


Miami-Style Justice:
The Pursuit of Smart, Fair,
Compassionate, and Equitable
Outcomes



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The Traditional
Punitive System



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Punitive Measures

- Traditionally, the courts have focused on punishing offenders through incarceration, rather than rehabilitating them
- Incarceration is the most effective tool we have for incapacitating offenders, but is not a complete solution



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Incarceration is Contra-Indicated for Certain Offenders

Comparison of Two-Year Recidivism Rates for Offenders on Community Supervision and in State Prison¹

	Felony Recidivism		Violent Felony Recidivism	
	Community Supervision	State Prison	Community Supervision	State Prison
Drugs	21.1%	25.1%	2.2%	2.8%
Burglary	22.8%	29.3%	3.7%	4.5%
Theft or Fraud	27.4%	33.7%	2.7%	3.4%
Weapons	22.8%	28.2%	4.4%	5.5%
Other	24.5%	30.2%	3.3%	4.0%

¹Offenses in the "Other" category include third DUI convictions, obstruction of justice, witness tampering, escape, animal cruelty, and fishing/wildlife offenses.

Source: *Diversifying Low Risk Offenders from Florida Prisons*, Report No. 19-01 (Office of Program Policy Analysis and Government Accountability [OPPGA], January 2019)

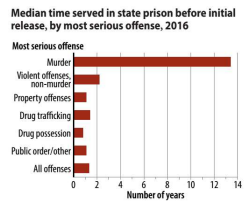


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Release

- The vast majority of incarcerated offenders are released

Median time served in state prison before initial release, by most serious offense, 2016



Source: Kaebbe, D., *Time Served in State Prison, 2016*, NCJ 252205 (BJS November 2018)




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Most Prisoners Re-offend After Release

- In 2018, BJS reviewed data for almost 70,000 state prisoners released in 2005 from 30 states
 - 44% of the prisoners were re-arrested at least once within the first year of their release
 - 68% were re-arrested at least once within the first three years after their release
 - 83% were re-arrested at least once within the nine years after their release
- The released prisoners averaged **five arrests** during the nine years after their release

Source: Alper, M. et al, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* (BJS May 2018)



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Costs

- Incarceration is the most expensive intervention we employ
- In fact, it's about 10 times more expensive than traditional probation
- We simply cannot incarcerate our way out of crime, even if we wanted to; we need to use our resources strategically

	Prison • \$55.00/day or \$20,367/year • 1,500 inmates cost \$30.5 million/year
	Probation • \$5.50/day or \$2,015/year • 1,500 supervisees cost \$3 million/year • \$27.5 million saved

Source: *Diverting Low Risk Offenders from Florida Prisons*, Report No. 19-01 (OPPAGA January 2019)

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Our Vision



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Our Vision

- Smart, effective, and responsible justice
 - In other words, a criminal justice system where:
 - Public safety is the most important priority
 - We strive to prevent and deter crime
 - We stay abreast of the research, including the emerging literature on neuroscience, and employ **evidence-based practices**
 - We work with and prosecute people as individuals
 - We systematically assess and address offenders' criminogenic needs, rather than just their actions
 - We maximize limited public resources
-and we do so simultaneously

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Added Benefit

By employing Smart Justice we can quickly resolve cases involving individuals we're angry at while focusing our resources on and seeking maximum sanctions for those we're really afraid of

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From Theory to Practice



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Child Support



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Child Support

- We are the only prosecutor's office in Florida that helps children obtain the financial backing they deserve, need, and are entitled to from non-custodial parents
- We support these children as part of our crime prevention efforts
- The financial support we obtain on these children's behalf provides them with additional opportunities to succeed



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Child Support

- Last year, the Miami-Dade County Child Support Program (CSP) assisted over 70,000 children
- The CSP leads the state in the highest percentage of cases where:
 - child support is obtained; and
 - arrears are collected
- CSP collected over \$300 million during the past two years and over **\$1 billion in the past seven years**



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Lower-Level Non-Violent Offenders



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We Help Those We Can

- State Attorney Fernandez Rundle has pioneered, created, and supported a number of programs designed to reduce recidivism by providing alternative pathways and addressing offenders' criminogenic needs
 - Civil Citation
 - Crisis Intervention Training (CIT)
 - Pre- and Post-adjudicatory programs
 - Problem Solving Courts



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Pre-Arrest Diversion



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CIT Program

- The CMHP began providing Crisis Intervention Team (CIT) training to law enforcement officers in 2000 with funding from the National GAINS Center, but the program really "took off" after the Miami-Dade County Grand Jury published a report on mental illness and the criminal justice system in 2005
- The CHMP has trained over 7,000 law enforcement officers



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CIT Program - Data

Miami-Dade PD & City of Miami PD	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total	Rate per 1,000 calls
CIT Calls	7,779	9,399	10,404	10,626	11,042	10,579	11,799	11,799	8045*	13,796	105,268	
Arrests Made	4	45	27	9	24	10	19	11	3*	46	198	1.9
Diverted from Jail	1,940	3,563	2,118	1,215	1,871	1,633	1,694	1,860	1622*	1092*	18,608	176.8
Transported to Crisis	3,307	4,642	5,527	3,946	5,155	7,417	8,303	8,818	7898*	11,543	66,556	632.3
Use of Force	29	75	72	59	79	69	58	67	31*	25*	564	5.4
Officer Injuries	-	-	-	11	21	26	12	16	21*	15*	122	1.2

* CIT data was not collected by City of Miami. Information reported reflects calls responded to by Miami-Dade Police Department only.



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Civil Citation

- We helped start Florida's civil citation program in 2007 and supported the legislation implementing it statewide
- Civil citation programs provide officers the option of issuing a civil citation instead of arresting them or otherwise filing criminal charges for some low-level offense the use of civil citations for certain offenses
- We currently support programs for juveniles and adults
- Over **70,000** adults and juveniles have participated in one of our programs



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Post-Arrest Diversion



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Post-Arrest Diversion

- We have created and implemented a multitude of diversion programs for people charged with misdemeanor and low-level felony offenses, including:
 - Theft
 - Non-violent Weapons Possession
 - Driving with License Suspended
 - Driving Under the Influence (DUI)
 - Domestic Violence
- Our programs provide meaningful interventions and services for various conditions



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Adult Diversion

- Between January 1 and November 1, 2022, **1,741** misdemeanor offenders, **3,577** traffic offenders, and **861** felony offenders successfully completed one of our diversion programs
- Research suggests that participation results in less incarceration and improved substance abuse and mental health outcomes
- There is little research on how participation effects adult recidivism, but at least one county in Minnesota reported that people who completed diversion recidivated at a far lower rate than those who did not (**6% versus 40%**)

Source for research: A National Survey of Criminal Justice Diversion Programs and Initiatives (Center for Health & Justice at TASC December 2013)



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Problem Solving
(Treatment)
Courts and Programs

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Problem Solving Courts

- Problem solving courts are designed to address offenders' criminogenic needs
- Examples include:
 - Drug Courts
 - Mental Health Courts
 - Veterans Courts



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Drug Courts

- We worked with the courts and Public Defender's Office to develop and implement the nation's first Drug Court in 1989
- In 1993, researchers examined our court and reported that participants had **lower incarceration rates and fewer re-arrests** than those who did not participate in the program
- Not surprisingly, our success led to a national movement. Today, there are well over **4,000 drug programs** around the country
- There has been a substantial amount of research that demonstrates that properly implemented drug courts reduce criminal behavior, drug use, and recidivism while saving tax dollars

Source: Goldkamp, J. and Weiland, D., *Assessing the Impact of Dade County's Felony Drug Court* (National Institute of Justice December 1993)



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Drug Courts

- In 2022, **more than 130 felony offenders** participated in our drug court program
- Another **313 felony offenders** entered in a Low Risk Program (LRP) for offenders who use drugs but are considered low risk

Sources: See e.g. Marlowe, D., *The Verdict on Drug Courts and Other Problem-Solving Courts*, 2 Chapman Journal of Criminal Justice 57 (2011); Rosman, S., et al. *The Multi-Site Adult Drug Court Evaluation: Executive Summary* (Urban Institute 2011); Mitchell, O., et al. *Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts*, 40 Journal of Criminal Justice 60 (2012); Rosman, S. and Zengig, J. *The Multisite Adult Drug Court Evaluation* (NADCP 2012)



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Mental Health Diversion Program – The Miami Model

- Miami-Dade County's Mental health programs are designed to address people with mental health issues
- Offenders who complete these programs recidivate at a far lower rate than those who do not participate
- Offenders who participate in these programs are arrested less frequently after participation than they were before participation, even if they do not complete the program

Sources: McNeil, D., and Binder, R., *Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence*, 164 American Journal of Psychiatry 1395 (2007); Hiday, V. and Ray, B., *Arrests Two Years After Exiting a Well-Established Mental Health Court*, 61 Psychiatric Services 463 (May 2010)



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Mental Health Diversion Program – The Miami Model

- In 2022, **219 misdemeanor and felony offenders** participated in one of our mental health programs
- Data demonstrates that the program works exceptionally well
 - Participants recidivate at a much lower rate than non-participants
 - Miami-Dade Corrections saved significant bed space, allowing them to close one of their facilities, saving **\$12 million** annually
- Our program now is recognized as **the national model**

Sources: Honorable Steve Leffman, County Court Judge (July 15, 2019); Ingelhart, J., *Decriminalizing Mental Illness – The Miami Model*, 374 New England Journal of Medicine 1781 (2016); *How Miami-Dade's Mental Health Program Steers People To Treatment, Not Jail, The Tugboat Project*, <https://www.tugboatproject.org/2020/01/15/how-miami-dades-mental-health-program-steers-people-to-treatment-not-jail/> (last visited February 17, 2020)



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Veterans Treatment Court (VTC)

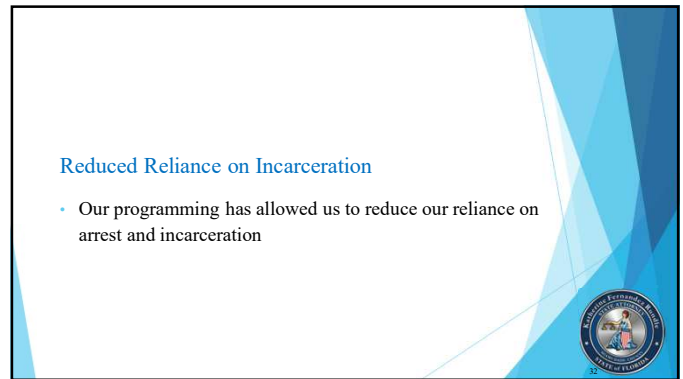
- Veterans courts address the special needs of those who served in our armed forces
- In 2022, **more than 25 felony offenders** participated in our VTC



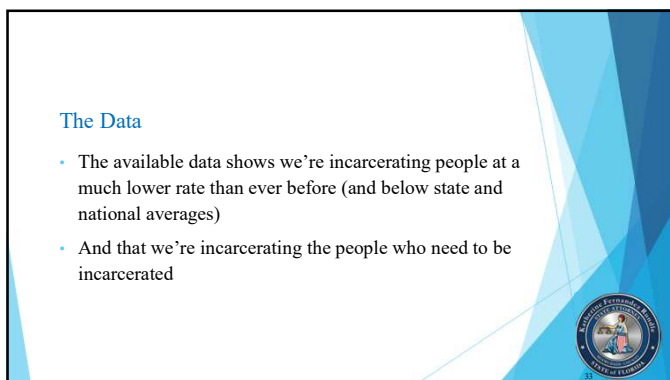
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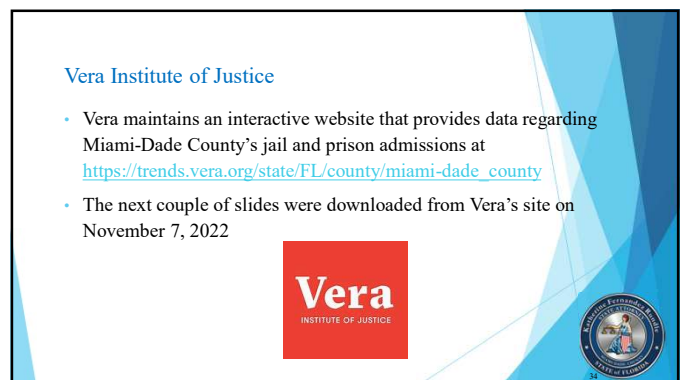
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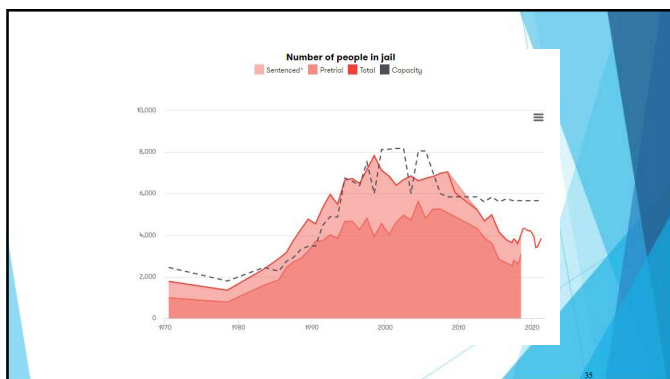
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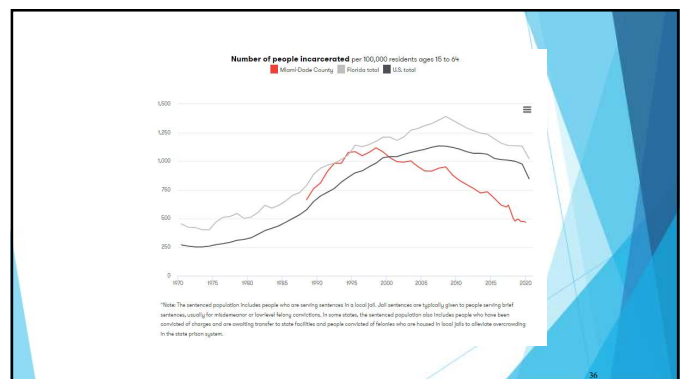
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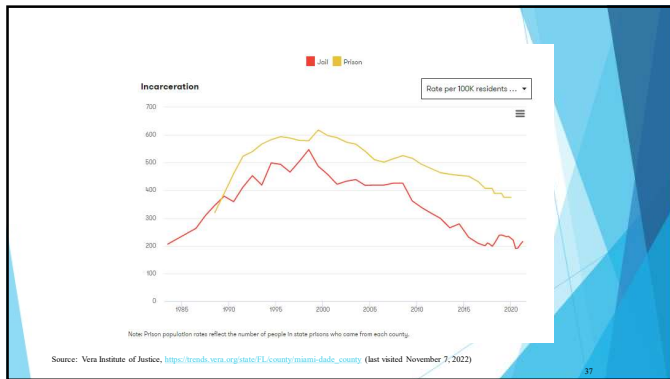
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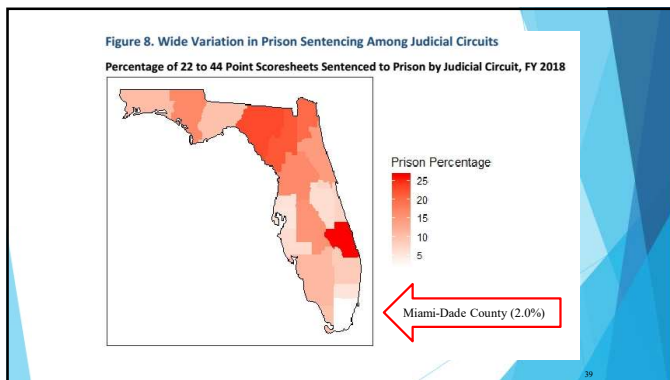
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CJI NSPS Study (2019)

- The Crime and Justice Institute (CJI) reviewed 10 years of data from the Florida Department of Corrections (FDOC) for fiscal year 2009-2010 through 2017-2018 to determine what percentage of people who score discretionary state prison were sent to state prison from each county
- They found that **only two percent (2%)** of the people who score within this range were sent to prison from Miami-Dade County
- To put this in perspective, no other county sent less than **five percent (5%)** of the people who scored within this range to prison
- Statewide, **11%** of the people within this range were sentenced to state prison

Source: Margulies, L., Packard, S., and Engel, L., *An Analysis of Florida's Criminal Punishment Code* (CJI June 2019)

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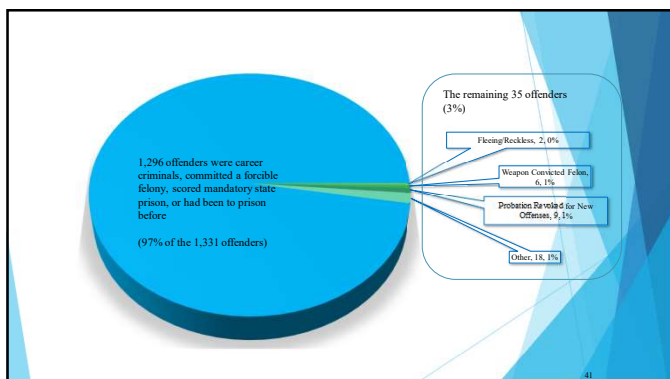


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SAO Review of FDOC Data

- In 2020, FDOC provided us with data for every offender sent to state prison in FY 2018-2019
- During that year, **1,331** offenders were admitted to state prison from Miami-Dade County
- The following slides summarize the data

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Admissions for Drug Possession Only

- At our request, FDOC reviewed their data and determined that only **six (6) offenders** were sent to state prison for drug possession only from Miami-Dade County in FY 2018-2019
- We reviewed the scoresheets for the six (6) offenders and found that **five (5)** scored mandatory state prison

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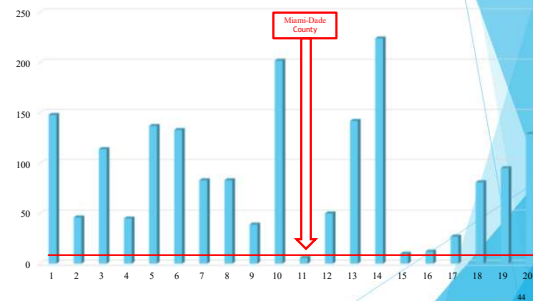
Admissions for Drug Possession Only

- The sixth offender was charged with possession with intent to sell heroin within 1,000 feet of a school, which carries a three-year minimum mandatory sentence after he was caught with 28 baggies of heroin
- The prosecutor waived the minimum mandatory and allowed the defendant to plead to simple possession of heroin
- The defendant violated his probation when he was arrested for an armed robbery in Broward County and was sentenced to 366 days in prison in our case



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Offenders Admitted for Drug Possession Only by Circuit (FY 2018-19)



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Offender Services



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Sealing and Expunging Program

- In 2006, we started the "Second Chance" Program that helps people overcome the stigma that often accompanies an arrest or conviction by sealing and expunging their records according to law
- We've hosted **approximately 100 events** since 2011 (an average of almost 10 per year), the year we began keeping records. During that time, **over 13,000 people** requested our assistance. Of that number, we identified **over 7,000 eligible** people and helped them with their applications
- As word has gotten out, our program has become increasingly popular. In 2022 alone, **over 1,200 people** requested our assistance, including over **600** who were eligible for relief
- Research shows that programs like ours can reduce recidivism and improve participants' earning capacity

Source: Prescott, J. and Starr, S., Expungement of Criminal Convictions: An Empirical Study (March 16, 2019), Harvard Law Review, Forthcoming; University of Michigan Law & Econ Research Paper No. 19-081. Available at SSRN: <https://ssrn.com/abstract=3353620> or <https://doi.org/10.2139/ssrn.3353620>



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Smart Justice Works!



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Smart Justice Works

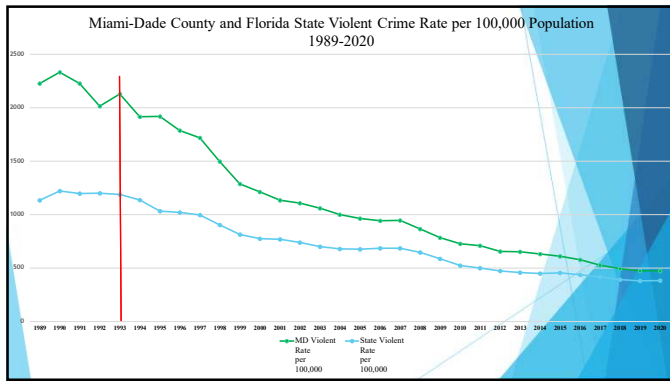
- The Florida Department of Law Enforcement (FDLE) collects data regarding crimes and crime rates in Florida
- Our programming has allowed us to better protect the public while having the **one of the lowest jail incarceration rates** and the **lowest prison admissions rate** in the state
- The following slides summarize the crime rate data and show that we **successfully reduced the crime rate by more than 75% while reducing our reliance on incarceration at the same time**



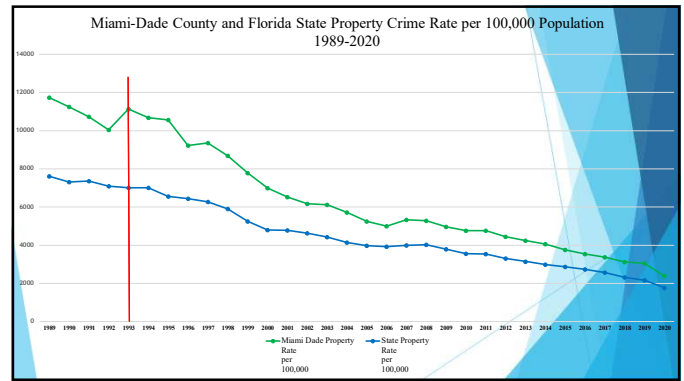
Source: Fernandez Rundle, K. and Tappin, S., 21st Century Prosecutions - Miami-Style Smart Justice, 54 The Prosecutor 2 (NDAA April 2020), reported in Justice Evaluation Journal DOI: 10.1080/24751979.2020.1819014 (2020), <https://doi.org/10.1080/24751979.2020.1819014>



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CONCLUSION

Being tough on crime makes for a great sound bite, but it is far better to be smart, strategic, responsible, and compassionate when addressing it

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