

AN ANALYSIS DEBUNKING THE MYTH THAT DRUG OFFENDERS IN STATE PRISON ARE “NON-VIOLENT,” LOW-LEVEL OFFENDERS



SUMMARY OF RESULTS

Data from the Florida Department of Corrections (FDC) establishes that most inmates incarcerated in Florida’s prisons (56%) have been previously convicted of violent offenses, and over 95% of all prisoners are repeat offenders. Despite these facts, advocates for eliminating minimum mandatory sentences and releasing drug offenders 35% earlier than their judge-imposed sentences have recently identified these repeat criminals as low-risk, non-violent offenders. An analysis of inmate data from the Department of Corrections shows this assertion is wrong.

A recent analysis examined the criminal history of 10,917 inmates in FDC custody as of October, 2019 who were convicted of a drug-related crime. These inmates accounted for a total of 394,019 prior criminal charges and 194,011 prior criminal convictions, or an average of 18 convictions per inmate, prior to their current incarceration.

85% of these drug offender inmates committed a forcible felony¹, a burglary, or both prior to their current prison sentence. Forcible felonies are violent crimes committed against a person.

10,917 DRUG-RELATED OFFENDERS CURRENTLY INCARCERATED IN THE FDC

- **394,019** prior charges resulted in **194,011** convictions
- On average, each inmate had **36** prior criminal charges and **18** prior convictions
- **85%** of these inmates committed a prior forcible felony, a burglary or both, prior to their current state incarceration

2,184 DRUG TRAFFICKING OFFENDERS CURRENTLY INCARCERATED AT FDC

- **40,145** prior charges resulted in **35,153** convictions
- On average, each inmate had **18** prior criminal charges and **16** prior convictions
- **88%** of these inmates committed a prior forcible felony, a burglary or both, prior to their current state incarceration

METHODOLOGY

The report utilized a data extract received from the FDC in late 2019 that identified all individuals serving time for a drug-related conviction. The FDC population sample was compared to Computerized Criminal History (CCH) file extracted on January 2, 2020, to determine the inmates’ prior criminal histories. Specifically, the focus was on charges flagged as forcible felonies and on burglary charges.

- Burglary charges were identified by Arrest Offense Number (AON).
- Forcible felony indicator at the disposition was used for this report. Forcible felony indicator is raised when either a qualifying AON or statute number is present at the charge level.

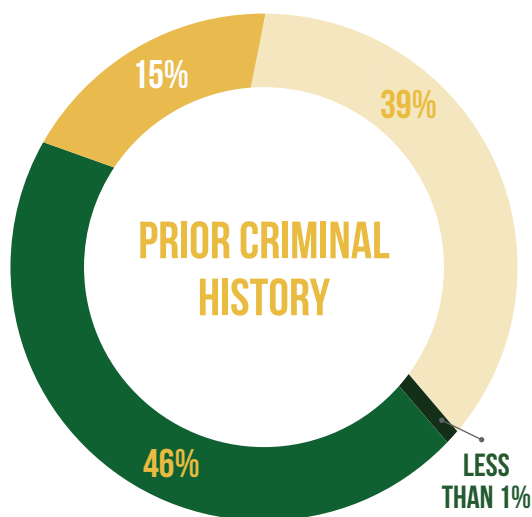
The report only includes the inmates’ arrest events with a final judicial outcome on file in CCH. Arrests without an associated disposition and arrests for which charges were not disposed in court are not included in this report, even when the arrest charge may qualify for a forcible felony designation.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

¹ FSS 776.08 defines a forcible felony 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.

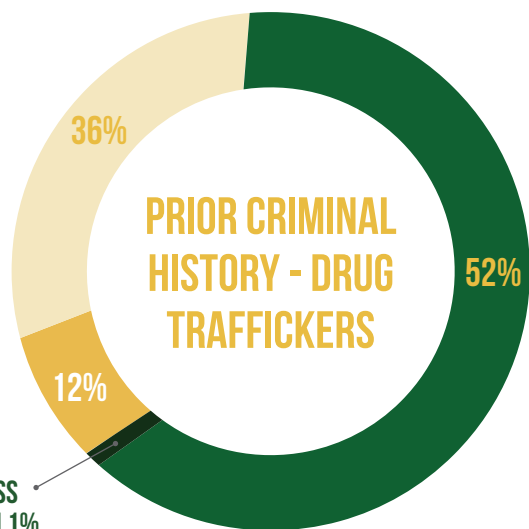
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PRIOR CRIMINAL HISTORY - ALL DRUG OFFENDER INMATES



- Forcible Felony Only
- Burglary Only
- Forcible Felony and Burglary
- Other



- Forcible Felony Only
- Burglary Only
- Forcible Felony and Burglary
- Other

CONCLUSION

Lost in the debate over criminal justice reform has been the notion that inmates are not currently being offered second chances or opportunities to rehabilitate themselves. Reformers offer a false dichotomy of either less incarceration or more rehabilitation. Florida should continue on its current path of holding inmates accountable for their criminal behavior, while working toward the common goal of rehabilitation.

Sheriffs and Police Chiefs strongly support appropriate rehabilitation efforts for those involved in the criminal justice system. When appropriate, sheriffs and police chiefs support drug offenders being eligible for specialty courts, like drug and veterans' courts, that link offenders to necessary treatment services. They also support pre-trial intervention programs and work to ensure offenders sentenced to state probation have opportunities to attend substance abuse treatment and recovery support programs.

However, once someone has 15, 20 or 25 prior arrests they have worked really hard to enter state prison by committing abundant criminal acts and they have earned their way into a prison cell. As the data shows in this report, there are no first-time drug offenders ending up in our state prisons. These inmates have long criminal histories that have led them to this point of 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. 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.