Florida Department of Corrections
and
Florida Parole Commission

Control Release Authority Decisions for Habitual Offenders:

A Pilot Simulation

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INTRODUCTION

This report documents a pilot test of early prison release decisions the Control Release Authority (CRA) would make if certain types of Habitual Offenders were statutorily eligible for early release. The significant increase in the number of offenders in Florida statutorily declared as Habitual Offenders under FS:775.084 (1) (a) and (b) is well documented. The number of scarce prison beds required to house habitual offenders is increasing dramatically due to the following reasons. First, the number of new habituals entering prison continues to increase. Second, habitual offenders receive significantly longer sentences than non-habituals. Third, early release through the Control Release Authority is statutorily denied. Fourth, only Incentive Gaintime reduces a habitual's sentence, resulting in an average percentage of sentence served of 75%. The current forecast indicate that the habitual offender population will increase to 24,000 inmates by FY96-97 if existing policy and practices continue.

The study presented here was conducted to determine the number of habitual offenders the Control Release Authority would release early from prison if statutory authority to do so existed. The analysis will indicate the number of habituals selected for early release and the offense and prior criminal record of these cases. The criteria for selecting 201 habitual offenders sentenced to prison and the Control Release Authority process is detailed in Appendix A. Additionally, Appendix B contains detailed information about twelve habitual offenders designated for early release.

FINDINGS

Table 1 displays the final results of the Control Release Authority's (CRA) release decision and the results of the salient factor scoring recommendations. The figures reveal that:

> <u>Of the 201 habitual offenders reviewed by the CRA, 100 (49.8%) would have been released early through the CRA.</u>

- The objective scoring results using the eight salient factors recommended early release for 89 of the 201 (44.3%) of the habituals.

- There were 15 or 7.5% of the habituals in which the scoring instrument recommended early release but the CRA denied early release.

- Early release was granted over the recommendation of the scoring results in 26 cases, (12.9%).

Table 2 describes those habitual offenders designated for early release by the CRA (n=100). The significant findings from these data include:

1. Drug offenders account for 43.0% of the 100 habitual offenders.

2. Property offenders made up 53.0% of the early release habituals.

3. Third degree felons made up 41.0% of the habituals.

4. One in four (27.0%), of the habituals determined to be appropriate for early release were third degree property offenders.

5. 75 of the habituals had no prior violent convictions.

Table 3 displays the results of the salient factor scoring procedure for the entire sample of 201 habitual offenders. These statistics indicate the following about these offenders:

1. 120 (59.7%) of the offenders had four or more prior convictions.

2. 104 (51.7%) had no prior convictions for violent crimes.

3. Most habituals were 18 to 25 years of age when they committed the first offense resulting in incarceration.

4. 69.7% of the offenders had one or more prior revocations.

5. The vast majority (88.1%) had no prior escapes.

CONCLUSION

This analysis of the early release decisions the Control Release Authority would have made on 201 habitual offenders if given the statutory authority to do so suggests that one-half would have been released early. Those offenders determined to be suitable risks for early release were likely to be third degree offenders without extensive prior criminal records and have a low probability of having violence in their past.

Based on the sample examined, 19.0% of the habitual offenders currently entering prison would be designated for early release by the Control Release Authority. The Department projects that 3,770 habituals will be sentenced to prison in FY 1992-93. If Control Release Review were possible, 716 of these habituals would have advanceable release dates.

Table 1

**Control Release Salient Factor Scoring
and Final Decision of Habitual Offenders**

Final Results of Control Release Decision:

	Number	Percent
Early Release (Advancable Control Release Date)	100	49.8%
No Early Release (Maximum Release Date)	101	50.2%
Total Habituals Reviewed	201	100.0%

Results of Control Release Salient Factor Scoring Instrument:

	Number	Percent
Early Release	89	44.3%
No Early Release	112	55.7%
Total Habituals Scored	201	100.0%

Control Release Final Decision and Salient Factor Scoring Instrument:

		Number	Percent
Agreement:	Early Release	74	36.8%
	No Early Release	86	42.8%
Disagreement:	Early Release though not recommended	15	7.5%
	No Early Release though recommended	26	12.9%
	Total	201	100.0%

Table 2

Analysis of Habituals Designated as Early Release
Candidates by the Control Release Authority

Offense Types

	Number	Percent
Drugs	43	43.0%
Property	53	53.0%
Violent	4	4.0%

Offense Severity

	Number	Percent
3rd Degree Felony	41	41.0%
2nd Degree Felony	58	58.0%
1st Degree Felony	1	1.0%

Offense and Offense Severity

		Number	Percent
Drugs:	3rd Degree	11	11.0%
	2nd Degree	32	32.0%
	1st Degree	0	0.0%
Property:	3rd Degree	27	27.0%
	2nd Degree	25	25.0%
	1st Degree	1	1.0%
Violent:	3rd Degree	3	3.0%
	2nd Degree	1	1.0%
	1st Degree	0	0.0%
	Total	100	100.0%

Table 2 (Continued)

Prior Convictions	Number	Percent
0	4	4.0%
1, 2	31	31.0%
3	23	23.0%
4+	42	42.0%

Prior Violent Convictions	Number	Percent
0	75	75.0%
1	24	24.0%
2	1	1.0%
3+	0	0.0%

Table 3

Results of Control Release Salient Factor Scoring for 201 Habituals

Prior Convictions	Number	Percent
0	5	2.5%
1, 2	45	22.4%
3	31	15.4%
4+	120	59.7%

Prior Violent Convictions	Number	Percent
0	104	51.7%
1	69	34.3%
2	22	10.9%
3+	6	3.0%

Prior Incarcerations	Number	Percent
0	11	5.5%
1, 2	92	45.8%
3+	98	48.8%

Table 3 (Continued)

Total Prior Sentences in Years	Number	Percent
2+ Years	12	6.0%
60 Days to 2 Years	18	9.0%
59 Days or Less	171	85.1%

Age at Time of Offense Which Led To 1st Incarceration	Number	Percent
17 Years or Younger	26	12.9%
18 - 25 Years	136	67.7%
26 or Older	39	19.4%

Prior Revocations	Number	Percent
0	61	30.3%
1, 2	129	64.2%
3	11	5.5%

Prior Escape Convictions	Number	Percent
0	177	88.1%
1+	24	11.9%

Burglary as Part Of Current Offense	Number	Percent
Yes	130	64.7%
No	71	35.3%

Table 3 (Continued)

Total Control Release Salient Factor Points

Points	Number	Percent	Cumulative Percent
1	2	1.0%	1.0%
2	3	1.5%	2.5%
3	4	2.0%	4.5%
4	4	2.0%	6.5%
5	18	9.0%	15.4%
6	11	5.5%	20.9%
7	27	13.6%	34.3%
8	27	13.6%	47.8%
9	31	15.6%	63.2%
10	33	16.4%	79.6%
11	21	10.4%	90.0%
12	14	7.0%	97.0%
13	4	2.0%	99.0%
14	2	1.0%	100.0%

Offender Types

		Number	Percent
Drugs:	3rd Degree	15	6.0%
	2nd Degree	53	25.3%
	1st Degree	3	1.2%
	Sub-Total	71	32.5%
Property:	3rd Degree	49	24.1%
	2nd Degree	45	24.1%
	1st Degree	1	4.2%
	Life	6	.1%
	Sub-Total	101	56.4%
Violent:	3rd Degree	5	3.0%
	2nd Degree	16	7.8%
	1st Degree	5	4.2%
	Life	3	2.0%
	Sub-Total	29	15.0%
	Total	201	100.0%

APPENDIX A

METHODOLOGY

The following selection criteria were used to randomly sample from all offenders sentenced to prison under the habitual offender statute:

1. Admitted to prison from January 1, 1991 to June 30, 1991.
2. Primary offense not in guidelines categories 1 to 4.
3. Habitualization as the only reason for Control Release ineligibility.
4. Prior record information was contained in the inmate file.

During the period January 1, 1991 to June 30, 1991, 1,436 habitual offenders entered prison. Of this total, 549 (38.2%) could have been selected for inclusion in this study. The final random sample of 201 cases was therefore a 36.3% sample.

Staff of the Control Release Authority scored the 201 cases selected in the same manner that statutorily eligible offenders are currently scored. The following Salient Factor indicators were scored:

1. Number of Prior Criminal Convictions
2. Number of Prior Violent Convictions
3. Number of Prior Incarcerations
4. Total Prior Sentences in Years
5. Age at Time of Offense Which Led to the First Incarceration
6. Number of Revocations
7. Number of Prior Escape Convictions
8. Burglary or Breaking and Entering as the Present Offense of Conviction

The scores of all the salient factors were summed to derive a total salient factor score. The salient factor score, statutory seriousness of the primary offense, and whether the primary offense was violent, property, or drug related were used to place the offender in the "Control Release Matrix Grid". This grid determines if this objective scoring exercise designates an offender as eligible or ineligible for early release.

The objective portion of the control release process was followed by a Parole Commissioner evaluating the case and making the final decision.

APPENDIX B

Case #1

Current Offense(s)	Drugs - Sale or Purchase Of Cocaine - 2nd Degree
Sentence Length:	19 Years
Expected Prison Term:	14 Years
Jail Time:	8 Months
County:	Osceola
Sex:	Male
Age:	37
Race:	Black
Reading Level:	6th Grade
Occupational Skill:	
Psychological Exam:	Needs Educational & Vocational Programs, Further Psychological Assessment
Description of Offense:	Sold an undercover police officer a twenty cent piece of cocaine for $20.00

Prior Criminal Record: (Convictions)

Felonies:
 1985 - Delivery of Cocaine - 3 Years Probation
   Violated Probation in 1987
 1989 - Delivery of Cocaine (3 Counts) - 3 1/2 Years Prison
   Time Served in Prison = 6 Months

Misdemeanors: 1987 - Petty Theft - 60 Days Jail Term

Case #2

Current Offense(s):	Possession of Cocaine - 3rd Degree
Sentence Length:	2 Years 6 Months
Expected Prison Term:	1 Year 6 Months
Jail Time:	5 Months
County:	Escambia
Sex:	Male
Age:	21
Race:	Black
Reading Level:	3rd Grade
Occupational Skill:	
Psychological Exam:	Needs Educational & Vocational Programs
Description of Offense:	Not Available

Prior Criminal Record: (Convictions)

Felonies:
 1987 - Burglary
   Grand Theft
   Burglary - 3 Years Probation
   Grand Theft - Subsequently violated and sentenced
     to 3 Years Prison
   Time Served in prison = 6 Months

Case #3

Current Offense(s):	Grand Theft
	Carrying a Concealed Weapon - Firearm
	Cocaine - Sale or Purchase
Sentence Length:	10 Years
Expected Prison Term:	6 Years 5 Months
Jail Time:	12 Months
County:	Duval
Sex:	Male
Age:	42
Race:	Black
Reading Level:	7.4
Occupational Skill:	Truck Driver
Psychological Exam:	None

Description of Offense: Driving van with stolen furniture - stopped by law enforcement officer.

Prior Criminal Record: (Convictions)

Felonies:	1968 - Robbery, no weapon
	Robbery of Business
	1989 - Cocaine - Possession
Misdemeanors	Disorderly Conduct
	Resisting Arrest
	Possession of Cocaine
	Carrying a Concealed Firearm

Case #4

Current Offense(s):	Burglary of Unoccupied Dwelling
	Grand Theft
Sentence Length:	8 Years
Expected Prison Term:	5 Years 9 Months
Jail Time:	3 Months
County:	Pinellas
Sex:	Male
Age:	47
Race:	White
Reading Level:	9.2
Occupational Skill:	Welder
Psychological Exam:	Not Available

Description of Offense: Theft of aluminum beams from construction storage area

Prior Criminal Record: (Convictions)

Felonies:	1975 - Robbery with Firearm or Weapon
	1977 - Escape
	1981 - Burglary, No Assault (2 counts)

	1982 - Escape
Misdeameanors	Burglary , No Assault
	Fleeing and attempting to elude law enforcement officers (2 counts)
	Willful and wanton reckless driving (2 counts)

Case #5

Current Offense(s):	Possession of Cocaine
	Sale or Purchase of Cocaine
Sentence Length:	5 Years
Expected Prison Term:	2 Years 6 Months
Jail Time:	15 Months
County:	Pinellas
Age:	24
Race:	Black
Reading Level:	6.2
Occupational Skill:	Laborer
Psychological Exam:	Not Available

Description of Offense: Possession of cocaine - undercover law enforcement officer witnessed in money transaction.

Prior Criminal Record: (Convictions)
Felonies:	1983 - Aggravated Battery with Deadly Weapon
	1987 - Aggravated Battery with Deadly Weapon
	Burglary of Unoccupied Dwelling
	1988 - Burglary Tools - Possession
	Burglary of Unoccupied Dwelling

Misdemeanors:	None

Case #6

Current Offense(s):	Possession of Cocaine
Sentence Length:	7 Years
Expected Prison Term:	4 Years 11 Months
Jail Time:	4 Months
County:	Duval
Age:	28
Race:	Black
Reading Level:	10.9
Occupational Skill:	Laborer
Psychological Exam:	Not Available

Description of Offense: Stopped for speeding - noted cocaine in vehicle by law enforcement officer

Prior Criminal Record: (Convictions)
Felonies:	1988 - Cocaine Possession
	Robbery - No Firearm

1988 - Possession of Cocaine
                                    1990 - Sale of Counterfeit

               Misdemeanors: 1987 - Sale of Crack Cocaine

Case #7

Current Offense(s):   Possession of Cocaine
                         Sale or Purchase of Cocaine
Sentence Length: 80 Years
Expected Prison Term: 60 Years
Jail Time: 3 Months
County: Hillsborough
Age: 41
Race: Black
Reading Level: 2.5
Occupational Skill: Construction Laborer
Psychological Exam: Not Available

Description of Offense: Sale to law enforcement officer

Prior Criminal Record: (Convictions)
        Felonies: 1982 - Cocaine - Sale or Purchase
                                        Cocaine - Possession
                                1987 - Cocaine - Possession (2 counts)
                                1989 - Cocaine - Possession

        Misdemeanors: None

Case #8

Current Offense(s):   Possession of Cocaine
                         Sale or Purchase of Cocaine
Sentence Length: 15 Years
Expected Prison Term: 11 Years
Jail Time: 3 Months
County: Okaloosa
Age: 29
Race: Black
Reading Level: 2.2
Occupational Skill: Laborer
Psychological Exam: Not Available

Description of Offense: Observed by law enforcement officer - sale to informant

Prior Criminal Record: (Convictions)
        Felonies: 1989 - Burglary - No assault
                                        Grand Theft
                                        Cocaine - Sale or Purchase

Misdemeanors: 1991 - Petit Theft

Case #9

Current Offense(s):	Grand Theft (11 counts)
	Burglary of Unoccupied Dwelling (11 counts)
	Escape
Sentence Length:	8 Years
Expected Prison Term:	5 Years 1 Month
Jail Time:	11 Months
County:	Santa Rosa
Age:	21
Race:	Black
Reading Level:	9.6
Occupational Skill:	Construction Laborer
Psychological Exam:	Not Available

Description of Offense: Apprehended in burglary with possessions

Prior Criminal Record: (Convictions)
Felonies: Vacated

Misdemeanors: None

Case #10

Current Offense(s):	Sale or Purchase of Cocaine
Sentence Length:	8 Years
Expected Prison Term:	5 Years 10 Months
Jail Time:	2 Months
County:	Monroe
Age:	22
Race:	Black
Reading Level:	12.0
Occupational Skill:	Construction Laborer
Psychological Exam:	Not Available

Description of Offense: Law enforcement officer observed sale to confidential informant..

Prior Criminal Record: (Convictions)
Felonies: 1990 - Cocaine - Sale or Purchase

Misdemeanors: None

Case #11

Current Offense(s):	Burglary of Unoccupied Dwelling
	Burglary - No Assault
Sentence Length:	11 Years
Expected Prison Term:	7 Years 8 Months
Jail Time:	7 Months
County:	St. Lucie
Age:	24
Race:	Black
Reading Level:	3.1
Occupational Skill:	Laborer
Psychological Exam:	Not Available

Description of Offense: Apprehended while burglarizing dwelling.

Prior Criminal Record: (Convictions)
Felonies:	1988 - Burglary of Unoccupied Dwelling (3 counts)
	1990 - Burglary of Unoccupied Dwelling (2 counts)

Misdemeanors:	None

Case #12

Current Offense(s):	Sale or Purchase of Cocaine
Sentence Length:	15 Years
Expected Prison Term:	10 Years 10 Months 20 Days
Jail Time:	4 Months
County:	Collier
Age:	32
Race:	Black
Reading Level:	12.1
Occupational Skill:	Construction Laborer
Psychological Exam:	Not Available

Description of Offense: Law enforcement officer observed sale to informant

Prior Criminal Record: (Convictions)
Felonies:	1989 - Cocaine - Sale or Purchase (2 counts)

Misdemeanors:	1988 - Possession of drug paraphernalia