

**Board of County Commissioners
Leon County, Florida**

Leon County Detention Facility Population Management Workshop

**Tuesday,
March 22, 2022
10:30 a.m.**

**Leon County Courthouse
County Commission Chambers, 5th Floor
301 S. Monroe St. Tallahassee, FL 32301**

The media and the public can access the meeting in real time on Comcast channel 16, the Leon County Florida channel on Roku, the County's [Facebook](#) page, [YouTube](#) channel, [Twitter](#) and County [web site](#).

**Leon County
Board of County Commissioners**

Notes for Workshop

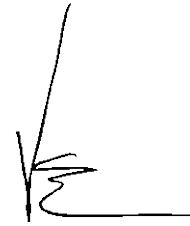
Leon County Board of County Commissioners

Workshop Item

March 22, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: Leon County Detention Facility Population Management Workshop

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
Lead Staff/ Project Team:	Teresa Broxton, Director, Office of Intervention and Detention Alternatives Andy Johnson, Assistant to the County Administrator

Statement of Issue:

As requested by the Board during the October 12, 2021 meeting, this workshop item provides an overview of the inmate population at the Leon County Detention Facility. The item provides a detailed discussion of historical trends and factors that affect the inmate population, an extensive review of the strategies utilized by Leon County and its partners to continuously review and manage the inmate population, and options for Board consideration to identify additional jail population management strategies as well as to plan proactively for additional space needs that may be necessary in the future.

Fiscal Impact:

This item has a fiscal impact. The item recommends the Board authorize funding for the remainder of FY 2022 to hire two pretrial/probation officer positions. The cost for these positions in FY 2022 would be \$57,809 and would be funded from additional revenue collected in the Probation/Pretrial Fund during the first half of FY 2022 (Attachment #1). If approved, ongoing funding for the new positions will be contemplated in the FY 2023 budget.

Staff Recommendation:

See next page.

Staff Recommendation:

- Option #1: Accept the status report of the Leon County Detention Facility.
- Option #2: Approve the Resolution and Budget Amendment (Attachment #1) to hire two additional Pretrial Officer positions to address the increased workload in FY 2022.
- Option #3: Direct staff to include funding in the FY 2023 budget process for consultant services to identify additional strategies to further mitigate the need for additional infrastructure, and to evaluate future space needs that may be necessary for the Leon County Detention Facility.
- Option #4: Direct staff to work with the Florida Association of Counties, to develop a state legislative policy proposal that would place a limit on the amount of time that a person charged with a felony offense and awaiting sentencing can be detained in a county jail.

Report and Discussion

Background:

As requested by the Board during the October 12, 2021 meeting, this workshop item provides an overview of the inmate population at the Leon County Detention Facility. This item provides a detailed discussion of historical trends and factors that affect the inmate population and the management thereof, such as inmates' average length of stay at the Detention Facility, recidivism (offenders returning to the jail), and an extensive review of the strategies utilized by Leon County and its partners to continuously review and manage the inmate population. This item will also examine the impact of COVID-19 on the Detention Facility and on the disposition of inmates' criminal cases through the courts.

Importantly, and as discussed in further detail throughout this item, the number of beds in a Detention Facility does not necessarily determine how many inmates can be housed at a given time, as certain populations must be housed separate and apart from one another. The U.S. Department of Justice (DOJ) establishes and enforces standards to ensure that local detention facilities are operated in a decent, humane, and safe manner. For example, males must be separated from females, juveniles from adults, felons from misdemeanants, nonsentenced from sentenced. In addition, special risk classifications, such as those considered dangerous, those who suffer from mental illness or identify as transgender, must also be housed separately from general populations. In consideration of these requirements, and as discussed in detail in the Analysis section below, Leon County and its partners utilize a wide variety of proactive strategies to constantly review, reduce, and manage the inmate population. These include efforts conducted in partnership with the Public Safety Coordinating Council, the County's Supervised Pretrial Release Program, hiring a Detention Review Coordinator to review the inmate population on a continuous basis to identify offenders who may be eligible for release or expedited disposition of their case, and many others.

As requested by the Board during the October 12, 2021 meeting, the item will also review alternatives to incarceration that are currently utilized for jail population management, including the County's electronic monitoring program. Finally, based upon the trends and factors affecting the inmate population discussed above, this workshop item also presents options for Board consideration to enhance the County's ability to monitor and manage the inmate population, identify additional jail population management strategies, and to plan proactively for additional space needs that may be necessary in the future.

Analysis:

County governments in Florida play a critical role in the state's criminal justice system, providing prevention, diversion, pre-trial, and re-entry services; juvenile programs; and funding to support the operation of county detention facilities, or jails, throughout the state. Because the space available to house inmates in county jails is finite, a challenge faced by all county governments is to make effective use of jail space and other limited correctional resources by actively managing inmate populations in a way that holds offenders accountable while taking a constructive approach that promotes public safety.

Leon County has been actively managing the inmate population at its Detention Facility for several decades. The County and its criminal justice partners have a long history of successfully managing the population by employing a variety of tools and strategies at the County's disposal to do so. Generally, these strategies emphasize providing alternatives to incarceration for low-risk offenders in order to avoid disrupting family connections, employment, and access to social and economic support services while awaiting trial.

As discussed throughout this item, while the inmate population at the Leon County Detention Facility has remained relatively steady over approximately the past two decades, there have occasionally been upward and downward fluctuations, and the inmate population is currently above its historical average. There are a variety of factors that affect the inmate population, some of which can be mitigated by the active jail population management strategies discussed throughout this item and others which are beyond the County's ability to control.

The remainder of this item begins by examining trends in the Detention Facility since opening in 1993. Following this, the item will highlight factors impacting the Detention Facility's inmate population and the various preventive programs and services utilized to manage that population, including efforts to minimize the probability of contact with the criminal justice system for certain vulnerable populations like those suffering from mental illness and homelessness. An overview of the role of the Public Safety Coordinating Council in managing the population as well as the available pre- and post-arrest alternatives to incarceration, including a review of the County's electronic monitoring program, will also be provided. Finally, the analysis will offer options and recommendations for the Board's consideration to enhance the County's support for ongoing detention alternatives, to explore policy priorities for legislative action, and to consider contracting for consultant services in the FY 2023 budget, to identify additional strategies to further mitigate the need for additional infrastructure, and to evaluate future space needs that may be necessary for the Detention Facility.

Review of the Leon County Detention Facility Inmate Population

As authorized by Section, 951.061, Florida Statutes (F.S.), Leon County Sheriff is the County's designated Chief Correctional Officer. As such, the Sheriff is responsible for administrative oversight of the Detention Facility in accordance with all existing state laws. The County maintains fiscal responsibility for the Detention Facility to ensure that the Sheriff may carry out all public safety duties related to the care and custody of the individuals detained. The efficient operation of the Leon County Detention Facility is an integral part of the criminal justice system, which is comprised of various stakeholders, including but not limited to, law enforcement agencies, the State Attorney, Public Defender, the judiciary, local governments, and community partners who often provide noncustodial resources and services as alternatives to incarceration, that help ensure public safety.

Leon County's current Detention Facility opened in late 1993 with the capacity to house 1,219 people. Since opening, the average daily population of the Leon County Detention Facility has increased by 90%, growing from an average of 588 inmates to an average of 1,116 inmates per day. The graph below illustrates the facility's population trend over the past 28 years.

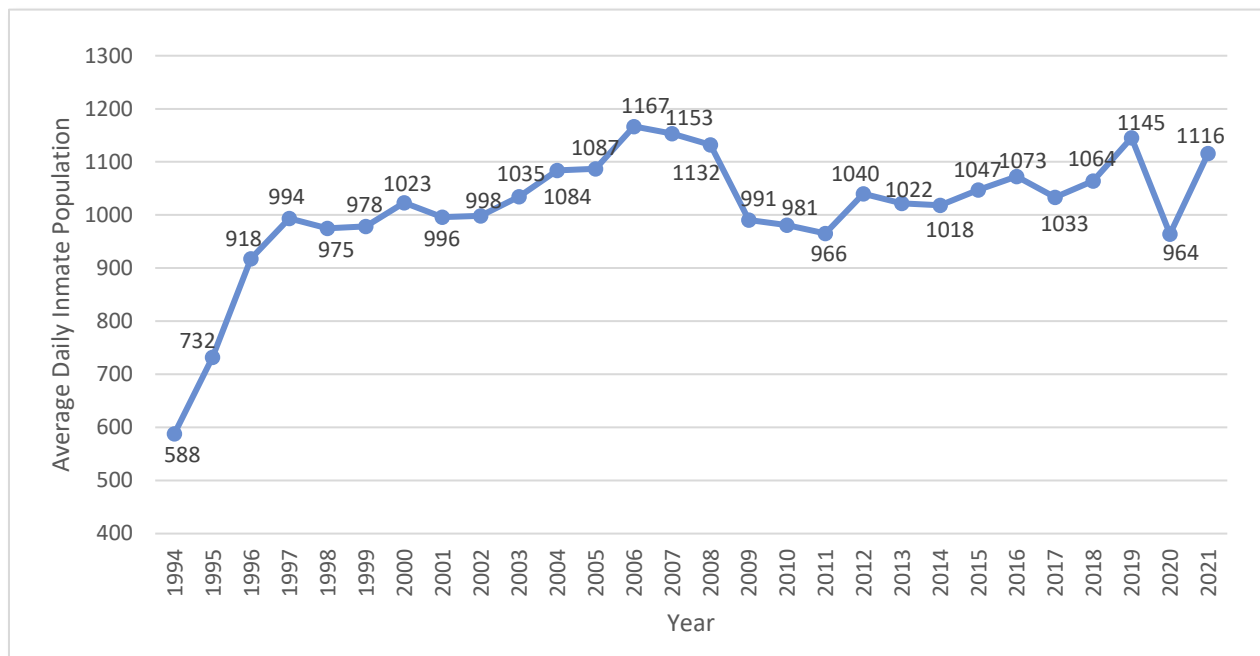


Figure 1: Leon County Detention Facility Average Daily Population by Year, 1994 -2021

As illustrated above, over the past 10 years (since 2012), the population in the Detention Facility has remained relatively steady. The following subsections discuss specific factors related to maintaining the inmate population as well as a corresponding increase in the number of people referred to other alternative programs, including those ordered to the County’s Supervised Pretrial Release Program.

Factors Impacting the Detention Facility’s Population

A review of the Florida Department of Law Enforcement’s most recent Uniform Crime Report (UCR) shows that in 2020, Leon County experienced a 19.64 % decrease in total criminal offenses and an 18% decrease in the total number of adult arrests over the previous year. Although the total number of criminal offenses committed by adults in Leon County decreased by almost 20%, the report reflects that the number of violent offenses increased by 6.2%. As discussed below, this increase in violent offenses has been a contributing factor in the overall increase in the inmate population in recent years. This increase has also been exacerbated by the impacts of the COVID-19 pandemic, which disrupted normal criminal justice and judicial activities during this period.

COVID-19:

The onset of COVID-19 and its lingering effects for approximately two years resulted in court closures and staffing shortages as the entire community worked together to mitigate the impacts of the pandemic. Criminal justice stakeholders (law enforcement, State Attorney, Public Defender, and the judiciary) were forced to take extraordinary measures as criminal justice operations practically came to a standstill. In 2020, jury trials were suspended for 10 months and depositions

were postponed. To reduce the population of the Detention Facility and mitigate the spread of the virus inside the facility, the Leon County Detention Facility was closed to all nonessential personnel. More people were diverted from incarceration and ordered pretrial release supervision and monitoring for compliance with court order conditions. The emergency measures were effective in reducing the spread of COVID-19 in the Detention Facility and briefly decreased the Detention Facility's inmate population. In 2020, the average daily population fell to 964, its lowest point in 9 years. However, as will be discussed in detail later in this item, the stopgap measures discussed above impacted the case closure rates for the Second Judicial Circuit, resulting in a backlog of cases and a longer stay in the Detention Facility for many inmates prior to trial and sentencing.

As the threat of COVID-19 began to subside and the community returned to normal (e.g. businesses reopened, people returned to the workplace, college students returned to the community, etc.) the average daily population of the Detention Facility returned to its normal level. At the end of February 2022, the average daily inmate population was 1,150. To remain in compliance with the requirement of housing certain populations apart from others, as discussed in the Background section above, the Leon County Sheriff worked with other sheriffs within the Second Judicial Circuit to arrange for some Leon County detainees to be housed in other counties' detention facilities.

As the courts began to resume normal operations, they operated at 50% capacity for several months and required health screenings and temperature checks for defendants, jurors, witnesses, and other visitors in the courtroom as additional safety precautions. When practical, criminal justice agencies worked together to hold virtual plea hearings for in-custody defendants to help reduce the number detained and keep court processes moving. More than 3,300 warrants were signed digitally in one year, a record for the Second Judicial Circuit, to address those who had outstanding charges to facilitate law enforcement's duty to execute warrants and make arrests.

In addition to unforeseen circumstances like the COVID-19 pandemic, other factors such as the community's overall population growth, the composition of the Detention Facility's inmate population, and the inmates' average length of stay, impact the inmate population. According to the U.S. Census Bureau, Leon County's population has increased by 46% since the current Detention Facility opened in 1993, increasing from 205,591 to 299,484 residents by the end of 2020. Community population growth is often a factor used in projecting the need for future public resources such as law enforcement, emergency medical services, and social services. Likewise, the population size and projected growth are important factors in considering future space needs for a community's Detention Facility.

Figure 2 below provides a snapshot of the Detention Facility’s overall population by offense type as of the same date (March 11) in each of the past four years and shows historically that more people charged with a felony offenses account for the composition of the Detention Facility. In 2022, 1,073 inmates detained at the Leon County Detention Facility, or 97% of all inmates, were charged with a felony offense; 37, or 3%, were charged and detained on a misdemeanor offense. Felony offenses include violent crimes, such as murder, rape, sexual assault, robbery, and burglary.

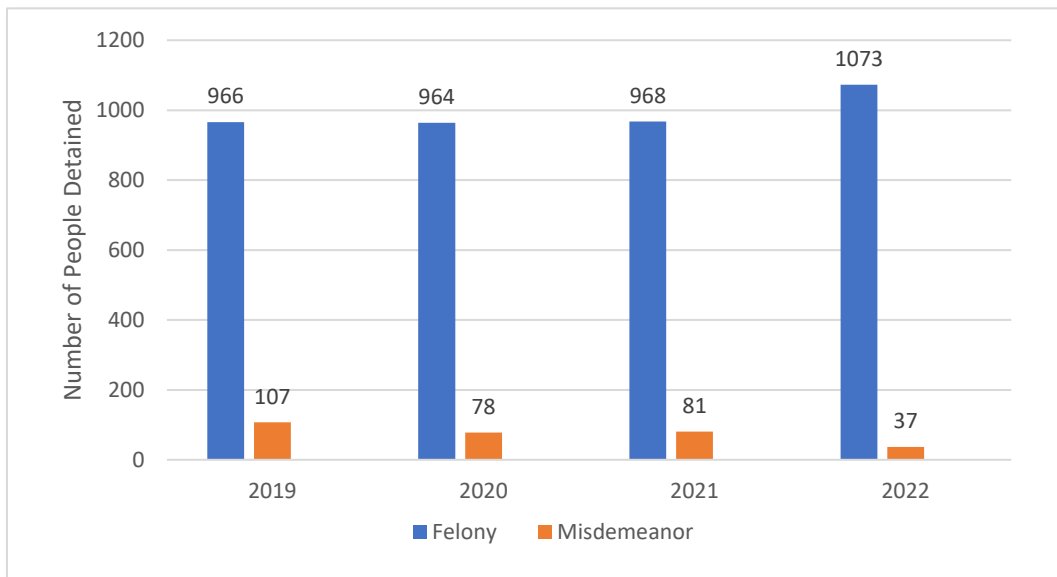


Figure 2: Number of People Detained at the Leon County Detention Facility by Offense Type, 2019- 2022

Length of Detention:

Over the past four years, the Leon County Sheriff’s Office (LCSO) has reported a 92% increase in the Average Length of Stay (ALOS) for a person detained in the Detention Facility. During that time, the ALOS has increased from 137 days in 2019 to 263 days in 2022. Typically, those charged with committing a felony offense are detained longer than those charged with a misdemeanor offense. The number of consecutive days a person remains in custody from arrest to release, referred to as “length of stay” is an important factor impacting the Detention Facility’s population. An inmate’s length of stay is generally driven by two factors: severity of their offense (as people booked into a detention facility and charged with a serious offense are generally detained longer), and the offender’s ability to post bond.

Figure 3 below provides a snapshot of the number of felony detainees in the Leon County Detention Facility by offense type over the past four years. Like the previous figure, this graph reflects statistics as of the same date (March 11) in each year from 2019 through 2022.

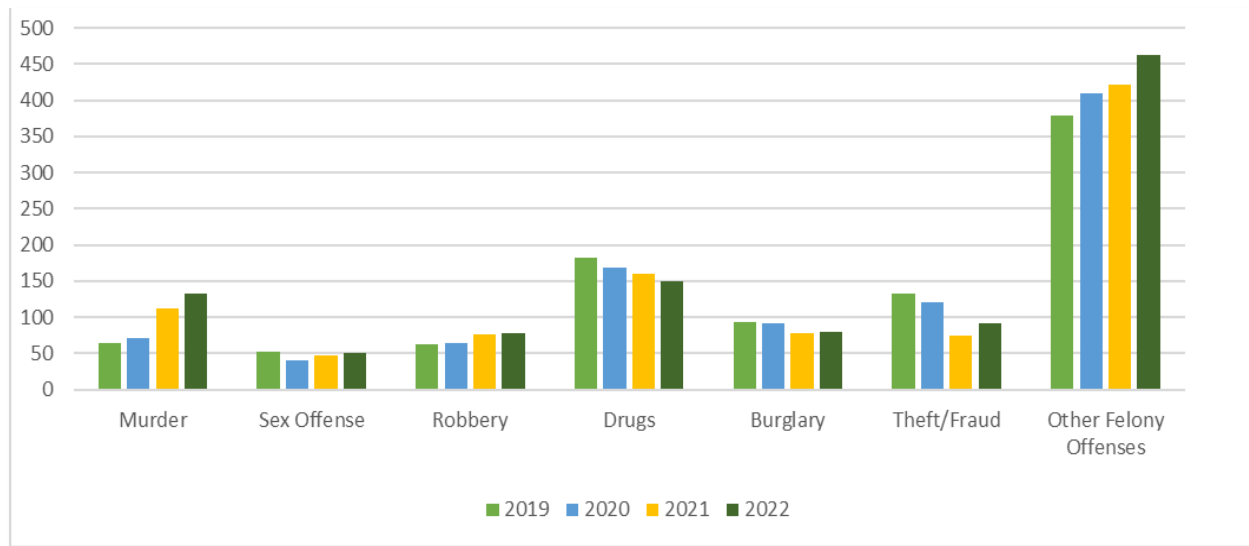


Figure 3: Number of Felony Detainees in the Leon County Detention Facility by Offense Type, 2019-2022

As illustrated in Figure 3, 64 people detained in Leon County’s Detention Facility as of March 11, 2019 were charged with murder. At that same point in time in 2022, 133 people were detained on murder charges, representing a 108% increase in this population. In addition to murder, the number of people charged with other violent felonies, such as battery, and serious property crimes have gradually increased. As discussed at length in the following subsections, many of these violent offenders are not able to be released on bond or to participate in jail alternative programs. Notably, however, while the overall number of felony offenders in the Detention Facility has increased over the past four years, the number of nonviolent felony offenders (i.e., those detained on drug-related charges and theft/fraud, as reflected in Figure 3 above) has steadily decreased during that time.

Bond:

As indicated above, an offender’s ability to post bail or obtain a bail bond also impacts the Detention Facility’s inmate population. Once a person is in police custody and is charged with an alleged offense, he or she may be able to get out of jail by posting bail or obtaining a bond. “Bail” refers to the money a defendant must pay in order to get out of jail; alternatively, a “bail bond” may be posted on a defendant’s behalf, usually by a bail bond company, to secure his or her release. A judge determines the amount of bail based on factors like the severity of the alleged offense, the likelihood that the defendant will commit additional crimes after being released, and the likelihood that the defendant will flee the jurisdiction before trial. Bail is often set in amounts that are beyond the financial capabilities of most people; bail bond companies are, in most states, for-profit businesses that charge a nonrefundable fee, usually 10 to 20 percent of the bail amount, to post bail on behalf of a defendant. As such, the purpose of a bail bond is to ensure the appearance of the criminal defendant at subsequent court proceedings.

A judge may set bail at any amount that is not objectively unreasonable or deny bail altogether. All people who are incarcerated are entitled to be brought before a judge to consider release and reasonable conditions of release that would support public safety. While the Eighth Amendment to the U.S. Constitution prohibits “excessive bail,” it does not state that courts are required to allow bail.

The following section provides a snapshot of the Detention Facility’s population on March 11, 2022:

- 1,110 inmates were detained
 - 144 were sentenced.
 - 37 had multiple charges and were sentenced on at least one charge and awaiting trial on the remaining charges.
 - 929 were detained awaiting plea, trial or sentencing.

Table #1 reflects the 125 inmates in the Detention Facility that were granted bond, by a range of the set bond amount, type of charge, and the average number of days each inmate had been detained. Of the total 120 had a felony charge and 5 were charged with a misdemeanor. A total of 13, including those with a felony and a misdemeanor charge(s) were held with a bond of \$1,000 or less.

Table 1: Leon County Detention Facility Inmates by Bond Range, Type of Charge, and Average Length of Stay; March 11, 2022

Bond Amount Range	Total # of Inmates	Charge Type		Average # of Days per Inmate
		Felony	Misdemeanor	
Up to \$1,000	13	10	3	28
\$1,000.01 to \$2,500	15	15	0	84
\$2,500.01 to \$5,000	19	18	1	119
\$5,000.01 to \$10,000	15	14	1	82
\$10,000.01 to \$50,000	46	46	0	185
More than \$50,000	17	17	0	364
Total	125	120	5	

The number of inmates detained who are awaiting trial changes frequently because people are booked into and released from the Detention Facility 24 hours a day. As such, the table above is intended only to illustrate how bond can impact inmates’ average length of stay, and by extension, the Detention Facility’s overall inmate population.

Bonds are imposed as a mechanism for ensuring that a defendant will return for trial; however, the bond process is complex. If a person who has been granted a bond remains incarcerated due to an inability to pay, the Public Defender (or private counsel) may file a motion to request a reduced bond. Subsequently, a hearing is set, and defense counsel may argue that the bond set by the Court is so high that it effectively constitutes a denial of release. Conversely, the State Attorney may argue that the bond is reasonable, the person is a threat to public safety, and/or that the person may

not return for trial if the bond were reduced. Ultimately, the authority to grant bonds and to set bond amounts resides with the judge.

Since FY 2002, Leon County has funded a Detention Review Coordinator position within the Second Judicial Circuit's Office of Court Administration as a proactive strategy to coordinate jail population management activities and reduce unnecessary detention time. While some counties throughout the country have established a detention review process for juvenile offenders, very few have funded a position to review adult offenders' incarceration status as a jail population management strategy. The role of the Detention Review Coordinator is to review the jail population on a regular basis to assist in securing release for those who did not post bond. Each week the Detention Review Coordinator reviews the Detention Facility's presentenced population to identify those who may be suitable for release or expedited disposition, and make recommendations to the State Attorney, defense counsel, and the judiciary. As discussed later in this item, the Detention Review Coordinator is one of several strategies the County currently employs in coordination with its criminal justice partners to manage the inmate population by assisting with case clearance.

Case Clearance:

The Office of State Courts Administrator (OSCA) receives and compiles data from each county and circuit throughout the State on case "clearance rates." According to the OSCA, clearance rate is an indicator of whether the court is "keeping up" with its incoming caseload. Clearance rates are determined by dividing the total number of cases disposed by the total number of cases filed during a specific time period. For example, if a court received 1,000 new cases a month and disposed of 900 cases during the same month, the clearance rate for that month is 90 percent. If a court's clearance rate is continually less than 100 percent over an extended period of time, the court will develop a backlog.

Stakeholders within the criminal justice process must work cooperatively to ensure justice is administered in a fair and timely manner. The State Attorney and defense counsel have key responsibilities in negotiating and reaching consensus regarding the disposition of many cases that do not involve jury trial. Florida's Rule of Judicial Administration establishes a presumptively reasonable time for the completion of cases in the trial and appellate courts. The rule acknowledges that there are cases which due to their complexity, may cause reasonable delay; however, felony cases should generally be disposed within 180 days of arrest and misdemeanor cases should close within 90 days.

Figure 4 below was developed using reports published by the OSCA. The data reflect that the Leon County Circuit Criminal Court's clearance rates during several quarters over the past two-year period were lower than the state median. In all but three calendar quarters during this period, the case clearance rate was below 100%, contributing to a backlog of cases as discussed above.

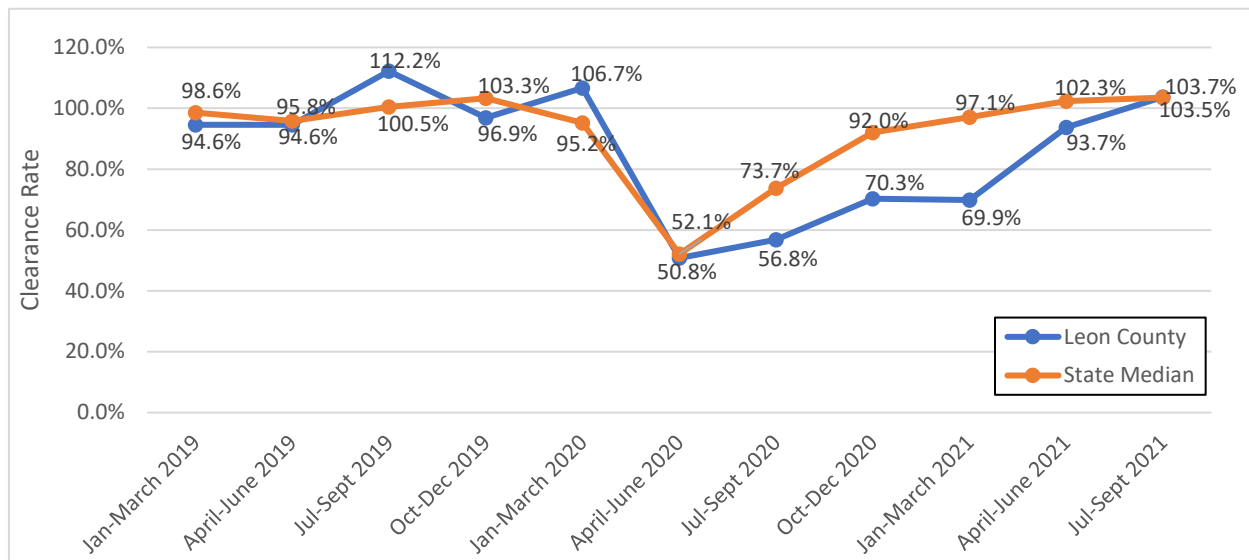


Figure 4: Clearance Rates in the Leon County Circuit Criminal Court vs. Statewide, 2019-2021

Of note, however, throughout 2019, clearance rates in Leon County Circuit Court were either on par with or above the statewide median. As discussed earlier in this item, court operations statewide were significantly impacted by the COVID-19 pandemic. While the clearance rate in Leon County Circuit Court fell below the state median during this time, from July 2020 to June 2021, the case clearance rate was once again on par with the state median as of September 2021.

Implications for the Supervised Pretrial Release Program:

The Supervised Pretrial Release Program (SPTR) is Leon County’s primary resource to provide alternatives to incarceration and to help manage the inmate population. Although the SPTR Program is administered through the County’s Office of Intervention and Detention Alternatives (OIDA), the Chief Judge of the Second Judicial Circuit establishes the rules and guidelines to ensure its efficient operation in serving the judicial process. The SPTR Program provides two primary services to assist in reducing the number of detained. First, it completes a risk assessment of people booked into the Detention Facility by reviewing the criminal history, residency, and ties to the community such as employment or enrollment in school, to determine whether they may be released and supervised without attending a court hearing. Administrative Order 2019-05, “Uniform Bond Schedule and Pretrial Release Procedures,” authorizes SPTR staff to release and supervise individuals who meet specific criteria. Second, SPTR provides a risk assessment to the judge for consideration in making a release determination, and third, monitors the offender after release for compliance with the court-ordered conditions of release.

In March 2019, the Chief Judge of the Second Judicial Circuit issued a new Administrative Order 2019-06, “First Appearance and Pretrial Detention Procedures,” requiring all First Appearance Judges to conduct an individualized inquiry of the person’s ability to post a bond and whether alternatives to bond including conditions of release, would provide adequate assurance of the person’s appearance, the safety of the community, and the integrity of the judicial process. This new policy increased the number of people assigned to the SPTR Program.

In 2018, the SPTR Program supervised an average of 493 people monthly, including those charged with felony and misdemeanor offenses. In 2019, one year after the new Administrative Order went into effect, an average of 710 were supervised monthly, an increase of 44%. The new Administrative Order and the measures put in place to mitigate the spread of COVID-19 created a secondary wave of even more people being assigned the SPTR Program than in previous years. By the end of 2021, the number of defendants in the County’s SPTR Program had increased by 75% from 710 to 1,244 people. As illustrated in Figure 5 below, in 2019 the number of pretrial defendants in the SPTR Program surpassed the number of pretrial defendants detained in the Detention Facility.

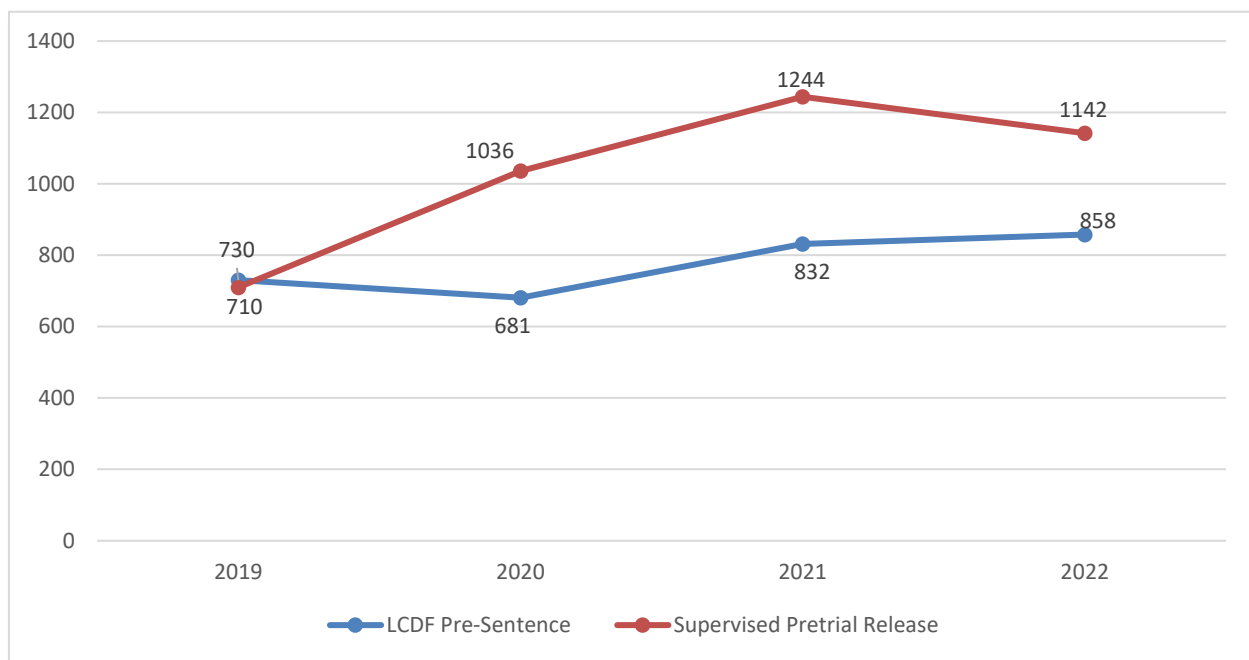


Figure 5: Comparison of the Average Monthly Number of Pre-sentenced Inmates and SPTR Defendants, 2019-2022

Over the past two years, staff has closely monitored the caseload trends for both the SPTR and Probation Programs, and initially anticipated that as the case clearance rates continued to increase the average number of people monitored by the SPTR Program would decline while the number of people sentenced to Probation would increase until leveling out to pre-COVID numbers. However, to the contrary, the overall number of people supervised by both programs has increased by 23% from 1,373 (March 2020) to 1,689 (January 2022). As a result, in mid-2021, OIDA and County Administration began evaluating the increasing caseload compared to current staffing levels, and was intending to bring a stand-alone agenda item seeking the Board’s consideration to add two positions to meet this increased demand for service. However, given the timing of the workshop, the recommendation has been included herein.

The OIDA is staffed with 14 full-time Pretrial/Probation Officers. Four are assigned to the Detention Facility to conduct interviews and assessments for individuals booked into the facility and 10 case managers are responsible for supervising all defendants assigned to the Supervised Pretrial Release and County Probation Divisions. Probation and Pretrial Officers are cross-trained

to manage either caseload as the number of people ordered pretrial release and probation often fluctuates. In recent months, officers assigned to manage probation caseloads have assisted with the increase in pretrial cases. As probation cases are increasing, additional staff is needed to manage the workload.

Maintaining an appropriate officer-to-offender ratio is essential to ensuring Pretrial/Probation Officers have sufficient time with each person on their caseload to discuss their needs and provide resources that might assist them in successfully completing the court-ordered conditions of release. As such, based on the increased service needs described above, this item recommends Board consideration to authorize two additional Pretrial Officer positions to address the increased workload. Attachment #1 reflects the necessary Resolution and Budget Amendment to fund these positions for the remainder of FY 2022. The funding is available from additional Probation/Pretrial fees collected during the first half of the fiscal year above the adopted budget.

Pre-arrest Intervention Strategies

As indicated earlier in this item, there are several factors that affect the inmate population in the Leon County Detention Facility, such as the number of people detained on serious charges and the length of their detention. Conversely, positive factors such as proactive measures and services to minimize the probability of contact with the criminal justice system as well as alternatives to incarceration, help to effectively manage the flow of people through the Detention Facility. This subsection discusses several strategies used by Leon County and its partners to minimize citizens' involvement with the criminal justice system.

Leon County partners with several criminal justice stakeholders and community-based agencies to support jail population management by providing a variety of alternatives at various stages throughout the criminal justice process. Proactive and preventive measures such as Crisis Intervention Team Training and community-based programs, Mental Health Mobile Response Teams and Homeless Outreach Street (HOST) Teams are utilized to reduce the probability of certain vulnerable populations becoming involved with the criminal justice system.

Also, as required by Section 951.26, Florida Statutes, the Board established a Public Safety Coordinating Council (PSCC) in 2001 to serve as its advisory body to provide recommendations for Detention Facility population management. The PSCC is comprised of a representative from the Board of County Commissioners, the State Attorney, the Public Defender, the chief circuit judge, the chief county judge, the chief correctional officer, the Sheriff, the state probation administrator, the director of county probation or pretrial intervention program, the director of a local substance abuse and state jobs programs, and other community groups who work with offenders and victims. Since the Board's initial directive and funding allocation of \$100,000 annually for jail diversion programs, the PSCC has recommended a variety of programs and initiatives designed to manage the jail population including the Leveraging Interventions for Transformation (LIFT) Program, which was designed to provide employability and life skills training to people nearing the end of their sentence, to assist them in gaining needed skill sets to reduce the probability of returning to jail. Most recently, the Board approved a recommendation

from the PSCC to provide funding to support a landlord risk mitigation fund to help returning citizens with finding and maintaining housing.

Following is a discussion of several additional proactive strategies and alternatives to incarceration that the County and its criminal justice partners utilize in managing the Detention Facility's inmate population.

Crisis Intervention Team Training:

Crisis Intervention Team (CIT) training is provided by National Alliance for the Mentally Ill in partnership with Court Administration, law enforcement, and the Apalachee Center, Inc. CIT was designed to foster more effective intervention between law enforcement and those suffering with mental illness. CIT's major focus is to prevent the arrests of mentally ill people who are in obvious crisis and instead divert them to treatment in the community. Since its inception in 2004, over 800 local law enforcement officers, correctional officers, and other criminal justice personnel (victim advocates, pretrial release and probation officers, emergency call operators, school resource officers, etc.) have completed CIT training.

During the 40-hour class, participants hear from experts about the signs and symptoms of mental illness (e.g. post-traumatic stress disorder) in the adult and adolescent populations, brain disorders such as Alzheimer's Disease and dementia, developmental and intellectual disabilities such as autism, and substance use disorders that can affect an individual's behavior and actions. CIT utilizes immersive training techniques, such as active listening, the help participants experience and understand the symptoms of various mental health or substance use disorders. The class also educates participants on Baker Act and Marchman Act criteria and the resources available in the community.

Mobile Response Teams:

The Marjory Stone Douglas High School Public Safety Act, enacted by the Florida Legislature in 2018, called for the creation of Mobile Response Teams (MRT). Administered by Apalachee Center, Inc., MRTs in Leon County were established to reduce trauma, divert individuals from emergency services and criminal justice systems, and prevent unnecessary psychiatric hospitalization. MRTs increase the opportunity for utilizing other diversion programs for individuals with mental illness who would be more appropriately served through community-based treatment and connect individuals to appropriate psychiatric services as needed. MRTs have responded to more than 325 calls for service since implementation in 2019.

Leon County Sheriff's Office Mental Health Unit:

In addition to Apalachee Center's MRTs, in 2019 LCSO secured more than \$350,000 in state funding to contract with Apalachee Center and established three mental health units partnering law enforcement with mental health professionals in the field. The Leon County Sheriff's Mental Health Unit (MHU) launched on December 6, 2021 with three teams, each consisting of a deputy and a mental health counselor. Riding in an unmarked vehicle, the teams respond to calls received through the Consolidated Dispatch Agency (CDA) as well as individuals who are experiencing a mental health or substance abuse crisis. During its initial 90 days of operation, the MHU teams responded to more than 1,100 calls for service.

City of Tallahassee Emergency Assessment Mobile Unit (TEAM):

The City of Tallahassee Emergency Assessment Mobile (TEAM) Unit responds to calls for service initiated through the CDA for individuals experiencing a mental health crisis. The TEAM unit is comprised of a CIT-trained Tallahassee Police Department officer, a licensed mental health professional, and a Tallahassee Fire Department paramedic. Once deployed, law enforcement will first ensure the scene is safe; the paramedic will then make an assessment to determine if immediate medical services are needed while the licensed mental health professional initiates a crisis assessment. After the assessments, the team determines the appropriate level of care needed for the individual necessary for stabilization in the community or if the person should be transported to Apalachee Center's Central Receiving Facility for further intervention. If the individual is neither a risk to public safety nor in need of acute medical intervention, appropriate follow-up services, which include safety and continuity of care plans, are provided.

Homeless Outreach Street Team (HOST) Deputies:

At the December 14, 2021 meeting, the Sheriff requested, and the Board approved, an allocation of approximately \$491,000 in funding to support two Homeless Outreach Street Team (HOST) deputies for the remainder of FY 2022 and FY 2023. The HOST deputies' responsibilities focus on connecting individuals and families to available housing and a variety of social services including mental health counseling, substance abuse programs, veteran assistance programs, and more. HOST deputies are solely assigned to address issues related to homelessness and provide enhanced services for the care of homeless citizens in the community, establishing a "boots on the ground" law enforcement presence on a regular basis, and acting as a force multiplier and liaison to the Big Bend Continuum of Care. Broadly, the purpose of the HOST deputies is to provide enhanced law enforcement outreach services with resources, knowledge, and training specific to assisting homeless individuals. The Sheriff seeks to enhance enforcement as well as outreach to the homeless community without potentially introducing these individuals to the criminal justice system. The HOST deputies will be assigned to provide law enforcement and outreach services within the Tallahassee city limits as well as the unincorporated area. As of January 2022, two HOST deputies have been appointed, and LCSO is currently developing its strategic and operational plans for the program. As requested by the Board, the Sheriff will provide a status report on the HOST initiative during his next scheduled criminal justice update.

Council on the Status of Men and Boys:

As recommended by the Sheriff, the Board recently approved funding to support the establishment of a Council on the Status of Men and Boys (of note, the formal name of this entity has not been finalized by LCSO). The purpose of this entity will be to develop a plan with specific goals and strategies to reduce violent crime in the community. The Sheriff's Office is in the early stages of developing the structure of this entity and is currently in the process of identifying community stakeholders to serve on its Leadership Council.

Pre-arrest Diversion Programs

In addition to the preventive services noted above, several resources are available to law enforcement officers to use at their discretion as alternatives to incarceration. Pre-arrest programs allow participants to avoid a criminal record since no arrest is involved. Pre-arrest alternatives,

such as the State Attorney's Adult Pre-Arrest Diversion and Juvenile Civil Citation Programs, are intended to divert individuals from detention.

Adult Pre-arrest Diversion Program:

Law enforcement may refer first time offenders to the State Attorney's Pre-arrest Diversion Program for a variety of misdemeanor nonviolent offenses. An officer may indicate in the probable cause affidavit or sworn report that the offender should be granted diversion rather than criminal arrest. The offender is provided an information sheet from the officer and told to appear at the State Attorney's Office within four weeks of the offense. If the prosecutor determines that diversion is appropriate, the case is referred to the State Attorney's Diversion Coordinator. Each offender is provided written notice of the program's requirements which include financial requirements and costs and additional sanctions, if applicable. The offender is also notified of their legal rights and given the option to have the case transferred for traditional prosecution. Upon successful completion of this program, the State Attorney will essentially drop the charges. The legal terminology for this action is reflected in the public record as "no information filed" if an arrest was executed or a notice to appear was issued. The law enforcement agency that initiated the action is also notified of the resolution of the case regardless of whether a physical arrest was made.

Juvenile Civil Citation Program:

Juvenile Civil Citation programs are a popular tool among Florida's school resource officers and other law enforcement agencies to address youth involved in low-level criminal offenses. A juvenile pre-arrest diversion program has operated in Leon County for more than a decade. The Juvenile Civil Citation Program, authorized by Section 985.12, F.S., is administered by the Florida Department of Juvenile Justice. This program offers youth charged with a first-time offense such as theft (under \$300) or disorderly conduct or possession of a small amount of marijuana (less than 20 grams) an alternative to arrest that does not leave the juvenile's record accessible by the public. To participate in the Program, the youth and parent or guardian must sign the civil citation agreement, must perform a designated number of community service hours, and depending on the offense, must complete other sanctions which may include payment of restitution, counseling, or drug treatment. Upon successful completion, any record of the youth's participation in the Program is sealed and can only be accessed through a court order.

Post-Arrest Alternatives to Incarceration to Support Jail Population Management

Even after an arrest is made, there are several opportunities for individuals to be released from incarceration depending on the charge, criminal history, likelihood to appear in court, and public safety. A court may utilize any of the following options when it determines a defendant is eligible for release:

Release on Recognizance ("ROR"):

The court may order a defendant to be released from incarceration on their own recognizance. Defendants released on this basis are not required to post a monetary bond and are responsible for attending all schedule court appearances.

Supervised Pretrial Release:

As discussed earlier in this item, Leon County's Office of Intervention and Detention Alternatives (OIDA) provides pretrial and post-sentence as well as alcohol and drug testing services to the court, that assist in managing the Detention Facility's population. This narrative focuses on the pretrial services provided through the Supervised Pretrial Release Program (SPTR). Post-sentence Probation services and testing services will be discussed later in this item. The SPTR Program provides two primary services to assist in reducing the number of defendants detained: first, it completes a risk assessment of people booked into the Detention Facility by reviewing the criminal history, residency, ties to the community, such as employment or enrollment in school, to determine whether they may be released and supervised without attending a court hearing. Administrative Order 2019-05, Uniform Bond Schedule and Pretrial Release Procedures authorizes SPTR staff to release and supervise individuals who meet specific criteria. Second, SPTR provides a risk assessment to the judge for consideration in making a release determination.

Electronic Monitoring:

As discussed above, during the October 12, 2021 meeting the Board directed staff to include additional information in this item regarding the electronic monitoring program services provided by the OIDA. For more than 20 years, Leon County has provided electronic monitoring as an alternative to incarceration. As determined by the courts, persons can be released with the conditions of global positioning satellite (GPS) for location tracking or Secure Continuous Remote Alcohol Monitoring (SCRAM) for alcohol detection. Typically, electronic monitoring is ordered when the charge or circumstances of the offense are violent in nature or indicate habitual alcohol use. Leon County operates one of the largest electronic monitoring programs in the state with an average of 200 offenders being monitored 24 hours per day.

Consistent with the increased utilization of the SPTR Program, the courts increased the utilization of the electronic monitoring. Figure 5 below shows the increased use of GPS and SCRAM services in recent years. As illustrated in the graph, OIDA provided these services to 159 offenders in October 2019 compared to 224 offenders as of December 2021, for a growth of 41% in these services provided during that period.

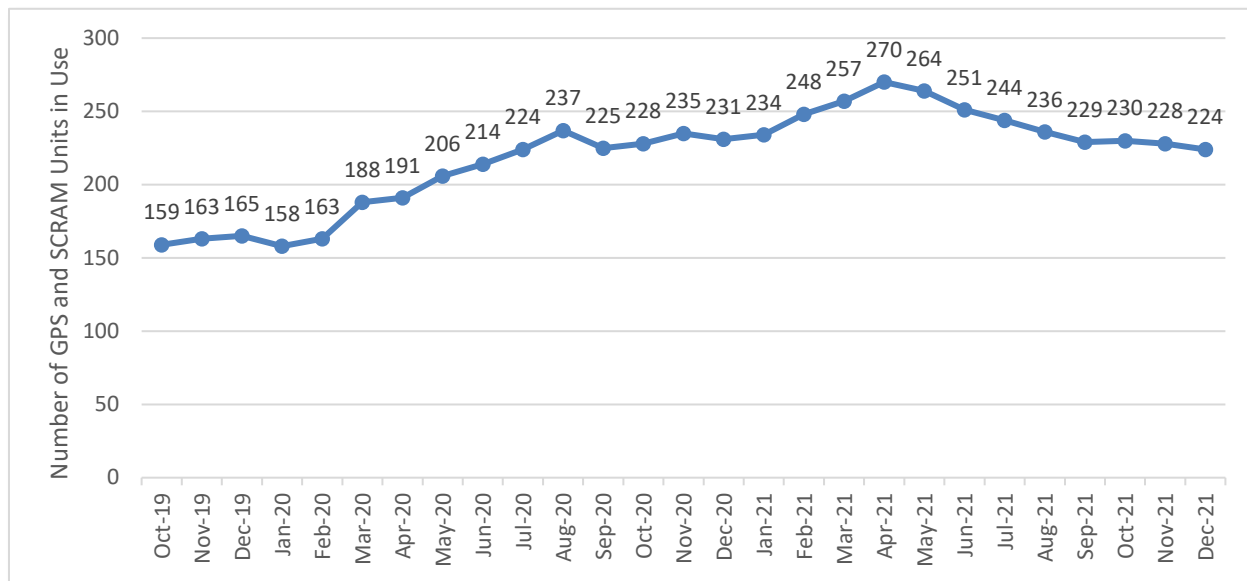


Figure 6: Number of GPS and SCRAM Units in Use, October 2019 through December 2021

As discussed in greater detail later in this item, Leon County’s Probation Program also provides community supervision for sentenced individuals in lieu of incarceration. At the beginning of March 2020, the Probation Program was supervising an average of 516 people. Consistent with the declining case clearance rate discussed earlier, the average number of people supervised decreased by 55% to 229 people. Subsequently, as the case clearance rate increased, the number of people sentenced to probation also increased. At the end of January 2022, the Program was again supervising 514 people.

Over the past two years, staff has closely monitored the caseload trends for both the SPTR and Probation Programs. Initially, it was anticipated that as case clearance rates continued to increase, the average number of people monitored by the SPTR Program would decline while the number of people sentenced to Probation would increase until leveling out to pre-COVID numbers. However, this is not currently happening, as the overall number of people supervised by both programs combined has increased by 23% from 1,373 to 1,689.

The OIDA is staffed with 14 full-time Pretrial/Probation Officers. Four Officers are assigned to 24/7 shifts inside the Detention Facility to conduct interviews and assessments for individuals booked into the facility and to instruct individuals released to the SPTR Division on their specific conditions of release. The remaining 10 Probation/Pretrial Officers are responsible for supervising all defendants assigned to the Supervised Pretrial Release and County Probation Divisions.

Bond:

As discussed earlier, in addition to being ordered to the SPTR Program and compliance with court-ordered conditions, the courts can require defendants to post a bond prior to their release from custody.. Section 903.046, Florida Statutes affirms that the purpose of a bond determination is to ensure the appearance of the criminal defendant at subsequent court proceedings. All people who

are incarcerated are entitled to be brought before a judge to consider release and reasonable conditions of release that would support public safety.

Detention Review:

As noted above, Leon County funds a Detention Review Coordinator position within the Second Judicial Circuit's Office of Court Administration as a proactive strategy to coordinate jail population management activities and reduce unnecessary detention time. While some counties throughout the country have established a detention review process for juvenile offenders, very few have funded a position to review adult offenders' incarceration status as a jail population management strategy. This position was created in 2001 to assist in jail population management by reviewing the case(s) of people detained pretrial to identify those who may be suitable for release or expedited disposition and make recommendations for consideration by the State Attorney, defense counsel and the judiciary. Since this position was created, interventions initiated by the Detention Review Coordinator have avoided several thousand jail "bed nights" (i.e., overnight stays per inmate).

Post-Arrest Diversion Programs:

The Office of the State Attorney administers a Post-Arrest Diversion Program which is supported by the Florida Legislature under Chapters 939 and 944, Florida Statutes. The Diversion Program provides an alternative to prosecution in addressing certain misdemeanor and felony cases for first-time offenders. The State Attorney may also allow some second-time offenders to participate. Eligible offenses include the following:

- Disorderly Conduct
- Disorderly Intoxication
- Petit Theft
- Possession of Alcohol by a Minor
- Open Container Violation
- Loitering and Prowling
- Unlawful Display of a Driver's License
- Use/Possession of Drug Paraphernalia
- Open House Party
- Resisting Arrest Without Violence
- Trespass
- Possession of Marijuana Less than 20 grams

A \$100 fee is required to offset the administrative costs associated with operating the program. Defendants who cannot afford to pay the fee may apply for a scholarship to have the fees paid by the State Attorney's Office. Participants may avoid prosecution by completing 15 hours of community service with a nonprofit charity of their choice, and, if applicable, successfully completing drug screening within 90 days of a drug-related offense to have the charge dismissed.

From 2019 to 2021, more than 250 offenders who had a misdemeanor marijuana charge and no significant criminal history were offered post-arrest diversion or had their charges dismissed. Upon successful completion of the program, the Diversion Program Coordinator provides participants with information detailing the steps that must be taken to have an arrest record sealed or expunged.

Specialty/Problem Solving Courts:

The Second Judicial Circuit currently provides specific services to serious drug offenders, military veterans, and those suffering from mental illness through Felony Drug Treatment Court, Veterans Treatment Court, and a mental health docket. These courts exist to address the root causes of an

offender's behavior. Through these programs, a team consisting of the State Attorney, defense counsel, service providers, counselors, mentors, and other advocates provide individualized interventions for the participants, resulting in improved public safety, reduced recidivism, and restored lives.

- *Felony Drug Treatment Court:*

Established in 1993 through the collaborative efforts of Leon County Government, the Second Judicial Circuit, the State Attorney, Public Defender, Florida Department of Corrections Probation and Parole, and contracted treatment provider(s), Felony Drug Treatment Court is another post-arrest alternative to incarceration available for persons who reside within the Second Judicial Circuit charged with illicit drug crimes. Criteria for participation include the following:

- The current charge must be a 2nd or 3rd degree felony involving possession or use of marijuana
- Have no other pending felonies
- Two or less prior felony convictions for nonviolent offenses
- No prior arrests for a violent felony offense
- Not currently on State supervision for a felony offense

After arrest, the State Attorney assigned to the case may offer Drug Treatment Court. The attorney for the defense must submit a completed Drug Court referral form to the Court's Criminal Case Management staff. Thereafter, the referral form is sent to the treatment provider who completes an assessment of the participant. If the assessment determines that the defendant needs substance abuse treatment, the State and the defendant enter into a contract stipulating the terms and conditions of participation in the program. Felony Drug Court participants are supervised by a State Probation Officer. Drug Treatment Court is a 12-month intensive treatment program. The three-phase program includes, but is not limited to, regular urinalysis, individual therapy, group therapy, relapse therapy, and regular status updates to the Court. As a result of the pandemic, Drug Treatment Court has not been fully operational since 2019 when 16 people participated and graduated from the program. Participants who successfully complete the Program have their charge(s) dismissed at graduation.

- *Veterans Treatment Court:*

Veterans Treatment Court is a partnership between Leon County Government, the Second Judicial Circuit, State Attorney, Public Defender, Florida Department of Corrections Probation and Parole, Veterans Administration, and local veteran organizations. Veterans Treatment Court is a four-phase program consisting of orientation and treatment, relapse prevention, transition training to prepare them for discharge, and an aftercare plan to help veterans who have committed an offense achieve success with sobriety and compliance with their mental health treatment plan. Incentives as well as sanctions (including incarceration) may be provided during the 12-to-18-month program. Upon successful completion, the State Attorney dismisses the charges. Since the program's inception in 2015, 127 military veterans have graduated.

- *Misdemeanor Mental Health Docket:*

The Misdemeanor Mental Health Docket operates as a specialty court and is structured to address low-level criminal cases committed by individuals with a diagnosed mental health disorder. The program provides case management services through weekly staffing with court representatives and mental health service providers to develop treatment plans for all participants in coordination with community-based service providers to support the defendant long term and reduce recidivism.

Post-Sentencing Alternatives to Incarceration

The following section of the analysis describes programs available as alternative to incarceration after a person has been sentenced. Post-sentence alternatives are equally effective jail population management resources. When determined appropriate by the courts, community supervision through county or state probation services following case disposition is a cost-effective alternative to incarceration.

Probation:

Probation is designed to deter future criminal behavior by providing individuals with opportunities for rehabilitation. As with supervised pretrial release, people sentenced to probation remain in the community and can maintain employment and support their families.

- *County Probation:*

Leon County's Probation Program is responsible for the supervision of people who have been sentenced and to assist them to successfully complete court-ordered conditions and mandates such as referrals to community-based agencies for assistance and monitoring to ensure abstinence from drugs and/or alcohol. Probation Officers also make recommendations for violation or termination of probation.

As stated above, the County Probation Program provides community supervision for sentenced individuals in lieu of incarceration. At the beginning of March 2020, the Program was supervising an average of 516 people. Consistent with the declining case clearance rate, the average number of people supervised decreased by 55% to 229 people. Subsequently, as the case clearance rate increased the number of people sentenced to probation also increased and at the end of January 2022, the Program was again supervising 514 people.

- *Circuit Probation:*

Like County Probation, the Florida Department of Corrections is responsible for people convicted of felony offenses and assists them in the successful completion of court-ordered conditions.

Re-entry Program Services:

The Leon County Detention Facility offers a variety of programs available from the point of arrest through release to begin preparing inmates for transition back into the community. During the

classification process, inmates are encouraged to participate in life and employability skills training provided by community-based organizations that offers the services in the Detention Facility. In addition, the community-based service providers offer these services through the RISE Center.

With support from the Board in 2021, the Leon County Sheriff created the Re-Entry Innovative Services & Empowerment (RISE) Center. RISE serves as the re-entry portal for citizens who have completed their sentence and are transitioning back to the community. The mission of the re-entry programming offered at the Detention Facility is to reduce inmate recidivism by providing all incarcerated individuals assigned to the Re-entry Program with informed, evidence-based, educational, and self-help programs prior to returning into the Leon County community. The re-entry programs and services are structured to enhance the opportunities of inmates through the development of their skills, abilities, and strengths. In addition to the County, the Detention Facility partners with community-based organizations to provide support and services while individuals are detained as well as resources for when they are released. In 2021, the Re-entry and Inmate Programs team provided 295 inmates with transition plans to be implemented with support from the RISE Center's case management staff for successful transition to the community.

Evaluation of Additional Programs, Best Practices, and Long-Term Space Needs at the Leon County Detention Facility

As noted above, a variety of proactive strategies and alternatives to incarceration are available for jail population management. These efforts notwithstanding, the Detention Facility population has remained near capacity for the past 10 years; as such, it may be prudent at this time to consider an evaluation of the future space needs of the Detention Facility.

As discussed throughout this item, Leon County and its criminal justice and community partners have made extensive efforts over the past several decades to minimize the inmate population at the Detention Facility by providing alternatives to incarceration and supporting successful inmate re-entry. These efforts include a variety of pre-arrest diversion programs, post-arrest alternatives to incarceration, and a variety of strategies to continuously monitor the inmate population, proactively identify inmates who may be suitable for release or expedited disposition and address the root causes of incarceration through various problem-solving courts. Although these efforts have been successful in mitigating the growth of the inmate population over the years, the inmate population at the Detention Facility is nearing its operational capacity due in large part to overall population growth in Leon County as well as an increase in the number of felony offenders housed in the facility for extended periods of time while awaiting sentencing, as discussed throughout this item. Given these factors, it is anticipated that additional bed space may be needed at some point in the future.

County governments in Florida are responsible for anticipating the space needs associated with their detention facilities, and the expansion or construction of a new detention facility is one of the most expensive capital requirements a county government must bear. While historical data regarding the inmate population at the Detention Facility, such as the data presented in this workshop item, are readily available, additional research is needed to analyze and project the future

space needs at the facility. The appropriate long-term solution for space needs at the Detention Facility will depend heavily upon projections of the overall inmate population as well as subsets of the inmate population that must be housed separately. As discussed earlier in this item, male inmates must be separated from females, juveniles from adults, felons from misdemeanants, and so forth. An accurate projection of the space needs specific to each of these subsets of the inmate population will be needed in order to determine the type, the amount, and ultimately the cost of any expansion that will be needed to accommodate the inmate population in the future.

As such, this workshop item recommends the Board direct staff to include funding in the FY 2023 budget process to contract for consultant services to evaluate current and projected needs for space at the Leon County Detention Facility and to identify additional strategies and best practices to further mitigate the future need for additional infrastructure. Should the Board wish to provide this direction, these consultant services would include conducting an assessment of the current facility, identifying trends and inmate population projections, projecting future space needs, and determining the most efficient way to accommodate that growth through a renovation and/or expansion of the Detention Facility. In addition, the consultant would be directed to review programs and best practices adopted by counties nationwide and identify additional recommended strategies to mitigate the need for additional jail space until such time as an expansion may be warranted. This approach will enable the County to study this issue intensively, develop accurate cost estimates, and budget accordingly and predictably to address long-term space needs at the Detention Facility. Based upon a review of similar studies conducted by other counties in recent years, the estimated cost would be approximately \$200,000. Should the Board ultimately wish to retain these consultant services through the budget process, it is anticipated that an RFP would be released in fall 2022.

Role of County Jails and State Prisons and Recommended Legislative Policy Priority

As discussed throughout this item, a significant portion of the inmate population at the Leon County Detention Facility is comprised of felony offenders, and many of these inmates have been housed at the Detention Facility for a prolonged period of time while awaiting sentencing. The number of inmates detained on felony offenses has increased over the past several years, while during the same period, the Leon County Circuit Court's clearance rate has not always kept pace with its incoming caseload. This may be one factor contributing to the fact that more inmates have remained detained for longer periods of time in the Detention Facility, leaving fewer beds available to accommodate new offenders. This subsection provides a general discussion of the roles of county jails versus state prison facilities in housing felony offenders, leading to a recommendation for the Board's consideration to pursue a statutory change in partnership with the Florida Association of Counties that would place a cap on the amount of time that a pretrial felony offender may be housed in a county facility.

Almost all criminal offenses in Florida are divided by severity into two categories: misdemeanors and felonies. Misdemeanor offenses are less serious than felonies and can be punishable by a term of incarceration in a county jail for not more than a year. Felonies are crimes that are more serious and are punishable by imprisonment in a state correctional facility, or state prison, for more than one year. Sec. 904.04(1), F.S. generally requires that most persons who are arrested are "delivered

immediately into the custody of the sheriff of the county in which the indictment, information, or affidavit is filed,” meaning in practice that offenders are housed at a county Detention Facility upon arrest. Until an inmate is convicted and sentenced to a term of imprisonment of at least one year, however, he or she generally remains in the custody of the county sheriff, unless the inmate is eligible for release from incarceration through one of the alternatives discussed at length earlier in this item. As provided in Sec. 944.17(3)(a), specifically, “...only those persons who are convicted and sentenced in circuit court to a cumulative sentence of incarceration for 1 year or more, whether sentence is imposed in the same or separate circuits, may be received by the [Florida Department of Corrections] into the state correctional system.”

There is an important distinction between the roles of county jails and state prisons with respect to the housing of felony offenders. In short, jails are designed to hold lower-level offenders for shorter periods of time, while the role of prison facilities is more focused on long-term housing and rehabilitation of more serious and often violent offenders. As described in greater detail in a 2010 report published by the National Association of Counties titled “State Prisoners in County Jails”:

Prisoners are meant to be long-term residents. Conversely, a jail’s original purpose is to receive and hold individuals pending trial, conviction, or sentencing at the county level. They hold those who are awaiting pick-up from other sources (i.e., parole violators to be picked up by the state, mentally ill waiting to move to health facilities, etc.). They provide protective custody for those in contempt of court and for court witnesses. They are final points for inmates sentenced to short terms (less than one year), and jails provide temporary housing for state prisoners when state facilities are overcrowded.

The main difference is that prisons are for long-term incarceration and generally operated by the state; jails are for short-term holdings and operated at the county level. But as the inmate population has soared in recent years... the function of the jail is rapidly changing... One, jails are now near, at, or over-capacity. Two, jails have had to fulfill the role of the state prison in rehabilitative methods. More and more jails are providing vocation and educational programming, psychiatric treatment, community programs, drug treatment, and alternative methods of sentencing.

As discussed earlier in this item, the average length of stay for a person detained in the Detention Facility has increased from 137 days in 2019 to 264 days as of March 2022. This increase is due in large part to the number of inmates currently housed in the Detention Facility charged with serious offenses, coupled with a lower clearance rate for criminal cases over the past two years which occurred in large part due to the COVID-19 pandemic, creating a backlog for the disposition of inmates’ cases by the Circuit Court. In addition, the State Attorney and defense counsel must work together in negotiating plea agreement to dispose of cases. On average, court records indicate that approximately 11 continuances are granted for each offender.

Under Florida law, counties are responsible for the maintenance and operation of county jails. However, the state’s circuit courts, state attorneys, and public defenders, which are entities of the state’s judicial branch of government, are solely responsible for the processing and disposition of felony criminal cases. As such, the length of time that felony offenders remain detained in county facilities before they are tried and sentenced depends exclusively on how quickly these offenders’ cases are processed through the court system. Although these offenders are housed in county

facilities before trial, county governments have comparatively little influence with respect to how many offenders will be housed in their jail, how long those offenders will be detained there, or how quickly their case can be brought to trial.

As discussed above, state prison facilities, rather than county jails, are best positioned to provide the infrastructure and services required to successfully rehabilitate felony offenders. However, nearly 300 inmates in the Leon County Detention Facility have been incarcerated for over one year awaiting trial or sentencing. As such, it may be appropriate to pursue a state legislative policy change, in partnership with the Florida Association of Counties as well as various criminal justice partners including sheriffs, state attorneys, public defenders, and courts, that would place a limit on the amount of time that a person charged with a felony offense and awaiting sentencing can be detained in a county jail, after which time the state must receive that person in the state correctional system. If successful, a statutory change in this regard would reduce inmate populations in county jails statewide, reduce counties' financial obligations to support pretrial inmates' medical expenses that are not covered by Medicaid, and reduce sheriffs' operating costs relative to their detention facilities.

Leon County's legislative team has discussed this issue at length with National Association of Counties (NACo) and Florida Association of Counties (FAC) staff, and both organizations indicated that several counties in Florida and many more throughout the country have expressed similar concerns regarding pretrial inmates remaining housed in county jails for extended periods of time. FAC has indicated that it would be willing to convene other interested counties in developing a common legislative policy approach during its 2022-2023 policy development process. As such, this item recommends the Board direct staff to work with the Florida Association of Counties to develop a state legislative policy proposal that would place a limit on the amount of time that a person charged with a felony offense and awaiting sentencing can be detained in a county jail.

Conclusion

As discussed throughout the workshop item, a variety of factors, including an unprecedented global pandemic which briefly halted all court operations, have impacted the inmate population at the Leon County Detention Facility. The County, in coordination with a variety of criminal justice partner organizations, uses a variety of pre-arrest diversion programs, post-arrest alternatives to incarceration, and several additional strategies to continuously monitor the inmate population, proactively identify inmates who may be suitable for release or expedited disposition, and address the root causes of incarceration. These efforts notwithstanding, the inmate population at the Detention Facility has remained relatively steady over approximately the past two decades, with occasional upward and downward fluctuations based on a variety of factors including the community's overall population growth, the composition of the Detention Facility's inmate population, and inmates' average length of stay. As discussed throughout this workshop item, inmates detained on felony charges account for the largest portion of the Detention Facility's population, compounded in large part by the extended periods of time they are detained while awaiting trial or sentencing.

Along with the pandemic, new court policies have also impacted the operations of the Supervised Pretrial Release Program, which is an alternative to incarceration and an effective jail population management tool. As a result of the increased caseload within the Supervised Pretrial Release Program, the Board may wish to consider authorizing two additional positions in this work area to address the increased demand for pretrial services.

Leon County has been actively managing the inmate population at its Detention Facility for several decades, and the County and its criminal justice partners have a long history of successfully managing the population by employing a variety of tools and strategies as discussed throughout this item. Although the inmate population has remained relatively steady over time as a result of these efforts, the Board may consider it appropriate to evaluate the need for additional space. Considering the factors discussed above, this workshop item recommends the Board direct staff to include funding in the FY 2023 budget process to consider contracting for consultant services to identify additional programs and strategies to further mitigate the need for additional infrastructure and to assess the possible space needs for the Leon County Detention Facility in the future. This approach would enable the County to study this issue intensively, develop accurate cost estimates, and budget accordingly and predictably to address long-term space needs at the Detention Facility. Finally, the item recommends the Board direct staff to work with the Florida Association of Counties to develop a state legislative policy proposal that would place a limit on the amount of time that a person charged with a felony offense and awaiting sentencing can be detained in a county jail.

Options:

1. Accept the status of the Leon County Detention Facility.
2. Approve the Resolution and Budget Amendment (Attachment #1) to hire two additional Pretrial Officer positions to address the increased workload in FY 2022.
3. Direct staff to include funding in the FY 2023 budget process for consultant services to identify additional strategies to further mitigate the need for additional infrastructure, and to evaluate future space needs that may be necessary for the Leon County Detention Facility.
4. Direct staff to work with the Florida Association of Counties to develop a state legislative policy proposal that would place a limit on the amount of time that a that a person charged with a felony offense and awaiting sentencing can be detained in a county jail.
5. Board direction.

Recommendation:

Options #1 through #4

Attachment:

1. Resolution and Budget Amendment to fund two additional Pretrial Positions for the remainder of FY 2022.

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2021/2022; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 12th day of April, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

Date: _____

ATTEST:
Gwendolyn Marshall Knight, Clerk of the
Court & Comptroller, Leon County, Florida

By: _____

APPROVED AS TO LEGAL SUFFICIENCY:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

FISCAL YEAR 2021/2022 BUDGET AMENDMENT REQUEST

No: BAB22021
Date: 3/14/2022

Agenda Item No: _____
Agenda Item Date: 4/12/2022

County Administrator

Vincent S. Long

Deputy County Administrator

Alan Rosenzweig

Request Detail

Revenues

<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
111	000	349120	000	County Court Probation Fees	161,500	46,247	207,747
111	000	349122	000	Community Service Fees	50,350	11,562	61,912
Subtotal:						57,809	

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
111	544	51200	523	Regular Salaries and Wages	678,962	30,813	709,775
111	544	52100	523	FICA Taxes	52,188	2,428	54,616
111	544	52200	523	Retirement Contribution	73,464	3,526	76,990
111	544	52300	523	Life & Health Insurance	204,211	15,045	219,256
111	544	52400	523	Workers Compensation	36,530	1,898	38,428
111	544	55200	523	Operating Supplies	2,100	700	2,800
111	544	55408	523	Machinery and Equipment	-	3,400	3,400
Subtotal:						57,809	

Purpose of Request

This budget amendment appropriates \$57,809 in additional Probation Services Fund revenue to fund two Probation/Pretrial Officers for the last five months of FY 2022 with full funding for the positions included in the FY 2023 budget. These positions will assist with the additional caseload in the Supervised Pertrial Release Program.

Division/Department
1502/15

Roshaunda Bradley, Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution

Motion

Administrator