

Smart Reforms to Prison Time Served Requirements in Florida

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Florida prisons are **overcrowded** and **costly**, requiring resources that could be spent improving public safety through crime prevention and reentry support.

One in three people incarcerated in Florida prisons (34 percent), if released immediately, **would experience no additional justice system contact** during the balance of their prison terms, even without any additional reentry services or support.

If the time served requirement were reduced from 85 to 65 percent for people serving time for nonviolent offenses, the **prison population would drop 11 percent**, and **92 percent of those released** would experience **no increased likelihood of rearrest**.

By reducing the number of people in prison, Florida can **save taxpayer resources and redirect savings to further reduce crime rates** by advancing crime prevention, reentry support, treatment, and service provision.

Florida's criminal justice policy decisions, including strict time served requirements, have resulted in an unsustainably large prison system. The average length of time served in Florida prisons has risen dramatically in recent decades, far outpacing increases in other states and contributing to the state's large prison population.

Adjusting the state's inflexible 85 percent time served requirement is one approach to reducing incarceration that could allow Florida policymakers to save money and invest instead in preventing crime and helping people succeed after coming home from prison.

This fact sheet describes findings from a recent Urban Institute analysis (<https://urban.is/FLSmartReforms>) that shows that thousands of people in Florida's prisons could be released at lower time served requirements and would not be arrested during the period they would have been in prison.

ADJUSTING FLORIDA'S 85 PERCENT TIME SERVED REQUIREMENT

Florida's current sentencing requirements hold many people behind bars even though they would not create additional justice system burdens during the balance of their prison terms were they at home instead. Adjusting the 85 percent time served requirement is one solution to this problem.

Reducing time served requirements from 85 to 65 percent for nonviolent offenses

Some states have different time served requirements for different offense types. In Florida, reducing time served requirements for property, drug, and other less serious offenses to 65 percent while keeping requirements for offenses involving violence at 85 percent, if fully implemented, would:

- reduce the prison population by 11 percent (more than 10,000 people); and
- reduce median time served by five months

An estimated 92 percent of those released under this structure would experience no rearrests during the balance of their original prison stays. Reducing justice system contact and investing savings in crime prevention, treatment and programming, and reentry services could further lower the rearrest rate.

Additional 85 percent reform options: Moving forward, Florida policymakers can consider a variety of approaches to adjusting time served requirements to achieve better outcomes and use public resources more efficiently. Table 1 presents four reform options and shows how each would be predicted to impact the number of people in prison, median length of stay in prison, and rearrest rates.

REDIRECTING SAVINGS TO PREVENT CRIME AND SUPPORT REENTRY

Research shows that a wide variety of community-based programs, services, and strategies can help keep communities safe and strong. Adjusting time served requirements to reduce Florida's prison population would save resources and allow its policymakers to invest in programs and services that keep Floridians safe. These include the following:

- wraparound reentry support
- mental and behavioral healthcare and treatment
- youth violence prevention and gang intervention programs
- assistance accessing social safety net services
- community-based service providers

ABOUT THE AUTHOR

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Leah Sakala is a policy associate in the Justice Policy Center at the Urban Institute, where she focuses on criminal and juvenile justice reform. Sakala has over a decade of experience conducting research to inform local, state, and national policy conversations about criminal justice and incarceration practices.

Florida is well positioned to join the more than half of US states that have enacted bipartisan criminal justice reform in recent years. Our research shows that policy reforms to lower time served requirements can help Floridians simultaneously lower the prison population and make investments that increase public safety.

TABLE 1

Summary of Prison Population Reduction Models by Time Served Requirements

		80%	85% V/ 65% P/D/O	65%	50% V/ 25% P/D/O
<i>Percentage-point change from current time served requirements</i>		-5	0/-20	-20	-35/-60
Original prison population		99,485	99,485	99,485	99,485
New prison population		94,832	89,001	81,115	52,314
Population reduction from original prison population	#	4,653	10,484	18,370	47,171
	%	5	11	18	47
No rearrests during balance of original time served	#	4,574	9,599	16,043	25,638
	%	98	92	87	54
Reduction in months served	Mean	3.5	9	12.5	33.2
	Median	2	5	6	16
Projected percent increase in total Florida annual arrests		0.01	0.11	0.30	2.79

Source: Author's calculations based on data from Florida Department of Corrections, Florida Department of Law Enforcement, and 2015 Uniform Crime Reports.

Note: V = offenses involving violence, P/D/O = property, drug, other offenses

ADDITIONAL READING

FOR MORE INFORMATION, PLEASE SEE

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