that cases take longer to dispose, court (judicial, State Attorney and Public Defender) workloads increase, and case backlogs increase.</p> <p>Jail:</p> <p>Increases the average stay of defendants detained awaiting trial, which in turn increases pretrial jail ADP.</p>
July 1, 2004	State takes over funding of county and circuit courts	<p>Courts:</p> <p>Initially reduced the level of funding for Sixth Circuit courts, State Attorney and Public Defender. Decreased court resources can lead to increased delays in case processing and growth of case backlog. Current state revenue projections are not encouraging.</p> <p>Jail:</p> <p>If it takes longer to dispose detained cases, then jail ADP increases.</p>

Since 2004	<p>Zero-Tolerance Policy of FL Department of Corrections:</p> <p>In the wake of a notorious case of a child murdered by an offender on probation, DOC mandates that all probationers charged with technical violations of probation conditions be arrested and detained pending a violation hearing. Also, law enforcement agencies, including the PCSO, instituted "COP VOPs", which resulted in detention arrestees whom these agencies believed to be on probation at the time of their arrest.</p> <p>Impacts of these policies have moderated due to a few factors: New DOC Director James McDonough appointed February 2006 relaxed this mandate, and his successor Walt McNeil has continued a more moderate approach. In addition, Pinellas County courts established a VOP court that aims to hear cases promptly and to encourage</p>	<p>Courts:</p> <p>Increased demand for probation violation hearings, which the court responded to by establishing a VOP court to expedite hearings.</p> <p>Jail:</p> <p>Mandatory detention of all technical violators caused a dramatic increase in the ADP of those awaiting VOP hearings. By 2007, this impact was lessening due to changes in state policy and to the successful implementation of a VOP court.</p>
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	DOC probation to make greater use of Notices to Appear (NTAs) for technical violators.	
March 2007	Anti-Murder Act: Requires that certain offenders who violate probation be held in jail until there is a hearing to determine whether they should be released on bail, and whether they are a danger to the community. Affects all on probation who have a qualifying offense in their past, as well as those who are newly charged with a qualifying offense (most violent offenses, but burglary and attempted burglary are also included).	Courts: May increase VOP court workload. Jail: May increase length of stay of those awaiting probation violation (VOP) hearing, and therefore increase ADP of these detainees.
2007-2008	Legislation limiting property taxing authority of localities	Declining county tax revenues mean that there is less funding for the Sheriff's Department and for the Health and Human Services programs that can help to provide local alternatives to incarceration and inmate programming within the jail.

The key criminal court policymakers (Chief Judge, State Attorney and Public Defender) agree with the consultant team's recommendations that criminal case processing should be expedited and that case backlogs must be minimized in order to enable more efficient court functioning. Since the largest proportion of the PCSO jail population is pretrial felons, reducing the duration of felony case processing will have a substantial impact on jail ADP into the future.

Felony case processing times are now very lengthy:

- Median time to disposition for all felony cases in 2007 was 156 days
- Approximately 2600 felony cases (28%) pending over 180 days

Speeding the resolution of the cases of detained felony defendants will require revising case processing policies and practices and minimizing the backlog of pending cases. In the long run, accomplishing these goals will likely require additional court resources for the State Attorney, Public Defender, Judiciary, Court Administrator and Clerk. Case processing standards and practices that the consultant team recommends for Pinellas courts' consideration are summarized below. We recognize that many of these policies have already been adopted to the extent that current court resource allocations permit.

1. Prompt Initial Screening and Charging in New Cases

Under Florida's Rules of Criminal Procedure, a misdemeanor charge can be prosecuted on the basis of a police report or complaint signed by a police officer. However, an information charging a felony offense must be signed by the State Attorney or a designated Assistant

State Attorney. Whoever files the information on behalf of the State Attorney's office must state under oath that the prosecution is instituted in good faith and must certify that he or she "has received testimony under oath from the material witness or witnesses for the offense."⁵ While misdemeanor offenses can be (and generally are) handled rapidly in the County Court, felony cases usually take a considerably longer period to resolve.

The obligation to take sworn testimony in support of the filing of an information often means that a significant period of time passes between an arrest and the filing of an information charging a defendant with a felony offense. If a defendant is in detention, the information must be filed within 33 days or else the defendant must be released on his own recognizance unless the period of detention is extended to 40 days for good cause shown.⁶ The Pinellas County State Attorney's office seeks to have any information involving a defendant in detention filed within 21 days following the arrest, though occasionally the period runs longer.

Although probable cause statements in a police report can be sworn by the officer, the Pinellas County State Attorney's office not unreasonably takes the position that an Assistant State Attorney should interview the arresting officer and, if possible, other witnesses to the offense before filing an information. Sometimes this is done very quickly following an arrest, but often it can take several days—or even weeks—before the investigation is sufficiently far along to enable the filing of a sworn information. It is not uncommon for the decision regarding charges to be significantly different from what appeared in the initial police report and probable cause statement.

It is at least possible that the length of stays of some newly arrested persons could be reduced through a more thorough process of initial screening and case investigation, but doing so would probably require additional staff in the State Attorney's office to be devoted to these functions. Additionally, if video conferencing capabilities were readily available (to facilitate prompt communication between police officers and assistant state attorneys), some savings in the time required for initial investigation and the filing of an information could be made.

To the extent that more resources can be devoted to the early screening and charging functions, it should be possible to achieve several objectives:

- Identify additional evidence or investigations that may be needed in order to conduct prosecution.
- More rapidly determine the appropriate charge(s) on which to prosecute the defendant; identify cases that may be appropriate for dismissal or downgrading to lesser charges than initially filed; and enable rapid disposition in the County Court of some cases that are initially charged as felonies.
- Rapidly identify cases that may be appropriate for diversion to Drug Court.
- Provide basis for rapid follow-up with victims and witnesses when necessary.
- Facilitate early disclosure of information to the defense (at least the police incident report and possibly other information) prior to first appearance.

⁵ Florida Rules of Criminal Procedure (2008), Rule 3.140 (g).

⁶ Florida Rules of Criminal Procedure (2008), Rule 3.134.

- Provide a basis for discussions between assistant state's attorneys and defense counsel concerning possible early resolution of the case.

Because early screening and charging decisions can make a substantial difference in court workload and in the quality of justice delivered, and because these decisions can be quite complex, it is desirable to have experienced lawyers performing this function. To do effective early screening, it would also be desirable for the State Attorney's office to quickly receive easily readable police incident reports (preferably via electronic means, as is now possible with the PCSO and Clearwater Police), the arrestee's prior criminal record, and any other relevant available information.

2. Early Representation by Defense Counsel and Early Discovery

In Pinellas County, an assistant public defender is present at all first appearance (advisory) proceedings, but ordinarily there is no direct consultation between a representative of the Public Defender's office and a defendant who cannot otherwise afford counsel until after the advisory proceeding. In County Court cases, a public defender is appointed within 24 hours if the case is not resolved at that advisory proceeding, and handles the case thereafter. In Circuit Court (felony) cases, a paralegal generally meets with the defendant before an initial bond hearing before a Circuit Court Judge, which usually takes place 3-5 days after the arrest if the defendant has remained in custody unable to post bond. An assistant public defender assigned to the bond hearing court will handle that proceeding. Thereafter, a lawyer assigned to the defendant's case will see the defendant and will handle all further proceedings.

Early resolution of cases requires that defense counsel receive basic discovery information promptly, using electronic transmission of police reports (at least key portions) where this won't compromise witness safety. At present, the defense counsel in a felony case generally receives basic discovery (at least the police report and available prior record information) at or shortly after the arraignment on the information. In most cases, the assistant state's attorney handling the case will also provide the defense counsel and the judge with the "score" that has been computed by the State's Attorney's office—i.e., the points that the current charge and the defendant's prior record show as a basis for sentencing under Florida's sentencing laws.

The sooner this information can be provided, the more rapidly meaningful negotiations concerning non-trial resolution of the case can commence. Looking toward the future, it seems desirable to provide for very prompt electronic transmission of the original police report and arrest affidavit to the Public defender's office, at least in cases where this will not compromise witness safety.

3. An "Inventory Control" Process

Ensuring that cases (particularly those of detained defendants) are processed as promptly as possible requires that the courts, particularly the Chief Judge, State Attorney and Public Defender, develop an "inventory control" process that includes:

- Case processing time standards,

- Capacity for monitoring the age and status of pending cases,
- Workload guidelines for prosecuting and defense attorneys, and
- Flagging detained cases and developing plans for resolving them expeditiously.

Case processing time standards do not create rights for defendants or the prosecution, but they do provide guidance to practitioners concerning the outer limits of what is regarded as appropriate duration of different types of cases. They are valuable for assessing the performance of the overall system and for identifying problems in the handling of specific types of cases. They can also enable system leaders and managers to identify areas where additional resources (personnel or technology) may be needed in order to enable compliance with the standards. Adoption of case processing time standards, coupled with implementation of procedures for monitoring compliance with the time standards, has proven to be important in the successful efforts of other jurisdictions to reduce criminal case processing delays.⁸

The consultant team recommends that the judiciary, State Attorney's office, Public Defender's office and representatives of the private bar collaborate to develop realistic case processing time standards and procedures for handling newly filed cases. The 1985 Florida Supreme Court standards, which are simple and easily understandable⁹, provide one point of reference, and ABA standards provide a somewhat more nuanced example.¹⁰

Time standards should reflect the varying complexity of different types of cases, and should anticipate expeditious resolution of relatively simple cases while providing adequate time for resolution of more complex cases. It is feasible and appropriate to focus on ensuring the timely processing of detained defendants, but it is important to seek timely resolution of all cases. The capacity to measure performance in relation to any case processing time standards that are adopted must be put in place, along with mechanisms to report and review the results on at least a monthly basis (see subsequent chapter on performance monitoring).

Workload guidelines for prosecuting and defense attorneys should likewise take into account the relative complexity of different types of cases – it is not enough to prescribe a caseload (i.e., a number of cases per attorney) standard. Together, case processing time standards and workload guidelines provide an objective means of assessing whether resource allocations are matching evolving workload demands.

The consultant team recommends that the State Attorney's office consider designating a senior attorney or other staff member to monitor and help manage the overall inventory of cases on an ongoing basis. Whether done by the State's Attorney's Office, the Court, the Sheriff's Office or some other entity (or, possibly, an inter-agency task force), it is important

⁸ See, e.g., the discussion of the key role of case processing time standards in the successful delay reduction and case management programs in Detroit, Michigan and Montgomery County (Dayton), Ohio in William Hewitt et al., *Courts That Succeed* (Williamsburg: National Center for State Courts, 1989).

⁹ Florida Supreme Court standards, which are voluntary rather than mandatory, suggest that all felony cases should be disposed within 180 days of arrest and all misdemeanor cases within 90 days of arrest or citation.

¹⁰ ABA standards suggest that 90% of felony cases should be disposed within 120 days of first appearance, 98% within 180 days and 100% within one year. For misdemeanor cases the standards require that 90% be disposed of within 30 days and 100% within 90 days.

to develop the capability for monitoring pending caseloads, identifying cases that are over or nearing the outer limits of time standards, and suggesting possible ways to address key problems. In some instances, this may mean making recommendations for changes in procedures, reallocation of resources, or an infusion of new resources. Criminal court judges can help to ensure the timely processing of felony cases by limiting the number and length of continuances granted and ensuring the integrity of trial dates. In interviews with practitioners, the consultant team was told that in most divisions it was common for continuances to be granted for periods of 4 to 6 weeks. As case backlogs are reduced (see below), it should be possible to develop a tighter policy toward continuances—granting them only when clearly necessary, for cause shown, and limiting their length to 2 or 3 weeks.

To aid in jail population control, the PCSO or another designated entity should regularly (at least weekly) produce a current list of detained defendants that can enable rapid identification of cases that need prompt attention. Such a list should be organized by the court division to which the case is assigned and should be circulated at least weekly to the Chief Judge, every judge with responsibility for a criminal division, Court Administrator, State's Attorney's office and Public Defender. This list should, at a minimum, contain the following information for each jailed defendant:

- Name
- Court case number(s) for all pending cases
- Jail ID number
- Any other identifying numbers
- Type of case (charge type)
- Date(s) case(s) filed
- Court division(s) responsible for case(s) involving the defendant
- Date of defendant's admission to jail
- Days elapsed since admission to jail
- Name of defense lawyer
- Name of assigned prosecutor
- Date and result of last court event
- Date and nature of next court event¹¹

4. Rapid Lab Turnaround for Drug Possession Cases

Felony drug cases comprised one-third of the cases disposed by the Circuit Court in 2007, and the median time to disposition for these cases was 163 days. Inmates charged with drug possession (marijuana or other drugs) and released "time served" occupied 7% of the jail's bed space in 2007 (approximately 270 beds), and stayed an average of 70 to 90 days in jail prior to release. Because these cases are usually not complicated from an evidentiary standpoint, it should theoretically be possible to resolve many of them more swiftly—at least if appropriate treatment and supervision services are available. In some instances, the only issues really in dispute may be the nature and weight of the substance seized by the police. When that is known at an early stage in the case, negotiations looking toward non-trial

¹¹ Preparing such a list would require linking inmate-specific information in the Jail's information system with case-specific information in the Criminal Justice Information System (CJIS). Because information in the two systems cannot be easily exchanged, this can be a time-consuming process. However, in the absence of a true integrated criminal justice information system, it is probably the best way to focus attention on jail cases that need prompt attention. Additional staff resources are likely to be necessary for whatever entity is charged with this responsibility.

resolution can move forward. At a minimum, it seems desirable to develop knowledge about the time from (a) arrest to submission of the substance for testing by a lab; and (b) the time required to obtain results once the substance is submitted for testing. To the extent that lab tests of suspected drugs seized from a defendant can be turned around rapidly, case processing times, and therefore jail stays for detained defendants, can likely be reduced.

5. Backlog Reduction Measures

It may be necessary for Pinellas County to focus additional resources for a limited period of time on reducing the old case backlog, so that new cases can be processed in accordance with time and workload standards adopted. To do this, the consultant team recommends that the court recruit a senior judge who has credibility with prosecution and defense to lead the backlog reduction effort. It would also be necessary to provide staff and courtroom space for this division, which will require re-allocation of resources (including Assistant State Attorneys, Assistant Public Defenders, court clerks, and PCSO court deputies).

E. EXPANDED CONTINUUM OF DIVERSION, SENTENCING AND AFTERCARE OPTIONS

Diverting selected defendants from prosecution or conviction to options such as the Public Defender's Jail Diversion Program and the County's Drug Court can shorten the pretrial jail stays of eligible defendants who were detained, and avoid jail time altogether for those who were not jailed initially. Supervising a larger proportion of county sentenced offenders in community-based programs or placing them in non-secure residential facilities to serve their sentences can also reduce the need for secure jail beds over the long term. By expanding these programs, Pinellas County can help to ensure that any future expansion of jail capacity does not result in a rebound of the sentenced population housed in jail (this may already be occurring as the size of the pretrial inmate population has begun to decline during the past year). Having such alternative programs in the "toolbox" also helps to expand the range of options available for pretrial releasees who may need supervision to avoid FTA or re-arrest, as well as for probation violators who require sanctions or interventions in response to their violations of supervision conditions.

It is also essential that jail program options be wisely used, and that more attention be paid to inmate's transition from jail back to community life. Through assessing and meeting inmates' criminogenic needs while they are in jail, and planning for their re-entry, Pinellas County can reduce the likelihood that they will return to jail.

1. Sustaining and Expanding Diversion Options

The Public Defender's Jail Diversion Program enjoys a national reputation as a quality program that diverts homeless mentally ill arrestees from occupying costly jail beds. The program develops individualized treatment plans for eligible defendants diagnosed with Axis 1 disorders. Many have been assigned relatively low bail amounts (\$7,500 or less), but are not able to post bond because neither bonding agents nor the Sheriff's Pretrial Release Unit consider them to be "good risks." Participants are offered dormitory style housing, transportation, mental health treatment and medication. The program's central goal is to stabilize these mentally ill chronic minor offenders. However, because it can take 30 days to get an appointment with the Mental Health Center and another 30 days to get an evaluation, most of these individuals are not being served in a timely fashion. The program maintains a waiting list that was at 40 when the consultant team interviewed staff in 2007. Some of

those who must wait for mental health services fail to appear at court and/or are re-arrested. Often, these individuals are perceived as low risk given the relatively low bail amounts (such as \$7,500) but who cannot afford to pay the 10% required.

The consultant team strongly recommends that Pinellas County build on this program's proven track record by supporting and expanding programs and facilities that enable pretrial diversion and deferred sentencing of mentally ill and dually diagnosed minor offenders. This includes increased County support for the Public Defender's Jail Diversion Program as well as development of the Crisis Center facility as described in the bail and pretrial release recommendations section earlier in this chapter.

Pinellas County's Drug Court has been operating since 2001 as a blended drug court, accepting eligible individuals at the pretrial, post-plea, post-adjudication and probation violation stages of the justice system process. During 2006, 1057 individuals were accepted into the Drug Court, 367 participants graduated, and 347 were terminated unsuccessfully. The 2006 Annual Report documents that just 16.4% of Pinellas Drug Court graduates had been rearrested within 24 months after graduation. Research in other jurisdictions has also shown that drug courts can be highly effective in breaking the cycle of recidivism for addicted offenders. In the long run, successful stabilization of these individuals reduces both admissions to and average stays in jail and in state prison.

As noted in the recently completed *Process Evaluation of the Pinellas County Adult Drug Court Program*,¹² a key challenge for the Drug Court is the prolonged period between arrest and admission to treatment, which reportedly averages 24 weeks (it is shorter for those in custody). This evaluation documents that it takes an average of 21 days after arrest for those in custody to determine their eligibility for drug court (90 days for those not detained). Following that, it takes an average of two weeks until arraignment, at which time most defendants file pleas. After this, it takes from two to four weeks until individuals can be assessed by PAR, and as long as six to eight weeks for a pre-trial hearing at which the defendant signs papers to enter the drug court program and is put on a waiting list for treatment. At this point, these individuals become subject to violation charges even though they have not yet begun treatment.

It appears that in addition to the delays due to State Attorney investigation and court scheduling practices, a significant portion of this protracted waiting period is due to the scarcity of assessment and treatment resources. Lack of adequate assessment and treatment resources was a consistent theme that members of the consultant team heard from judges, prosecutors, and defense lawyers. Research and practical experience have shown that substance abusers are much more likely to succeed if they can enter treatment as soon as possible after they have experienced a crisis (in this case arrest) that motivates them to begin treatment. The Kimme team recommends that Pinellas County significantly expand substance abuse assessment and treatment resources available not only to Drug Court clients but also to other sentenced offenders. We also recommend that the State Attorney's office and the courts consider developing a "fast-track" approach to determining eligibility and finalizing agreements that permit all defendants, and particularly those detained in jail, to enter drug court much more promptly following arrest.

¹² By R. Grimm, Ph.D., J. Carloni, M.S., and R. Peters Ph.D., submitted to the Pinellas County Board of Commissioners on October 5, 2007.

More broadly, the consultant team recommends that the concept of case processing approach known as differentiated case management (“DCM”) be considered by criminal justice system leaders in the County.¹³ Such an approach would logically include procedures for “fast-tracking” low-level non-violent felony charge cases—mainly cases involving drug and minor property offenses. These cases tend to be relatively uncomplicated in terms of evidentiary issues, and it should be possible to resolve a significant proportion of them much more speedily than more complicated cases involving extensive forensic tests and multiple witnesses. Particularly in view of the fact that the increase in filings has taken place almost exclusively in these categories of cases, it makes sense to consider developing special procedures for enabling speedy resolution of them whenever possible. Doing so would help to reduce the overall caseloads and help alleviate jail crowding.

2. Expand Options for County Sentenced Offenders

As of June 2008, PCSO data shows that the total jail ADP was 3,501, of which 842, or 24%, were county sentenced inmates. This is a significant change from June of 2007, when just 17% of the ADP of 3546 was county sentenced inmates. This has been matched by a decline in the proportion of pretrial felons, from 70% of the ADP in June 2007 to 61% of the June 2008 ADP. Beginning in April 2008, PCSO has housed a significantly larger number of federal prisoners than in previous years; in June 2007, there was an ADP of 59 inmates in the “other” category (PCSO records staff report this is comprised primarily of federal inmates), and by June 2008 that number was 250.

Clearly the composition of Pinellas County’s jail population has shifted since the consultant team began work on this study. Because of this shift, policy and program changes that expand non-jail options for county sentenced offenders could have an even more significant impact on jail bed space needs now and into the future.

The consultant team strongly recommends that the County and the PCSO collaborate to enhance capacity to provide non-jail sanctions and supervision to offenders convicted of low-level felony and all misdemeanor offenses. The PCSO and the courts should work together to develop agreed-upon assessment criteria that can be used by either judges or

¹³ Differentiated case management (“DCM”) is an approach that is used in a number of jurisdictions. The basic idea is to separate cases into different categories, reflecting the varying seriousness and complexity of cases that comprise a felony caseload. DCM can be adopted on a court-wide basis or by a single judge within a division. For the court as a whole, the existing drug court is a step toward DCM. The concept is strongly endorsed by the American Bar Association and there is an extensive literature documenting the benefits and providing descriptions of how to plan and implement a DCM program. See, e.g., ABA *Standards on Speedy Trial and Timely Resolution of Criminal Cases*, Standards 12-1.3, 12-3.4, and 12-4.3(j); also Holly Bakke and Maureen Solomon, “Case Differentiation: An Approach to Individualized Case Management,” *Judicature*, Vol. 73, No. 1 (1989) pp. 17 ff; Suzanne Alliegro, “Beyond Delay Reduction: Using Differentiated Case Management,” *The Court Manager*, Vol. 8, Nos. 1, 2, and 3 (Winter, Spring, and Summer 1993); David C. Steelman et al., *Caseflow Management: The Heart of Court Management in the New Millennium* (Williamsburg: National Center for State Courts, 2000), pp. 5-8, 49, 51-52; William Hewitt, *Courts That Succeed: Six Profiles of Successful Courts* (Williamsburg: National Center for State Courts, 1990); John Goerd, “Slaying the Dragons of Delay: Findings from a National Survey of Recent Court Programs,” *The Court Manager*, Vol. 12, No. 3 (Summer 1997). For an excellent guide to planning and implementing a DCM program, see Caroline Cooper, Holly Bakke, and Maureen Solomon, *Differentiated Case Management: Implementation Guide* (Washington, D.C.: Bureau of Justice Assistance, 1993).

the PCSO to sentence or classify more individuals into these non-jail options. In June 2008, there was an ADP of 644 county sentenced felons, and 198 county sentenced misdemeanants. If even half of these inmates had been placed in the alternatives described below, this would have reduced the total jail ADP by 12% (or 420 inmates).

Currently, jail intake staff conducts a brief mental health and substance abuse assessment, and makes jail classification recommendations using the Objective Jail Classification (OJC) system that originated with the National Institute of Corrections more than twenty years ago. The Alternative Sentencing Unit also uses the OJC to screen for possible intake into PCSO's two non-jail alternative programs for sentenced offenders, the Electronic Monitoring Program (EMP) and Day Reporting Program (DRP). As of May 2008, there was an ADP of 263 in EMP and 218 in DRP.

3. Recommended Risk and Needs Assessment Process

Jail classification assessments are not designed to assess risk of recidivism but rather to determine the level of custody inmates require to manage their behavior while in custody. Rather than using the OJC to determine eligibility for non-jail sentencing alternatives, the consultant team recommends that PCSO utilize a risk and needs assessment tool that is designed to evaluate an offender's risk to re-offend and to identify the factors (called criminogenic needs) that contribute to that risk to re-offend. The needs that are identified become the targets for programming interventions. There are three kinds of risk/need tools that are recommended for use in matching offenders to appropriate sanctions and interventions:

- a. **Brief screening device:** These triage assessment tools are designed to quickly identify the re-offense risk level of the offender. This allows decision-makers to focus limited supervision and intervention resources on higher-risk offenders rather than using them for low-risk offenders who are likely to be self correcting. Brief screening or triage instruments can usually be administered in 5 to 15 minutes, and they are used to determine whether a more comprehensive risk/needs assessment should be conducted.
- b. **Comprehensive risk/needs assessment:** These types of assessments are conducted using interview formats that typically include dozens of questions in a number of areas or domains. A proficient interviewer can complete such an assessment in 60-90 minutes. The results will more specifically identify an offender's level of risk to re-offend and the related criminogenic needs that must be addressed to reduce the risk.
- c. **Specialized assessments:** Additional assessments may be indicated for populations with particular risk and criminogenic need factors, such as sex offenders and those with addiction and/or serious mental health issues.

A multi-level assessment approach allows managers to focus more of their assessment resources on those offenders presenting higher risk and needs levels. Overall, this approach allows decision-makers to better match resources and interventions to offenders' risk level and needs, which will in turn reduce the likelihood that offenders will be re-arrested or return to jail in the future.

4. Recommended Enhancements to Continuum of Non-Jail Sanctions and Services

Currently Pinellas County relies on a few non-jail sentencing alternatives: day reporting (which is a form of community service work), electronic monitoring, and road work crews. The consultant team recommends that Pinellas County fill out a continuum of post sentencing alternatives, some of which could also take pretrial releasees, to maximize treatment benefits and cost-effectiveness. The following chart summarizes programs available now and others that would have the greatest potential for controlling jail population.

	Post Sentencing	Aftercare/Discharge
Currently in place	Day Reporting (service work) -Electronic monitoring -Weekender (not being used) -Road Work Crews	-Aftercare for Project Success and Project New Attitude – 12 weeks -Medication (three day supply)
Expansions or additions	-Day Reporting Center -PIR (Program Incentive Release such as 10% of sentence) -Work Program or furlough with apprenticeship opportunities- combine with PIR -Residential halfway house -Expand treatment placements to reduce waiting list	-Discharge planning (case management, reentry project including concept of a Resource Discharge Center) -Enhanced aftercare

Using a risk and needs assessment process as described above, the appropriate interventions can be matched to each individual, with the structure and intrusiveness of the intervention increasing as risk and needs level of eligible candidates increase.

The consultant team recommends that Pinellas County consider the following additions to its non-jail sentence option continuum:

- Expanded use of electronic monitoring
- Day Reporting Center
- Work program or furlough
- Residential halfway house
- Supportive housing for women

a. Electronic Monitoring

Pinellas officials report that the county's use of electronic monitoring is the highest in the state for sentenced offenders, with approximately 250 individuals on the equipment on any given day. The PCSO Alternative Services Unit (ASU) operates the program, which charges participating offenders \$6 per day. ASU reports moving to a hybrid version where they can use more advanced technology (i.e., GPS) based on circumstances. Most offenders (estimated at 85%) are placed on EM by the courts but some are selected by the ASU upon their arrival at jail. ASU uses the jail classification scoring sheet and, if a person meets the proper threshold, ASU then applies the EM criteria. ASU reports that every year approximately 850 offenders successfully complete the program and 120 are terminated and returned to jail, either for a new charge or a technical violation. ASU operates 7 days a week from 6 pm to 6 am, with six deputies and one corporal who see each offender face-to-face weekly.

The consultant team recommends that every effort be made to expand electronic monitoring referrals by reducing unnecessary barriers to participation. For example, PCSO might consider either eliminating the requirement that defendants pay a daily fee or creating an indigency fund (see bail and pretrial release recommendations section). Alternatively, ASU could require that a deposit be posted, to be returned at the successful conclusion of EM, which would increase the incentives for compliance and return of equipment. EM remains one of lowest cost alternatives to jail and should be maximized.

b. Day Reporting Center

The ASU operates a Day Reporting Program (DRP) that is essentially a community service program, assigning offenders to do volunteer work in the community (parks and other public agencies). For every day offenders work, they get one day off their sentence. Offenders are sentenced to DRP by the courts and are not supervised directly by ASU staff. This model differs significantly from Day Reporting Centers operated by other jurisdictions. These DRCs require offenders to report in daily to program staff and to participate in on-site treatment and educational programming that are scheduled to avoid conflicting with employment or school commitments. The consultant team recommends that Pinellas County expand its concept of Day Reporting beyond its current community work service to include a more structured program in which offenders report to staff and participate in programs located at one more sites in the County. This will enable decision-makers to utilize this low-cost (in comparison to jail beds) option for sentenced offenders with higher risk and needs levels.

c. Work Program or Furlough

A work furlough program can be residential or non-residential. Most work programs are residential, with offenders living in a semi-secure setting (often dormitory style) and having scheduled work hours. Sometimes these programs provide treatment or education programs during the day or evening. Workforce Centers are excellent partners to ensure that offenders receive job-seeking skills training and job referrals.

d. Residential Halfway House

A residential center or halfway house provides a semi-secure environment and requires offenders to attend programming and maintain employment. It can be used as a sentencing option for the court (in lieu of jail) or as part of a gradual step down process for inmate transitioning out of jail. Many jurisdictions provide these programs as an incentive for the offender to comply with jail requirements so that they may serve the last half or third of their jail sentence in a less restrictive setting (see following section on release incentives). Pinellas County could renovate an existing building or build a new one at a much lower cost than similar capacity in a secure jail structure.

e. Supportive Housing for Female Offenders (and their children)

The percent of females in the PCSO jail ADP has been steadily increasing, from 11.5% in 1992 to 18.6% in 2006. The Bureau of Justice Statistics, in its *Prison and Jail Inmates at Midyear*, reports that as of June 30, 2004 female inmates represented about 12.3% of the local jail population; overall, about 8.6% of persons in prisons and jails nationally were women. The proportion of females in the Pinellas County jail is clearly higher than the national rate.

Research shows that female offenders typically:¹⁴

- Are survivors of physical and/or sexual abuse
- Have histories of fragmented families with other family members involved with the criminal justice system
- Have significant histories of substance abuse
- Have multiple physical and mental health problems
- Are single mothers

PCSO managers and staff who work with female offenders in the County jail affirm that they fit this profile.

In Pinellas County, once a woman is convicted of a crime there are significant barriers to her obtaining stable housing and other supports, so she is more likely to be sent (or even request to go) to jail so that she can participate in the well-regarded drug treatment and job training programs available there. Rather than housing women convicted of low-level offenses in jail, the consultant team recommends that Pinellas County consider developing small, eight to ten bed units within existing residential communities. These supportive housing units could function both as alternatives to jail and as step-down placements for women re-entering the community after a sentence to jail.

¹⁴ For more information see *The Gender-Responsive Strategies Project: Jail Applications*, Susan W. McCampbell, National Institute of Corrections, April 2008. <http://www.nicic.org/pubs/2005/020417.pdf>

At Pinellas Village, female residents with substance abuse and other issues go to work or school and participate in programs in the evenings; they can reside there for up to five years. Currently, it is reported women with criminal convictions are barred from residing there. If this restriction cannot be changed, then it would be cost-beneficial for the County to explore alternative supportive housing sites for women who would otherwise be sentenced to serve time in the jail. Most women offenders are not public safety risks, but they do have a complex mix of criminogenic needs that require long-term gender-responsive interventions and supports to effectively address. Supportive housing should be staffed by case managers who are trained in the particular needs and strengths of women offenders, and who know how to help them gain access to community-based health, mental health, legal, employment and substance abuse services.

5. Expanded Options for Treatment and Other Supportive Services

Earlier in this section, the importance of expanding substance abuse and mental health assessment and treatment services (PAR, Project Success and the Public Defender's Jail Diversion Program) was addressed. There are other programs that also should be considered for enhancement, such as STARS (Success Training and Retention Services) operated by Pinellas County Health and Human Services. STARS grew out of a program called STRIVE that worked with hard-core offenders in New York City to help them become employment-ready and then followed up with them for two years. STARS offers ten classes a year in Clearwater and another ten in St. Petersburg. It also provides financial assistance for rent and employment case management for the homeless. Programs like STARS could be combined with stable housing to provide a more productive structured environment than jail for selected individuals. This kind of partnership between the justice system and human services agencies could facilitate much-needed integrated case planning so that whenever inmates leave the jail they will have a plan and links to other critical needs such as medication and health care.

6. Improved Approaches to In-Jail Programming

The Pinellas County Sheriff's Office has an impressive array of inmate programs offering inmates a diversity of options. The consultant team believes that the effectiveness of these programs in reducing inmates' likelihood of recidivism could be enhanced through targeting criminogenic needs, adopting assertive case management techniques, and clarifying management support of inmate program efforts.

a. Focus on Criminogenic Needs

If a primary goal of jail programming is to reduce the likelihood that inmates will return to jail, then it is important to focus program resources and inmate energy on addressing criminogenic needs using proven behavior-modification techniques. Because inmates have a limited amount of time to participate in jail programs, the consultant team recommends prioritizing programs shown to be most effective in addressing criminogenic needs and reducing recidivism (such as ABE, Parenting Wisely, Project New Attitude, Project Success, Anger Management and Project Trade). Although some programs have not yet been shown to be likely to reduce criminal recidivism (such as HIV Awareness, Self Esteem, Yoga, Fatherhood, Breast Cancer Awareness), they may be worthy of retention because they offer structured activities and transmit useful information and skills. The most important goal of jail programming, however, should be to encourage inmates to participate in programs and activities that can effectively address their criminogenic needs using proven behavioral techniques such as role plays, practice and rehearsal.

b. Assertive Case Management

Currently, inmates enter programs through a process of self-selection, applying after they have heard about them through word of mouth or PCSO flyers. The consultant team strongly recommends that jail staff encourage inmates to participate in particular programs based on an assessment of their criminogenic need, a process sometimes called “assertive case management.” Research clearly shows that recidivism is reduced in direct correlation to the number of criminogenic needs addressed, so it is in the inmates’ and the justice system’s best interests to ensure that the maximum number of needs are addressed.

c. Management Support

PCSO management staff must be clear in its support of inmate programming efforts and goals. Program staff members who undertake the challenges of working with individuals with multiple problems and sometimes challenging attitudes need to feel supported in their efforts. Given management encouragement, adequate space and other tangible resources, program staff will be able to continue to apply their skills and energies to their essential work.

7. Enhanced Planning and Services to Facilitate Inmates’ Transition from Jail

Florida law provides for a “gain time” system in which jailed inmates can earn up to ten days per month off their sentence if they abide by rules and expectations. In Pinellas County, some judges give early release to inmates who complete Project New Attitude (PNA) or Project Success (PS). The PCSO has a Program Incentive Release (PIR) policy that reduces the sentence length for those who participate in jail programs or work (up to ten percent of their sentenced time), provided that the sentencing judge agrees to permit it.

Access to these opportunities for earning early release is not guided by consistent decision-making policies. For example, some sentenced offenders who would be eligible for early release have volunteered for participation in Project New Attitude (PNA) or Project Success (PS) but were not able to access the programs because they were needed for trusty work assignments, which are almost all given to sentenced inmates. Relatively few pretrial detainees are slotted for trusty work because it is assumed they are going to be held for only a short time (clearly not the case for all pretrial felons) and they cannot be required to work since they have not been found guilty. Because the sentenced offender population is the primary source of inmate workers, some sentenced inmates who wish to participate in PNA or PS enter those programs relatively late in their sentences and are reportedly held on “voluntary status” past their earliest potential discharge date (under PIR gain time rules) so that they can complete PNA or PS requirements. If their participation in these programs had been prioritized at the beginning of their sentence, these extra jail days would have been unnecessary.

The consultant team recommends that PCSO work with the courts to develop a consistent policy that authorizes the PCSO to use jail programs and community supervision options as a means of preparing sentenced inmates for their transition back to the community. With a continuum of jail programs that can serve as a series of “step down” options, lower-risk inmates should be able to earn early discharge by participating in educational and treatment experiences that may help them be more successful after release. Because PCSO will likely continue to need inmate workers for maintenance and kitchen duties, jail management should consider using incentives to encourage longer-term lower-custody level pretrial inmates to do trusty work. These incentives could include a nominal wage (e.g., \$1/hour)

and/or a “behavioral store” where inmates who work can exchange work hours for canteen and personal products.

The consultant team recommends that PCSO develop a system of transition or reentry planning that begins very early in an inmate’s sentence and is connected to aftercare resources in the community. Even though some inmates cycle through the jail in a relatively short period of time, any time spent in jail should be seen as an opportunity to intervene to improve inmates’ physical and mental health through jail program participation or at least referral to appropriate programs and resources at release. Research has shown that inmates, particularly those with serious health and mental health issues, who do not receive comprehensive, coordinated, and effective aftercare services are much more likely to return to jail. A seamless case management system that integrates efforts of key justice, health and human services providers will enable Pinellas County to break the cycle of frequent re-arrest that brings many minor offenders to the jail’s front door repeatedly.¹⁵ Successful reentry and aftercare systems can reduce disruptive behavior by former inmates, improve their physical and social status, and decrease the likelihood that they will re-offend.

Currently, there is limited aftercare available for inmates who participate in treatment programs while in the jail. Every second Wednesday from 5 to 7pm, PCSO offers a voluntary aftercare program at a location remote from public bus lines. Although PCSO indicates that many ex-offenders voluntarily come to participate, they represent only a small fraction of those who have participated in jail programs.

A Reentry Coalition was recently established in Pinellas County as a public-private partnership comprised of organizations representing the faith community, homeless services, and the criminal justice system. With its existing grant funding, the Reentry program is able to serve only about 300 jail releases per year (about 3% of the nearly 9,000 per year who exit the jail as “time served,” based on the Kimme exit profile). The Coalition reports some successes including improved information-sharing among its partners and increased employer willingness to provide jobs for ex-offenders. Community agencies involved with the Coalition offer an annual Reentry Showcase at which ex-offenders can receive a variety of assistance free of charge, including health exams, applying for a driver’s license, obtaining clothing, resume assistance, and Worknet. However, the Coalition is not able to serve the vast majority of inmates released from jail, who often leave without being connected to necessary services or supports to address the human and social needs that contributed to their criminal behavior in the first place.

To develop a comprehensive jail transition system, the consultant team recommends that Pinellas County establish a jail transition coordinating group comprised of stakeholders from all relevant agencies and sectors, including PCSO, the courts (State Attorney, Public Defender and judiciary), law enforcement, State DOC probation, Salvation Army, Health and Human Services, Workforce, mental health, housing, Veterans, education, and hospitals with ERs that serve the uninsured. This group would not replace the Reentry Coalition, but work with it to encourage broad commitment to a comprehensive system that can facilitate

¹⁵ For more information, see *Increasing Public Safety Through Successful Offender Reentry: Evidence-Based and Emerging Practices in Corrections*, Center for Effective Public Policy, Bureau of Justice Assistance, 2007, at http://www.ojp.usdoj.gov/BJA/pdf/SVORI_CEPP.pdf; and *Short-Term Strategies to Improve Reentry of Jail Populations: Expanding and Implementing the APIC Model*. Fred C. Osher, M.D., American Jails, January/February 2007, at http://www.ojp.usdoj.gov/BJA/pdf/APIC_Model.pdf.

successful transition of jail inmates into the community. The footnoted documents provide guidance on how to initiate and sustain this collaborative process.

8. Evaluate the Operation and Outcomes of Diversion and Sentencing Options

To ensure that public and private investments in diversion and sentencing options are being used wisely and achieving desired outcomes, Pinellas County should establish both quality assurance and performance monitoring systems.

Quality assurance (QA) systems examine whether programs are being delivered in the manner they were designed. Research-based programs provided by the best staff will not necessarily produce good outcomes if the programs are not operated consistent with program models. To verify that a diversion, jail or aftercare program is being run in the manner it was designed requires that case files be audited to ensure that criminogenic needs identified are being addressed by appropriate programs in a responsive manner. QA also entails direct observation of program activities and/or submission of video or audio records for clinical oversight. The National Institute of Corrections has published a Quality Assurance Manual that provides jurisdictions with guidance on how to establish a quality assurance (QA) system that incorporates both process and outcome evaluation elements.¹⁶

Key outcomes of diversion, jail and aftercare programs as defined by the operating agencies and groups should be incorporated into the performance monitoring system that the Kimme team recommends Pinellas County establish. These outcomes are likely to include, at a minimum, successful program completions and re-arrests of former jail inmates.

¹⁶ *Implementing Evidence-Based Practice in Community Corrections: Quality Assurance Manual*. Crime & Justice Institute and National Institute of Corrections, December 2005. mohfw.nic.in/dofw%20website/Quality%20Assurance-Final.pdf

F. POTENTIAL PINELLAS COUNTY JAIL ADP AND ADMISSIONS IMPACTS OF RECOMMENDED POLICY CHANGES

Policy Change Area	Percent ADP Reduction	Percent Bookings Reduction
<i>I. Reducing Length of Stay in Jail</i>		
A. Expedited felony and misdemeanor case processing 1) Assuming ABA case processing standards 2) Assuming Florida case processing standards	7.9% 12.9%	
B. Reducing old case backlog (impact incorporated in item A-2)	see A-2	
C. Improve pretrial release on recognizance policies and practices (implement actuarial risk assessment; expand pretrial supervision and notification options; establish indigency fund)	7.5%	
D. Expedite disposition of VOP cases and increase use of non-jail sanctions for technical probation violations	?	
<i>II. Reducing Admissions to or ALOS in Jail</i>		
A. Increase use of citations and notices to appear in lieu of arrest; divert arrestees charged solely with infractions or local ordinance violations (via placement in homeless shelters or mental health crisis center); divert those brought to jail under the Marchman Act to detoxification / treatment programs or facilities.	2% (Overlaps with B)	10% (Overlaps with B)
B. Expand use of community-based (non-jail) options for individuals convicted of misdemeanors and low-level felonies, including 1) Staff-secure (non-jail) facility, and/or supportive housing for women that provides job training, education and substance abuse treatment 2) Expand use of electronic monitoring, day reporting (new definition), and PAR; adding work furlough, halfway house, incentive/early release programs) 3) Expand capacity for substance abuse and mental health treatment in the community (for Drug Court and other offenders) 4) Make greater use of early release from jail to transitional program options	8%	?
TOTAL IMPACTS (at a minimum)	25.4-30.4%	10%

1. Background Information

a. Impacts I-A and B

In 1985 the Florida Supreme Court adopted voluntary case processing standards for trial courts. Those standards provide that all felony cases should be disposed within 180 days of arrest and all misdemeanor cases within 90 days of arrest or citation.

The case processing standards of the American Bar Association provide that 90% of felony cases should be disposed within 120 days of first appearance, 98% within 180 days and 100% within one year. For misdemeanor cases the standards require that 90% be disposed of within 30 days and 100% within 90 days.

Based upon data obtained from the Sheriff's Jail Information System on offenders released from the County Jail during September, October, and November of 2007 and data from the Court Information System on the disposition of cases involving those jail releasees, we modeled the impact that compliance with each of these standards by Pinellas County Courts might have on the average daily population of the Pinellas County Jail.

If detained cases had been disposed within the case processing standards of the ABA the average daily population of the jail would have been reduced an estimated 7.9%. Had they been disposed within the Florida standards for case processing the jail population would have been reduced by about 12.9%.

The calculations are based upon the following data:

12,830 releases from the County Jail over the three-month period had an average length of stay of about 27.0 days and represent an average daily population of 3,767.

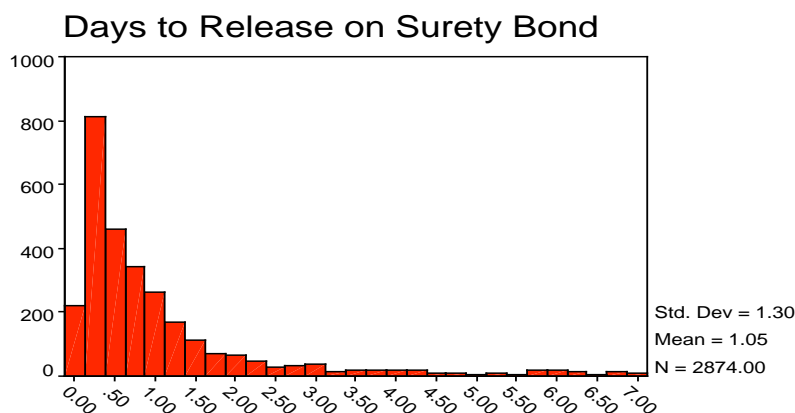
ABA Case Processing Standards:

Of the 12,830 releases, 5,433 were charged with felony offenses. Of those, 82 were detained over one year pending disposition. These cases are equivalent to an ADP of 491. Had they been disposed within 365 days, this ADP would have been reduced by 162. An additional 169 releases were detained over 180 days but less than one year pending disposition, representing an ADP of 468. ABA standards would allow 2% or 109 cases to exceed 180 days from arrest to disposition. With 82 detained for one year, only an additional 27 could be detained between 180 and 365 days pending disposition within the standard. Had the remaining 142 been disposed of within 180 days, ADP would have been reduced by an additional 112. A total of 404 felony releases were detained over 120 days pending disposition. Since ABA standards would allow 10% or 543 felony cases to exceed 120 days to disposition, this would be within the standard. 3,435 releases were charged with misdemeanors. Of these, only 22 were detained over 90 days pending disposition. Had these cases been disposed within 90 days, ADP might have been reduced by 24. Total potential ADP reductions that might have been realized had detained cases been disposed within ABA standards for case processing is estimated at $162+112+24=298$ or 7.9% ($298/3,767$) of total ADP.

Florida Case Processing Standards:

Since the Florida case processing standards are in some ways more ambitious than the ABA standards, had these standards been met for detained cases, savings would have been even greater. The Florida standards require all felony cases to be disposed within 180 days. 251 releases were detained over 180 days and represented an ADP of 959. Had these cases been detained only 180 days, the ADP would have been reduced by 483. Since the misdemeanor standard of 90 days is the same as the ABA standard, an additional ADP reduction of 24 could have been realized in misdemeanor cases. The total potential reduction in ADP had detained cases been disposed within Florida case processing standards is $463 + 24 = 487$ or $487/3,767 = 12.9\%$ of ADP.

b. I-C

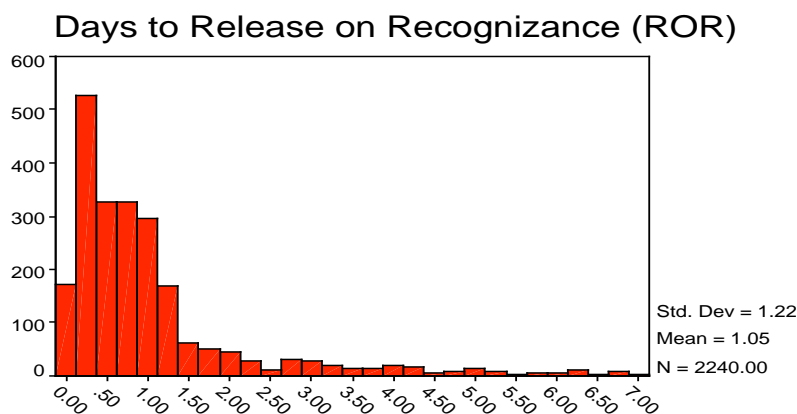


LOS

616 surety bond releases stayed over 7 days.

Those 616 cases represent 216 ADP.

The graph above shows that 2,874 of those released via surety bond (82% of the total number released through this means) stayed less than seven days, and that most of these were released within two days of booking. The remaining 18% (616) surety bond releases stayed between 7 and 180 days and represented 4.7% of total ADP (216 inmates). Had these individuals been released on some form of pretrial release (for example, kiosk, EM, or DRC) in an average of 7 days, total jail ADP could have been reduced by 3.6%



LOS

278 ROR releases stayed over 7 days.

Those 278 cases represent 165 ADP.

The preceding chart shows that 89% (2,240) of all those exiting via ROR were released within seven days of booking, with the substantial majority being released in two days or less. However, 259 ROR releases stayed between 7 and 180 days and represented 4.4% of the total ADP. Had these 259 been released on some form of pretrial release in an average of 7 days, ADP could have been reduced by 3.9%.

If both of these policy/program changes had been in place, the jail ADP could have been reduced by 7.5%.

The jail exit sample provided to the consultants by PCSO staff included data from the JIMS system on all those who exited the jail during three months in 2007 (September through November). Of the total of 12,380 exits, 20% were released via ROR (by the Sheriff's Pretrial Services Unit) after an average stay of 7 days. If these individuals had been released more speedily, in an average of 2 days (the average stay for those released on cash bond was 1.9 days), then the jail ADP (of which they comprised a total of 5%) would have been reduced by 3.6%. Similarly, if those who were released on surety bond (who comprised 6.6% of the ADP) stayed an average of 2 days instead of 6.6 days, ADP would have been reduced by 4.6%. Thus, the total reduction in ADP would be 8.2%.

c. I-D

Policies toward those arrested for technical violations of probation conditions (VOPs) had already begun to change when the consultant team first began to study the jail population. In early 2007, the ADP of VOPs awaiting hearings or serving sanctions peaked at 314; by the early months of 2008, it had dropped to 202, a decline of 36% (which represents roughly 3% of the total jail ADP). This drop is consistent with our recommendations to expedite VOP case processing and to utilize non-jail responses for more VOPs. The courts established a new VOP court established in the fall of 2007 to dispose of VOP cases more rapidly. Department of Corrections policies have also changed to permit greater use Notices to Appear (NTAs) rather than arrest for technical violations.

d. II-A

Jail exit data indicates that 20.3% of releasees (equivalent to admissions) were charged with infractions or ordinance violations as their most serious offense, and that their average stay in jail was 6.2 days. If even half of these arrestees had been cited rather than brought to the jail, then jail admissions would have been reduced by about 10%, a significant reduction in relation to projecting future intake space and staffing needs. The total ADP would have been reduced by about 2%.

Exit data indicates that those with “transient” listed as their address comprised 4.4% of total jail exits, and 7.1% of total jail ADP (most likely an underestimate of the volume of homeless entering the jail, since many give an address to increase their chances of pretrial release). Focusing only on the 23% of transient exits charged with infractions and ordinance violations, the data shows that they comprise about 1% of total jail exits and less than 1% of the total ADP.

An accurate estimate of the percentage Pinellas inmates that are mentally ill is difficult to obtain because diagnostic information is protected by federal confidentiality rules, and is not accessible through the JIMS system. A memo from Justice and Consumer Services sent September 7, 2007 to Board of County Commissioners states that “inquiries into mental health and homelessness in the jail show that hard numbers do not exist. There are several indicators that show the populations are certainly represented in the jail, however, the full extent is not easily calculable. The Pinellas County Data Collaborative, contracted through Justice and Consumer Services (JCS), has been exploring the inmate population to better understand the current representation.” The consultant team concurs that there is insufficient data to make precise ADP or admissions impact estimates; the homeless mentally ill population most likely overlaps to a large extent with the local ordinance violation group identified in the first paragraph of section II-A. We encourage further research into the proportions of current non-federal admissions and ADP that are comprised of homeless mentally ill individuals charged with minor offenses.

e. II-B

As of April 2008, 18% of the jail ADP was County-sentenced felons, and 5% was County-sentenced misdemeanants. If a combination of these alternatives to jail were implemented, the consultant team believes that the proportion of county sentenced misdemeanants in the total jail population could be reduced significantly with no additional risk to public safety. A conservative estimate would be by one-third, representing 8% of total ADP. The impact of expanding post-disposition options on the number of jail admissions is difficult to estimate, but there is likely to be at least a slight decrease in the overall number of admissions.

VI. JUSTICE SYSTEM PERFORMANCE INDICATORS

The consultant team recommends that Pinellas County establish a system to support and monitor the results of jail population management efforts into the future. Continued monitoring of progress is essential to achieving the County's jail population management and cost avoidance goals. The County's Department of Justice and Consumer Services (DJCS) is well-positioned to assume responsibility for compiling and analyzing data on key system status indicators, disseminating the results to policymakers and practitioners, and convening groups of policymakers and practitioners to discuss and act on findings.

The performance indicators outlined below are intended to be incorporated into a monthly report. The information is not currently available from a single source, but can be compiled by the DJCS from the different automated information systems and routine statistical reports already used and produced by the courts, State's Attorney, Public Defender, Sheriff's office and other justice system and partner agencies. The consultant team recommends keeping the monthly report as simple as possible, including only the most important data elements together with brief narrative analyses.

Justice system policymakers should agree on a set of key indicators that they will track in collaboration with the County. The consultant team suggests using the list of key indicators below as a starting point for discussing and choosing the most essential indicators related to jail population management.

The primary purposes of a monitoring system are: 1) to track the success of policy change efforts and 2) to identify areas where improvement or fine-tuning may be necessary to keep jail population management initiatives on track. There are several key principles to keep in mind:

- Indicators are most likely to be useful when they are reviewed in the context of historical trends, rather being examined at a single point in time.
- A report on system performance indicators should be concise and consistent over time. However, it is possible to add indicators as policymakers and practitioners become aware of additional factors that should be considered in assessing the health of the justice system.
- Performance indicator reports should generally be prepared and circulated to key policymakers and justice system leaders on a monthly basis. It may also be useful to summarize every three months of data into a quarterly report.
- Graphics (e.g., bar graphs, pie charts, trend lines) can summarize and compare a considerable amount of information relatively concisely.
- In each area in which performance indicators are used, it is useful to display the system goal or standard for which the indicator is relevant.
- Whenever possible, it is helpful to look at rates (per general population) as well as actual counts/numbers, since justice system workloads are in large part a function of general population size.
- Similarly, use of percentages in addition to actual counts can help decision-makers discern patterns and trends more easily (many of the indicators listed below should be routinely reported in percentages as well as numbers).

- Comparisons to other counties in Florida may provide helpful reference points, particularly if data is presented as rates or percentages.
- While a performance indicator report can be designed to display a great deal of valuable information in a small space, it is also useful to have a narrative summary highlighting progress in relation to goals and identifying trends that may indicate developing issues or problems.
- The performance indicators used for a report on overall system operations can for the most part be derived from much larger data sets stored in the information system(s) used by justice system agencies in the County. These data can also be used for more detailed analyses of specific problem areas identified in the report.

The indicators listed below are offered as potential measures of system performance in relation to goals. It would also be appropriate for the courts and other justice system agencies to set goals for their own performance in these and other areas, but the focus here is on overall system performance.

Suggested Criminal Case Management Status Indicators

Pinellas County courts (including the judiciary, prosecution and defense) are interested in monitoring workload measures and decision-making patterns. There are a few key indicators that should be tracked for all cases and for agreed-upon case categories, such as misdemeanor and felony, and for specific charge types related to case complexity (for example, violent, property and drug offenses).

Court policymakers should consider how they would like to report data on cases that have been diverted from routine prosecution, such as those involved in drug court. The drug court may wish to develop its own performance indicators to include measures of success that are unique to that program; these may or may not be included in the overall system monitoring report. Likewise, cases of those for whom prosecution has been delayed or put on hold (e.g., those found incompetent to stand trial and those who have failed to appear and a bench warrant has been issued) should probably be flagged and excluded from calculations of such statistics as time pending or median time to disposition.

- Number of cases pending at start of month, by category
 - Misdemeanor cases
 - Felony Charge Cases – Information Not Filed (by custody status if possible)
 - Class 1
 - Class 2
 - Class 3
 - Felony Cases – Information Filed
 - Class 1
 - Class 2
 - Class 3
 - Death Penalty Case
- Number of new cases filed during the month
- Number of Violation of Probation petitions filed during the month, including
 - Number of VOP petitions filed on defendants arrested for new offense
 - Number of VOP petitions filed on defendants served with Notice to Appear

- Number of cases disposed during the month, by type of disposition (suggested definition of disposition: plea of guilty, verdict (guilty or not guilty), dismissal, or entry into a diversion program)
- Number of cases pending at end of month, by category and age in 90-day increments
- Number of cases pending at the end of the month by category – absolute number and as a percentage of filings in the preceding 12 months
- Number of defendants pending at end of month, by charge category, age, and custody status
- Total number of pending post-information cases – absolute number and as a percentage of filings in the preceding 12 months
- Number and percentage of cases in each relevant category that have been pending for longer than the case processing time standard relevant to that category of case, by custody status (detained, on pretrial supervision, released on personal recognizance, released on bail)
- Number of dispositions of indictments during the preceding 12 months as a percentage of new indictments filed during the preceding 12 months
- Number of cases in which a scheduled trial has been held – absolute number and as a percentage of the total number of trials scheduled
- Pending case age as of end of month, computed from date of first court appearance, for each court (average and median)
- Time to disposition for cases disposed during the month, from first court appearance to date of disposition, for each court (average, median, 90th and 98th percentiles)

Suggested Corrections System Status Indicators

This includes not only the jail, but also local non-jail supervision and treatment options for pretrial and sentenced individuals. As with court indicators, It is helpful to look at overall totals as well as those for key case or charge types. Some of these data are already routinely collected, while others are not yet readily available (e.g., recidivism). In general, data for males and females should be separately tracked. Italicized items can be reported quarterly or annually rather than monthly; recidivism may be particularly challenging to define and analyze.

- Total number of arrests by each law enforcement agency in the month
- Total number of citations issued by each law enforcement agency in the month
- Total number of persons referred to mental health or social service agencies by each law enforcement agency during the month (this could be tracked by agency or type of service)
- Total number of bookings into the jail in the month by charge type and/or admission type (including state/federal; VOP/new offense)
- Jail population as of the end of the month, by major category
 - Pretrial detainees / sentenced offenders/ VOPs awaiting probation revocation hearing, etc.

- Federal marshal / ICE / state-charged
- Average daily jail population (ADP) during each month
 - Federal
 - Pretrial detainees with felony charges
 - Pretrial detainees with only misdemeanor charges
 - Persons awaiting probation revocation hearings
 - Persons sentenced for felony conviction
 - Persons sentenced for misdemeanor convictions only
 - Persons serving jail time as a sanction for probation violations
- Peak population during the month
- Average length of stay, by major population category
 - Federal
 - Pretrial detainees with felony charges
 - Pretrial detainees with only misdemeanor charges
 - Persons awaiting probation revocation hearings (VOP)
 - Persons sentenced for felony conviction
 - Persons sentenced for misdemeanor convictions only
 - Persons serving jail time solely as a sanction for probation violations
- Number of persons released from jail in the month by charge and type of release (e.g. surety bond, release to the Sheriff's Pretrial Release Program, diversion to mental health crisis facilities/programs, sentence completed, transfer to other jurisdiction, others)
- ADP (or average daily caseload) of pretrial, diversion and post-sentence community supervision programs (e.g., electronic monitoring, day reporting, drug court, etc.)
- *Failure to appear (FTA) rates for various pretrial release options*
- *Re-arrest rates for various pretrial release options*
- *Recidivism rates for various local sentence options (recidivism to be defined; could be either re-arrest while under supervision and/or re-arrest after sentence completion)*

Other Performance Enhancement Tools

There are a few other information tools that justice system agencies may wish to have available, such as:

- A monthly report flagging cases that have been pending longer than a prescribed (to be determined) length of time, which may vary according to the charge type and/or case complexity. This report should also identify those cases that involve detained defendants.
- A quarterly or annual report on citations, bookings, dispositions and support program/treatment referrals of "chronic minor" offenders (to be defined)

- Information about the unit (e.g., per person-day or per person for those programs with defined lengths of participation) costs of various supervision options in comparison to inmate-day costs of jail confinement.

These would not necessarily be part of a monthly justice system status report, but the DJCS could play a key role in compiling or disseminating these types of management information to the appropriate decision-makers.

VII. REVISED BED CAPACITY PROJECTIONS

A. STATISTIC PROJECTIONS OF NEED AND ESTIMATED REDUCTIONS

The updated projections of ADP and bed needs based on 1996-2007 data are repeated below from Chapter II for easy reference. It is these updated projections that will be modified in this Chapter per consultant estimates of the impacts on ADP resulting from practitioner led changes in criminal justice system processes discussed earlier.

UPDATED PROJECTION

using 1996-2007 ADP data

	2020	2030
ADP	5,442	6,841
BED NEED	5,986	7,388

Below is the revised, reduced bed capacity projection. It assumes the beds will be reduced by the lower percentage of the total reduction range identified in the previous chapter. It is important to note that this is a projection of Secure beds only. Residential type beds for other facilities are not included in these projections.

The bed capacity projection was derived using different and higher peak-classification factors. This is because the ADP figures dropped, thus justifying the higher factor that goes with a lower ADP. Whereas in the updated projection above a factor of 1.08 was used for 2030, in the revised, reduced projection below a factor of 1.10 was used for 2030. The factor of 1.10 was used in our graduated method for the updated projection when the ADP was at a comparable level to that of the revised projection.

REVISED, REDUCED PROJECTION

using 1996-2007 ADP data

	2020	2030
ADP	4,059	5,104
BED NEED	4,536	5,614

The projected ADP and Bed savings realized through system changes are as follows:

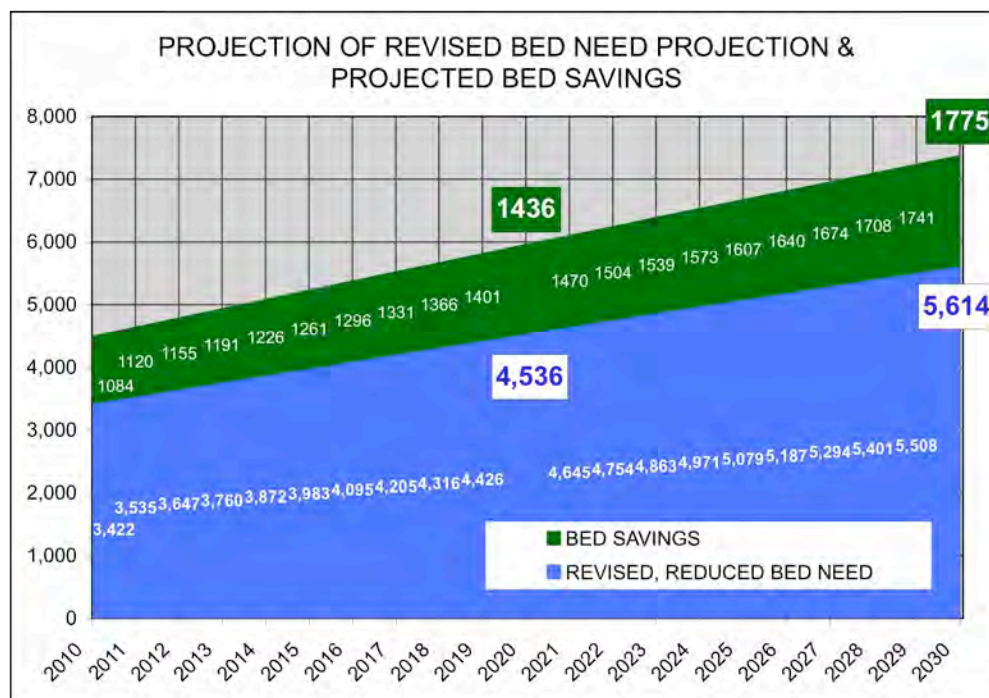
ADP & BED SAVINGS

using 1996-2007 ADP data

	2020	2030
ADP	-1,383	-1,737
BED NEED	-1,436	-1,775

Space and cost details still need to be worked out in Part 2 of the facility master plan. Thus it is too early to speculate on the savings involved. However, they will be considerable.

The projected savings in bed capacity are charted below.



B. ESTIMATED REDUCTIONS PER FACILITY MASTER PLANNING CRITERIA

The statistically projected figures recounted above need to be translated into a bed need for master planning and construction purposes. The statistically projected figures are affected by the following factors:

1. The existing available bed capacity as defined by the Florida Model Jail Standards (FMJS), the statutorily based source for bed capacity ratings (which results in a bed count different than the actual number of beds actually used in the facilities).
2. The FMJS rated capacity available in 2006, which the basis for defining bed needs in Part 1 of the facility master plan.
3. Any FMJS rated capacity added since the 2006 master plan, specifically, the 256 new beds at the renovated Pinellas Suncoast Transit Authority (PSTA) facility.
4. Any existing bed capacity that should be eliminated for reasons of building, security, or safety inadequacies, in this case the A, B, and C barracks and the FSC facility totaling 464 FMJS rated beds.
5. The creation of actual buildable housing pods whose individual sizes are based on the types of inmates housed and appropriate staff-to-inmate ratios

The addition of the PSTA site renovation adds 256 FMJS beds to the campus, and raises the FMJS rated capacity of 2,786, as determined by the consultant working with Sheriff's Office staff, to 3,042 existing standards-complaint beds. This figure is considerably less than the 4,151 beds cited as actually being available in the facilities. The 4,151 figure has been reached over many years of adaptation to increasingly crowded conditions by adding

beds to existing cells and dormitories originally designed at lower, standards-compliant capacities. For example, some single occupancy cells were converted to double occupancy cells, some double occupancy cells were converted to triple occupancy, and some eight bed dormitories were converted to twelve bed dormitories, and so on.

In redefining facility master plan needs the Ranon/Kimme team will take into account the fact that there are old facilities like the A, B and C Barracks, as well as the FSC, that need to be replaced as soon as possible. These facilities represent 464 FMJS beds and are antiquated, costly to repair, difficult to manage, and/or staff inefficient. They also occupy valuable land that would be better utilized by newer, far more efficient facilities.

At a minimum, the consultants believe that the recommended Phase A of facility development from the Part 1 study can be developed at a bed count at least 1,200 beds less than the 2,512 recommended in 2006 assuming the system changes recommended in this report are made and have the effect projected. When one realizes that the current ADP for 2008 has receded to about 3,300, when one takes into account peaks, classification needs and the existence of only 3,042 standards-compliant beds, Phase A must be sized to a.) make-up a shortfall of around 500-600 beds in order to attain a standards-compliant operation, and b.) provide sufficient additional beds to eliminate overcrowding for several years. If sufficient beds can be built in Phase A it provides the opportunity to demolish antiquated facilities without enduring further overcrowding as the price of doing so.

The table below shows how the beds and phasing of the 2006 master plan might be revised per the reduced projections developed as a result of changes to the local criminal justice system. Overall it shows that the product of the system change effort could save the county the need to construct and operate about 1,844 beds through 2030.

	a.	b.	c.
	BASE From 2006 Part 1 Master Plan	Revised Part 1 Equivalent per Policy Changes	Projected Bed Need Reduction
PROJECTED BED NEED	7,266	5,678	-1,588
Beds to be Demolished*	-464	-464	
Existing FMJS** Beds	2,786	3,042	
TOTAL NEW BEDS	4,944	3,100	-1,844
PHASE A (meets 2016 needs)	2,512	1,300	-1,212
PHASE B (2023)	1,216	1,000	-216
PHASE C (2030)	1,216	800	-416
TOTAL NEW BEDS	4,944	3,100	-1,844

* Barracks A, B & C, and FSC beds as rated per the FMJS
 ** FMJS = Florida Model jail Standards

VIII. COSTS SAVED AND COSTS OF IMPLEMENTATION

A. JAIL CAPITAL AND STAFF SAVINGS FROM SYSTEM CHANGES

The significant bed capacity reductions estimated in the previous chapter will have the major economic benefit of reducing projected jail capital and operational costs as the jail master plan now being developed is implemented. Although the final master plan is not complete, and thus final costs and cost savings are not yet calculated, the consultants can engage in some reasonable speculation regarding the savings resulting from beneficial changes to the criminal justice system.

In the first part of the master plan completed in 2006, it was estimated that the first phase (Phase A) of a three phase master plan addressing facility needs through the year 2030 would cost \$225,000,000. That phase did not just provide housing but also critical infrastructure improvements involving campus kitchen, laundry and maintenance facilities, emergency power, hurricane protections, parking, and so forth. Nonetheless, a proposed new housing building providing 2,512 beds was the bulk of the proposal. In 2006 it was estimated to cost around **\$205,000,000** including fees, miscellaneous costs, and four years of inflation at 6% per year. Inflation was added because the point of construction bidding, and thus actual cost setting, was still well into the future.

Based on that figure, and the fact that two more years of inflation needs to be added since two years have passed since the estimate was made, the consultants would now estimate that a Phase A building providing only 1,300 beds would cost between \$110,000,000 and \$130,000,000. (The entirety of Phase A then might cost between \$130,000,000 and \$150,000,000.) Thus the system changes forecast would help the county **avoid \$75,000,000 to \$95,000,000** in housing construction costs for Phase A alone. There would also be savings in reduced kitchen, laundry, and maintenance building costs but they would be at a much lesser level. Phases B and C will also witness significant savings in the bed capacity construction costs that, with inflation, will likely rival those of Phase A.

In terms of staffing, it was originally estimated that the new Phase A housing building would require about **600** staff at full occupancy. For a smaller 1,300 bed facility, the staffing would be about **325-350** people. Using a simple salary and fringe figure of \$50,000 per staff person per year, the 250 to 275 staff saved would annually represent about **\$12,500,000 to \$13,750,000 in staff cost avoidance**. There would be additional savings in reduced utility, maintenance and meal costs, among others, though staff savings are by far the biggest savings.

B. COST IMPLEMENTATION MATRIX

In order to attain the average daily population reductions, and thus the operational and capital cost savings, forecast above, the county will likely incur costs. Some costs will be for one-time changes in practices and tools that will require an implementation effort. Others will involve increases or changes in personnel. Still others will require capital as well as operational and staffing expenses.

At this stage it is not possible to provide detail cost estimates regarding the costs of the many changes recommended. Discussions on this topic with key practitioners revealed that

some changes can be done with little or no cost but that other costs need to be determined as the recommendations, their feasibility, and the amount of effort involved are considered and deliberated upon over the next several months. Thus, follow-up activities by local practitioners will produce a series of requests over the next year for funding tied to the recommendations made herein.

However, to give the reader some idea of the costs involved, the consultants have produced a cost implementation matrix. This matrix attempts to summarize changes and categorize them per their estimated impact. The matrix is presented below.

Estimated Recommendation Cost Levels

Recommendation	Implementation Cost Range			One-time Cost	Capital Expense
	under \$250K	\$250-1,000K	\$1,000K+		
Reducing Jail Admissions					
Greater Notice-To-Appear use	X				
CIT team approach[1]		X			
Crisis Intervention Center[2]			X		X
Transition housing and stabilization programs[3]			X		X
Decrease Average Length of Stay in Jail (ALOS)					
Strengthen PCSO pretrial release system					
Actuarial risk assessment	X			√	
Release matrix	X			√	
Expand pretrial supervision options			X		
Monitor success	X				
Reduce time to disposition					
Changes in court policies and processes	X			√	
Changes in record-keeping and monitoring		X		√	
Changes in staffing patterns	X				
Increases in court resources			X		
Targeted, time-limited backlog reduction effort			X		
Reduce Admissions and Decrease ALOS					
Expand pretrial diversion options for mentally ill and substance abusing offenders			X		
Expand Drug Court Operations			X		X
Use risk assessment tool and process to match sentenced offenders to non-jail options	X			√	
Expand continuum of community sentencing options			X		
Develop criminogenic needs assessment process to match jail inmate to in-jail programs	X			√	
Offer staff-secure residential programs to selected low-risk inmates (especially women offenders)			X		X
Expand continuum of in-jail programs			X		
Establish jail re-entry planning system	X				
Establish Criminal Justice Monitoring System					
Develop goals and key indicators	X			√	
Assign Division of Consumer & Justice Services (DCJS) responsibility for compiling, analyzing and reporting information	X				
Establish processes and tools to collect and share relevant information	X			√	
DCJS prepares and circulates key indicator reports	X				

[1] Costs to be shared with municipalities.

[2] Potential to share implementation and operating costs with private sector health care organizations.

[3] Potential funding sources are federal, state and local, as well as private sector agencies.

C. GENERAL INFORMATION ON THE COST OF ALTERNATIVES

The consultants have done some research on the cost of alternatives to incarceration versus the costs of constructing jail beds. This is presented for the county's general information as it continues to consider the viability of alternatives and their value to the county.

Comparative Costs of Jail and Community-Based Supervision/Treatment Options

Per Day Costs¹⁷

Option	Ohio 2000		North Carolina 2007-08	
	Cost per day	% of jail cost	Cost per day	% of jail cost
Jail	\$60.47	100%	\$80.00 (est)	100%
Residential substance abuse trtmt.	NA	NA	\$52-\$80	65-100%
Day reporting	\$21.00	35%	NA	NA
Electronic house arrest (EMH)	\$5.43	9%	\$8.43	10%
Intensive supervision	\$4.34	7%	\$16.71	21%
Probation supervision	NA	NA	\$2.37	3%
Community service work	NA	NA	\$.83	1%

Jail diversion of dually diagnosed individuals (National GAINS Center, 2004):¹⁸

- Cost of participation for individuals who successfully completed the Mental Health Pretrial Release Program were \$7,000 per person (average number of days in program was 58, and program cost average \$65 per day in 2002);
- Cost for those who did not participate was \$8,454 each (average jail stay 123 days, jail cost average \$68.73 per day); and
- Those who successfully completed the MHPTR program had fewer post-participation arrests and if arrested were charged with less severe crimes.

¹⁷ From *Policy Matters Ohio*, www.policymattersohio.org; NC Department of Correction, <http://www.doc.state.nc.us/dop/cost>

¹⁸ *What Can We Say About the Effectiveness of Jail Diversion Programs for Persons with Co-Occurring Disorders?*, TAPA Center for Jail Diversion, National GAINS Center, April 2004, data from Orange County, FL.

Pretrial release programs:¹⁹

Average daily cost of pretrial release programs in 23 North Carolina counties (FY 2005-06): \$6.04 per day

Average cost of jail bed-day in same counties during same time frame: \$57.30 per day

Drug Court cost benefit analysis (St. Louis MO 2004):²⁰

- Net savings of \$2,165 per graduate during first 24 mos. after graduation compared to probation completers.
- Total of \$2.80 in savings for taxpayers for every \$1.00 additional in costs during first 24 mos. after drug court or probation.

Community Corrections beds and slots:

In Colorado, the state community corrections budget “for FY 08-09 is 48 million dollars which will fund 1297 diversion beds, 1499 transition beds, 10 sex offender beds, 1230 non-residential slots, 98 Intensive Residential Treatment (IRT) beds for drug and alcohol abuse, 80 condition of parole beds, 14 women's remediation beds, 105 mental health differential beds, and 175 Day Reporting slots. The [average] daily cost of a community corrections bed is \$37.18,” and non-residential community supervision slots are \$4.80 a day.

¹⁹ Pretrial Service Programs in North Carolina: A Process and Impact Assessment, NC Governor's Crime Commission, NC Criminal Justice Analysis Center, October 2007, <http://www.ncgccd.org/pdfs/pubs/psp.pdf>

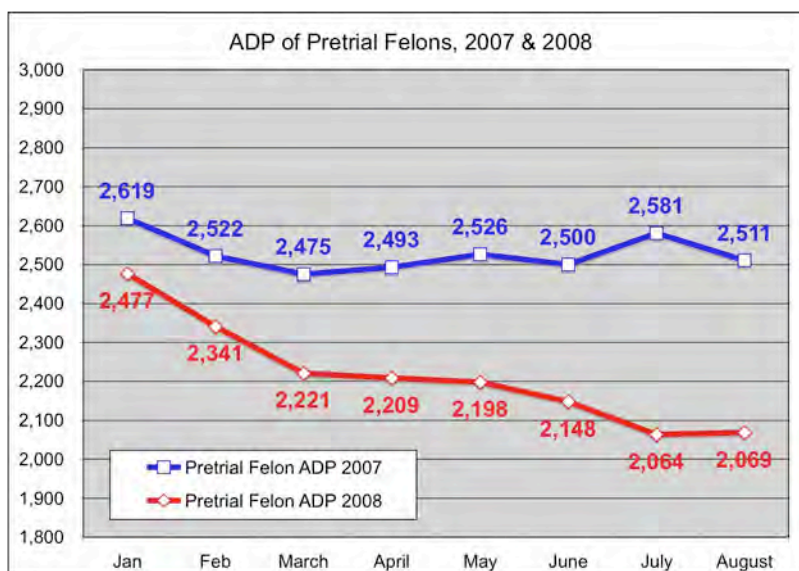
²⁰ Cost-Benefit Analysis of the St Louis Adult Felony Drug Court, Institute of Applied Research, 2004

IX. EARLY IMPACTS OF PRACTITIONER ACTIONS

A. DECLINES IN THE PRETRIAL FELONY POPULATION, 2007 TO 2008

It appears that local practitioners in the courts, the State Attorney's office, the Public Defender's office, and/or the Sheriff's Office have not waited for the conclusion of this study to take action in certain areas of the system. Indeed, certain changes were being evaluated by practitioners before the study even began. In those cases the study merely served the purpose of reinforcing the activities already underway.

A review of some partial data from 2008 reinforces the conclusion that changes positively influencing the jail population are already underway. The most noticeable change is the appreciable reduction in the jail's pretrial felony population. Comparing monthly average daily population (ADP) figures in 2007 and 2008 shows a significant drop in this critical population. As the reader will recall pretrial felons represented 70% of the jail population in 2007. The chart below shows the differences with the August 2008 pretrial felon population being 442 less than in August 2007. That represents a reduction of 17.6%.

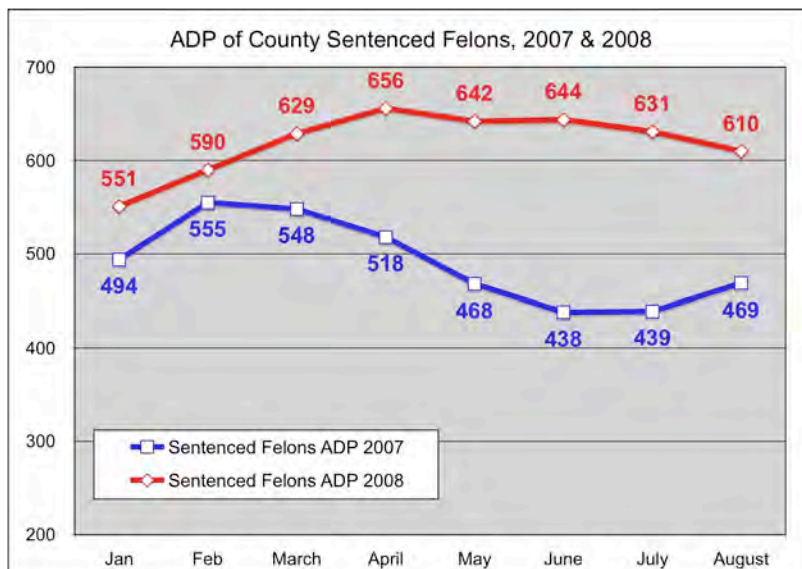


Overall, the pretrial felon ADP in the first eight months of 2008 is 312 ADP or 12.3% lower than the first eight months of 2007. This outcome is likely to in part be the result of clearing case backlogs and/or moving selected cases to resolution more quickly. A reduction in technical Violators of Probation (VOP) due to the efforts of the VOP court and modifications in the rules governing technical violations is also a probable contributing factor.

B. INCREASES IN THE COUNTY SENTENCED PRETRIAL POPULATION

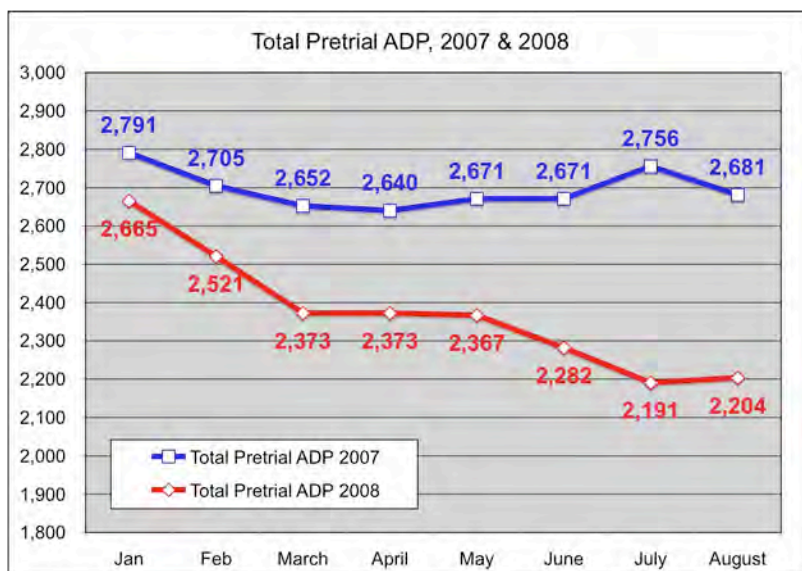
While the pretrial felon ADP has gone down a great deal, the county sentenced felon ADP has risen, though not by as much as the pretrial group declined. This is likely a result of some pretrial defendants noted above receiving sentences to the jail as a result of their case

being moved more quickly to resolution. The chart below illustrates this increase by again comparing monthly ADP data in 2007 and 2008.



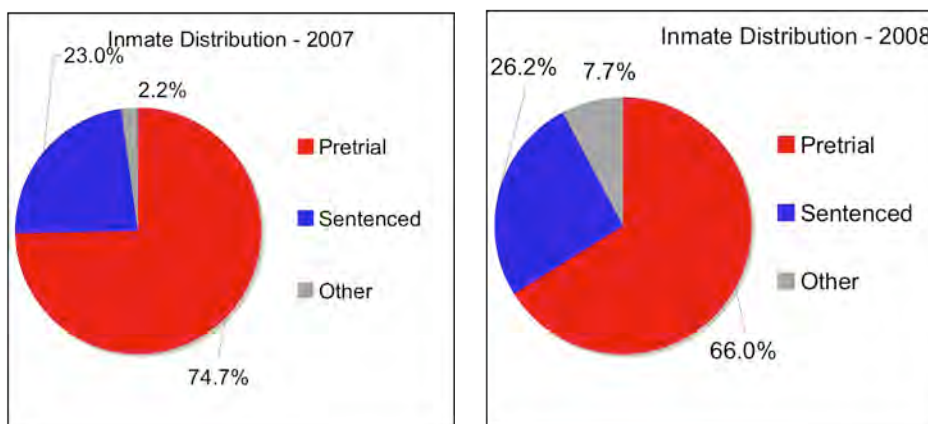
C. DECLINE IN TOTAL PRETRIAL POPULATION

In looking at both those pretrial detainees charged with felonies and misdemeanors a larger total decline can be seen. In August of 2008 the total pretrial population was 477 less than in August 2007 representing a 17.8% reduction in total pretrial population. See the following chart.



D. CHANGES IN THE MAKE-UP OF THE JAIL POPULATION

The drop in the pretrial felon and misdemeanor population has resulted in a significant shift in the make-up of the jail population. This can be seen in the two charts below comparing the 2007 breakdown and the breakdown seen in the first eight months of 2008.



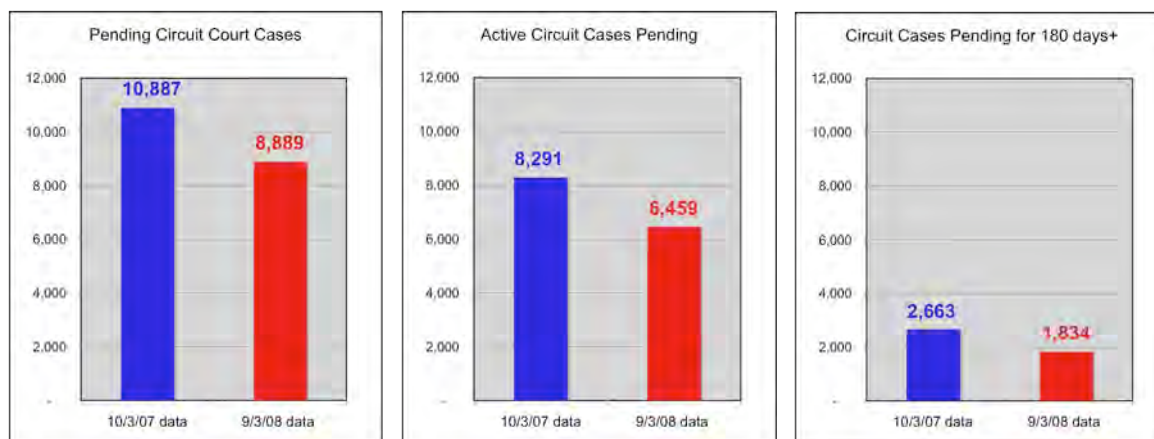
E. REDUCTIONS IN PENDING CASELOAD

During the 2007-08 period, the Pinellas County Circuit Court and County Court, with cooperation from the State's Attorney's Office and the Public Defender's Office, have made major strides in reducing the total pending caseloads. The progress has been especially dramatic in the Circuit Court, which handles felony cases. Data produced the County's CJIS system shows that the total number of pending Circuit Court cases (including cases in which an information had not yet been filed) has been reduced from 10,887 on October 3, 2007 to 8,889 in September 2008—a reduction of over 18 percent in an eleven month period. The decrease in cases in which an information has been filed (i.e., the total number of active felony cases pending before the judges) is even more dramatic: from a total of 8,291 cases on October 3, 2007, this pending caseload has dropped to 6,459 cases as of September 3, 2008—a reduction of over 22 percent.

During the same eleven-month period, the number of cases pending for more than 180 days has been reduced by over 31 percent—from 2,663 in October 2007 to 1,834 in September 2008. The data indicates that the Court, the prosecutor, and defense attorneys have been making significant—and successful—efforts to address the problem of an overly large backlog of pending cases and to handle newly filed cases more efficiently.

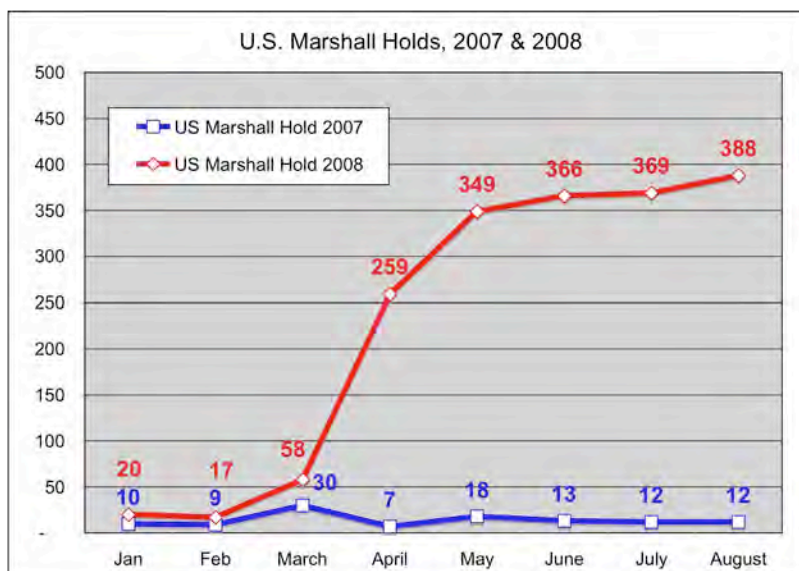
If the improvements in case processing that have taken place since September 2007 can be sustained, it is possible that the trend toward ever-rising population of pretrial and sentenced inmates in the jail could be significantly less than originally projected. This would reduce the need for new jail construction and related operational costs even further than indicated in the discussion on pages xx-yy. The recommendations discussed in Part IV of the report are designed to reinforce the progress made during the 2007-08 period.

The data referred to above, and illustrated below, is from a routine monthly report from the Consolidated Justice Information System (CJIS) staff to the courts dated October 10, 2007 in one instance and September 3, 2008 in the other. The report is referred to as the "Summary of Pending Cases for Circuit and County Court Divisions." The data is charted below.



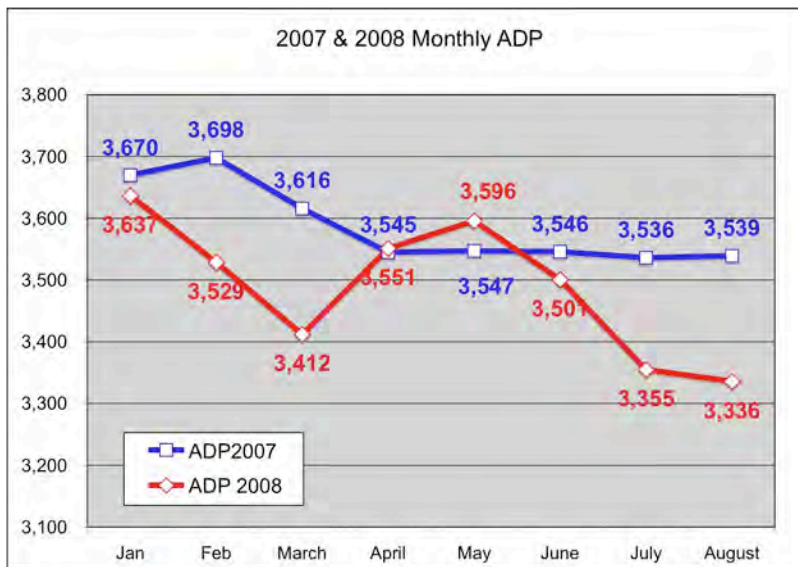
F. RISE IN THE U.S. MARSHALL HOLDS POPULATION

One population that has experienced a major increase between 2007 and 2008 is that of detainees on holds for the U.S. Marshall. This population has taken on greater importance in a period of reduced funding since they are a source of revenue. The U.S. Marshall hold population had averaged in the ten's in 2007 but has risen to the 300's in 2008. See the chart below.



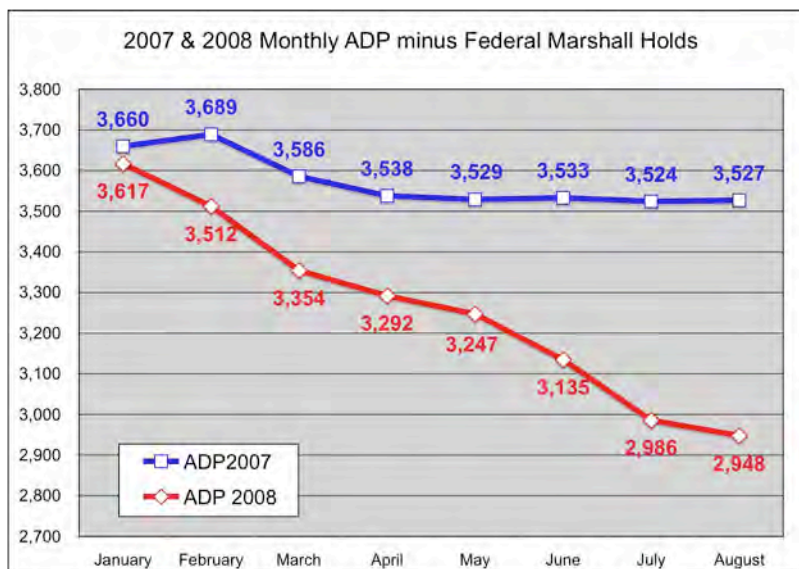
G. REDUCTIONS IN THE TOTAL JAIL POPULATION

Overall, the jail population has dropped noticeably below last year's figures with the August 2008 monthly ADP being 203, or 5.7% below the comparable time in 2007. For the year, the ADP for the first eight months of 2008 is 3,490, or 97.5 ADP (2.7%) lower than the first eight months of 2007 (3,587). Those figures, of course, include the U.S. Marshall holds. See the chart below which tracks the monthly ADPs in 2007 and 2008.



H. JAIL POPULATION REDUCTIONS MINUS U.S. MARSHALL HOLDS

If the U.S. Marshall holds are removed from the jail population one witnesses a dramatic decrease in the overall jail population from 2007 to 2008. Overall, the 2008 annual ADP through August was 3,261 which is 312, or 8.7% lower than the ADP of 3,573 through the first eight months of 2007. The August-to-August comparison is even more striking with the ADP in 2008 of 2,948 being 16.4%, or 579 inmates, lower than the 2007 figure of 3,527. The chart and table below shows these figures.


OVERALL ADP minus US Marshall Holds

	ADP2007	ADP 2008	Difference	% Diff.
January	3,660	3,617	43	-1.2%
February	3,689	3,512	177	-4.8%
March	3,586	3,354	232	-6.5%
April	3,538	3,292	246	-7.0%
May	3,529	3,247	282	-8.0%
June	3,533	3,135	398	-11.3%
July	3,524	2,986	538	-15.3%
August	3,527	2,948	579	-16.4%
Average	3,573	3,261	312	-8.7%

I. CONCLUSION

The ADP data thus far is very encouraging. Though it is a too early to say that a clear long-term trend has been established, it can be said that these remarkable figures are a clear sign that the opportunities seized by local practitioners can have a great effect on the jail population and the efficiency of the system as a whole. They are to be congratulated and encouraged to continue their laudable efforts. Further, the return on these efforts very much justify the support of the county in terms of the resources needed to perpetuate them over time.

X. OVERVIEW OF RECOMMENDATIONS

To Reduce Jail Admissions

1. Make greater use of notices to appear (NTAs) or citations instead of arresting and booking defendants for minor offenses and for technical violations of probation (VOPs).
2. Expand the range of options available to law enforcement officers for dealing with minor offenders, especially those who are mentally ill or under the influence of drugs or alcohol.
 - Provide Crisis Intervention Team (CIT) training and establish CIT processes and policies for law enforcement and HHS staff.
 - Develop a Crisis Intervention Center in collaboration with public and private sector health care systems.
 - Expand transitional housing and stabilization options for chronic minor offenders.

To Decrease Average Length of Stay in Jail

1. Strengthen the PCSO Pretrial Release Unit to enable safe release of a larger proportion of defendants while maintaining acceptable failure-to-appear rates (*pretrial release practices that reduce FTA and re-arrest also will reduce jail admissions*).
 - Use a validated actuarial risk assessment tool to help make pretrial release decisions.
 - Expand the continuum of pretrial supervision programs to better match releasees' supervision and support needs to their assessed risk levels.
 - Avoid excluding individuals from pretrial supervision programs due to their inability to pay.
 - Develop a release matrix system that will enable pretrial services staff to match defendants to appropriate supervision techniques based on their risk profile.
 - Monitor the success of pretrial release decisions based on re-arrest and failure-to-appear rates.
2. Reduce the time to disposition for felony defendants detained while awaiting disposition.
 - Utilize experienced attorneys to make early screening and charging decisions.
 - Identify additional evidence or investigations that may be needed in order to conduct prosecution.
 - Ascertain the time now required for testing of suspected drugs seized from defendants, especially those in detention. If necessary, revise procedures to enable rapid turnaround on lab test results.

- More rapidly determine the appropriate charge(s) on which to prosecute the defendant; identify cases that may be appropriate for dismissal or downgrading to lesser charges than initially filed; and enable rapid disposition in the County Court of some cases that are initially charged as felonies.
 - Rapidly identify cases that may be appropriate for diversion to Drug Court.
 - Provide basis for rapid follow-up with victims and witnesses when necessary.
 - Provide a basis for discussions between assistant state's attorneys and defense counsel concerning possible early resolution of the case.
3. Ensure effective early representation by defense counsel of detained defendants charged with felony offenses by providing for prompt provision of discoverable information that will not jeopardize witness safety.
- Facilitate early disclosure of information to the defense.
 - Establish systems for rapid electronic transmission of the original police report and arrest affidavit to the public defender's office in cases where this will not compromise witness safety.
4. Develop and implement an "inventory control" process for the courts.
- Establish realistic case processing time standards that reflect the varying complexity of different types of cases,
 - Put in place workload guidelines for prosecuting and defense attorneys that take into account the relative complexity of cases.
 - Designate a senior staff member in the State's Attorney's office or in the court or Sheriff's Department to monitor and help manage the overall inventory of cases on an ongoing basis. Circulate reports on case age that identify cases pending for longer case processing time standards.
 - At least weekly, produce and distribute to judges, state attorney and public defender offices a current list of detained defendants, by age of case since arrest, to enable rapid identification of cases needing prompt attention.
5. Continue the progress already made during 2007-08 in reducing the backlog of old felony cases awaiting disposition through a targeted backlog reduction effort.
- Continue to identify old cases, especially cases involving defendants in detention, and schedule actions needed to bring them to resolution.
 - Designate a senior judge who has credibility with prosecution and defense to lead the backlog reduction effort.
 - Provide courtroom space and staff resources (including Assistant State Attorneys, Assistant Public Defenders, court clerks, and PCSO court deputies).

To Both Reduce Jail Admissions and Decrease Average Length of Stay in Jail

Expand and reinforce the continuum of locally available and effective diversion, sentencing and transition/aftercare options.

1. Support and expand programs and facilities that enable pretrial diversion and deferred sentencing of mentally ill and dually diagnosed minor offenders.
 - Increase county support for the Public Defender's Jail Diversion program for mentally ill defendants.
 - Expand the scope of the Drug Court program by dedicating additional judge, court staff, prosecution, defense, probation, and assessment and treatment resources to this program, thus enabling the program to handle a significantly larger number of defendants in need of substance abuse treatment services who do not pose significant risks of committing violent offenses.
 - Expand substance abuse assessment and treatment resources available not only to detained defendants and sentenced offenders not in the Drug Court.
 - Develop a "fast-track" approach to determining eligibility and finalizing agreements that permit all defendants eligible for Drug Court, particularly those detained in jail, to enter Drug Court much more promptly following arrest.
2. Enhance capacity to provide non-jail sanctions and supervision to offenders convicted of low-level felony and all misdemeanor offenses.
 - PCSO and the courts should work together to develop assessment criteria that can be used either by judges or the PCSO to sentence or classify more individuals into these non-jail options.
 - Develop or adopt a risk and needs assessment tool to be used by PCSO to evaluate an offender's risk to re-offend and to identify the factors (called criminogenic needs) that contribute to that risk to re-offend.
 - Establish additional non-jail sentencing options (some of which could also serve selected pretrial releasees), including:
 - Expanded use of electronic monitoring
 - Day Reporting Center
 - Work program or furlough
 - Residential halfway house
 - Supportive housing for women
 - Other programs that provide structured support for offenders in obtaining employment and stable housing (e.g., STARS).
3. Enhance and expand in-jail program options for sentenced inmates.
 - Prioritize programs shown to be most effective in addressing criminogenic needs and reducing recidivism (such as ABE, Parenting Wisely, Project New Attitude, Project Success, Anger Management and Project Trade).

- Encourage inmates to participate in particular programs based on assessment of their criminogenic needs (assertive case management).
 - Provide management encouragement, adequate space and other tangible resources necessary to support effective in-jail inmate programs.
4. PCSO should work with the courts to develop policies authorizing the PCSO to use jail programs and community supervision options to prepare locally sentenced inmates for their transition back to the community.
 - Establish a jail transition coordinating group comprised of stakeholders from all relevant agencies and sectors, including PCSO, the courts (State Attorney, Public Defender and judiciary), law enforcement, State DOC probation, Salvation Army, Health and Human Services, Workforce, mental health, housing, Veterans, education, and hospitals with ERs that serve the uninsured.
 - Develop a system of transition or reentry planning that begins very early in an inmate's sentence and is connected to aftercare resources in the community.
 - Enable lower-risk inmates to earn early discharge by participating in educational and treatment experiences that may help them be more successful after release.
 5. Establish quality assurance and performance monitoring systems to ensure that public and private investments in diversion and sentencing options are being used wisely (quality assurance) and achieving desired outcomes (performance monitoring).

To Monitor and Support Criminal Justice System and Jail Population Management Efforts

1. Develop and adopt a set of clear goals for effective overall criminal justice system operation,
2. Develop and adopt a set of key measures or indicators that will enable tracking of progress toward achievement of the goals that are adopted for system operation and performance.
3. Assign the Department of Justice and Consumer Services (DJCS) responsibility for compiling and analyzing data on key system status indicators, disseminating the results to policymakers and practitioners, and convening groups of policymakers and practitioners to discuss and act on findings.
4. Establish processes and tools and provide resources necessary to enable collection of relevant information by justice system agencies and routine transmittal of that information to DJCS.
5. Provide DJCS with resources to enable preparation and circulation of monthly and quarterly performance indicator reports to key policymakers and justice system leaders.
6. Establish Task Teams comprised of policymakers and managers to facilitate and monitor implementation of justice system study recommendations, including at a minimum groups focused on:

- Developing a crisis intervention system and enhancing longer-term stabilization efforts to reduce recidivism of chronic minor offenders with mental health and/or substance abuse issues.
- Expand and support continuum of pretrial diversion and deferred sentencing options for mentally ill and substance-abusing offenders (this and the above topic could be combined under a single Task Team).
- Redesigning the PCSO pretrial release system as recommended above.
- Maintaining, enhancing and monitoring efforts to expedite the processing of felony cases, particularly of detained defendants.
- Enhancing the continuum of non-jail sentencing options.
- Expanding program offerings for jail inmates.
- Developing a system of jail re-entry planning (see recommendation for jail transition coordinating group).

APPENDIX

Below is a list of all individuals who participated in a meeting or meetings with the Consultant team. The team is grateful to Justice and Consumer Services Division Director Tim Burns and his staff for compiling this record.

The project has had participation from over 140 stakeholders representing law enforcement, judicial, bail bond industry, medical, human services, business, etc from over 30 organizations.

The consultants are very appreciative of the time and commitment shown by all of the following individuals. This study could not have been completed without them, nor have attained the quality of recommendations for change contained within this report.

Courts

Chief Judge Robert Morris
Judge Caddell
Judge Farnell
Judge McGrady
Judge Ley
Judge Quesada
Gay Inskeep
Amy Walsh Lockhart
Dr. Jill Poorman
Ken Nelson

State Attorney's Office

Bernie McCabe
Don Nelson
Doug Crow
Beverly Andringa
Bill Loughery
Fred Schaub
Bruce Bartlett
Kendall Davidson
Richard Ripplinger

Public Defender's Office

Bob Dillinger
Paula Shea
Kandice L. Friesen
Kevin M. Schmitt
Rocky Rinker
Violet Assaid

Pinellas County Sheriff's Office

Jim Coats, Sheriff
Chief Deputy Robert Gualtieri
Ramona Merritt Schaefer
Cpl. Tom Nestor
Capt Gary Schobel
Jane Snivley
Cpl Eugene Bivins
Cpl Donna Bruen
Sgt. Tom Nestor
Major Davis
Harrietta Pinckney
Marian Garret
Diane Ferron
Michael Jalazo
Captain Michael Castine
Lt. Vince Gibney
Sgt Tim Grundmann
Chief Deputy Fowler
Capt George Steffen
Lt. Michael Ring
Lt. John DiBetta
Major Dan Simovich
Lt. Lora McFee
Lt. John DiBetta
Major Kirk Brunner
Melanie Grann
Tom Boos

Board of County Commissioners

Commissioner Latvala

County Administration

James Dates
Pete Yauch

Justice & Consumer Services

Tim Burns
Deborah Berry
Vivian Sierchio
Suzie Jennings
Monica Davis-Griffin
Susanna Templeton
Susan Charbonneau

County Real Estate Department

Andrew Pupke

County Attorney

Carl Brody

Business Technology Services

Ed Hansen

Paul Alexander

DeRita Barbary

Belinda Huggins

Office of Management and Budget

John Woodruff

Jerry Herron

Public Works

Tom Borawski

University of South Florida

Diane Haynes, USF

Bruce Stegner, USF

Clerk of the Court

Ken Burke

Constance Daniels

Teresa Worden

Duncan McCormick

Pinellas County Health and Human Services

Maureen Freaney

Cliff Smith

Jean Vleming

Circuit 6 DOC

Leona Crumbley

Ron Mason

Janet Mangan

Clearwater Police Dept.

Sid Klein, Chief

St Petersburg Police Dept.

Chuck Harmon, Chief

Largo Police Dept.

Lt. Steve Slaughter

Salvation Army

Fred Hipp

Connie Dugan

Private Attorney

Jack Helinger

Action Bail Bonds/Reentry Coalition

Frank Kopczynski

Northside Hospital

Dr. Mike Lozano

BayCare Health System

John Sheehan

Bonding Industry

Al Estes, Al Estes Bonding

Neil Brickfield

Department of Children and Families

Stephanie Prestwood

Suncoast Center for Mental Health

Barbara Daire

Renee' Kilroy

PAR

Jackie Griffin-Doherty-PAR

Grand Central Business District

Brad Erickson

Health and Human Services Council

Denise Groesbeck

Homeless Coalition

Sarah Snyder

City of St. Petersburg

Rhonda Abbott

PEMHSA

Tom Weidiken

Dreamcenter

Sam Infanzon - President

Tommy Gillis

Kinfolks

Tracie Reddick - Executive Director

PERC

Frank Kopczynski - Chairperson

Mike Jalazo

Gavin Anderson

Members of the Public Safety Strategic Focus Area***Members of the Pinellas Police Standard Council******Members of the Public Safety Coordinating Council******Members of the Pinellas County Board of County Commissioners***

Below is a summary list of the principal activities of the process and on-site meetings held by the consultant team during the course of the study. The team is grateful to Justice and Consumer Services Division Director Tim Burns and his staff for compiling this record.

Activities Summary

- Initial scoping September, 2006
- Project approval in March 2007
- Kickoff meetings in June 2007
- Weekly conference calls held to assess progress beginning June 2007
- 1 on 1 interview process underway in July 2007
- Website up and running in August 2007
- Working documents received January 2008
- Consensus discussions began February, 2008
- Statistical verification and additional data requests began May 2008
- Draft of Final Report received August 2008
 - The project has had participation from over 140 stakeholders representing law enforcement, judicial, bail bond industry, medical, human services, business, etc from over 30 organizations

Project Initiation and Kickoff Meetings**June 26th, 2007- 8am: Jail Tour**

Major Brunner

Lora McFee

June 26th, 2007- 10:30am: JMS

Melanie Grann

Tom Boos

ASB Building 14500 49th Street, Technical Services**June 26th, 2007– 12:30pm: Data Collaborative (inmate study)**

Diane Haynes, USF

Bruce Stegner, USF

June 26th, 2007-2:30pm: Justice Stakeholders

Sid Klein, Chief Clearwater Police

Janet Mangan-DOC

Chuck Harmon, Chief St. Pete Police

Bernie McCabe, State Attorney's Office

Don Nelson, State Attorney's Office

Fred Hipp, Salvation Army/Misdem Prob Parole

Major Brunner, PCSO

Chief Deputy Fowler, PCSO

Capt George Steffen, PCSO
Lt. Michael Ring, PCSO
Lt. John DiBetta, PCSO
Bob Dillinger, Public Defender
Constance Daniels, Clerks Office
Major Dan Simovich, PCSO
Lt. Lora McFee, PCSO
Marian Garret, PCSO
Capt Gary Schobel, PCSO
Lt. John DiBetta, PCSO
Major Kirk Brunner, PCSO
Lt. Michael Ring, PCSO

June 27th, 2007-9am: Justice Stakeholders

Gay Inskeep, Court
Amy Walsh, Court
Mike Jalazo, PCSO/Ex-Offender Reentry
Frank Kopczynski(Ex-Offender Reentry/Bail)
Lt. Steve Slaughter, Largo Police (586.6772)
Suzie Jennings
Deborah Berry
Tim Burns

June 27th, 2007-11am: Human Services Stakeholders

Stephanie Prestwood-DCF
Barbara Daire-Suncoast Center for Mental Health
Renee' Kilroy - Suncoast Center
Jackie Griffin-Doherty-PAR
Maureen Freaney - Pinellas County Health and Human Services
Cliff Smith – Pinellas County Health and Human Services
Jean Vleming - Pinellas County Health and Human Services
Deborah Berry
Tim Burns

June 27th, 2007– 12:30pm: CJIS

Ed Hansen
Paul Alexander
DeRita Barbary
Belinda Huggins
Deborah Berry
Tim Burns

June 27th, 2007– 3pm: Admin Meeting

Tim Burns
Deborah Berry
John Woodruff, OMB
Carl Brody, Legal
Tom Borawski, Public Works
James Dates, County Admin (tentative)
Pete Yauch, County Admin

Beginning of Interviews**July 16, 17, and 18, 2007 Interviews**

Interviews/meetings held with Teri Martin and Barry Mahoney, to conduct individual interviews with an initial group of stakeholders. The interviews held in this round included:

- 1) Chief Judge Robert Morris-Court
- 2) Capt. Gary Schobel-PCSO
- 3) Sgt Tim Grundmann-PCSO
- 4) Sgt Bivins-PCSO
- 5) Tim Burns-JCS
- 6) Deborah Berry-JCS
- 7) Judge Caddell-Court
- 8) Bob Dillinger-Public Defender
- 9) Frank Kopczynski, Action Bail Bonds/Reentry Coalition
- 10) Amy Walsh-Court
- 11) Dr. Jill Poorman-Court
- 12) Capt Michael Castine-PCSO
- 13) James Dates-County Admin
- 14) Commissioner Latvala-BCC
- 15) Vivian Sierchio-JCS

Interviews with Barry Mahoney and Teri Martin**Monday, August 13, 2007:**

- 8:00 Marian Garrett (Jail)
9:00 Could go to Misdemeanor Courtrooms E, S, G, H, L R (starts at 8:30)
10:00 SAO Bernie McCabe (CJC)
11:15 Judge Farnell (CJC, 4th Floor)
1:30 Misdemeanor – Courtrooms E and S
Felony – Courtrooms B C D I K Q
2:45 Ed Hansen (Court IT, Meet at offices of Justice & Consumer Services)
4:00 Judge McGrady (CJC, 4th Floor, Chambers 7)

Tuesday, August 14, 2007:

- 8:00 Ken Nelson (324 S. Ft. Harrison Ave., Rm 103 (Old Courthouse)
9:00 Ken Burke, New Court House (Fourth Floor, Rm 400)
10:45 Constance Daniels (Clerk's Office, County Criminal Court Records, CJC-2nd floor)
11:45 Ramona Merritt & Lt. Vince Gibney (Jail)
2:00 Sheriff Coats (Ulmerton Rd, Sheriff's Office)
4:00 Judge Ley (CJC, 4th floor, Chambers 6)

Wednesday, August 15, 2007:

- 9:00 Teresa Worden (CJC, Circuit Criminal Court Records - 2nd Floor, Rm. 2422)

Visit with Mark Carey:**Wednesday, August 29, 2007:**

- *9:00 Meeting at JCS
*10:00 Reentry meeting (Dreamcenter, Kinfolks, PERC, PCSO)
*1pm Meeting with Ramona Merritt at Jail regarding inmate programs and services

Thursday, August 30, 2007:

- *8:30 Tom Borawski at PSTA
*10:00 Corporal Gene Bivins & Corporal Donna Bruen at CJC/Pretrial Services 1st Floor
*11:15 Marian Garret at Jail
*1:00 Captain Castine at Jail

*2:45 Fred Hipp at Salvation Army, 855 S. Highland Ave, Clearwater (corner of Highland and Druid)

Friday, August 31, 2007:

*8:00 Maureen Freaney and Cliff Smith-Health and Human Services

*9:00 Bob Dillinger, Public Defender at CJC. Duncan will take over after Mr. Dillinger is finished.

*Afternoon wrapup with Deborah Berry and Vivian Sierchio

Teri Martin and Barry Mahoney meetings:

Tuesday, September 11, 2007:

*4:30-Salvation Army

Wednesday, September 12, 2007:

*8:30am - Pinellas Police Standards Council

*10:30am - Leona Crumbley, Deputy Circuit Admin, Circuit 6 DOC (at 11351 Ulmerton Road, Suite 237, Largo, in the Mary Grizzle Government Building. 727-518-3571)

*12pm-Public Defender meeting with 15 senior attorney's (our main library on second floor of our office)

*1:30 - Criminal Admin Mtg(3rd floor judicial conference room, CJC)

*3pm-County Strategic Planning: Public Safety Meeting

*4:30pm-Meeting with Tim Burns

Thursday, September 13, 2007:

*9:15am - Stakeholders(PCSO, State Attorney, Public Defender, Clerk of Court) 3rd Floor Judicial Conference room at CJC

*1pm-Chief Sid Klein, Clearwater Police

*3pm-Andrew Pupke(Court Planning discussions and future, ie: traffic court on campus, etc)

Friday, September 14, 2007:

*9am-Gay Inskeep(501 Building, St. Pete Room 645)

*10:30am-Jack Helinger, private attorney 30 years exp, Wachovia plaza, 150 2nd Ave N, Suite 840, St. Pete 33701, (727)896-2147, **Error! Hyperlink reference not valid.** at corner of 2nd ave n and 2nd street)

*12:30pm-Administrative Wrapup (440 Court street, room 111)

Monday, October 29, 2007(Dennis, Teri, Barry):

9am - Dr. Mike Lozano, Northside Hospital

1pm - Brad Erickson, Grand Central Business District and others

2:30pm: Denise Groesbeck, Health and Human Services Council

Monday, October 29, 2007(Mark Carey)

9 am - Leona Crumbley & Ron Mason DOC, 11351 Ulmerton Rd., Suite 237, Largo

10:30 am - Marian Garret, Jane Snivley, Diane Ferron - Jail

12:15 pm - Michael Jalazo, Public lobby of the jail

1:30 pm - Ramona Merritt

Tuesday, October 30, 2007(Dennis, Teri, Barry)

10am - Judge Quesada

11:15am - Beverly Andringa and others

1pm - Paula Shea, PD

2pm - Kandice L. Friesen, PD

3pm - Kevin M. Schmitt, PD

4pm - Rocky Rinker, PD

Tuesday, October 30, 2007(Mark Carey)

9:00 am - Harrietta Pinckney & Marian Garret, Admin Support Bldg, PCSO

10:30 am - Cpl Bivens, CJC, 1st Floor, Pretrial Services

Wednesday, October 31, 2007(All)

9am - Phase II mtg, Major Davis, PCSO, County staff

*AM additional mtg, Barry and Mark with Bev Andringa as follow-up

1:30pm - Admin Group: booked Conference Room 211 from 2:00PM to 4:00PM

Tuesday, November 13:

Workshop mtg with the BCC

---Kickoff meetings on concurrent Phase II jail master planning began(with PCSO)

January 2008: Two Working document received and reviewed by Admin Group

January 9, 2008: Two Working documents sent to Mr. McCabe, Mr. Dillinger, Sheriff Coats, Judge Morris(and Gay Inskeep), and Mr. Burke

Beginning of Review and Consensus Building Process:

Meetings with Teri Martin, Barry Mahoney, and Dennis Kimme:

Wednesday, February 20, 2008@ 9am, Discussing Pretrial issues:

Brude Bartlett, State Attorney's Office

Bev Andringa, State Attorney's Office

Chief Harmon, St. Pete PD

Connie Dugan, Salvation Army

Jane Snivley, PCSO

Cpl Eugene Bivins, PCSO Pretrial

Cpl Donna Bruen, PCSO Pretrial

Sgt. Tom Nestor, PCSO Pretrial Services

Duncan McCormick, Public Defender's Office

Violet Assaid, Public Defender's Office

Wednesday, February 20, 2008 @ 1:30pm, Discussing Chronic Minor Offenders:

Violet Assaid, Public Defender's Office

Duncan McCormick, Public Defender's Office

Jill Poorman, Psychologist, Court Admin

Kendall Davidson, State Attorney's Office

Richard Ripplinger, State Attorney's Office

Tom Weidiken, PEMHS

Tim Burns, Pinellas DJCS

Deborah Berry, Pinellas DJCS

Wednesday, February 20, 2008 @ 4pm, Discussing Chronic Minor Offenders:

Mo Freaney, Pinellas HHS

Sarah Snyder, Homeless Coalition

Rhonda Abbott, City of St. Pete

Cliff Smith, Pinellas HHS

Dr. Mike Lozano, Northdie Hospital(scheduled, but last minute cancellation)

Dr. Terri Bradley, St. Anthony's(invited and unavailable)

Tim Burns, Pinellas DJCS

Deborah Berry, Pinellas DJCS

Thursday, February 21, 2008, Discussing Case Processing:

Bernie McCabe, State Attorney's Office
Judge Patrick Caddell, Courts
Amy Lockhart, Court Admin
Beverly Andringa, State Attorney's Office
Bill Loughery, State Attorney's Office
Jack Helinger, Private Defense Attorney
DeRita Barbary, County IT/CJIS
Ed Hansen, County IT/CJIS
Vivian Sierchio, Pinellas DJCS

*Additional Attendance: Sign in sheet unavailable at this time

Thursday, February 21, 2008, Discussing Sentencing Options:

Capt Gary Schobel, PCSO
Fred Hipp, Salvation Army
Connie Dugan, Salvation Army
Cpl. Tom Nestor, PCSO
Doug Crow, State Attorney's Office
Fred Schaub, State Attorney's Office
Ramona Schaefer, PCSO Programs Supervisor

*DOC unavailable

Friday, February 22, 2008 @ 9:30am:

Bernie McCabe
Bob Dillinger
Judge Morris
Ken Burke
Sheriff Coats

Friday, February 22, 2008 @ 1pm, Admin Group: (Anticipated attendance)

Commissioner Latvala
James Dates
Pete Yauch
Tom Borawski
Carl Brody
Jerry Herron
John Woodruff(unavailable)
Deborah Berry
Carl Brody
Vivian Sierchio
Andrew Pupke
Tim Burns

Meetings with Teri Martin and Barry Mahoney:**Thursday May 22,**

8:30 John Sheehan, BayCare Health System at Justice & Consumer Services
10:00 Justice & Consumer Services Department at Justice & Consumer Services
12:00 Salvation Army Meeting at JCS
2:00 Drug Court Graduation at Criminal Justice Center
3:30 5 Key Stakeholders: Chief Judge Morris, Ken Burke, Bob Dillinger, Bernie McCabe, Jim Coats
at Criminal Justice Center, 3rd Floor Conference Room

Friday May 23,

9:00 Neil Brickfield & Al Estes at Al Estes, 49th St. N.; 12:30 Administration Group