

Florida State University Project on Accountable Justice: Florida Criminal Justice Reform 2014 and Beyond

Introduction

The U.S. criminal justice system is broken and, among states, Florida is a major contributor to our national failure.

There is a stark statistic that is driving a national criminal justice reform movement: the United States reflects five percent of the world's population, but houses 25 percent of the world's prisoners. For Americans, overachievement in incarceration is not a source of pride; rather, mass incarceration has fast become an unconscionable national crisis that is compelling dramatic changes across the country. In Florida, the numbers are hard to ignore, representing 8 percent of the nation's total state prison population, and 7.4 percent of the U.S. total prison and jail population.¹

For far too long, the United States did not examine criminal justice policies with the same scrutiny in which policies are examined in other areas, particularly with an eye toward societal outcomes and cost-effectiveness. With the impetus of a crime wave in the 1960s, our criminal justice policies turned from rehabilitation to incapacitation. This in turn led to decades of explosive prison growth, which we have only begun to address systemically over the past decade. Florida is a microcosm of this national experience, yet in reform efforts, remains below the curve. Systemic reform in Florida—soon to be the third most populous state in the nation, housing, on any given day, more than 150,000 people in its jails and prisons— is important to changing the course of criminal justice across the nation.

Crime has been going down nationally, including serious crime, for the past two decades—and thankfully Florida mirrors this trend and the state's crime rates are at a 42-year low.² But, unlike other states, particularly other southern conservative peer states like Texas, Florida is on a path that includes growing its prison population, re-opening new and shuttered prisons, and increasing the budget without a concerted reinvestment strategy in place to shift the current paradigm.^{3,4}

FSU Project on Accountable Justice is committed to supporting systemic and fully accountable efforts—through research, through public education, through coalition building, and through vigilance in all efforts to evidence—to reform Florida's criminal justice systems, reduce mass incarceration, and advance public safety.

¹U.S. Bureau of Justice Statistics, *Prisoners in 2012: Trends in Admissions and Releases, 1991-2012*, at: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4842>, and Florida Department of Corrections, 2011-2012 Annual Report at: http://www.dc.state.fl.us/pub/annual/1112/stats/im_pop.html.

² Florida Department of Law Enforcement, see: <http://www.fdle.state.fl.us/Content/FSAC/UCR/UCR-Home.aspx>, accessed February 14, 2014.

³Governor Rick Scott's Proposed Recommended Budget for 2014-2015, currently under consideration by the Florida Legislature contains an increase of \$144 million for the Department of Corrections and an increase of \$17 million for the Department of Juvenile Justice. Additionally, the Governor's Budget includes 544 new positions for Corrections, the state's only agency to request an increase in personnel with the exception of the Department of Children and Families increase of 387 positions added in response to a state crisis of child deaths. See Governor's Recommended Budget: <http://www.floridafamiliesfirst.com/web%20forms/Budget/BudgetAgency.aspx>

⁴ Justice Reinvestment is "a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and strengthen neighborhoods. See: <http://csgjusticecenter.org/jr/>

Florida Background

While states such as Texas proudly boast prison closures and a declining prison population, Florida is now reopening prisons and expects a projected increase of nearly six percent over the next five years.⁵

Florida, like many states, went on a prison-building binge between 1980 and 2010, increasing its prison population by five times during this period, while the overall general population growth merely doubled. During this period, the state went from an inmate population of just under 20,000 (\$169 million budget for the Department of Corrections) in 1980 to 102,000 in 2010 (\$2.4 billion) as policies such as the elimination of parole and general gain-time, the increased use of mandatory minimums, lengthening of sentences, increased use of short sentences to state prison (instead of community corrections), and the implementation of an 85% rule (ensuring all who are sentenced to state prison serve a minimum of 85% of their full sentence) drove increases in the rate of incarceration. Florida remains a tough on crime state, arguably home to the nation's most strident and punitive laws and sentences.⁶

For a short time, including the very beginning of current Florida Governor Rick Scott's Administration, and even earlier (with legislation passed in 2008 to create a bi-partisan, multi-stakeholder review commission that for political reasons was never seated⁷), it appeared that Florida was positioned to join other states that were having success in reengineering their criminal justice systems.⁸ And some of that momentum has remained and is leading to moderate, incremental advances. But these advances are not of the magnitude necessary to reduce the size of our prison population and, indeed, Florida is growing her prison population, with key indicators showing increases such as a 10.4% increase in technical violations returning to prison and a 6.5% increase in year-and-a-day sentences.⁹

Florida was previously reducing the number of prisoners in the system, closing prisons, and celebrating reductions in recidivism¹⁰ and looking at several years of relatively stable population, we are now

⁵ Florida Office of Economic and Demographic Research, November 2013 Criminal Justice Estimating Conference, accessed February 24, 2014 at: <http://edr.state.fl.us/Content/conferences/criminaljustice/executivesummary.pdf>

⁶ Even while striving to make adjustments in sentencing this past legislative session (ended May 2, 2014), legislative leadership was approaching sentencing as a balancing act. While contemplating lowering the severity of a limited number of sentences, particularly for low level, nonviolent drug users, there was an expectation of increasing the severity and punishment in other areas. This is a strategy that may make political sense, allowing for less punitive approaches when political leaders can point to where they have been "tougher on crime." It remains to be seen, however, that tightening these policies may or may not have an impact on advancing public safety.

⁷ Senate Bill 2000, passed by the Legislature and signed by the Governor, would have created a 15-member Sentencing Policy Advisory Council within the Legislature to evaluate sentencing policy, sentencing practices, and laws affecting or applicable to sentencing or punishment. The Council was never seated.

⁸ 29 states decreased their imprisonment rate from 2006-2011, while Florida's rate increased. See: <http://www.pewstates.org/news-room/press-releases/us-prison-count-continues-to-drop-85899457496>. However, in 2011-2013, Florida's inmate population actually began to decrease year-to-year, falling briefly below 100,000 inmates in 2012. This trend has ceased and instead, the population is projected to increase.

⁹ Ibid, Florida Office of Economic and Demographic Research. Year-and-a-day sentencing refers to the minimum required to send an offender to state prison rather than jail, or 366 days. An increase in this practice may indicate a shift in local judicial practices and policies due to such factors as new judges, strained local resources, and local political climate. It is noteworthy in its departure from a previous trend of decline.

¹⁰ Florida's latest reported recidivism rate, defined as returned to prison within three years of release, as reported by the Department of Corrections is 27.6%, reflecting releases from 2008. This was a decline from releases reported in 2006, 32.5%, and 2007, 30.5%. See: <http://www.dc.state.fl.us/pub/recidivism/2012/exec.html>. However, another study, conducted independently, defined recidivism as re-arrest within three years, found the recidivism rate to be 64%. See:

looking at projections that show a growth of nearly 6 percent over the next five years, with corresponding increases in the cost of housing more than 102,000 people next year. It is the Project on Accountable Justice's (PAJ) assertion that this has occurred, on a steady path to continue, because Florida has chosen not to embrace a fully accountable and systematic methodology of review and oversight of the criminal justice system.

While advances have been made—examples include ongoing systemic reform efforts in juvenile justice and, for adults, moderate advances like expansion of electronic monitoring and volunteer-led efforts like faith-and character prisons, with mandated literacy, and substance abuse support programs like AA—the system largely remains unchecked and unchanged. This is reflected in an investment strategy that merely places the majority of funding (forever more) into prison beds.¹¹

At the same time, examples from other states continue to emerge. Conservative peers like Texas and Georgia confirm that it is possible to continue to reduce crime while reducing incarceration—in some cases even more and faster—by **reengineering** their criminal justice systems in a number of ways, in particular by limiting their historical over-reliance on incarceration.

In Florida, admissions for violent felonies have remained relatively constant; but research has uncovered a dramatic increase in admissions for non-violent offenses which accounts for much of Florida's prison growth, a trend that suggests the state may be overzealous in our incarceration of a population who may be better served in less expensive, yet still consequential programs. This research also examines some racial realities too. One in every 42.5 black Floridians is currently incarcerated in Florida's prisons, compared to one in 250 whites. Additionally, mandatory minimum sentencing (a practice that Florida embarked upon to provide more assurance of fairness) is literally all over the map, with wide variation across the state's 67 counties.¹²

Policy makers in several states have worked across party lines to reform their correctional laws, many times through the formal process known as justice reinvestment (JRI), and have been steadily improving key outcomes like continuing crime declines and recidivism reduction. These changes have been made through a thorough examination of their state's data, allowing a better understanding of their prison populations and placing more emphasis on the need to ensure that evidence is thoroughly considered in prompting policy changes. Even more, efforts such as JRI raise both the public accountability for and the level of importance of public safety in states, and provide an additional assurance that continual review is essential to ensuring a healthy and fair criminal justice system.

Through a review like JRI, states are better equipped to develop policies that establish a clearer distinction between those who need to stay in prison in order to keep the public safe versus those who present little risk—and in fact, for those who may become an even greater public safety risk through the

<http://www.floridatxwatch.org/resources/pdf/CSJFindings.pdf>, p.7. This information is not meant as a comparison, but rather an example of the selective use of information that does not provide a complete picture to the public.

¹¹ A review of the 2014-2015 Florida budget headed to the Governor for signature reflects the same strategy seen for many years. The majority of funding will be provided to house prisoners, though with projected growth in inmate population, this also continues a trend of declining per diem for inmates. Roughly 70 percent of appropriations must go to security and institutions, including funding the salaries of more than 23,000 Corrections' employees. In contrast, roughly 10 percent of the \$2.3 billion proposed budget is set aside for community corrections/probation with less than 2 percent allotted for education and programs. See: <http://www.dc.state.fl.us/pub/annual/1213/AnnualReport-1213.pdf>, page 7.

¹² Center for Smart Justice. *Findings of the Center for Smart Justice: Review of Criminal Justice Data*, December 2011.

unnecessary use of incarceration. These deliberations belong in the public realm and must be driven by research and must fully account for all points in the system, not just piecemeal single policy decisions.

Florida has had strong interest in the area of criminal and juvenile reforms over the past several years, though we have yet to tackle sustainable and truly systemic reform. Previous attempts to do so have been thwarted by political battles, and continuing attempts to do so are proving to be, at best it is a “catch as catch can” approach, new packages adopted by the advocacy and service provider groups each session, honed with the previous years’ scars each time, hoping to grab what they can. At its worst this approach is potentially harmful as individual stakeholders’ interests supersede the public interest, making any change “suspect.”

While until now the reform movement’s task was to attract public attention to more cost-effective ways of conducting criminal and juvenile justice and to enlist any level of attention from traditionally tough on crime legislators and practitioners and the public at large, the reform climate has warmed during this time period and the concept that tough on crime also includes tough on spending and smarter on crime spans the political spectrum. One need only walk into a legislative committee hearing and see that there is growing impatience with the status quo and that the state appears ready for change.

PAJ was created (officially launched in October 2012) during a critical point in Florida’s justice reform movement to fill a noticeable gap in public-interest criminal and juvenile justice policies in Florida.

Organizational Description

The mission of the Florida State University Project on Accountable Justice (PAJ) is to advance public safety through evidence-based practices and policies in Florida and beyond. PAJ facilitates research, public education, and dialogue to provide reform options that turn Florida and the nation from a trajectory of expensive and outmoded practices of mass incarceration and poor performance to stopping victimization, turning countless lives around, rebuilding families, saving billions of taxpayer dollars and, ultimately, enhancing safety and vitality in communities across our country. We believe if it works in Florida, it will work beyond.¹³

Structure to Accomplish the PAJ Mission

The Florida State University Project on Accountable Justice (PAJ) is housed at Florida State University and is a partnership between Florida State University, Baylor University’s Program on Prosocial Behavior, the Institute for Strategic Policy Solutions at St. Petersburg College, and the Florida Public Safety Institute at Tallahassee Community College. PAJ is governed by an Executive Committee committed to seeking comprehensive and systemic policy solutions that will promote rational justice reforms. The body is actively engaged in the budgeting, planning, governance, and fundraising initiatives of PAJ.

¹³ For a variety of reasons, including political and demographic diversity, size, and attractions (vacation hub for international vacationers, retirement for the elderly) Florida is watched and often cited as a bellwether state as a political and public policy frontier. It is also the fourth most populous state in the nation, but projected to move to third, outpacing New York’s growth rate, by the end of the year; therefore, in sheer numbers—nearly 20 million people—for national impact, it is imperative that Florida become a model of success.

PAJ Operating Cornerstones

1. Fidelity to data;
2. Transparency of finances; and
3. Mutual Accountability between partners and the public.

PAJ Principles for Criminal and Juvenile Justice Reform

- Public safety is paramount;
- Criminal justice systems and participants must be fully accountable;
- Crime victimization must be reduced;
- Children in the justice system should be treated differently than adults;
- Justice includes, along with the traditional concepts of punishment and retribution, the concepts of restorative justice, redemption, education, rehabilitation, and reintegration;
- Rehabilitation of offenders is essential to family stability, community vitality, and economic growth;
- Criminal justice systems must seek ways to incentivize good behavior across all participants; and
- Success in criminal justice is measurable.

PAJ Work

The scope of the work of the Project for Accountable Justice is reflected through a three-point model of interventions, with continual feedback and systemic improvement through measurement, data and research.

1. Narrow the pipeline of inputs into the system through early interventions (inclusive of juvenile justice reforms, pretrial risk assessment and interventions).
2. Refine the rehabilitative approaches within the system (researching, demanding, and, as appropriate, expanding the use of evidence in decision making for programming).
3. Limit the high rates of return to the system (examining recidivism, including ineffective probation, barriers to re-entry, and enhancing community supports, employment opportunities, and reducing and lessening the impact of victimization).

The Project for Accountable Justice asserts that this model represents key transitional points of the system that should be platforms for data-driven approaches designed to ensure individuals resist or desist from crime and adopt pro-social behavior and productive lives. These points serve as the measurable concentrations for PAJ research and public education activities.

Additionally, PAJ focuses research, public education, and strategic, expanded capacity-building towards statewide criminal justice reform. All related activities will aim to:

1. Reduce the state's incarcerated population;

2. Redirect money to effective community based solutions; and
3. Increase public safety.

Current Work Plan/Strategies

A multi-pronged approach is necessitated, as appropriate, to advance policies and practices that are aimed at reducing the failure of mass incarceration and instead, turn to effective, individualized strategies. Work involves both exerting external pressure for system change by leveraging public opinion, public dialogue, and supporting an overall demand for system accountability, and also building credibility in order to provide technical assistance, practical and policy guidance to decision makers and system leaders operating within the system.

By engaging in multiple strategies within and outside of the system, PAJ continues to push for reforms with necessary and sustained political pressure while also helping to structure the system for success. Change will be accomplished through efforts that lead to local, state, and national policy advances as well as through assistance in practical implementation. The practical assistance is particularly compelling because it is becoming more apparent, through interaction with local communities, that there is a growing recognition that the system has failed, and in response, local communities are seeking new ways to address their criminal justice delivery.¹⁴

In summary, it can be easy to criticize the system, but it is also necessary to inform and educate the system and to provide, particularly as opportunity arises, practical solutions.

Mobilizing Reform/Expanding Collaboration and Outreach

Strategies that must be deployed are dependent upon PAJ's ability to collaborate and connect with and respond to discrete stakeholder interests, as well as to partner with organizations and individuals who are committed to reforming Florida's criminal justice systems.

A targeted outreach and engagement strategy is necessary to address some very pivotal stakeholder groups to continue efforts toward successful reform. PAJ deploys a variety of advocacy and outreach strategies to be built and expanded upon. PAJ has a growing list of strategic partners, many of which work actively together on any number of issues, depending on interest and subject. These partnerships are, for the most part, formed upon shared interests (and can be described as the "easy" partners) in reform efforts, and will be built upon. It is clear that frequent communication and leadership in convening meetings and shared is key. As such, PAJ has participated in collective strategies, recognizing that sometimes PAJ's role is to lead, but other times it is merely to support larger efforts, and provide research and public education as timely and as needed.

¹⁴ Over the past year, PAJ has been contacted by several communities to help rethink and redesign their criminal justice systems. These communities include two Sheriffs who are interested in trying new approaches to probation, specifically in trying a HOPE swift, certain, and graduated model; a county that is undergoing a complete stem-to-stern review of their juvenile and adult systems; a multi-county community looking to strengthen reentry efforts; a county that has stalled in its implementation of juvenile justice reforms; and a county interested in adding a validated risk assessment instrument to their pretrial detention and release practices. These communities minimally ask for feedback, which PAJ has done and will continue to do, but even more, they are actively seeking technical expertise, including jail population studies and research assistance, which PAJ is responding to through the development of more formalized partnerships, including contracts for services. There is a growing demand for this type of assistance in Florida, but it is critical that it be provided by an independent entity, with a driving mission of improved public safety outcomes, rather than service provider interests.

Because there are so many issues, PAJ must identify the opportunities that have the most potential to impact major organizational goals, and/or provide a means of encouraging even the most reluctant of stakeholders to become involved, or more apt to partner in the future. PAJ continually evaluates the strengths and weaknesses of allies, of PAJ's potential to help or to jeopardize strategies, and to engage diverse partners.

Several examples from the 2014 legislative session emerge, including work with a large group of stakeholders on juvenile life without parole issues. PAJ deployed as needed, but it was clear that several other organizations had significant resources devoted already and were able to focus all of their efforts in this one, important policy. There are also times when the adage, "Do not spur a willing horse" becomes an important tactic. In contrast, PAJ's leadership with a juvenile justice reform coalition work was established because PAJ had identified strategic problems in previous attempts to move reform efforts because advocates appeared to be stumbling over each other rather than strategizing together. And because of PAJ's neutral, research based advocacy, rather than ideological, PAJ was uniquely capable of building sufficient trust among the partners to drive this work. That said, when coalition building, PAJ notes the importance of ensuring a balanced perspective, recognizing that in Florida, as in other conservative Southern states, the voice of trusted conservative organizations is necessary to moving reform.

Partners in reform efforts include:

ACLU

American and Florida Bar Associations

Dream Defenders

Florida Chamber of Commerce/Foundation

Academic Centers (FSU Center for the Advancement of Human Rights, College of Law, etc.)

Children's Campaign/Voices for Florida

Families Against Mandatory Minimums

Florida Association of Counties

Florida community and church leaders

Florida Public Defenders Association

Florida Medical Association

Florida Sheriffs Association

Human Rights Watch

James Madison Institute

M&R Strategies

NAACP

National Association of Pretrial Services Agencies

National Juvenile Justice Network

Pew Public Safety Performance Project

Pretrial Justice Institute

Southern Poverty Law Center

Texas Public Policy Foundation/Right on Crime

Notable among strategies are the approaches specifically targeted to educate/engage/and understand the interests of stakeholder groups that have a history of reluctance to the reform movement and a vested interest in keeping the status quo. In particular, the largest challenges in the state remain, not with the public, but for our elected and appointed leaders. Therefore PAJ's outreach strategies must aim to shift the perceived political disincentive for state and locally elected or appointed leaders—

including the Governor and Cabinet, state and local legislators, judges, state attorneys, sheriffs, police chiefs—to take on the risk of alternatives to traditional incarceration and detention measures. As a subset, the correctional agencies themselves are necessary allies, as possible.

Leaders who have been elected on platforms of “tough on crime” have bet their political career on supporting retributive policies that heavily rely on isolating and removing the problems of crime. In these instances, the fear is that innovation can be perceived as “soft on crime” and dangerous to careers, even while there is ample evidence to the contrary, including public opinion.¹⁵

PAJ must find and incorporate into all outreach strategies ways to encourage—a more expanded definition of “tough on crime” that describe policies that work, driving public safety outcomes that measurably reduce recidivism, victimization, and crime. And with this in mind, it is PAJ’s belief that to be successful, these stakeholders must become a part of the success found in the promise of reforms, and must be, to the extent possible, incorporated as partners rather than merely perceived as adversarial.

Recognized, respectful relationships will build trust and ultimate engagement.

General Outreach strategies include:

- Legislative/Executive/Business/Community/Media, particularly editorial board Briefings
- Legislative and Community Workshops/Forums
- Publish newsletters, news-related outreach and timely updates to a growing list of interested parties and networks
- Poll on public’s appetite for reform, honing message and media strategy
- Provide budget and policy support for reduction in population, particularly as requested by legislative leadership
- Targeted outreach and, where possible, collaboration with key stakeholders, including Florida Sheriffs, Florida Retail Federation, State Attorneys, Legislators, Victims Groups
- Because this is a major election year, PAJ will develop nonpartisan briefing materials to directly educate and engage those individuals running for pivotal offices, notably gubernatorial and state attorney candidates

Research and Policy Projects

PAJ provides a mix of short-and long-term, often real-time, research and policy input into state and local deliberations. PAJ is building a short-and longer term portfolio of projects to ensure relevancy in state and local deliberations, as well as help Florida and its communities begin to build the right kinds of measurement tools and longer-term structural changes that will advance public safety for Florida with a long view.

The following represents a recent board approved listing of core work and activities of the Project on Accountable Justice for 2014. This list forms the basis of work for PAJ, and advanced in any of the first four will be pivotal in moving forward:

¹⁵ In a poll of 800 Florida Republican likely voters, 81% of respondents supported evidence-based, community alternatives to juvenile prison and 84% supported major changes in the system that can send fewer non-violent offenders to prison and instead look to more cost-effective alternatives. See: Florida TaxWatch Center for Smart Justice and Associated Industries of Florida, *Smart Justice Poll Results*, conducted December 15-19, 2011.

1) Governance/Citizen Oversight and Accountability Reform:

“Imagine a \$2.7 Billion* corporation running without the oversight of a board of directors”¹⁶

PAJ remains committed to a proposed state-level oversight and review commission, similar to what more than 20 states have undertaken through a constructive and methodical review process known as Justice Reinvestment. Although this idea has not been successfully embraced in Florida yet, PAJ continuously supports the need for such an entity, both to ensure a more holistic approach to reforms as well as to ensure more public accountability in the development of reforms.

Actions/Strategies:

- Vigilance in public messaging, including op-eds, legislative testimony, public presentations, etc., never missing an opportunity to encourage such a systemic approach while praising isolated reform efforts, questioning budget challenges, etc.
- Primer legislative workshop and publication on the need for Justice Reinvestment and additional forms of external oversight, including model legislation and/or model Executive Order. We have discussed with, and, when timing is ripe, would hope to bring the Pew Public Safety Performance Project down for a public and legislative education event to present their successes and approach.
- Candidate Education/Public Pressure. PAJ is working to develop gubernatorial/attorney general candidates’ briefing package. PAJ will work with partners, as appropriate, to keep the idea of major, systemic justice reform efforts and accountability mechanisms front and center in campaign deliberations. A previous document was created and shared that, after briefing all major candidates, provided entrée for PAJ leaders to Governor Rick Scott’s transition efforts. The package will include additional targeted materials to reinforce, at a strategic level, the process of Justice Reinvestment strategies and concepts embedded in the document.¹⁷

2) Juvenile Justice Reform

Though we have seen tremendous progress, particularly through the leadership of the agency, room for improvement exists across the board, particularly in some communities where indicators illustrate that the treatment of a justice involved youth in one community may vary dramatically from a youth in another community. Juvenile Justice is an imperative focus of long-term systemic reform, notably reducing our state’s large and harmful residential system, for handling all youth in the juvenile justice system, and for ensuring their safety. A policy recommendation of this year is to reduce and reinvest a large portion of the state’s \$190 million spent on juvenile prisons back into communities where public safety and individual outcomes will be improved.

PAJ has been—and will continue to—provide leadership and collaboration with and participate in efforts of a coalition of organizations advocating for research and evidence-based policies in juvenile justice. PAJ has been serving as the coordinating entity and will continue its role in Coalition work with

¹⁶ Florida FY 2014-2015 proposed budget, Departments of Corrections and Juvenile Justice combined.

¹⁷ Samples may include documents from 1) Pew Public Safety Performance Project, notable: http://www.pewstates.org/uploadedFiles/PCS_Assets/2013/Pew_PSPP_Governors_QA.pdf1 and Right on Crime: <http://www.rightoncrime.com/reform-in-action/state-initiatives/florida/>, specifically identified as helpful in addressing high level political strategy.

The James Madison Institute, Children’s Campaign, Southern Poverty Law Center, Texas Public Policy Center (Right on Crime), and Voices for Florida. The coalition will continue to push for reforms that advance public safety and ensure appropriate accountability and interventions for children caught in the system.

3) Bringing Hawaii HOPE Probation to Florida

HOPE is a national model for “swift, certain, and commensurate” punishment in probation. HOPE is, as described by its founder, Judge Steven Alm, “Parenting 101.” It immediately jails, for no more than three or four days, offenders who miss a probation appointment or fail a drug test. Rather than dealing with the uncertain and arbitrary nature of handling probationers, it seeks to turn around behavior that the system more ordinarily, though inadvertently, perpetuates. Brief and predictable and enforced jail stays replace an arbitrary and ineffective system. The results have been stunning, reducing jail stays by half and drug use by 70 percent.

It is not an overstatement to say that PAJ takes every opportunity to share the story of HOPE and its promise for Florida in briefing meetings, through our newsletter, etc., and has been working to explore the opportunity to implement a similar program in Florida. Two separate strategies to bring HOPE to Florida are ongoing: providing guidance to counties and also looking for opportunities to work directly with the State Courts’ Office of Court Innovation to explore the potential for a shared public event on the subject to target judicial engagement. The next project description is also a strategy supportive of structuring an important innovation at the local level for communities who are willing, but may not have the fiscal resources yet.

4) Performance Incentive Funding

Pay for performance—or outcomes based funding—is not a novel idea. In the business world it is how business is done. Leveraging very human motivation, pay for performance drives improvement by incentivizing and rewarding the successful attainment of established goals. A common practice in the private sector, pay for performance is also routinely employed in the public sector, notably in health care and education. But in the world of criminal justice it is not (yet) routinely employed. However, a promising practice is emerging, a model called Performance Incentive Funding (PIF). PIF is a mechanism whereby states reward communities for their direct role in reducing crime through a share of the savings found in meeting agreed upon performance targets of reduced incarceration and recidivism. PIF is rapidly expanding across the nation in the justice arena as a cost-effective and measurable mechanism of strategic resource realignment.¹⁸ By linking funding to performance, Florida can continue to create a positive incentive for local involvement in practices and policies that protect communities and victims, save public dollars, and turn lives around.

PAJ has published two articles on the concept, and will continue to push, leveraging important allies develop a data-driven methodology of performance and funding with an aim to reinvest resources in order to pilot innovations such as HOPE probation.

¹⁸ See: Vera Institute of Justice, *Performance Incentive Funding: Aligning Fiscal and Operational Responsibility to Produce More Safety at Less Cost*, 2012, at: <http://www.vera.org/sites/default/files/resources/downloads/performance-incentive-funding-report.pdf>

3) Aging and Elderly Inmate Population

A research study is currently underway in partnership with the FSU Claude Pepper Center to examine the implications of and explore policy alternatives to handle Florida's growing aging and elderly inmate population.

Nationally, over the past three decades, largely due to the proliferation of tough on crime sentencing policies implemented during the 1980s and 1990s, the elderly population in America's prisons has increased more than 1300 percent since the 1980s, outpacing the growth in total prison population, which grew 400 percent during the same time period. A 2012 study by the ACLU projects that by 2030, more than one-third of the nation's state and federal prisoners will be elderly or aging.

This nationwide trend is occurring in Florida as well. The increase in length of sentences and time served in prison is exacerbating the problem, especially in Florida where all inmates are required to serve 85% of their sentence and parole was abolished in the 1980s.

This study will use recent historical data from the Florida Department of Corrections to construct a model of Florida's aging and elderly inmate population. The Project for Accountable Justice will use this model to predict the size, demographics, and offense histories of Florida's elderly inmate population over the next ten-to-twenty years. Combining this model with other data - such as projected medical expenses for elderly inmates and other details about cost of care - the Project for Accountable Justice will estimate the future costs associated with Florida's elderly inmate population. Finally, this study will use the detailed model of the future elderly inmate population to estimate the population, budget, and public safety impacts of various reforms in Florida and/or implemented in other states. The public safety impacts of reforms will be estimated using historical recidivism data for detailed sub-groups that the Project for Accountable Justice will calculate from offense and placement data requested from the Florida Department of Corrections. This project is particularly important to the national movement for reform, as preliminary research has found little examples of other states' success in alternatives to incarceration.

4) Dynamic Measurement of Offender Rehabilitation

PAJ will provide an independent third party evaluation of a unique assessment platform for ex-offenders entering the mainstream labor force and deploying it to the private sector. The Personal Achievement Score (PAS) was developed by Right Time, LLC, and measures an offender's level of rehabilitation in real time during their stay in prison (and at any other point) to provide a metric for assessing their readiness to re-enter the labor force and thus reintegrate into mainstream society. Reports generated by the system are able to pinpoint the dynamic personality factors that indicate whether an offender's motivation and potential for behavioral change align with successful reintegration into the community. Therefore, a fully developed PAS can become a key to not only measuring current offender rehabilitation but also delineating ways to improve rehabilitation outcomes on a broader level and scale.

5) Legislative Deliberations

PAJ receives requests for technical assistance and subject matter expertise for consideration in legislative and local policy deliberations. PAJ provides independent analysis and comment as requested for public information and informed policy making. Examples of input (some of which have resulted in

policy changes, or have stopped policy changes) as follow provide an example of the breadth of discussions:

- Juvenile detention standards
- Community Justice Planning
- Justice Reinvestment
- Risk Assessment
- Sentencing Reform
- Performance Incentive Funding
- Needle Exchange Programs
- Medical Marijuana
- HOPE Probation
- Human Trafficking

6) Measures for Justice/Index of Local County Criminal Justice Data

PAJ has been communicating over the past several months with a national organization, Measures for Justice, in order to begin to bring to Florida and further develop a national standard set of performance indicators across local county criminal justice courthouses. PAJ is providing service as a connector/convenor to bring this important work to Florida.