

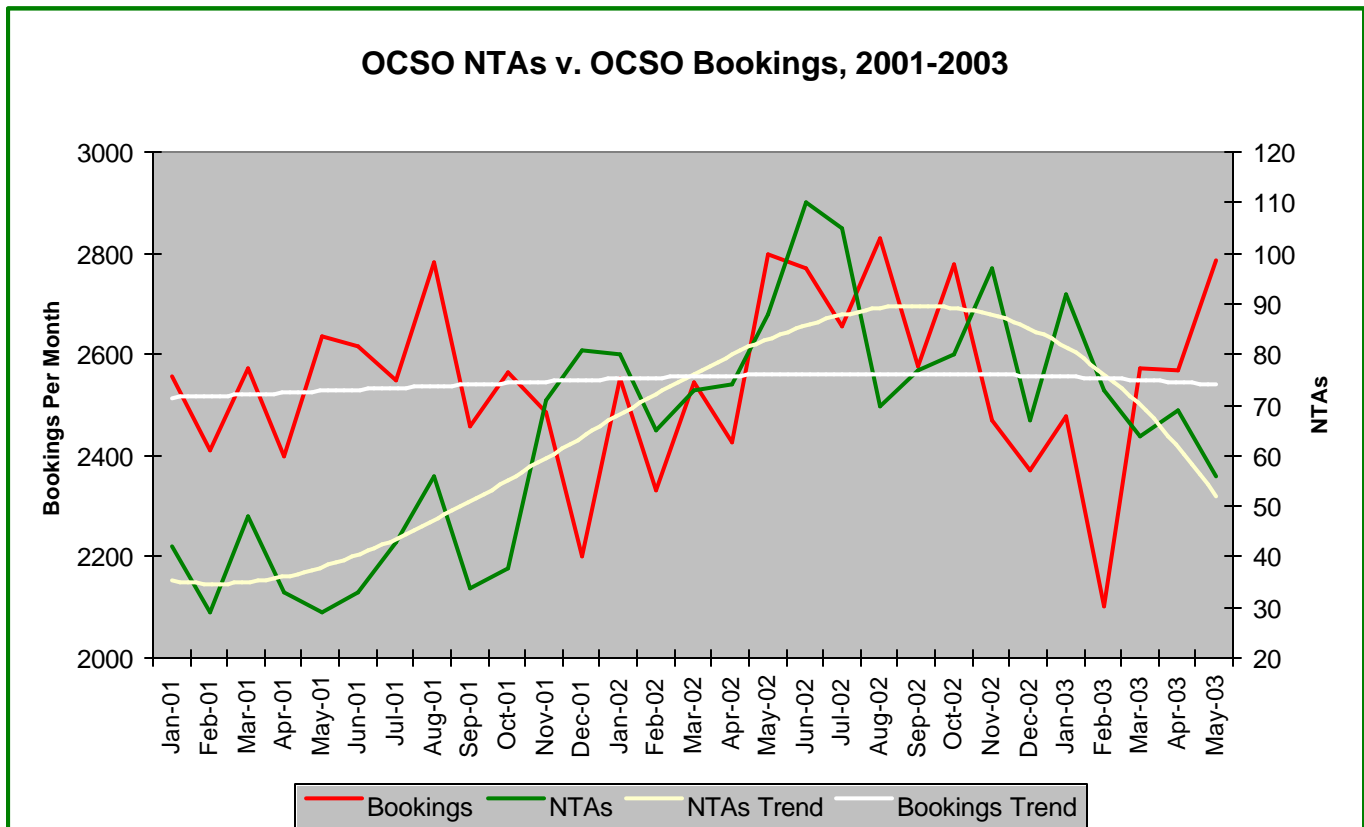
Measure 4: Use of Notices to Appear

A. Introduction

The use of notices to appear (NTAs) has been identified in several sources as a means of controlling the population of the Orange County jail. Historically, the use of NTAs in Orange County has been fairly low in comparison to other counties. For instance, in 1995, all law enforcement agencies in Orange County issued a total of 2,722 NTAs while the top two arresting agencies in Hillsborough County issued 15,029. In 2000, Orange County had 1,782 NTAs whereas Hillsborough's top two agencies had 11,658.

B. Statistics

The figure below represents the bookings and NTAs of the Orange County Sheriff's Office over the last two and a half years. Corrections staff was not able to acquire Orlando Police Department monthly notice to appear data.



Notices to Appear For The Top Two Arresting Agencies in Orange County

Agency	2000	2001	2002
OCSO	664	687	962
OPD	191	241	122

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C. Best Practices

Hillsborough County provides an excellent example for Orange County to consider. A statistical comparison between the Hillsborough County jail and the Orange County jail appears below.

Hillsborough County vs. Orange County

Statistic	Hillsborough 2002	Hillsborough 2001	Orange 2002	Orange 2001
Average Daily Population	3,599	3,408	3,856	4,112
Annual Bookings	64,441	60,968	54,850	55,943
Average Daily Bookings	176.5	166.8	150.3	153.3
ALOS	21.1	22.9	29.1	32
Incarceration Rate Per 1,000 Citizens	3.6	3.41	4.15	4.45

In 2002, Hillsborough County had roughly 17% more bookings than Orange County, yet the average daily population was about 7% lower. This is due in large part to an average length of stay that was 8 days shorter. In addition, as the table below indicates, the two largest arresting agencies in Hillsborough County make much heavier use of NTAs than their Orange County counterparts. In fact, according to the JOC final report, a total of 1,782 NTAs were issued by all law enforcement agencies in Orange County in 2000. This is a fraction of the amount issued by the top two agencies in Hillsborough. While Hillsborough makes heavy use of NTAs, the numbers actually represent a relative decrease. In both 1995 and 1996, there were over 15,000 NTAs in Hillsborough.

Top Two Arresting Agencies' Notices to Appear: Hillsborough County vs. Orange County

Year	Hillsborough	Orange
2000	11,658	855
2001	11,888	928
2002	13,102	1,084

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While the side by side comparison is useful, it is also important to evaluate the combined effect of bookings and NTAs vis a vis the size of both counties. By adding NTAs and bookings, one may calculate a “Law Enforcement Intervention Rate” which takes into account population size.

Statistic	Hillsborough	Orange
Population	998,948	896,344
Bookings	64,441	54,850
NTAs	13,102	1,782
Total Interventions	77,543	56,632
Intervention Rate Per 1000 Citizens	77.62	63.18
Law Enforcement Officers Per 1000 Citizens	1.97	2.08

Clearly, Hillsborough County has a much higher intervention rate, which in the end means that statistics such as average length of stay probably do a better job explaining the difference in the two jail populations. In other words, some may argue that the NTA practice in Hillsborough represents a degree of net-widening and not necessarily jail population control. In addition, Orange County has slightly more law enforcement officers per 1,000 citizens. It is plausible that law enforcement officers in Hillsborough County are issuing NTAs for actions that officers in Orange County ignore or otherwise handle. However, the cost savings calculated at the end of this section could be realized if NTAs were truly utilized in lieu of bookings.

D. Cost/Savings Projections

1. A Simple Displacement Model

The projections below assume that Orange County’s arresting agencies make use of notices to appear at the same level as the top two agencies in Hillsborough County (instead of booking the offender). The cost savings calculation reads from left to right. If OCCD had 10,106 fewer inmates, with each expected to stay 12 days (the ALOS for misdemeanants in 2002) at \$8.75 per day, the projected savings is over \$1 million. However, given the much higher law enforcement intervention rate calculation above, one cannot be certain that Orange County *could* achieve the level of NTAs experienced by Hillsborough County.

OCCD Current Level of NTAs	Hillsborough’s Level of NTAs in 2002	Difference	OCCD ALOS for 2002	Marginal Per Diem	Projected Cost Savings
1,782	13,102	11,320	12 Days	\$8.75	\$1,188,600

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2. A Predictive Model

In order to project how many NTAs Orange County could reasonably issue, Orange County Corrections staff, using the guidelines of the administrative order governing NTAs, selected possible cases out of the jail’s inmate management system. All presentenced misdemeanants released in 2002 with non-violent criminal histories and less than three Orange County bookings were retrieved. That pool of individuals was further narrowed by taking people who were booked on offenses determined to be discretionary (this determination comes from the current ongoing UCF study on the racial composition of the jail’s population). One modification to the discretionary arrest list was to remove assault charges. 1,693 inmates remained in the pool. The first table below shows some basic information about this group of inmates. Meanwhile, the second table provides a cost savings calculation based on this predictive model.

Statistic	Number	Percentage
Never Arrested Before	175	10.3%
Arrested 5+ Times	168	9.9%
Received Add-On Charges While In Custody	30	1.7%
Felony Drug, Property, or Fraud Histories	97	5.7%
DUI Histories	30	1.7%

Orange County Systemwide NTAs	Predicted Additional NTAs Jailed in 2002	Total	Predicted ALOS	Marginal Per Diem	Projected Cost Savings
1,782	1,693	3,475	15.5 Days	\$8.75	\$229,613

Given that approximately 10% of the people identified as NTA candidates have been arrested more than five times in the past, it is important to note that the cost savings calculation is probably an overestimate. Somebody with a criminal history of 6 or more arrests is likely not a good choice for being issued an NTA. In addition, these numbers also assume that the would-be arrestee is identified by the officer. The JOC Final Report indicates that 40-50% of arrestees arrive at the jail with no identification. Thus, the numbers above should be taken with a grain of salt. This analysis is probably best used as a caution against assuming that Orange County can reasonably issue the level of NTAs issued by Hillsborough County and thereby easily achieve a reduction in the jail’s population.

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There may, however, be some small additional savings to using more NTAs. There are some specific costs associated with booking an inmate. The JOC final report presented an estimate of the booking cost, using the total booking budget and dividing it by the number of bookings. This approach appears to be flawed in that it assumes that avoiding one booking would somehow reduce salaries, training, and other costs not directly associated with one actual admission to jail. The present analysis does not calculate a booking cost. However, if bookings were reduced by 10% (or 19% as in the simple displacement model on page 11), there might indeed be some savings in terms of salary and overtime.