

# Misdemeanor crime cost to the Criminal Justice System

Marshall Gatzey

## **Abstract**

*The cost associated with public safety and the housing of offenders in jail often accounts for a significant portion of local budgets. Law enforcement leaders are responsible for continually reviewing strategies to maintain public safety while remaining fiscally responsible. The Covid-19 pandemic has forced law enforcement agencies to be creative with managing enforcement efforts, officer discretion, and utilization of alternatives to arrest. These changes reflect declines in the numbers of arrestees entering correctional facilities and their incarceration costs. Surveys associated with arrest data and costs of incarceration were distributed to county jail facilities in Florida. The data received provides estimated savings to incarceration costs. Which, if continued, could be used to fund programs that offer solutions to criminal behavior and acts. Although the immediate savings appear to be substantial, law enforcement leaders must conduct further analysis to determine if the safety of the community is exposed.*

## **Introduction**

Most nations have a constitution, which contains universal laws, contract laws, and other laws and regulations which govern the behavior of the people. The law enforcement bodies in each nation ensure that all of the people conform to the set rules and regulations and adhere to them accordingly. Those people who fail to adhere to those laws face punishment, which may be in the form of criminal charges like imprisonment or court fines, which are determined by the judicial bodies.

Our country is made up of different communities that determine its social norms and values, to regulate and control the behavior of the members of their community. Traditionally, those members of the community who violate the social standards faced punishment from the criminal justice system. At the same time, those who obeyed and adhered to the societal rules and regulations were awarded accordingly as a way of encouraging them to continue with the same actions.

Laws and regulations are essential for the social functioning of society and the nation in general. Rules help in promoting peace and security, thus encouraging peaceful cohesion between the people. Some countries value the societal norms and support them in that the judicial institution obeys some of the standards held by specific communities as a way of protecting and promoting the culture of that community. Most communities separate rule violations into categories, most often misdemeanor (lesser, non-violent offenses) and felony (violent or more serious crimes).

A few examples of crimes that typically fall within the misdemeanor classification include lower-level theft offenses, simple assault, impaired driving, disorderly conduct, and criminal trespass. These usually include no penalty, time served, a fine with no

incarceration, a sentence to probation, imprisonment with no fine, or a combination of imprisonment and a fine. It is the court's discretion which penalty or combination of penalties to order. Typically, misdemeanor incarceration is served in jail rather than prison.

Recent trends in sentencing have seen states downgrading offenses related to drug possession. Some states have reduced possession of certain drugs from felonies to misdemeanors, while others have decriminalized possession of small amounts of marijuana altogether. Much of the changes to misdemeanor sentencing have been part of comprehensive, data-driven reforms in states around the country. Still, many law enforcement agencies and the judicial system vary significantly in how they choose to enforce misdemeanor crimes. Inconsistencies in neighboring jurisdictions can create overcrowding in one jail and the next nearly empty. One offender may be given a warning and dismissed, another placed in a diversion program, while another receiving probation and criminal record, all for committing the same offense.

## **Literature Review**

### ***Cost of criminalizing non-violent crimes (Quality of life):***

In an effort to shed light on the direct costs, the Seattle University Homeless Rights Advocacy Project traced the following total costs directly to the enforcement of less than half of the identified criminalization ordinances in Seattle and Spokane. In Seattle, an estimated 5-year minimum of \$2,300,000 is directly attributed to enforcing just 16% of the city's criminalization ordinances. Although existing studies address general costs and savings associated with housing homeless people, they do not address the costs directly attributable to criminalization ordinances. (Howard, 2015)

Criminalization ordinances generally refer to the enactment and enforcement of local ordinances that discriminatorily target, are selectively enforced against, or disproportionately affect people experiencing homelessness. These criminalization ordinances are often called quality of life ordinances by proponents. Although proponents tie this "quality of life" label to improved public safety and improved business, there is no evidence that criminalization ordinances accomplish either of these purported goals. Meanwhile, these ordinances adversely impact the quality of life of people experiencing homelessness and exacerbate the already dire circumstances that the homeless experience daily. (Howard, 2015)

These types of ordinances often make it illegal for homeless people to conduct many necessary, life-sustaining activities, even when there are no reasonable alternatives available. Activities that are often prohibited include sitting and sleeping in public spaces, urinating and defecating in public, rummaging through garbage, and panhandling. Many cities across the country and in Washington have adopted these ordinances that prohibit and punish conduct that is typical and often necessary for homeless people. These ordinances are enacted in an effort to remove such people from sight and improve the aesthetics of their cities. (Howard, 2015)

Some cities have even prohibited public food sharing with the homeless in order to minimize the congregation or visibility of homeless people in public spaces. Instead of

directly addressing the underlying causes, criminalization ordinances merely exacerbate problems affecting homeless people. For example, the country's already high recidivism rates for the general incarcerated population are even higher among homeless people who are released from jail or prison without housing. (Howard, 2015)

The state of Washington is not alone in its efforts to criminalize activities associated with the homeless population. In California, "58 cities have at least one municipal code restricting daytime activities like standing, sitting, and resting. Ninety percent of the jurisdictions (53 of 58 cities) prohibit some form of begging or panhandling, and over 20 percent of cities restrict food sharing" (Fisher, 2015). Fifty-seven of 58 cities ban at least one nighttime activity, such as sleeping, camping, and lodging in vehicles. (Fisher, Miller, Walter, & Selbin, 2015).

Criminalization ordinances do nothing to address mental health and substance abuse issues that are prevalent within the homeless community. And yet cities in Washington and throughout the nation increasingly pass criminalization ordinances without taking into account their cost and ineffectiveness. The cyclical nature of the expenses associated with criminalization ordinances is of particular concern because funding of affordable housing has been shown to save money, reduce the cyclical costs related to criminalizing homelessness, and reduce recidivism. These costs not only compromise the lives of homeless people but also drain city budgets. (Howard, 2015)

In the past five years, Seattle and Spokane have spent a minimum estimated total of \$3,703,134.54 enforcing just a fraction of criminalization ordinances. The redirection of such costs to non-punitive alternatives may be a better solution to address the underlying problems of homelessness. If Seattle and Spokane redirected the over \$3.7 million spent on just a fraction of their criminalization efforts to invest in an affordable housing program, taxpayers could save more than eleven million dollars over five years. Policymakers should consider the substantial costs that are directly attributable to criminalization ordinances and also the potential savings from investing in non-punitive alternatives, such as affordable housing. (Howard, 2015)

In light of these cost savings, policymakers could repeal criminalization ordinances and redirect funds toward affordable housing. Until these laws are repealed, interested parties are mindful of the costs associated with these ordinances and adopt internal policies to mitigate these costs. Whether it be the citation, arrest, adjudication, or incarceration, under these ordinances, interested parties' discretion has the opportunity to adopt internal policies to mitigate the loss of taxpayer dollars to these ordinances. Ultimately, even if cities are not persuaded that every human being deserves the safety and dignity of housing, policymakers cannot afford to ignore the economic cost of criminalizing men, women, and children who suffer from homelessness. (Howard, 2015)

### ***Disadvantages of incarceration (Overcrowded jails):***

As a secondary challenge, jails, unlike prisons, house those serving sentences less than a year or awaiting trial, and therefore most jail inmates face quicker reentry and the challenges it may present. The gains to be made from evidence-based policies that reduce incarceration, improve reentry planning, and stem recidivism are unusually large when focusing on jail populations. Each year, more than 12 million Americans are booked into local jails for crimes ranging from misdemeanor traffic violations to felony serial

homicide, with more than 740,000 people held in these facilities in the USA at any given time. (Fox, 2019)

Analyses by the US Department of Justice revealed that 47 percent of all those in jail with a financial bond were unable to afford their bail. Jails now detain a large number of persons with mental illness, substance abuse, and neurodisability, compared to rates in the general population. Over half of those in US jails have been diagnosed with or have shown symptoms of mental illness within the past 12 months, and over 75 percent of those have co-occurring substance use disorders. An additional 26 percent showed signs of post-traumatic stress disorder, and up to 87 percent of jail inmates reported at least one head injury in their lifetime. (Fox, 2019)

At least 44 states in the USA are housing more people with serious mental illness in correctional facilities than in state psychiatric hospitals. Further, individuals with mental health and neurodevelopmental disorders have a significantly higher risk for multiple incarcerations and recidivism, are more likely to be charged with rules violations while incarcerated and have a substantially decreased time between imprisonments. (Fox, 2019)

Further, jails present significant barriers to successful reentry and efforts to reduce recidivism among those they incarcerate, particularly those with mental health or other needs. Jails often lack sufficient funding, resulting in a shortage of adequate services and treatments in custody. The housing of inmates with mental illness or neurodisability complicates classification and housing decisions. It diverts resources from the public safety functions of the jail to psychiatric management, for which they are not adequately resourced. As a consequence, many inmates with mental illness are housed in isolation or medical units with limited freedom of movement, with the accompanying health-debilitating implications of low social engagement and separation. (Fox, 2019)

About 20 percent of inmates in short-term detention facilities are located in rural areas, and another 33 percent are in small/medium towns, which face their own set of challenges. Although crime rates in rural or small metro jurisdictions are typically lower than state averages, these areas report significant increases in jail incarceration rates, higher than state and national averages, and more than urban areas, which have shown decreases. Many of the social, geographic, and economic characteristics of rural areas, for example, contribute to increased risk for jail incarceration, including below-average household incomes, higher percentages of persons living in poverty, higher unemployment rates, and a shrinking labor force. The recent opioid epidemic has posed a public health and criminal justice crisis in the USA and has disproportionately impacted rural areas. (Fox, 2019)

In a recent meta-analysis of 41 studies on nonmedical opioid use, 40 found a higher prevalence of prescription opioid misuse in rural areas compared to urban and metropolitan areas. Research indicates that the lack of access to alternative treatments for chronic pain and injury, as well as cultural acceptance of opioid misuse, were the leading reasons for why rural Americans engage in prescription opioid abuse. As a consequence, incarnations, overdose, and overdose fatality rates among rural Americans are substantially higher than their urban counterparts. (Fox, 2019)

### ***Sentencing options for offenders / Alternatives to incarceration:***

Many courts that do not have restrictions of mandatory minimums utilize an alternative to imprisonment when sentencing offenders. These alternatives can reduce the cost to jails, prisons, and can frequently lead to reductions in recidivism by treating underlying issues of crime. Sentencing options enable the justice system to achieve rehabilitation, punishment, and deterrence goals without the expense of incarceration. Pre-trial diversion programs, problem-solving courts, and Community Corrections allow for tailored sentencing of individuals. Incarceration alternatives are less disruptive to families, communities, and favorable to the public as the first consequences for non-violent and non-serious crimes. ("Alternatives to incarceration in a nutshell", 2011) ("Alternatives to incarceration factsheet", 2014)

Drug courts provide court-supervised drug treatment and community supervision to offenders with substance abuse problems. While in halfway houses, offenders are monitored and must fulfill conditions placed on them by the court. Home confinement requires offenders to stay in their homes except when they are in pre-approved areas. (Electronic Home Monitoring (EHM) requires offenders to wear an electronic device, such as an ankle bracelet, that sends a signal to a transmitter and lets the authorities know where the offender is at all times. Offenders on EHM usually contact a probation officer daily and take frequent and random drug tests. ("Alternatives to incarceration in a nutshell", 2011)

Restitution requires offenders to pay for some or all of a community or victim's medical costs or property loss that resulted from the crime. Many sex offenders are placed on probation, with requirements that they attend a sex offender treatment program, regularly report to a probation officer, do not contact their victims, do not use the internet, and do not live or work in certain areas. These offenders typically receive civil commitment only after they have finished serving a prison term for their sex offense. Offenders can be required to stay on civil commitment indefinitely, which means the programs can cost up to four times what it costs to keep an offender in prison. ("Alternatives to incarceration in a nutshell", 2011)

Mental health courts, like drug courts, are specialized courts that place offenders who have a mental illness, mental disabilities, drug dependency, or severe personality disorders in a court-supervised, community-based mental health treatment program. Often, offenders must first plead guilty to charges before being diverted to mental health court. Representatives of the justice system, victims, offenders, and community members are involved and achieve these goals through sentencing circles, victim restitution, victim-offender mediation, and formalized community service programs. ("Alternatives to incarceration in a nutshell", 2011)

### ***Diversion Programs and savings to the criminal justice system:***

Seattle's law enforcement assisted diversion (LEAD) program, developed to divert low-level drug and prostitution offenders into the criminal justice system. The system, established in 2011, focuses on providing wrap-around services instead of incarceration and criminal prosecution. After an arrest and before booking, participants are offered a one-time diversion, case manager, and services to basic needs such as food, shelter,

clothing, and medical care. The program's goals include reducing recidivism and criminal justice service utilization. Research indicates LEAD participants showed a significant reduction in the number of jail bookings, time incarcerated, number of felony cases per year, and the overall cost of legal and criminal justice services. (Collins, 2019)

Leon County Florida began its own law enforcement-assisted diversion program in 2013 known as Pre-Arrest Adult Civil Citation. The program offers first-time misdemeanor offenders to avoid formal criminal arrest. Unlike other diversion programs in the US, the program can altogether withhold the formal arrest record from the participant's official record if completed successfully. The Adult Civil Citation program also addresses the underlying factors of offending. With help from community partnerships, participants are connected to behavioral health counselors for assistance with mental health, substance abuse, and life issues that would likely lead to future criminal acts. (Kopak, 2019)

### ***Speedy court options:***

In most cases, the criminal process in court takes an extended period, which makes the judicial organization incur a lot of costs. Improving the judicial process's pace, reductions to bail amounts and capable, efficient legal counsel show decreases in the cost associated with case resolutions. (Peterson, 2019)

In Madison County, Virginia, a speedy criminal case resolution program is known as "Rocket Docket" began in January 2019. Two months after its implementation, the program has been used by many defendants to expedite their cases, reducing the number of people in their jail and getting them into treatment options at a faster pace. Initial reports show estimated savings in the cost of incarceration, alleviation in rising case files for Attorney's, allowing them to focus on cases involving violent crimes. (Six, 2019)

## **Methods**

The purpose of this research was to identify costs associated with arrest, detention, and if those costs could be better spent addressing the underlying issues of committed crimes.

Information was gathered through surveys distributed to jurisdictions county jails within Florida with an average daily population of 500 or more incarcerated individuals. Survey questions for the cost associated with incarceration in their facility and arrest statistics. Questions also asked if shelters, missions, homeless assistance programs were available within their jurisdiction.

Data was collected from arrest records for a period of three years. This included the average jail length of stay and the daily cost of incarceration rates. Additional data was collected from the Seminole County jail of the average time of incarceration of a misdemeanor and felony offender.

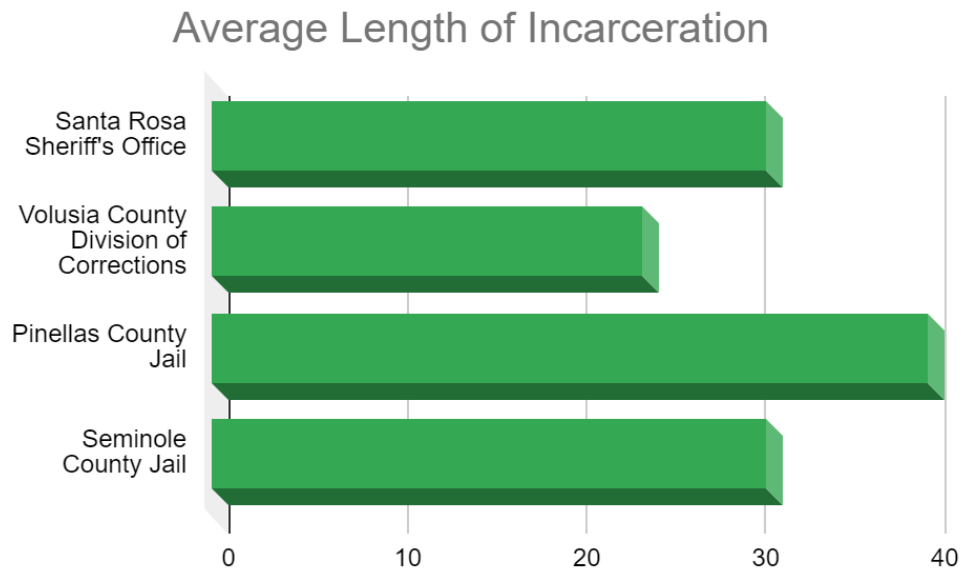
## Results

The survey was sent to 7 correctional facilities managed by elected sheriffs and the County board of county commissioners. I received four responses for a response rate of 57%. One response provided answers to four of the six questions. The survey questions were primarily data-based.

The first question was to identify the facility the respondent was providing information. Responses were received by facilities managed by Sheriffs and one response from a facility operated by County Commissioners. Responding agencies included Santa Rosa County Sheriff's Office, Pinellas County Sheriff's Office, Seminole County Sheriff's Office, and Volusia County Division of Corrections.

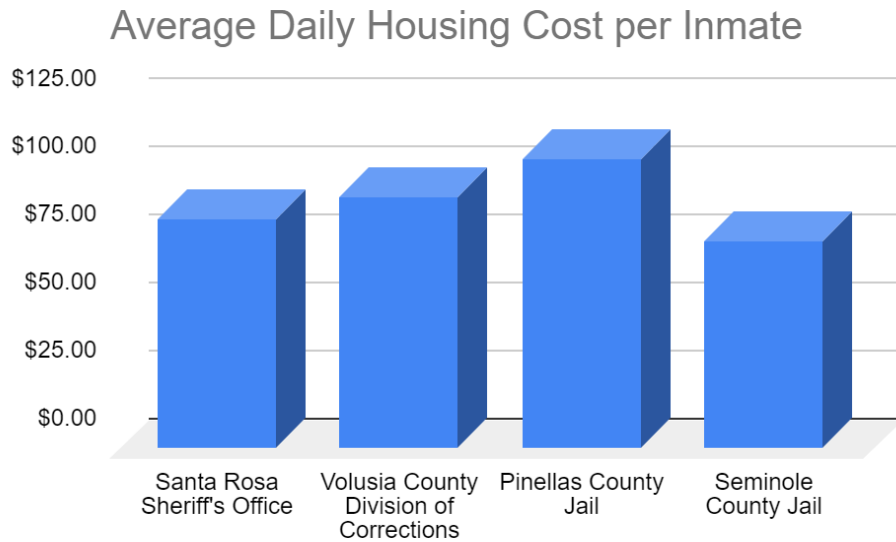
Question two asked for the current average number of days an inmate is incarcerated within their correctional facility. This question did not specify inmates charged felony and misdemeanor offenses. Two facilities shared the same average, 31 days. The highest average was 40 days. The lowest average was 24 days. As a note, to compare with internal data from the Seminole County Jail, the survey should have asked for separate data of the average stay for misdemeanors and felonies.

TABLE 1: What is your current average length of stay in the correctional facility?



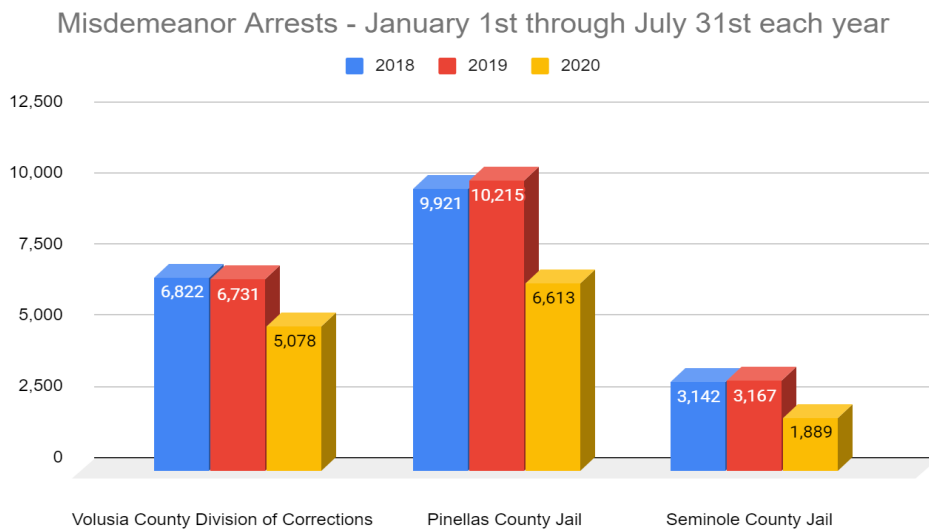
The third question asked for the average of how much it costs to house one inmate each day in their facility. This question did not specify inmates charged felony and misdemeanor offenses. Responses varied from the lowest at \$76.00 and the highest at \$106.09, other responses were \$84.00 and \$92.17.

TABLE 2: What are the current daily housing costs per inmate?



The fourth question asked for the number of misdemeanor arrests/bookings processed in their facility from January 1st through July 31st. This question asked to provide data for the three consecutive years of 2018, 2019, and 2020. Three of the four facilities responded (75%). Volusia County indicated they processed 6,822 misdemeanor arrests in 2018, processed 9,921 in 2019, and 3,142 in 2020. Pinellas County processed 9,921 misdemeanor arrests in 2018, processes 10,215 in 2019, and 6,613 in 2020. Seminole County processed 3,142 misdemeanor arrests in 2018, 3,167 in 2019, and 1,889 in 2020.

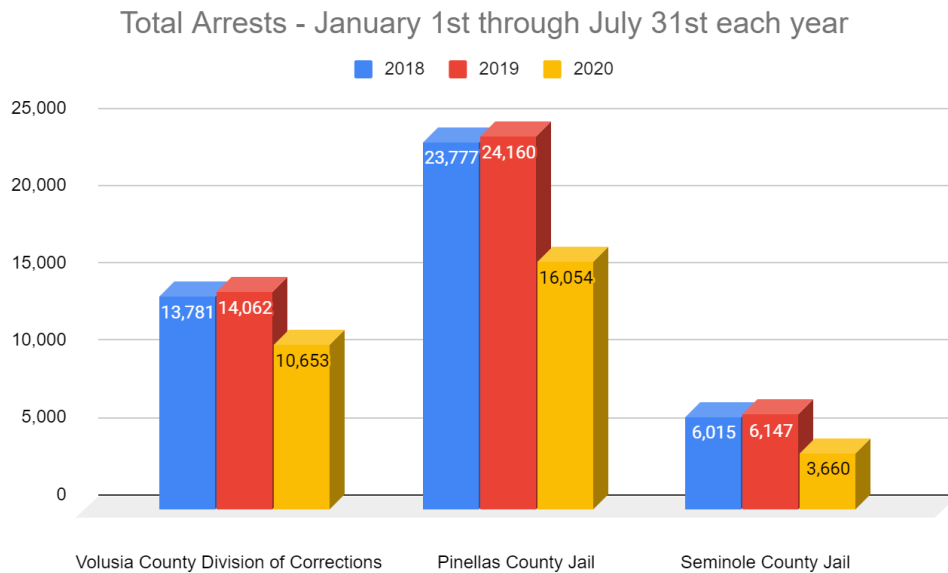
TABLE 3: How many misdemeanor arrests/bookings did your facility process within the timeframes of January 1st through July 31st each year for 2018, 2019, 2020?





The fifth question asked for the total number of arrests/bookings processed in their facility from January 1st through July 31st. This question asked to provide data for the three consecutive years of 2018, 2019, and 2020. Three of the four facilities responded (75%). Volusia County indicated they processed 13,781 total arrests in 2018, processed 14,062 in 2019, and 10,653 in 2020. Pinellas County processed 23,777 total arrests in 2018, processed 24,160 in 2019, and 16,054 in 2020. Seminole county processed 6,015 total arrests in 2018, 6,147 in 2019, and 3,660 in 2020.

TABLE 4: How many total arrests/bookings did your facility process within the timeframes of January 1st through July 31st each year for 2018, 2019, 2020?

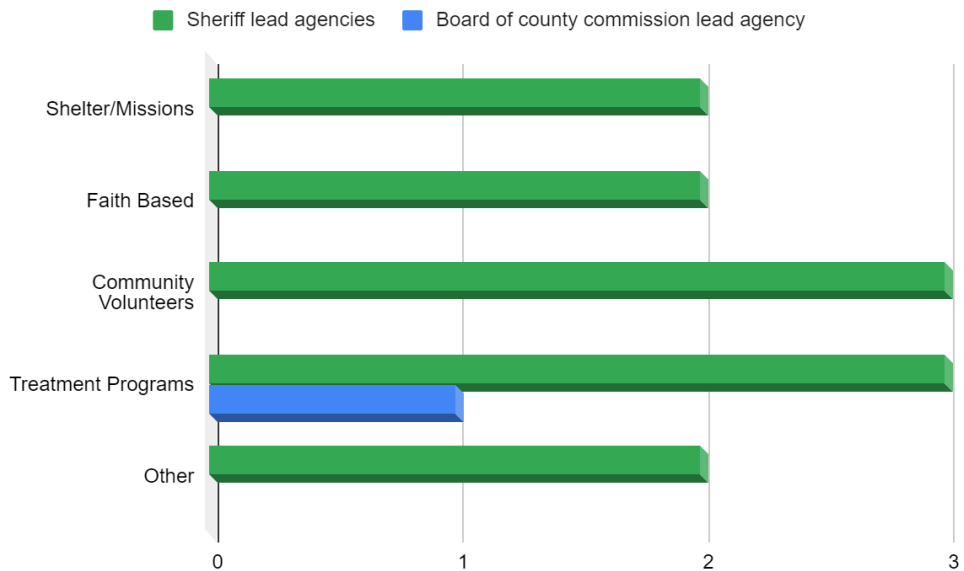


Each respondent indicated a significant decrease in the number of arrests from 2019 to 2020.

The sixth question asked if the facility provided inmates with assistance with transitional housing or other programs to assist offenders reentering the community. 100% responded yes.

The last question expanded on question six; question seven asked what types of assistance each facility offered to offenders entering their community. Respondents were asked to select all that applied. All respondents offered some kind of assistance for offenders with external treatment programs. Of the four respondents, 3 (75%) offered aid from community volunteers. Two respondents (50%) offer faith-based, shelters/missions, and other assistance to offenders.

TABLE 6: Available services by facility management type



The additional data of the average length of stay data was also collected from the Seminole County Jail for January 1<sup>st</sup> through July 31<sup>st</sup>. The data provided further detail of the length of time felony and Misdemeanor arrests remain incarcerated. This data excludes arrestees housed less than 24 hours. The three-year average length of stay for felony arrests was 39.33 days. Inmates charged with misdemeanor arrests average a stay of 10.33 days for the same period. The following three charts are from Seminole County Jail statistics.

## Inmate Average Length Of Stay (calculated in bed days)

From 1/1/2018 To 7/31/2018

Felony PreSentenced Female	Average Stay:	15
Felony PreSentenced Male	Average Stay:	21
Felony Sentenced Female	Average Stay:	61
Felony Sentenced Male	Average Stay:	71
<b>Felony Average:</b>		<b>35</b>
Misdemeanor Presentenced Female	Average Stay:	7
Misdemeanor PreSentenced Male	Average Stay:	8
Misdemeanor Sentenced Female	Average Stay:	26
Misdemeanor Sentenced Male	Average Stay:	27
<b>Misdemeanor Average:</b>		<b>11</b>
Other	Average Stay:	6
Probation / Parole Violation Female	Average Stay:	23
Probation / Parole Violation Male	Average Stay:	31
<b>Probation / Parole Violation Average:</b>		<b>26</b>
<b>Total Average:</b>		<b>23</b>

Total inmates housed for less than 24hr's (not  
included in the above averages): 1418

## Inmate Average Length Of Stay (calculated in bed days)

From 1/1/2019 To 7/31/2019

Felony PreSented Female	Average Stay:	17
Felony PreSented Male	Average Stay:	25
Felony Sentenced Female	Average Stay:	59
Felony Sentenced Male	Average Stay:	71
<b>Felony Average:</b>		<b>35</b>
Misdemeanor Presentenced Female	Average Stay:	6
Misdemeanor PreSented Male	Average Stay:	8
Misdemeanor Sentenced Female	Average Stay:	25
Misdemeanor Sentenced Male	Average Stay:	26
<b>Misdemeanor Average:</b>		<b>10</b>
Other	Average Stay:	5
Probation / Parole Violation Female	Average Stay:	24
Probation / Parole Violation Male	Average Stay:	30
<b>Probation / Parole Violation Average:</b>		<b>26</b>
<b>Total Average:</b>		<b>23</b>

Total inmates housed for less than 24hr's (not  
included in the above averages): 1482

## Inmate Average Length Of Stay (calculated in bed days)

From 1/1/2020 To 7/31/2020

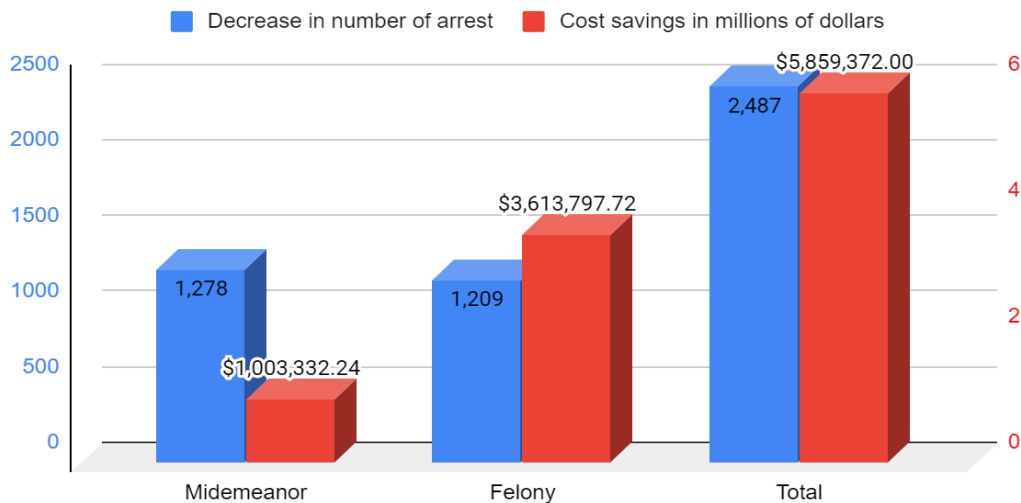
Felony PreSentenced Female	Average Stay:	23
Felony PreSentenced Male	Average Stay:	43
Felony Sentenced Female	Average Stay:	67
Felony Sentenced Male	Average Stay:	96
<b>Felony Average:</b>		<b>48</b>
Misdemeanor Presentenced Female	Average Stay:	6
Misdemeanor PreSentenced Male	Average Stay:	9
Misdemeanor Sentenced Female	Average Stay:	39
Misdemeanor Sentenced Male	Average Stay:	28
<b>Misdemeanor Average:</b>		<b>10</b>
Other	Average Stay:	10
Probation / Parole Violation Female	Average Stay:	31
Probation / Parole Violation Male	Average Stay:	47
<b>Probation / Parole Violation Average:</b>		<b>41</b>
<b>Total Average:</b>		<b>31</b>
Total inmates housed for less than 24hr's (not included in the above averages):		853

## Discussion

The survey results reflect similar trends in the number of arrests from year to year throughout the respondent's region. From 2018 to 2019, all respondents indicated a 2.03% median increase in their number of arrests. The data from 2020 depicts a dramatic decrease of 33.55% median in the overall and 35.26% median of misdemeanor arrests. This significant decrease is possibly reflective of the COVID-19 pandemic. This decrease in the number of arrests could have a massive impact on the cost associated with incarceration. From 2019 to 2020, Seminole County reported a decline of 2,487 total arrests, 1209 less felony, and 1278 less misdemeanor.

The utilization of data from Seminole County Jail indicated the lowest average daily housing cost of \$76.00. Arrest data of three years shows an average length of stay of 39.33 days for those charged with felony offenses and 10.33 days for misdemeanors, and a current average of 31 days of incarceration for all offenders. The numbers below represent the estimated savings based on the 2019 to 2020 arrest data.

Seminole County cost saving estimate based on 2019 - 2020 arrest data

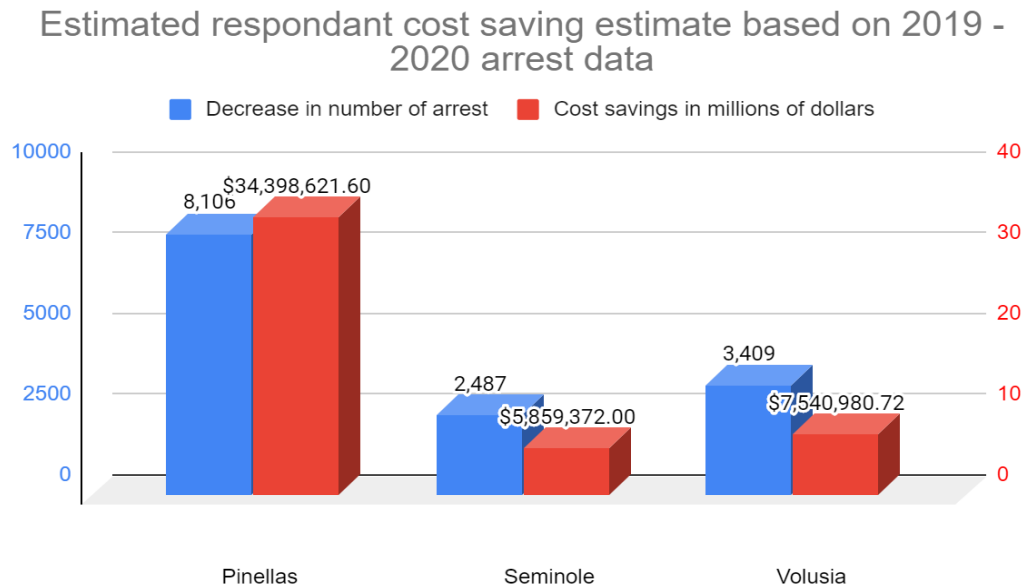


\$3,616,797.72 felony cost decrease = (\$76.00 daily housing cost x 1209 fewer arrest x 39.33 average day stay)

\$1,003,332.24 misdemeanor decrease = (\$76.00 daily housing cost x 1278 fewer arrests x 10.33 average day stay)

\$5,859,372 Reported average stay = (\$76.00 daily housing cost x 2487 fewer arrests x 31 average day stay)

Other survey respondents show even higher estimated savings than the lower daily housing costs reported by Seminole. Comparing the decreases of total arrest, Pinellas County's higher daily cost of \$106.09, a decrease of 8,106 total arrests, results in \$34,398,621.60 cost savings. Volusia's cost of \$92.17, with 3,409 fewer arrests, calculates to \$7,540,980.72 cost savings.



Three months into 2020, statewide restrictions were implemented to slow the spread of the COVID-19 pandemic. In addition to state restrictions, each county's emergency management determined its area-specific guidelines, orders, and penalties of a violation. COVID-19 also changed how law enforcement personnel engaged the public and how correctional facilities maintained inmates' health/safety. Some sheriffs asked deputies and local municipalities to use discretion, alternative arrest options, or issue citations instead of physical arrest. Survey data reflects sheriff run facilities indicate a larger average of 37% in the decrease of arrests. In comparison, the facility run by the county commissioners' board experienced the lowest reduction of 24.24%.

The impact of Covid-19 has illustrated the importance of how officers utilize their lawful powers. Arrest data reflects the same or slight increase in the number of misdemeanor arrests from 2018 to 2019. In the course of the Covid-19 pandemic, 2019 to 2020, arrest data depicts remarkably fewer total arrests and almost similar trends in reducing misdemeanor arrests. Misdemeanor crimes, typically those of lesser seriousness, result in a shorter average time of incarceration, offer police the ability to use their lawful discretion with alternatives to arrest but share the same housing costs associated with other offenses.

The survey results also may indicate a correlation to the advantages to offenders housed in facilities run by sheriffs rather than the board of county commissioners. The respondents' initial data show a more significant opportunity for offenders reentering the community to receive aid with transitional housing or other programs. Additional surveys

and data are needed to determine if there is a direct correlation to recidivism, crime, and the fear of crime within the community.

The survey results and collected data portray a tiny snapshot of the cost associated with incarceration. Even though the data highlights the significant amount of money, it only illustrates a portion of the estimated savings. The survey results exclude potential additional cost-savings associated with each arrest's policing and adjudication. The initial findings confirm what available literature suggests. Financial burdens related to addressing crime and the punishment of violators could be redirected to non-punitive alternatives that appear to be more effective, both in cost and managing the community's underlying problems.

Unfortunately, these estimated savings based strictly on arrest numbers are not accurate in how cost savings are determined. Actual cost savings require much more data from law enforcement, courts, corrections, and community corrections. Further detail of what specific felony and misdemeanor violations are necessary to determine which types of offenses are prevalent within the jurisdiction.

A more in-depth analysis is needed to validate the actual cost savings in jails. The initial survey data indicate the jail population and the number of arrests means increased staff costs and associated overhead expenses. Overhead expenses are considered (including costs related to expanded intake, diagnostic, and release procedures) and necessities such as food, clothing, health care, and programming. Officials wishing to determine accurate changes to budgets must analyze many factors to assess marginal costs. In this example, marginal costs relate to variable costs such as food, laundry, and step fixed costs, such as staff members required to supervise an entire housing unit when the overall population changes.

## **Recommendations**

Law enforcement agencies should continue supporting an officer's choice to utilize discretion and alternatives to custodial arrest, especially misdemeanor offenses. Monies saved should be used to support community problem-solving efforts such as affordable housing options, mental health facilities, and substance abuse treatment and programs.

A holistic analysis is needed to determine how and if there is a need to change local ordinances, the availability of alternatives to incarceration, court processes, sentencing options, and, most importantly, how to treat the underlying crime symptoms.

Elected officials must also determine if a cost of incarceration cost-benefit analysis is relevant, proportional to the potential public perception of being "soft on crime," and most importantly, how it affects crime in their community. Post Covid-19 law enforcement administrators must evaluate their processes and practices before, during, and especially after the pandemic to ensure their community maintains the previous or better policing and safety levels. Ultimately, local stakeholders' preponderance should determine incarceration's monetary value and its effects on crime, society, and values.



Lieutenant Marshall Gatzey began his correctional career with the Florida Department of Corrections in 2003 as a Correctional Officer at Central Florida Reception Center. In 2005, he transitioned to the Seminole County Sheriff's Office as a Detention Deputy. In 2011, he was promoted to Sergeant and served as part of the transportation and court services division. In 2013, he was promoted to Lieutenant, serving in the Intake and Release division, transferring to the Unit Management section in January of 2019. He has served as the team leader of the agency's Critical Response and Rapid Deployment Teams since 2013.

## References

- Alternatives to incarceration factsheet. (2014, July). Retrieved March 25, 2020, from [https://lac.org/wp-content/uploads/2014/07/ATI\\_Factsheet.pdf](https://lac.org/wp-content/uploads/2014/07/ATI_Factsheet.pdf)
- Alternatives to incarceration in a nutshell. (2011, July 8). *Families Against Mandatory Minimums (FAMM)*. Retrieved March 25, 2020, from <https://famm.org/wp-content/uploads/FS-Alternatives-in-a-Nutshell.pdf>
- Collins, S.E., Lonczak, H.S. & Clifasefi, S.L. (2019). Seattle's law enforcement assisted diversion (LEAD): Program effects on criminal justice and legal system utilization and costs. *Journal of Experimental Criminology*, 15, 201–211. <https://doi.org/10.1007/s11292-019-09352-7>
- Fisher, M., Miller, N., Walter, L., & Selbin, J. (2015). California's new vagrancy laws: The growing enactment and enforcement of anti-homeless laws in the Golden State. *SSRN.com*, Retrieved from: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2558944](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2558944).
- Fox, B., Verona, E., & Fournier, L. (2019). Psychological assessment of risk in a county jail: Implications for reentry, recidivism and detention practices in the USA. *Journal of Criminal Psychology*, 9(4), 173-186.
- Howard, J., Tran, D., & Rankin, S. (2015). At what cost: The minimum cost of criminalizing homelessness in Seattle and Spokane. *SSRN.com*. Retrieved from: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2602530](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2602530) Available at SSRN 2602530.
- Kopak, A.M. (2019). An initial assessment of Leon County Florida's pre-arrest adult civil citation program. *The Journal of Behavioral Health Services & Research*, 46, 177–186 (2019). <https://doi.org/10.1007/s11414-018-9620-0>
- Petersen, N. (2019). Low-level, but high speed? Assessing pretrial detention effects on the timing and content of misdemeanor versus felony guilty pleas. *Justice Quarterly*, 36(7), 1314-1335.

Six, T. (2019, March 8). 'Getting people to treatment faster': County has started rocket docket program in court system. *Richmond Register.com*. Retrieved March 25, 2020, from [https://www.richmondregister.com/news/police-courts/getting-people-to-treatment-faster-county-has-started-rocket-docket/article\\_0a851dff-91f5-5652-8513-477fbe9f3ea0.html](https://www.richmondregister.com/news/police-courts/getting-people-to-treatment-faster-county-has-started-rocket-docket/article_0a851dff-91f5-5652-8513-477fbe9f3ea0.html)

## **Appendix A Survey Questions**

### **Introduction:**

My name is Marshall Gatzey, and I am participating in the Florida Criminal Justice Executive Institute's Senior Leadership program, Class 23. I would appreciate your assistance in completing a survey for this program. Please forward this survey to your correctional division supervisor to complete.

### **Jail arrest data questions**

1. What is your current average length of stay in the correctional facility?
2. What are the current daily housing costs per inmate?
3. How many misdemeanor arrests/bookings did your facility process within the timeframes of January 1st - July 31st each year for 2018, 2019, 2020?
4. How many total arrests/bookings did your facility process within the timeframes of January 1st - July 31st each year for 2018, 2019, 2020?

### **Jail reentry questions**

5. Does your facility assist with transitional housing or assistance programs for re-entering the community?
  - Yes
  - No

If yes to question 5, what do you use (check all that apply)

- Shelter/Missions,
- Faith-based
- Community volunteers
- Treatment programs
- Other