

REPEAT DRUG-OFFENDERS IN PRISON: NOT YOUR LOW-LEVEL, NON-VIOLENT OFFENDER



METHODOLOGY

The report utilized a data extract received from the Florida Department of Corrections (FDC) in February, 2021 that identified all individuals serving time for a repeat drug-related conviction. The FDC data was compared to Computerized Criminal History (CCH) files to determine the inmates' prior criminal histories. Specifically, the focus was on charges flagged as forcible felonies and on burglary charges.

Florida statute defines forcible felonies as treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

The report only includes the inmates' arrest events with a final judicial outcome on file in CCH. Arrests without an associated disposition and arrests for which charges were not disposed in court are not included in this report, even when the arrest charge may qualify for a forcible felony designation. The prior criminal history charges do not include charges for which the inmates are currently incarcerated.

Inmates serving a sentence for a drug crime account for about 10,000 of Florida's total prisoner population (12.5%).¹ The majority of state inmates (58.4%) were incarcerated for violent crimes.²

8,201 REPEAT DRUG-RELATED OFFENDERS CURRENTLY INCARCERATED AT FDC.

- **298,783** prior charges resulted in **149,679** convictions.
- On average, each inmate had **36** prior criminal charges and **18** prior convictions.
- **86%** of these inmates committed a prior forcible felony, a burglary or both, prior to their current state incarceration.

2,034 REPEAT DRUG TRAFFICKING OFFENDERS CURRENTLY INCARCERATED AT FDC.

- **38,369** prior charges resulted in **33,672** convictions.
- On average, each inmate had **19** prior criminal charges and **16** prior convictions.
- **89%** of these inmates committed a prior forcible felony, a burglary or both, prior to their current state incarceration.

¹ According to the FDC, the total inmate population in February, 2021 was 79,225. The FDC 2019-2020 Annual Report notes a total inmate population of 87,736 prisoners in June, 2020. Drug offenses accounted for 13.7% of all inmates at the time of the FDC report.

² FDC 2019-2020 Annual Report, pg. 47. <http://www.dc.state.fl.us/pub/annual/1819/2020-2021-Strategic-Plan.pdf>.

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SUMMARY OF RESULTS

Last year, the Florida Sheriffs Research Institute published a paper analyzing drug offenders in state prison. The paper debunked the myth that our state prison system was full of low-level, non-violent drug offenders. Since that publication, the state's prison population has declined by 17%, and the Institute decided to review the data again this year to determine if the makeup of the inmate population had changed at all.

The analysis illustrates that once again that drug offenders in state prison are not low-risk, non-violent offenders. The Florida Sheriffs Research Institute examined the criminal history of 10,235 inmates in FDC custody who were convicted of a drug-related crime. These inmates accounted for a total of 337,152 prior criminal charges and 183,351 prior criminal convictions, or an average of 18 convictions per inmate, prior to their current incarceration.

86% of these drug offender inmates committed a forcible felony, a burglary, or both prior to their current prison sentence.

CONCLUSION

Arguments that cast Florida's prison population as largely composed of low-level, non-violent drug offenders who are of little to no threat to public safety are dispelled by this data. Furthermore, the assertion that large segments of the prison population consisting of non-threatening inmates is one elemental step away from the notion that local communities are being over-policed when law enforcement engages in the enforcement of drug laws.

Sheriffs strongly support appropriate rehabilitation efforts for those involved in the criminal justice system. But lost in the debate over criminal justice reform is the fact that today, inmates are offered second chances and numerous opportunities to rehabilitate themselves. This is achieved through an annual FDC budget of about \$75 million that provides education, technical training, and life skills training to inmates.³

Inmates identified in this report have long criminal histories that have led them to state incarceration. It is now up to these inmates, after numerous interactions with the criminal justice system, to decide if they want to be rehabilitated or to continue their criminal behavior after their release. These inmates were offered educational assistance, drug treatment, and access to recovery support services while incarcerated. It makes little sense for criminal justice reformers to advocate for further reducing the sentences of inmates facing 10 years in prison, upon their 18th conviction, in order to "incentivize" them to engage in the rehabilitative process and accept the services which were available to them all along.

We should continue to offer a helping hand toward their rehabilitation, but not at the expense of handing out lesser sentences after these criminals have already turned away from numerous second chances and continue to represent a significant threat to the public.

³ FDC Annual Report, 2019-2020, pg. 64. <http://www.dc.state.fl.us/pub/annual/1819/2020-2021-Strategic-Plan.pdf>.