



Smart Prison Time Served Requirement Reforms in Florida

Florida prisons are dangerously overcrowded

There are over 96,000 people in Florida prisons,¹ giving the state the 11th highest incarceration rate in the nation.² Florida prisons are overcrowded and the number of people in prison significantly exceeds current staffing capacity,³ leading to conditions that are dangerous for incarcerated people and correctional employees alike.⁴ The prison population is expected to remain high in the coming years, absent significant reforms.⁵

One of the primary drivers of the Florida prison population is the state's "Truth in Sentencing" policy that requires all people convicted of felonies after its passage in 1995 to serve 85% of their sentences, regardless of their demonstrated readiness for release. This requirement limits opportunities to use time earned through good behavior and by participating in programming and treatment, and leads to longer prison stays that can increase the likelihood of returning to prison down the road.⁶

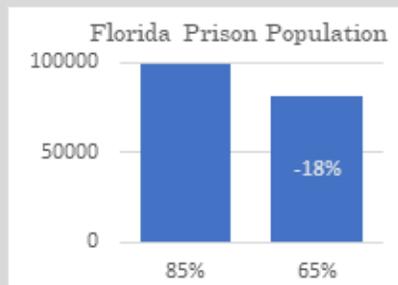
The Florida sentencing structure does not effectively match prison sentence length to public safety needs.

A new analysis by the Urban Institute⁷ finds that reducing the time served requirement from 85% to 65% would immediately alleviate dangerous overcrowding and allow the state to better match time served in prison with public safety needs.

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Adjusting the time served requirement to 65% of sentence length would significantly reduce the number of people in prison.

- If the time served requirement was adjusted from 85% to 65% and the reform was fully utilized, the prison population would drop by 18% (18,370 people).
- This would reduce their median time served by 6 months.
- Over 16,000 of those released (87%) are predicted to not be rearrested during the balance of their original prison terms. An even greater number would not be convicted of new offenses during that time.



SUMMARY OF FINDINGS

Time served requirement	85% Violent/65% Nonviolent	
Original prison population (December, 2014)	99,485	
New prison population	81,115	
Population reduction from original prison population	#	18,370
	%	-18%
No rearrests during balance of original time served	#	16,043
	%	87%
Median reduction in average time served for released cohort	6 months	

Shifting investment to reentry supports and recidivism reduction

By reducing the prison population and associated cost, the Florida legislature can shift investment to programs and resources that support people who are exiting prison so that they are less likely to commit more crimes in the future. Florida can increase public safety by ensuring that people who are coming back home from prison can access what they need to succeed, including employment, education, housing, and health care including mental and behavioral health treatment.⁸ These proactive investments in crime prevention have the potential to further reduce the predicted release cohort rearrest rate of 8%.

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Endnotes

1 Florida Legislature's Office of Economic and Demographic Research, Criminal Justice Trends 2018: <http://edr.state.fl.us/Content/conferences/criminaljustice/trends.pdf>

2 Prisoners in 2016

3 http://www.crj.org/assets/2018/01/FINAL_Data-Driven-Solutions-to-Improve-Floridas-Criminal-Justice-System.pdf

4 Savage, Meg, and Russ Savage. 2015. Technical Assistance Report: Florida Department of Corrections. Washington, DC: National Institute of Corrections.

5 <http://edr.state.fl.us/Content/conferences/criminaljustice/executivesummary.pdf>

6 Spohn & Holleran (2002), "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders", <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2002.tb00959.x/abstract>; Nieuwebeerta, Nagin, & Blokland (2009), "Assessing the Impact of First Time Imprisonment on Offender's Subsequent Criminal Career Development: A Matched Samples Comparison", <http://link.springer.com/article/10.1007%2Fs10940-009-9069-7>

7 Smart Prison Time Served Requirement Reforms in Florida, Urban Institute (March 2019). This Analysis uses incarceration and criminal history data from the Florida Department of Corrections and Florida Department of Law Enforcement to estimate the public safety impact of changing time served requirements for different groups of people in prison.

8 What Works in Reentry Clearinghouse (<https://whatworks.csgjusticecenter.org/>)