



TRUTH IN SENTENCING



FLORIDA SHERIFFS RESEARCH INSTITUTE
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INTRODUCTION

Nearly 50 years ago, Florida's sheriffs were talking about the importance of criminals serving their full court-imposed prison sentences. It was an important issue then and it remains a big deal today because sheriffs have seen the benefits of a system where there is "Truth in Sentencing."

As you will read on the following page, former Leon County Sheriff Raymond Hamlin described in great detail in a 1975 issue of the Sheriff's Star about the need for "truth in sentencing" to ensure criminals serve their full time. Almost 20 years later, sheriffs saw their persistent work realized when Florida passed its version of Truth in Sentencing – the Stop Turning Out Prisoners (S.T.O.P.) Act, which now ensures all criminals sentenced to the Department of Corrections must serve at least 85% of their time behind bars before being eligible for release.

Lately, the S.T.O.P Act has been criticized by opponents who claim that because of that Act, inmates have no incentive to behave well while incarcerated, and that the

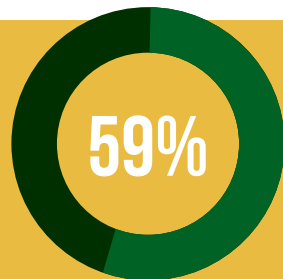
law should be changed to 65%. We disagree with this proposition because rewarding inmate misbehavior with early release is illogical.

On one hand, advocates for reduction in the law requiring that inmates serve at least 85% of the judge-imposed sentence also advocate for the elimination of minimum mandatory sentences. These advocates opine that judges should be allowed to sentence, and that judges should not be hamstrung by minimum mandatory sentences because minimum mandatory sentences lead to unfair results for criminals. These advocates further argue that judges are best poised to make the right decision about the length of sentence that should be imposed on a criminal defendant based upon the judge's analysis of the facts and law, and that sentencing should not be dictated by statute.

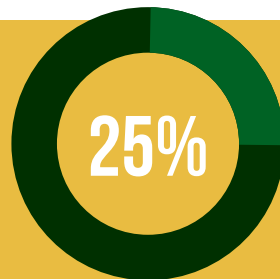
They cannot have it both ways by arguing that a judge's well-informed sentence is paramount to fairness and correct sentencing, while at the same time advocating

to gut the judge's sentence. Reducing a judge's sentence to 65% of the imposed time flies in the face of the well-informed sanction for criminal activity imposed by the court and results in "false sentencing." If a judge imposes a sentence, it should be served (with certain gain time considerations) and not gutted to put a convicted felon back out on the street early. Over 95% of the inmates in the Florida Department of Corrections are repeat offenders with histories of wreaking havoc on the law-abiding citizens. It is unfair to their victims and future victims by releasing these criminals earlier than the judge determined appropriate.

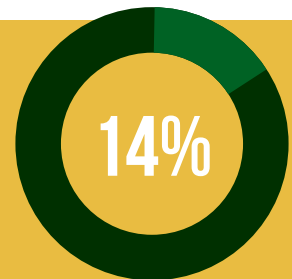
The S.T.O.P. Act, and the investments made in building more prison bed space, has not turned out to be as draconian as opponents claim. The end result of the S.T.O.P. Act, and criminals serving their full-time, has been safer neighborhoods and as the research shows - offenders less likely to commit new crimes.



Total crime index per 100,000 residents decreased **59%** from 1997 to 2017 (Florida Statistical Analysis Center, 2017)



Incarceration rate has decreased by **25%** since 2014 (Florida Policy Institute, 2019)



Florida's jail population dropped **14%** from 2012 to 2017 (Florida Department of Corrections, n.d.)

HISTORY

Truth in Sentencing (TIS) refers to the practice of requiring a prisoner to serve a pre-determined amount of the court-imposed sentence in prison. Starting in the 1970s, critics of the then-used indeterminate sentencing scheme saw disparities in sentencing, leniency by judges, and the failure of the rehabilitation model as unfair and inefficient (Sabol, Rosich, Kane, Kirk, & Dubin, 2002). In response, sentencing reform legislation in the 1980s and early 1990s included:

1. **A shift to determinate sentencing (a process where the court assigns a set prison term to a convicted offender);**
2. **Restrictions or abolition of parole and good time credits;**
3. **Reduction of judicial discretion;**
4. **Emphasis on diversion programs and intermediate sanction for nonviolent offenders;**
5. **Greater emphasis on incapacitation and deterrence; and**
6. **The Crime Control Model of criminal justice (Sabol, Rosich, Kane, Kirk, & Dubin, 2002).**

Federal legislation passed in 1994 as part of the Violent Crime Control and Law Enforcement Act aimed to support sentencing reform by providing states with grants to expand their prison capacity if they imposed TIS requirements on violent offenders. The Federal TIS Incentive Grant Program was based on the 85% rule, meaning that states were to have or pass laws requiring serious violent offenders to serve at least 85% of their imposed sentences in prison (Rosich & Kane, 2005). Since October 1, 1995, Florida Statute 944.275 has mandated that all state prisoners must serve no less than 85% of their sentence.

Eighteen states and the District of Columbia now require prisoners serve 85% of their sentence. An additional 22 states require prisoners serve a mandatory sentence of more or less than 85%. Just twelve states have no truth in sentencing law. The sentencing requirements for each state are listed in Table 1.

ON TRUTH IN SENTENCING (REPRINTED FROM THE MARCH-APRIL 1975 EDITION OF THE SHERIFF'S STAR)

TAMPA – Leon County Sheriff Raymond Hamlin told a criminal justice conference he was concerned about a lack of “truth in sentencing” and frustrated with a system that convicts too few and paroles too many.

He said judges, juries and attorneys do not get the full impact of serious and violent crimes. “The judge sits in a clean courtroom and everybody is clean and the prisoner’s got religion; but law enforcement officers see the criminal and victim where the crime has taken place. We see the criminal nearest the crime, where he portrays himself as he really is.”

Hamlin added that sentences handed down by judges usually bear little resemblance to the time actually served. He said if an individual is given a 10-year sentence, he rarely ever serves the full 10 years and is likely to be paroled in three and half years.



DETERMINANT SENTENCING REQUIREMENTS BY STATE (TABLE 1)

STATE	85%	DETERMINE	INDETERMINATE	RELEASE REQUIREMENT
Alabama	X		X	Some offenses eligible for parole after 1/3 of sentence or 10 years, whichever is less.
Arizona	X	X		
Arkansas		X		100% for violent felonies. 70% for other crimes.
California	X	X		
Connecticut	X		X	
Deleware		X		75%
Florida	X	X		
Georgia	X	X		85% for violent crimes. Certain other crimes serve 50%, 75%, and 100% based on the offense.
Idaho		X		100%
Illinois		X		Inmates serve 50%, 75%, 85%, or 100% of their sentence based on the offense.
Indiana	X	X		85% for violent crimes. 80% for nonviolent and some drug crimes.
Iowa	X		X	70% of maximum sentence for violent crimes. sexual predator or forcible felonies which carry an 85% or 70% mandatory sentence.
Kansas	X	X		
Kentucky	X		X	
Louisiana	X		X	
Maine		X		Time served is at the discretion of the judge.
Minnesota	X	X		
Mississippi		X		50% for violent offenses. 25% for other offenses.
Montana		X		Eligible for parole after serving 25% of the sentence.
New Mexico		X		
North Carolina	X	X		
Ohio		X		
Oklahoma	X	X		
Oregon		X		80%
South Carolina	X		X	
Virginia	X	X		
Washington	X	X		
Wisconsin		X		100% with no parole.

* Georgia and Indiana cannot be verified.

* The following states have indeterminate sentencing: Alaska, Colorado, Hawaii, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia and Wyoming.

* Full chart located at the link: http://flsheriffs.org/uploads/docs/TIS_by_state.xlsb_xlsx

ARRESTS, SENTENCING, INCARCERATION AND RELEASE

Sentencing in Florida is based on a points system that scores the primary offense, any additional offenses, any prior record, victim injury and any enhancements. Each crime is assigned a point value, and any additional points are added to achieve a final sentencing score. The total score required for a non-prison sanction is 44 points or less. A score of more than 44 points may result in a prison sentence. According to an Office of Program Policy Analysis and Government Accountability (2019) report, “96% of felony sentences...are the result of offenders’ pleas” and “it is common for sentences to be below the recommended minimum sentence” (p. 3). A list of crimes and the points assessed for those crimes is displayed in Table 2. The chart illustrates that many felonies and first-time offenses (not including murder) do not result in a prison sentence.

Nationally and in Florida, the confined population has been steadily declining for some time. Kaebler and Glaze (2016) reported the national prison population dropped for the ninth straight year in 2016 and fell 18% from 2007 to 2016. These figures represent the lowest prisoner population levels since 1993 (Kaebler & Glaze, 2016).

These figures follow national and state crime trends. Nationally, violent crime and property crime have decreased 19% (Federal Bureau of Investigation, n.d.). Florida experienced a decrease in violent and property crime between 2012 to 2017 of 9.5% and 13% respectively (Florida Department of Law Enforcement, n.d.). The total number of arrests in Florida decreased 17.4% between 2014 and 2018 despite a population increase of 6.4% during the same time period (Florida Department of Law Enforcement, 2019a). Florida’s incarceration and crime rates compared with other states is included in Table 3.

CRIME AND SCORESHEET POINTS (TABLE 2)

CRIME	FELONY LEVEL	SCORESHEET POINTS	SANCTION
1st degree murder	1st degree	116	Prison
Trafficking in cocaine	1st degree	56	Prison
Aggravated battery	2nd degree	56	Prison
Burglary to an occupied dwelling	2nd degree	36	Non-prison
Burglary to an unoccupied dwelling	3rd degree	22	Non-prison
Possession of cocaine	3rd degree	16	Non-prison
Robbery, no weapon	2nd degree	36	Non-prison
Possession of cannabis, > 20 grams	3rd degree	4	Non-prison
Battery on a 1st responder	3rd degree	22	Non-prison
Grand Theft, less than \$5,000	3rd degree	10	Non-prison

According to the Florida Department of Corrections (2018a), 56% of Florida's inmate population was incarcerated for a violent crime in the fiscal year 2017-2018. Violent burglaries accounted for 73% of all burglaries. The top 20 crimes for which prisoners are incarcerated account for 59.2% of the prison population, with the largest offense being burglary to an occupied dwelling (8% of the total prison population). These top 20 crimes are listed in Table 4.

Prisoners convicted of violent crimes comprise the majority (32%) of all Florida prisoners released annually. Property crimes and drug crimes account for 31% and 22.5% of annual releases in Florida. From 2015-2018, more state inmates were released for property (3.8%) and drug crimes (1.5%) than were admitted (Florida Department of Corrections, 2018).

STATE INCARCERATION FIGURES PER 100,000 FOR 2017 (TABLE 3)

STATE	INCARCERATION RATE**	CRIME RATE***		NUMBER OF PRISONERS**	ADMISSIONS**	RELEASES**
		VIOLENT	PROPERTY			
TX	553	410	2,367	162,523	76,877	77,196
GA	506	326	2,573	53,667	16,699	15,210
AL	486	519	2,817	27,608	12,170	13,624
FL	466	384	2,281	94,722*	28,189	30,467
CA	328	447	2,350	131,039	37,077	36,203
NY	249	350	1,440	49,461	20,421	21,667

*as of October, 2019.

**Bureau of Justice Statistics, Prisoners in 2017, <https://www.bjs.gov/content/pub/pdf/p17.pdf>

*** FBI Uniform Crime Report, 2018. Table 4, Crime in the U.S.

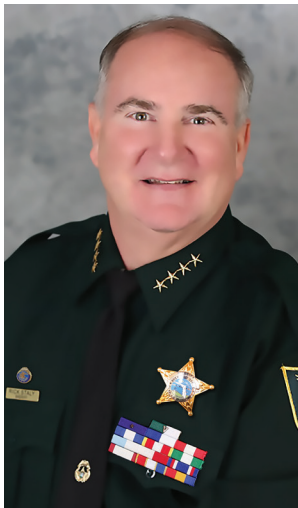
TOP OFFENSES RESULTING IN PRISON INCARCERATION (TABLE 4)

OFFENSE	PRISONERS*	% OF TOTAL POPULATION
Burglary to an occupied dwelling	7,562	8.0
Murder, 1st degree	7,257	7.6
Murder, 2nd degree	5,782	6.1
Aggravated Assault with a weapon	4,234	4.4
Cocaine possession	4,044	4.2
Molesting a juvenile less than 12 years old, offender 18 or older	3,554	3.7
Burglary to an occupied structure	3,413	3.6
Committing a felony while armed with a gun	3,219	3.3
Aggravated battery with a deadly weapon	3,126	3.3
Robbery with a gun	2,501	2.6
Armed Burglary	1,859	2.0
Sale/Manufacture/Delivery of cocaine	1,858	2.0
Burglary with assault on a person	1,705	1.8
Battery on a 1st responder (LEO, firefighter, EMT)	1,459	1.5
Grand Theft, less than \$5,000	1,331	1.4
Aggravated battery	1,320	1.4
Robbery without a gun	1,272	1.3
Murder, during the commission of a felony	1,038	1.0%
Total prisoners/% of total population	56,534	59.2%

*as of October, 2019.

WHY TRUTH IN SENTENCING MATTERS: PERSPECTIVE OF A FLORIDA SHERIFF WHO WAS ALSO A VICTIM

By Flagler County Sheriff Rick Staly



On July 31, 1978 as a young Orange County Deputy Sheriff I was shot 3 times saving the life of a fellow deputy during a disturbance call. The suspect, Jackson LeGree, Jr. was also shot and taken into custody. I am alive only because I was wearing my personally purchased protective armor. The emergency room doctor told me I would not have survived the shot to my chest had the armor not

stopped the bullet. I still have the scars on my chest and right arm from my assailant's bullets. The suspect also survived.

Almost two years later the suspect went to trial. On May 27, 1980, after a full week of trial the jury found LeGree guilty of: Count 1 - Attempted First Degree Murder; Count 2 - Aggravated Assault; and Count 3 - Resisting Arrest with Violence. LeGree was sentenced to 20 years in Florida Department of Corrections (DOC)—or so I was told. However, LeGree was released on September 1, 1988 after serving just 8.5 years of a 20-year sentence for almost killing a law enforcement officer. In reality, he served only about 40% of his sentence because Florida had yet to enact a "Truth in Sentencing" law.

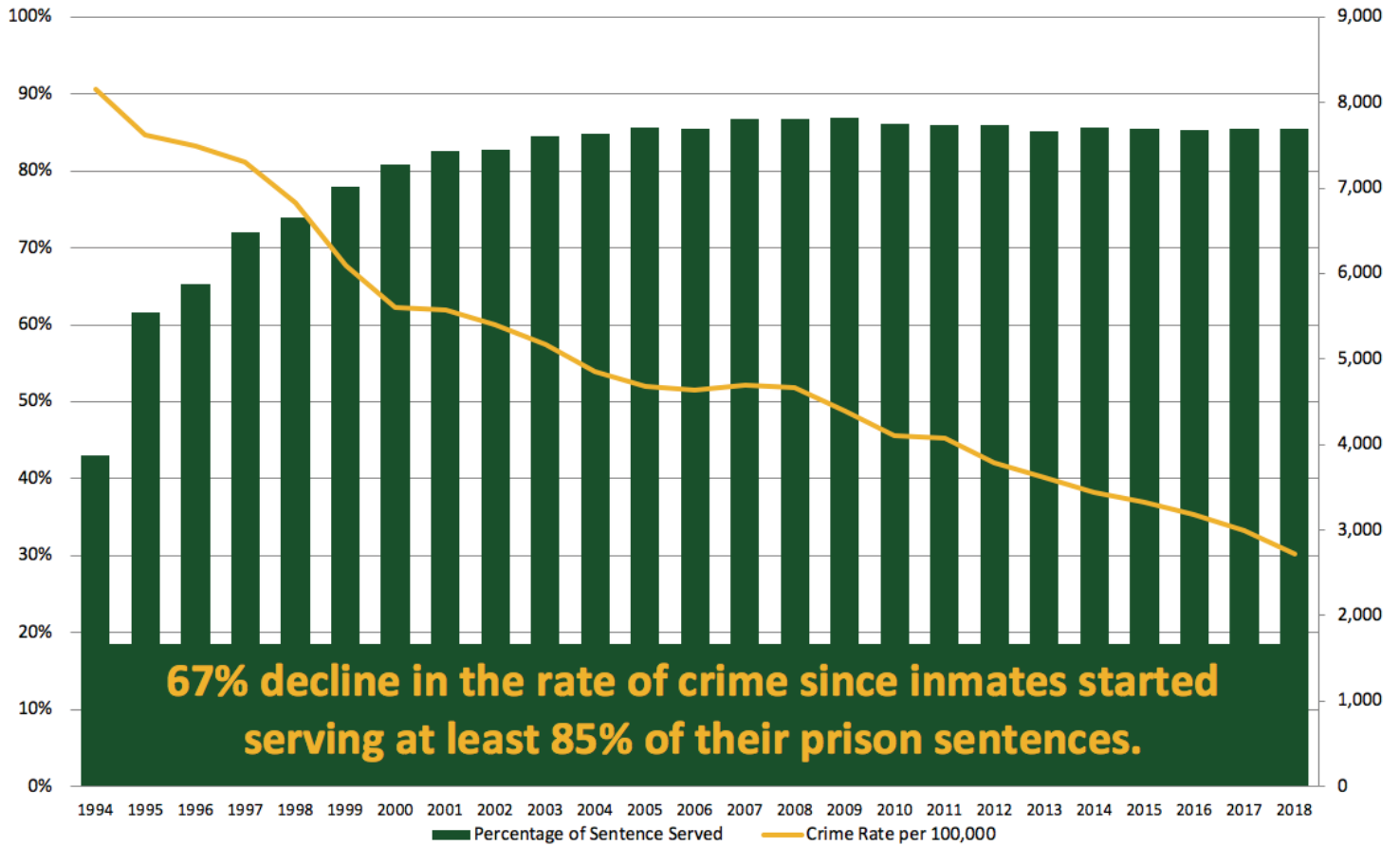
Since LeGree's release he has been arrested for selling cocaine. He pled guilty and was sentenced to 3 months in the Orange County Jail with credit for

98 days. Less than 2 years later he was arrested for misdemeanor possession of marijuana. He pled Nolo Contendere. Sentencing records show no jail sentence. Then less than 2 years later he was arrested for not having a driver's license. Adjudication was withheld and he paid a total of \$434 in court costs and fines. Then in 2011 he was arrested for burglary, plea bargained down to Trespassing, pled Nolo Contendere and was sentenced to 2 days in jail, which was actually time served, and 12 months' probation.

As you can see this is a career criminal, maybe not by statute definition, but from the eyes of his victim he fit the definition. Since his release he continued committing crimes (and the crimes listed are only the ones he was caught on), but the court system treated him like a minor offender with no significant prior criminal history.

Florida's 85% law (Truth in Sentencing) was passed because of cases like mine. Florida has a 50-year low in crime partly because more criminals are having to serve their full amount of their court-ordered sentence. As a victim of crime, a 45-year Florida Law Enforcement Officer and current Sheriff, lessening the terms of incarceration for offenders will be disingenuous to the duty we all share for public safety. It will make Florida more dangerous for our citizens, our visitors and for law enforcement officers protecting our cities and counties.

Percentage of Sentence Served in Prison Compared to Crime Rate Florida's 85% Law



RECIDIVISM IN FLORIDA AND EFFECT OF TIS ON RECIDIVISM

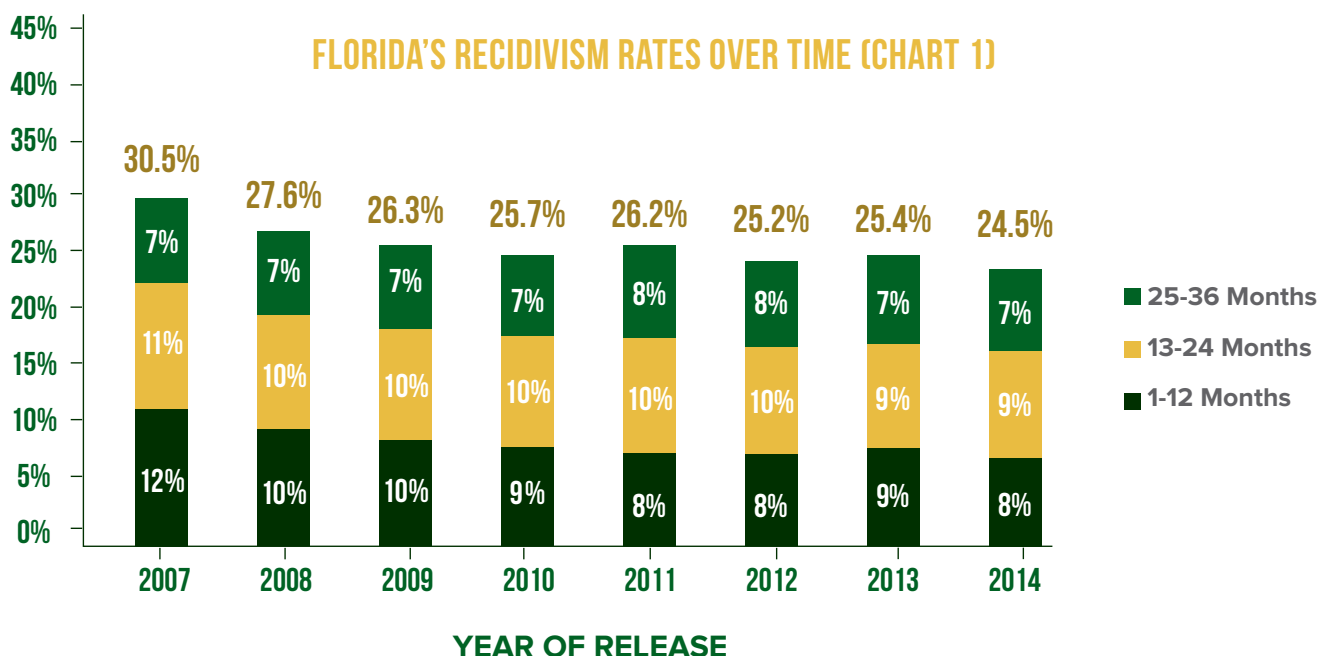
The Florida Department of Corrections defines recidivism as a return to prison, either upon conviction for a new crime or administrative action, within 3 years of an inmate's prison release (Florida Department of Corrections, 2018b). It's important to note that defining recidivism varies state by state, and even nationally. In Florida, this definition does not include any rearrests or time sentenced to the county jail - only if the offender is convicted and sentenced to felony state probation or state prison. According to a Florida Department of Corrections report (2018b), recidivism is influenced by many factors including:

- Post-release supervision
- Number of prior prison commitments
- Age upon release
- Number of disciplinary reports while in prison
- Number of other nonviolent offenses within five years prior to admission
- Number of burglary offenses before release
- Number of theft offenses before release

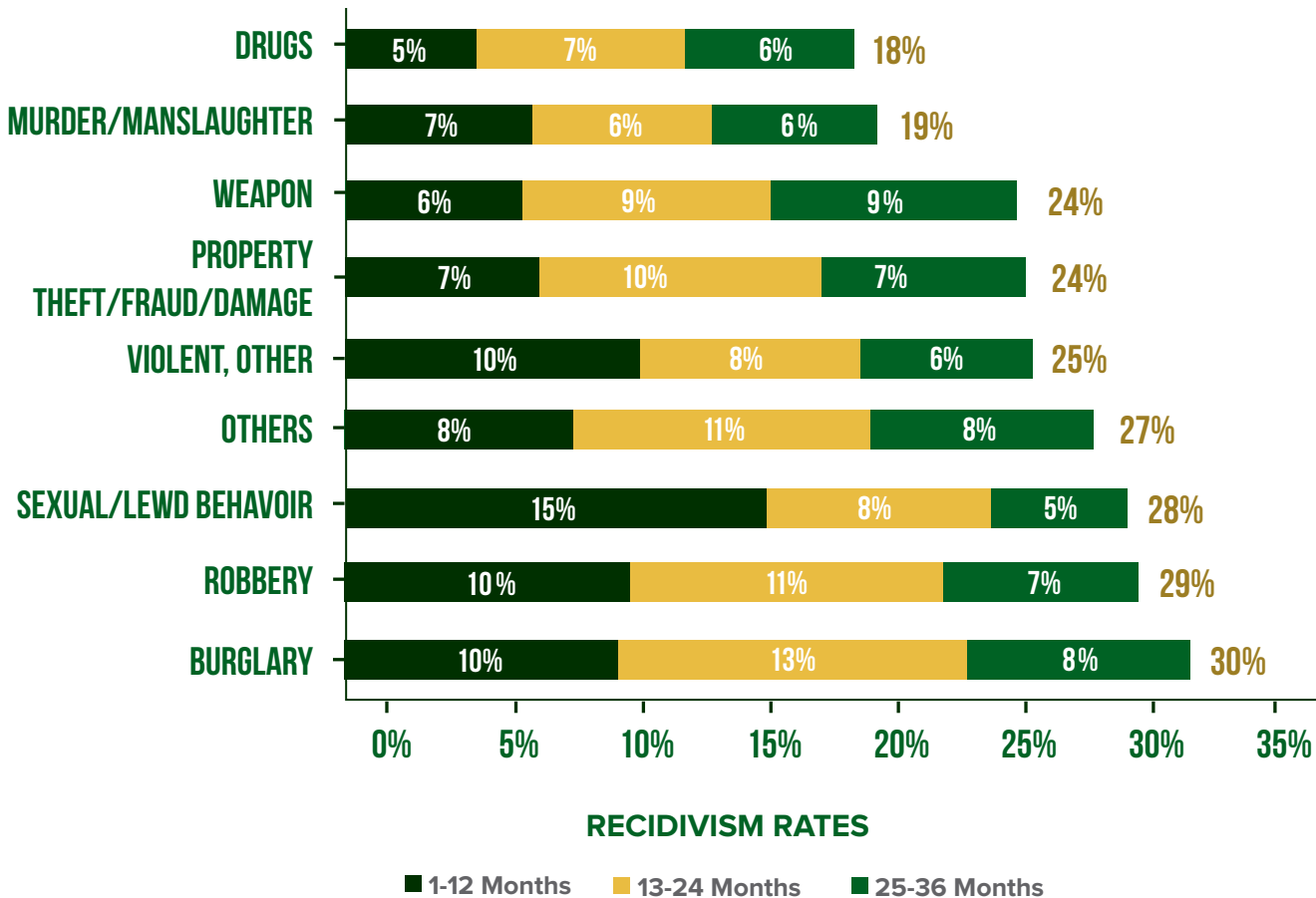
• Nationally, **68%** of prisoners were arrested for a new crime within three years of their release (Alper, Durose, & Markman, 2018)



• In Florida, the three-year recidivism rate has dropped from **30.5%** in 2007 to **24.5%** in 2014 (Florida Department of Corrections, 2018b)



RECIDIVISM RATES BY PRIMARY OFFENSE - 2014 RELEASES (CHART 2)



Inmates who served time for burglary have the highest recidivism rate (30%) (Florida Department of Corrections, 2018b). Robbery (29%), sexual/lewd behavior (28%), and other violent crimes (25%) not including murder/ manslaughter have higher recidivism rates than the three-year recidivism rate for 2014 (24.5%) (Florida Department of Corrections, 2018b). Chart 2 illustrates Florida's recidivism rate by primary offense.

Recently, there has been a push for taking inmates out of prison and placing them on community supervision. The problem with this scenario is that these inmates will probably fare no better than if they were incarcerated because probation officers already have large caseloads with little worthwhile rehabilitative interaction with offenders. In an examination of post-release community supervision and recidivism, Clark et. al. (2015) reported that supervised offenders were as much as 20% more likely to be arrested for a felony and 360% more likely to be reincarcerated than those with no community supervision. This may be due, in part, to probation officers spending little time with offenders and prioritizing enforcement over rehabilitation (Bonta, et al, 2008).

Technical violations related to post-release supervision are a significant contributor to Florida's prison population. Fewer prisoners are incarcerated for drug crimes (12.7%) in Florida's prisons than those imprisoned for supervision violations (17%). A report published by the Council of State Governments Justice Center (2019) also noted that:

On any given day in Florida, 16,558 people are incarcerated as a result of a supervision violation at an annual cost to the state of \$330 million. Technical supervision violations account for \$145 million of this total amount, and new offense supervision violations make up \$185 million. These figures do not account for the substantial local costs of keeping people in jail for supervision violations.

THE EFFECT OF TIS ON RECIDIVISM

Two studies exist using a sample of inmates from the Florida Department of Corrections that conclude TIS laws have had a positive impact on reducing crime and recidivism. These studies are most appropriate for this report due to their focus on Florida's prison population.

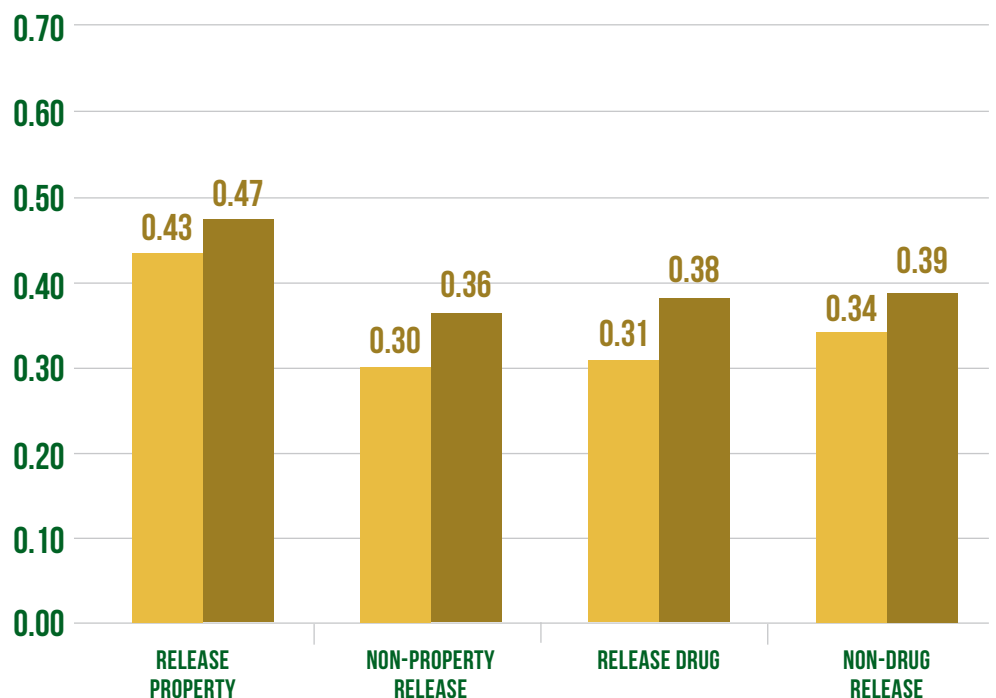
Pate (2010) analyzed the effectiveness of Florida's TIS law on recidivism by examining a cohort of 182,929 cases obtained from the Florida Department of Corrections. These inmates were released from the Florida prison system between January 1, 1995 and December 31, 2005. Pate (2010) used binary logistic regression, which measures the effect of a variable (85% sentencing) on other variables (likelihood of recidivism). Pate (2010) could not be more clear in her findings: "Sentencing offenders to serve at least 85% of the court-imposed sentence does reduce the probability of recidivism" (Pate, 2010, p. 71). Specific findings suggest TIS reduces reoffending among drug offenders, violent offenders, young offenders, and others. (Pate, 2010, p.72). These findings are illustrated in Chart 3.

A similar study (Bales, Gaes, Blomberg, & Pate, 2010) supports Pate's (2010) findings. Bales, Gaes, Blomberg, and Pate (2010) analyzed Florida arrest records and recidivism data to determine the impact of Florida's 85% TIS laws on recidivism and if these laws are more effective at reducing recidivism than the state's previous sentencing policies. The analysis shows, on average, a 13% reduction in recidivism and a 20% reduction in reimprisonment. The effect increases with the length of the sentence. For a prisoner serving a 10-year sentence, the reductions for recidivism and reimprisonment are 52% and 60% respectively. At the time, the authors concluded that 85% TIS had not resulted in longer prison sentences or prison overcrowding but rather an increase in felony convictions. The authors suggest pessimistic conclusions in the literature related to determinant sentencing could be premature (Bales, Gaes, Blomberg, & Pate, 2010).

EFFECT OF THE MINIMUM 85% SENTENCE SERVED LAW ON RECONVICTION WITHIN 3 YEARS FOR A NEW FELONY CONVICTION BY RELEASE OFFENSE TYPE (CHART 3)

Predicted Probabilities

- 85% Law
- Non-85% Law



Source: Pate, 2010.

HB 189/SB 394/SB 572 & THE MYTH OF THE “NONVIOLENT” OFFENDER

Senator Bracy (SB 394), Senator Brandes (SB 572), and Representative Hart (HB 189) have filed bills for the 2020 legislative session that will shorten the amount of time served by a convicted felon from 85% of the full sentence to just 65%. Their goal is to release 10,000 convicted felons, which represents about 11% of the state’s 94,722 inmates. Their bills use loose definitions of what constitutes a “nonviolent” offender. Just 1% of Florida’s total prison population are first-time, nonviolent offenders. The overwhelming majority of all prisoners—over 95%—are violent, repeat offenders with a history of criminal behavior.

The table below displays the number of inmates currently incarcerated who would be affected by the passage of these bills and the number of prisoners who are true first-time offenders. The table clearly illustrates that nonviolent offenders are rarely incarcerated in the state’s prisons for a first offense. Even when accounting for violent crimes (murder, aggravated battery, robbery, kidnapping, sexual battery, and burglary), first-time offenders represent just 4.8% of the total prison population.

TOP 10 CRIMES ELIGIBLE FOR EARLY RELEASE UNDER HB 189/SB 394/SB 572	# OF INMATES (AS OF NOVEMBER 30, 2019)	# OF 1ST-TIME DOC INMATES (AS OF NOVEMBER 30, 2019)
Sale of illegal drugs while armed	3,881	0
Trafficking in stolen property	2,250	79
Sale/manufacturing/delivery of cocaine	2,170	110
Burglary to an occupied structure	1,871	400
Grand theft of up to \$5,000	1,023	27
Drug trafficking (4-14 grams)	924	69
Fleeing from a law enforcement officer with no regard	865	46
Possession of cocaine	864	15
Possession of a control substance/other*	836	30
Trafficking of cocaine up to 200 grams	835	61
ADDITIONAL “NONVIOLENT” CRIMES ELIGIBLE FOR EARLY RELEASE		
Sex offender failing to comply PSIA	701	51
Selling/manufacturing/delivering a controlled substance within 1,000 feet of a school	700	105
Possession of child pornography	635	118
Leaving a crash scene involving a death	164	38
4th or subsequent felony DUI conviction	146	18
Promoting a sexual performance by a child	107	16

*Includes any controlled substance that is not GHB, MDMA, Cocaine, Heroin, Opium or Marijuana

¹ Analysis of Florida Department of Corrections, Nov, 2019 data.

FLORIDA'S PRISONS ARE NOT FULL OF FIRST-TIME DRUG OFFENDERS

Drug crime is not what's driving Florida's prison population. It's violent crime and repeat offenders. For all the attention we pay to people convicted of drug crimes, they make up only 13 percent of the prison population. Over half (60%) the people convicted for the first time have been convicted of a violent crime; more than half of those convicted of violence—or 40 percent of all people convicted for the first-time—have been convicted of the most serious violent crimes: murder/manslaughter, sexual battery, robbery, kidnapping, and aggravated assault/battery¹. Repeat offenders account for 95% of the total population of Florida's prisons.

FIRST-TIME OFFENDERS WITH NO PREVIOUS CONVICTIONS

	PRISONERS	% TOTAL POPULATION ²
1. All drug crimes	793	0.83%
a. Trafficking	408	0.43
b. Manufacture/sale/delivery	320	0.33
c. Possession	65	0.0628
2. Marijuana crimes	41	0.042%
a. Trafficking	29	0.030
b. Manufacture/sale/delivery	12	0.012
c. Possession	0	0
3. Cocaine crimes	234	0.24%
a. Trafficking	109	0.43
b. Manufacture/sale/delivery	110	0.33
c. Possession	15	0.0628
4. Heroin crimes	76	0.08%
a. Trafficking	47	0.049
b. Manufacture/sale/delivery	26	0.027
c. Possession	3	0.0031

**“REPEAT OFFENDERS ACCOUNT FOR 95% OF THE TOTAL POPULATION
OF FLORIDA'S PRISONS.”**

¹ Adapted from Pfaff, John (Aug. 14, 2019). What Democrats Get Wrong About Prison Reform. Politico. Retrieved from <https://www.politico.com/magazine/story/2019/08/14/what-democrats-get-wrong-about-prison-reform-227623>.

² Percentages based on an analysis of Florida Department of Corrections data of first-time offenders, based on a total prison population of 94,700 as of October, 2019



**“THE 85% TIME-SERVED LAW PASSED
IN 1995...HAS BEEN ASSOCIATED WITH
SIGNIFICANT REDUCTIONS IN THE
LIKELIHOOD OF RECIDIVISM.”**

(BALES, GAES, BLOMBERG, & PATE, 2010).

**“BALES, GAES, BLOMBERG, AND
PATE (2010) FOUND THAT 85%
TIS HAS NOT RESULTED IN LONGER
PRISON SENTENCES OR PRISON
OVERCROWDING IN FLORIDA.”**

EFFECT OF TIS ON CRIME

Following the national trend, Florida has experienced a 60% drop in Total Index Crimes between 1998 and 2018 despite an almost 40% increase in population during the same period (Florida Department of Law Enforcement, 2019b). Violent crime, which accounted for 14.4% of all crime, dropped 39.7% and property crime, which accounted for 85.6% of all crime, decreased 45.2% (Florida Department of Law Enforcement, 2019b). Chart 4 depicts the change in total index crimes over time.

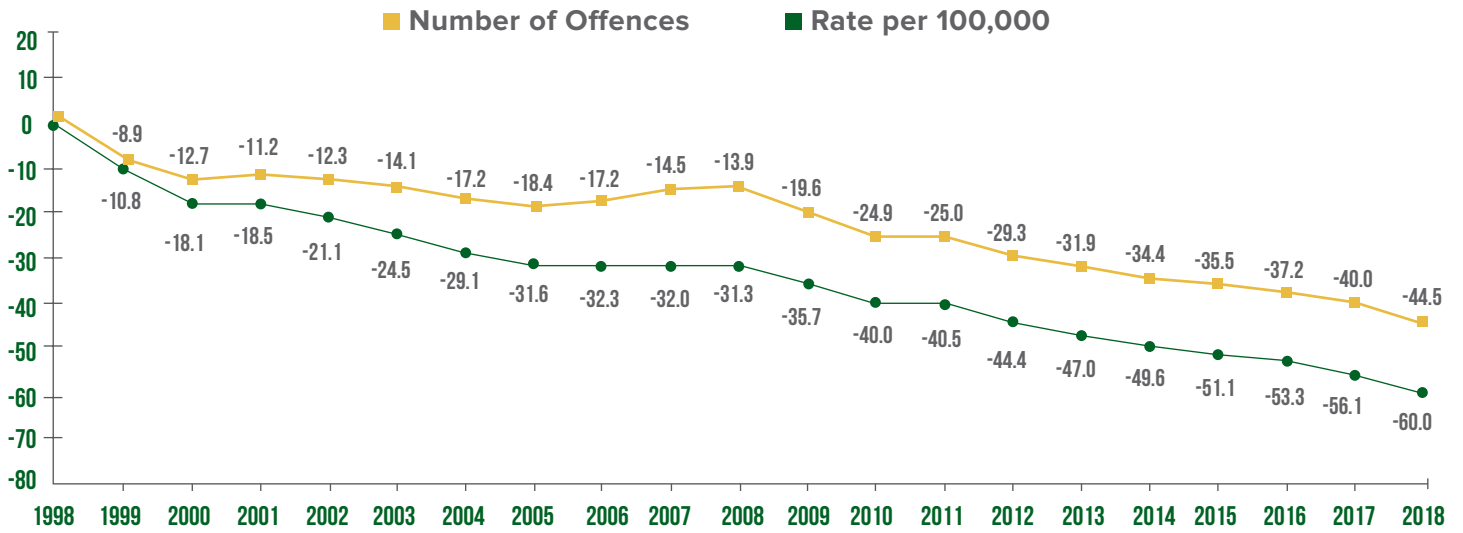
Shepherd (2002) found that TIS laws deter violent offenders and increase the probability of arrest. He concluded the laws decreased murders by 16%, aggravated assaults by 12%, robberies by 24% and rapes by 12%. In an analysis of large, urban areas, Ross (2012) found a decrease in violent crime of 8.7% and a reduction of property crime by 7.1%. Similarly, Long's (2018) analysis of states with TIS laws revealed statistically significant reductions in both violent and property crimes. Murder and robbery rates declined almost immediately, while property crimes were slower to exhibit a significant decline (Long, 2018).

In an analysis of 19 years of state data, Marvell and Moody (1994) found that prison population growth leads to lower crime rates. Steven Levitt (2004), the most prominent scholar in this area of study and the William B. Ogden Distinguished Service Professor of Economics at the University of Chicago, credits the rising prison population with reducing crime through incapacitation and deterrence stating, "the evidence linking increased punishment to lower crime rates is very strong" (p.178). Levitt (2004) found increased incarceration accounted for a reduction in homicide and violent crime of 12% and a reduction in property crime of 8%. In an earlier study that included data from Florida prisons, Levitt (1996) similarly reported an increase in prison population substantially reduces violent crime by 10% and property crime by 7%. Additionally, Levitt (1996) concluded "increased prison populations appear to substantially reduce crime" (p. 348) citing the addition of one prisoner eliminates approximately 15 crimes per year. Marvell and Moody (1994) observed that incarceration averts 17 index crimes per prisoner. Spelman (2000) observed doubling the prison population would reduce crime between 20 and 40 percent.

Between 1998 and 2018

- Florida has experienced a **60%** drop in Total Index Crime despite an almost **40%** population increase
- Violent crime decreased **39.7%**
- Property crime decreased **45.2%**
- Truth in Sentencing laws decreased murders by **16%**, aggravated assaults by **12%**, robberies by **24%**, and rapes by **12%**

CHANGE IN TOTAL INDEX CRIME IN FLORIDA OVER TIME (CHART 4)



CONCLUSION

Determinant sentencing and 85% Truth in Sentencing are used in most states. The extant literature on the effects of Truth in Sentencing is mixed. Several empirical studies suggest Truth in Sentencing reduces recidivism (Pate, 2010; Bales, Gaes, Blomberg, & Pate, 2010) and crime (Shepherd, 2002; Ross, 2012), while others find questionable (Mears, Cochran, Bales, & Bhati, 2016) or opposite effects (Cochran, Mears, & Bales, 2014). Still others suggest longer prison sentences reduce crime (Marvell & Moody, 1994; Levitt, 1996; Spelman, 2000; Levitt, 2004). Finally, Florida prisons house mostly violent offenders (58%). From 2015 to 2018, more nonviolent offenders were released from Florida prisons than were committed. While many factors influence recidivism and crime, Florida's crime rate has dropped for two decades, and both jail and prison populations have declined.

Despite being third-largest state in the U.S., with an additional annual tourist population of almost 125 million visitors (VisitFlorida, 2019), Florida's crime rate and incarceration rate are significantly lower than many smaller states. The notion that Florida's prisons are overcrowded with first-time, nonviolent offenders is not reflected in the data. Many nonviolent, felony offenders are diverted from prison through the statutorily created Pre-Trial Intervention program and other treatment-based diversion programs. Additionally, while some offenders are incarcerated for nonviolent crimes, aggravating factors, such as previous offenses, likely have resulted in a prison sentence. The data could not be clearer: Florida's 85% truth in sentencing laws coupled with the state's incarceration model has resulted in a lower crime rate and lower incarceration rate than many other states.

“THE DATA COULD NOT BE CLEARER: FLORIDA’S 85% TRUTH IN SENTENCING LAWS COUPLED WITH THE STATE’S INCARCERATION MODEL HAS RESULTED IN A LOWER CRIME RATE AND LOWER INCARCERATION RATE THAN MANY OTHER STATES.”

REFERENCES

- Alper, M., Durose, M. R., & Markman, J. (2018). 2018 update on prisoner recidivism: A 9-year follow-up period (2005-2014). US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.
- Bales, W. D., Gaes, G. G., Blomberg, T. G., & Pate, K. N. (2010). An assessment of the development and outcomes of determinate sentencing in Florida. *Justice Research and Policy*, 12(1), 41-71.
- Bjerk, David (2005) “Making the Crime Fit the Penalty: The Role of Prosecutorial Discretion Under Mandatory Minimum Sentencing,” 48 *J. of Law & Economics* 591.
- Bonta, J., Rugge, T., Scott, T.-L., Bourgon, G., & Yessine, A. (2008). Exploring the Black Box of Community Supervision. *Journal of Offender Rehabilitation*, 47(3), 248–270.
- Christy, A., Poythress, N. G., Boothroyd, R. A., Petrila, J., & Mehra, S. (2005). Evaluating the efficiency and community safety goals of the Broward County mental health court. *Behavioral Sciences & the Law*, 23(2), 227-243.
- Clark, C., Bales, W. D., Scaggs, S., Ensley, D., & Blomberg, T. (2015). Assessing the Impact of Post-release Community Supervision on Post-release Recidivism and Employment: Report Submitted to the National Institute of Justice, Office of Justice Programs, US Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/249844.pdf>.
- Cochran, J. C., Mears, D. P., & Bales, W. D. (2014). Assessing the effectiveness of correctional sanctions. *Journal of Quantitative Criminology*, 30(2), 317-347.
- Council of State Governments Justice Center (2019). Florida Supervision Violation Data Snapshot. Retrieved from <https://csgjustice-center.org/confinedandcostly/?state=FL>.
- Ditton, P. M., & Wilson, D. J. (1999). Truth in sentencing in state prisons. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://bjs.gov/content/pub/pdf/tssp.pdf>.

- Drug Policy Alliance. 2011. Drug courts are not the answer: Toward a health-centered approach to drug use. New York, NY: Drug Policy Alliance.
- Federal Bureau of Investigation (n.d.). 2017 Crime in the United States. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/violent-crime>.
- Florida Courts (2019). Mental Health Courts. Retrieved from <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Mental-Health-Courts>.
- Florida Department of Corrections (2018a). Annual reports by fiscal year. Retrieved from <http://www.dc.state.fl.us/pub/index.html>.
- Florida Department of Corrections (2018b). Florida prison recidivism report: Releases from 2010 to 2016. Florida Department of Corrections, Office of Strategic Initiatives. Retrieved from <http://www.dc.state.fl.us/pub/recidivism/RecidivismReport2018.pdf>.
- Florida Department of Corrections (n.d.). Florida County detention Facilities' Average Inmate Population. Retrieved from <http://www.dc.state.fl.us/pub/jails/index.html>.
- Florida Department of Law Enforcement (n.d.). Proportion of reported crime in Florida, by type, 1995-2018. Retrieved from <http://www.fdle.state.fl.us/FSAC/Documents/PDF/Proportion.aspx>.
- Florida Department of Law Enforcement (2019a). Crime in Florida, Annual 2018 Florida uniform crime report. Retrieved from <http://www.fdle.state.fl.us/FSAC/Data-Statistics/UCR-Arrest-Data.aspx>.
- Florida Department of Law Enforcement (2019b). Total Index Crimes for Florida, 1998-2018. Retrieved from <http://www.fdle.state.fl.us/FSAC/Crime-Trends/Total-Index-Crimes>.
- Florida Policy Institute (2019). The rate of incarceration in Florida. Retrieved from <https://www.fpi.institute/the-rate-of-incarceration-in-florida-2/>.
- Florida Statistical Analysis Center (2017). Florida crime at a glance. Retrieved from <https://www.fdle.state.fl.us/FSAC/Publications/PDF/AtAGlanceJUN18.aspx>.
- Justice Policy Institute. 2011. Addicted to courts: How a growing dependence on drug courts impacts people and communities. Washington, DC: Justice Policy Institute.
- Kaeble, D., & Glaze, L. E. (2016). Correctional Populations in the United States, 2016. Bureau of Justice statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>.
- Kovandzic, T. V., & Vieraitis, L. M. (2006). The effect of county level prison population growth on crime rates. *Criminology & Public Policy*, 5(2), 213-244.
- Levitt, S. D. (1996). The effect of prison population size on crime rates: Evidence from prison overcrowding litigation. *The quarterly journal of economics*, 111(2), 319-351.
- Levitt, S. (2004). Understanding why crime fell in the 1990s: Four factors that explain the decline and six that do not. Retrieved from <http://pricetheory.uchicago.edu/levitt/Papers/LevittUnderstandingWhyCrime2004.pdf>.
- Linhorst, D. M., Kondrat, D., & Dirks-Linhorst, P. A. (2015). Rearrests During Mental Health Court Supervision: Predicting Rearrest and Its Association with Final Court Disposition and Postcourt Rearrests. *Journal of Offender Rehabilitation*, 54(7), 486-501.
- Long, W. (2018). Does longer incarceration deter or incapacitate crime? Evidence from Truth-in-Sentencing reform. *Applied Economics*, 50(24), 2664-2676.
- Marvell, T. B., & Moody, C. E. (1994). Prison population growth and crime reduction. *Journal of Quantitative criminology*, 10(2), 109-140.
- Mears, D. P., Cochran, J. C., Bales, W. D., & Bhati, A. S. (2016). Recidivism and time served in prison. *J. Crim. L. & Criminology*, 106, 83.
- McNiel, D. E., & Binder, R. L. (2007). Effectiveness of a mental health court in reducing criminal recidivism and violence. *American Journal of Psychiatry*, 164(9), 1395-1403.
- Moore, M. E., & Hiday, V. A. (2006). Mental health court outcomes: A comparison of re-arrest and re-arrest severity between mental health court and traditional court participants. *Law and Human Behavior*, 30(6), 659-674.
- Office of Program Policy Analysis and Government Accountability (2019). Diverting low risk offenders from Florida prisons. Retrieved from <http://www.opaga.state.fl.us/Monitor-Docs/Reports/pdf/1901rpt.pdf>.
- Owens, E. G. (2011). Truthiness in Punishment: The Far Reach of Truth-in-Sentencing Laws in State Courts. *Journal of Empirical Legal Studies*, 8, 239-261.
- Pate, K. (2010). Florida's truth in sentencing effectiveness on recidivism (Doctoral dissertation). Retrieved from <https://pdfs.semanticscholar.org/f921/0f223e13569f55af321a512bd0c66ad4dd65.pdf>.
- Rosich, K. J., & Kane, K. M. (2005). Truth in sentencing and state sentencing practices. *NIJ Journal*. Retrieved from <https://www.nij.gov/journals/252/pages/sentencing.aspx>.
- Ross, A. (2012). Crime, police, and truth-in-sentencing: The impact of state sentencing policy on local communities. *Regional Science and Urban Economics*, 42(1-2), 144-152.
- Sabol, W., Rosich, K., Kane, K., Kirk, D., and Dubin, G. (2002). Influences of Truth-in-Sentencing Reforms on Changes in States' Sentencing Practices and Prison Populations. Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/195161.pdf>
- Sawyer, W. & Wagner, P. (2019). Mass incarceration: The whole pie 2019. Prison Policy Initiative. Retrieved from <https://www.prison-policy.org/reports/pie2019.html>.
- Sevigny, E. L., Pollack, H. A., & Reuter, P. (2013). Can drug courts help to reduce prison and jail populations?. *The ANNALS of the American Academy of Political and Social Science*, 647(1), 190-212.
- Shepherd, J. M. (2002). Police, prosecutors, criminals, and determinate sentencing: The truth about truth-in-sentencing laws. *The Journal of Law and Economics*, 45(2), 509-533.
- Spelman, W. (2000). What recent studies do (and don't) tell us about imprisonment and crime. *Crime and justice*, 27, 419-494.
- Travis, J., Western, B., & Redburn, F. S. (2014). The growth of incarceration in the United States: Exploring causes and consequences. National Research Council. Retrieved from <https://www.nap.edu/download/18613#>.
- United States Census, (2018). Quick facts, Florida. Retrieved from <https://www.census.gov/quickfacts/FL>.
- VisitFlorida (2019). Research facts. Retrieved from <https://www.visitflorida.org/resources/research/research-faq/>.
- Walsh, J. E. (2004). Tough FOR Whom?. How Prosecutors and Judges Use Their Discretion to Promote Justice under the California Three Strikes Law. Crime and Justice Policy Program of the Henry Salvatori Center for the Study of Individual Freedom in the Modern World, Henry Salvatori Center Monograph New Series No. 4.
- Zeng, Z. (2019). Jail inmates in 2017. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/ji17.pdf>.

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