

Right to Treatment Impact -- Office of Economic and Demographic Research Analysis

Table 1 --

Current dispositions and costs for persons who would be eligible for treatment under the proposed amendment

| | FY 2000-01 Qualifying Admissions | FY 2001-02 Per Diem | Average Sentence in Months | Twelve months cost without R to T amendment | Second 12 months cost associated with one cohort without R to T amendment |
|---------------------------|--|------------------------|----------------------------------|---|--|
| FELONS | | | | | |
| Prison | 1,602 | \$49.65 | 29.2 | \$29,031,845 | \$29,031,845 |
| Probation | 6,583 | \$4.17 | 21.0 | \$10,019,655 | \$7,510,624 |
| Drug Offender Probation | 3,107 | \$3.45 | 23.5 | \$3,912,490 | \$3,747,415 |
| Community Control | 1,461 | \$9.01 | 26.2 | \$4,804,718 | \$4,804,718 |
| Pre-Trial Intervention | 3,150 | \$3.31 | 16.2 | \$3,805,673 | \$1,331,256 |
| County Jail | 7,599 | \$50.00 | 6.2 | \$71,035,452 | \$0 |
| Time Served in County Jai | 2,621 | \$50.00 | 2.0 | \$7,967,840 | \$0 |
| Sub-total | 26,123 | | | \$130,577,672 | \$46,425,856 |
| MISDEMEANANTS | | | | | |
| Pre-trial Actions | 1,040 | Unknown | Unknown | Unknown | Unknown |
| CountyJail | 10,179 | \$50.00 | 2.0 | \$30,333,420 | \$0 |
| Confined/Other Diversion: | 1,481 | Unknown | Unknown | Unknown | Unknown |
| Misdemeanor Probation | 6,495 | \$3.45 | 8.3 | \$5,633,757 | \$0 |
| Other disposition | 10,077 | Unknown | Unknown | Unknown | Unknown |
| Sub-total | 29,272 | | | \$35,967,177 | \$0 |
| JUVENILES | | | | | |
| All current sanctions | 3,103 | \$11.10 | | \$12,572,030 | \$0 |
| TOTAL | 58,498 | | | \$179,116,878 | \$46,425,856 |

Notes: Qualifying admissions to County Jails and Time Served in County Jails (felons) were obtained from the Sentencing Guidelines/Criminal Code database updated 6/3/2002 by the Florida Department of Corrections. Data were not available to permit screening for additional felonies or prior violent felonies. Other admissions data for felons was obtained from the Florida Department of Corrections, Bureau of Research and Data Analysis and were screened for additional felonies and prior violent felonies.

FY 2001-02 felon per diems were obtained from the Florida Department of Corrections (FDOC), Bureau of Research and Data Analysis.

Average sentence length for felons were obtained from FDOC, Bureau of Research and Data Analysis

Data on misdemeanants were obtained from the Office of the State Courts Administrator. It was assumed that misdemeanor probation per diems would be the same as felony probation and that county jail per diems for misdemeanants would be the same as for felons.

Data on juveniles were obtained from Department of Juvenile Justice.

**Table 2--
Projected disposition of persons who would be eligible for treatment under the proposed amendment**

| | Percentage Distribution by Treatment Option | Average Length of Stay (in days) | Number Receiving Treatment Option | Number Not Completing Treatment | Average Program Cost | Treatment Cost |
|-----------------------|--|--|--|---------------------------------------|----------------------------|----------------------|
| FELONS | | | | | | |
| Residential Treatment | 17.3% | 98.9 | 4,507 | 1,397 | \$12,317 | \$46,914,168 |
| Outpatient Treatment | 78.1% | 128.1 | 20,393 | 6,322 | \$1,199 | \$20,657,637 |
| Day/Night Treatment | 4.7% | 119.9 | 1,223 | 379 | \$417 | \$431,129 |
| Sub-total | 100.0% | | 26,123 | 8,098 | | \$68,002,934 |
| MISDEMEANANTS | | | | | | |
| Outpatient Treatment | 100.0% | 128.11 | 29,272 | 9,074 | \$1,199 | \$29,652,126 |
| JUVENILES | | | | | | |
| Residential Treatment | 4.5% | 113.3 | 139 | 43 | \$13,751 | \$1,615,172 |
| Outpatient Treatment | 95.1% | 128.1 | 2,950 | 915 | \$1,199 | \$2,988,309 |
| Day/Night Treatment | 0.5% | 119.9 | 14 | 4 | \$417 | \$4,936 |
| Sub-total | 100.0% | | 3,103 | 962 | | \$4,608,417 |
| TOTAL | | | 58,498 | 18,134 | | \$102,263,478 |

Notes: Data used to determine the Percentage Distribution by Treatment Option for adults identified as eligible for treatment under the amendment were obtained from Florida Department of Children and Families, Substance Abuse Program and represent placements for adult "criminal justice" involved clients in FY 2000-01. It was assumed that the same distribution would exist under the amendment for everyone except misdemeanants. It was assumed that all misdemeanants would receive outpatient treatment.

For juveniles, it was assumed that the 82 percent of juveniles with misdemeanor offenses would receive outpatient treatment. For the 18 percent of juveniles with felony offenses, the distribution by treatment option was obtained using the placements for juvenile "criminal justice" involved clients in FY 2000-01.

Average length of stay for residential treatment for felons is a weighted average based on adult "criminal justice" placements and criminal justice length of stay by level of care. Average program cost for residential is a similar weighted average. A similar weighted average using juvenile placements was used for juveniles.

It was assumed that 31 percent of those beginning treatment would not complete it and that failures would be distributed throughout the treatment period. This failure rate is from the Approved Agency Performance Measures and Standards for Fiscal Year 2001-2002.

Table 3--**Projected disposition of persons who would be eligible for treatment under the proposed amendment but would not complete treatment**

| | Projected Treatment Failures | FY 2001-02 Per Diem | Average Sentence in Months | Twelve months cost of criminal justice sanctions for treatment failures | Second twelve months cost of criminal justice sanctions for treatment failures |
|---------------------------|------------------------------|---------------------|----------------------------|---|--|
| FELONS | | | | | |
| Prison | 497 | \$49.65 | 29.2 | \$7,520,433 | \$8,999,863 |
| Probation | 2,041 | \$4.17 | 21.0 | \$2,595,500 | \$2,845,689 |
| Drug Offender Probation | 963 | \$3.45 | 23.5 | \$1,013,495 | \$1,212,871 |
| Community Control | 453 | \$9.01 | 26.2 | \$1,244,618 | \$1,489,461 |
| Pre-Trial Intervention | 976 | \$3.31 | 16.2 | \$985,825 | \$609,207 |
| County Jails | 2,356 | \$50.00 | 6.2 | \$22,020,968 | \$0 |
| Time Served in County Jai | 813 | \$50.00 | 2.0 | \$2,470,028 | \$0 |
| Sub-total | 8,098 | | | \$37,850,866 | \$15,157,091 |
| MISDEMEANANTS | | | | | |
| Pre-trial Actions | 322 | Unknown | Unknown | Unknown | Unknown |
| County Jail | 3,155 | \$50.00 | 2.0 | \$9,403,360 | \$0 |
| Confined/Other Diversion: | 459 | Unknown | Unknown | Unknown | Unknown |
| Misdemeanor Probation | 2,013 | \$3.45 | 8.3 | \$1,746,465 | \$0 |
| Other disposition | 3,124 | Unknown | Unknown | Unknown | Unknown |
| Sub-total | 9,074 | | | \$11,149,825 | \$0 |
| JUVENILES | | | | | |
| All current sanctions | 962 | \$11.10 | | \$3,897,259 | \$0 |
| TOTAL | 18,134 | | | \$52,897,951 | \$15,157,091 |

Notes: Treatment failures were distributed just as current dispositions shown in the first table. It was assumed that, on average, individuals would have to treatment before failure so two months of criminal justice sanction costs were moved to the second twelve months for those in sanctions of more than a year.

**Table 4--
Difference Between Cost of Current Criminal Justice Sanctions and Treatment Costs
Under the Right to Treatment Amendment**

Current cost of criminal justice sanctions for one admissions cohort

| | | |
|---------------|-----------------|-----------------|
| Felons | (\$177,003,528) | |
| Misdemeanants | (\$35,967,177) | |
| Juveniles | (\$12,572,030) | (\$225,542,734) |

Projected cost of treatment for one admissions cohort

| | | |
|---------------|--------------|---------------|
| Felons | \$68,002,934 | |
| Misdemeanants | \$29,652,126 | |
| Juveniles | \$4,608,417 | \$102,263,478 |

Projected cost of criminal justice sanctions for treatment failures

| | | |
|---------------|--------------|--------------|
| Felons | \$53,007,957 | |
| Misdemeanants | \$11,149,825 | |
| Juveniles | \$3,897,259 | \$68,055,041 |

Differences

| | | |
|---------------|----------------|-----------------------|
| Felons | (\$55,992,636) | |
| Misdemeanants | \$4,834,774 | |
| Juveniles | (\$4,066,353) | (\$55,224,215) |

NOTES: Because the proposed constitutional amendment includes language directing the Legislature to enact such laws as necessary for implementation of the amendment, it is possible that some assumptions were made in this analysis that will not reflect the final implementation. Specifically, this analysis assumes that juveniles will be deemed to be eligible for the right to treatment under the proposed amendment and all treatment costs are assumed to be the responsibility of government. Defendants are sometimes ordered to pay for treatment costs and this may be included in the implementing legislation.

This analysis does not include behavioral changes that may occur on the part of defendants, prosecutors, public defenders, or judges which could affect the fiscal impact. Nor does it include societal costs or savings due to changes in criminal behavior as a result of treatment opportunities.