

904WARD



Duval County: Race in Retrospect

Part 5 – Justice and the Legal System

October 2021



This report is the fifth in an eight-part series looking back on decades of disparities in our community and the progress we have collectively made to-date. These “Race in Retrospect” reports draw on research commissioned by The Community Foundation for Northeast Florida in 2020. It builds on earlier work done as part of Project Breakthrough: Changing the Story of Race in Jacksonville, an effort led by The Community Foundation, One Jax, the Jacksonville Human Rights Commission, and the Aspen Institute Roundtable on Community Change beginning in 2006. The reports synthesize data from nine community studies on racial equity and race relations going back to the 1940s and continuing through the 2000s, as well as the collective recommendations from those reports. We then take a look at how our community has, and has not, made progress on these recommendations, and highlight efforts underway to push toward a more equitable community where all people can thrive.

Justice & the Legal System

“The fate of millions of people – indeed the future of the black community itself – may depend on the willingness of those who care about racial justice to re-examine their basic assumptions about the role of the criminal justice system in our society.”

–Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*

Assessing the role and impact of race in the arena of justice and the legal system is complex. There are a multitude of legal factors, many different crimes, and perpetrators of crime. The path from a criminal event to resolution/restitution/punishment is long and subject to an exhaustive array of variables. Data is not easily available: the Jacksonville Sheriff’s Office offers a seven-day online crime tracker, that only includes certain crimes [arson, assault, burglary, disturbing the peace, drug and alcohol violations, DUIs, fraud, homicide, motor vehicle theft, robbery, sex crimes, theft/larceny, vandalism, vehicle break-ins/theft, and weapons]; and in the last year, the State Attorney’s Office has offered public access to data tracking the work of its attorneys.

Given these challenges, this report provides selected data in three broad areas:

- Police and criminal activity
- Prosecution and judicial engagement
- Incarceration and post-incarceration

The nine recommendations in this category sought to track homicides, disposition of cases, participation in diversion programs by race, as well as improving relations between the minority communities and law enforcement.

JUSTICE & THE LEGAL SYSTEM

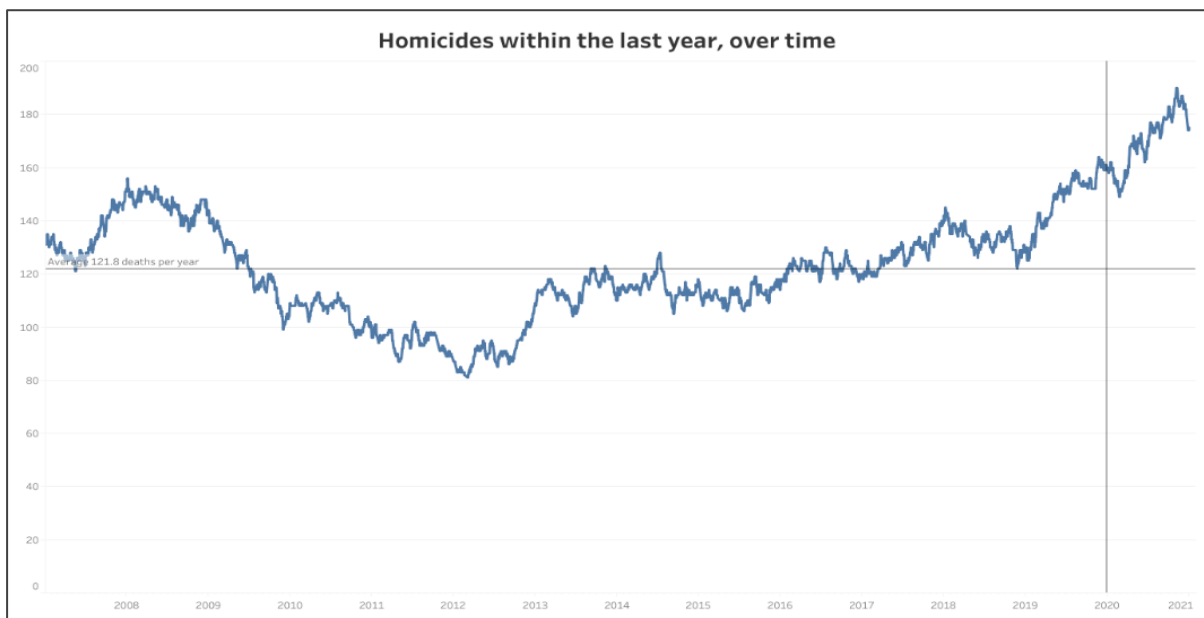
1. Determine the cause of disproportionate number of young Black adult men (ages 18-35) who are being killed in Jacksonville.
2. Use creative methods to actively recruit and retain Black, Hispanic, Asian, and Native American employees to deploy a criminal-justice workforce that reflects the diversity of the community.
3. Track and report participation and outcomes by race of all adult and juvenile diversion programs in the criminal or juvenile justice systems.

4. Track disposition (consequences vs. crime) of all criminal and juvenile justice cases by race and judge. Study and track and make the information public and address concerns.
5. Provide equal treatment to all people charged, prosecuted and sentenced in the criminal justice system.
6. Improve the relationship between law enforcement and the community; particularly the minority communities.
7. Improve professional conduct of officers toward minority population and citizens by increasing the amount of sensitivity training given to law enforcement officers.
8. Identify law enforcement officers who are racially insensitive and provide more intense sensitivity training.
9. Increase the number of minorities on the force and in command positions to reflect the city's diverse population.

Police and Criminal Activity

HOMICIDES

One of the most widely followed crime measures in Duval County is the number of homicides. Not all homicides are classified as murders—a homicide is one person killing another and includes justifiable, excusable or accidental deaths.¹ Since 2008, the county has averaged about 121 homicide deaths per year. But since 2017, the county has exceeded that rate with an increasing trend. While overall crime in Duval County decreased by 9.7 percent in 2020, murders increased by nearly 10 percent.² Jacksonville continues to have the highest murder rate in the state of Florida.³



Source: Andrew Pantazi, The Tributary: Jacksonville's Journalism Source

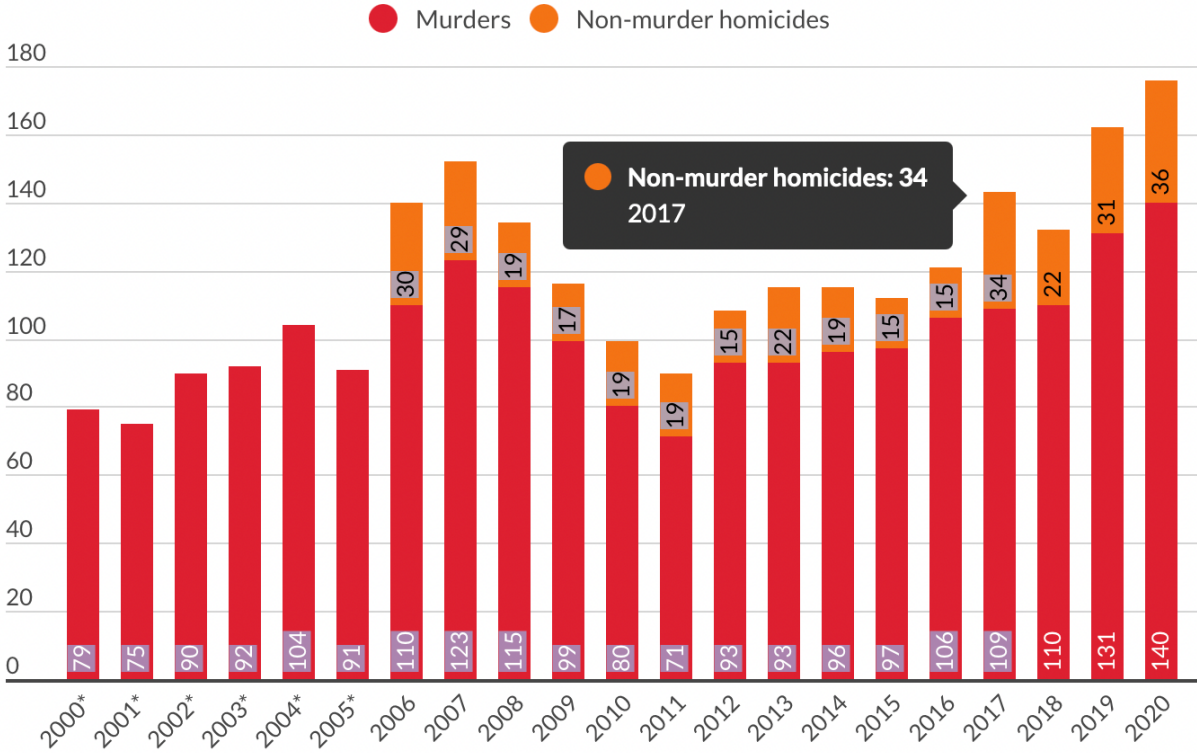
¹ <https://www.jacksonville.com/story/news/crime/2021/06/25/duval-jacksonville-crime-increase-murder-2021/5326634001/>

² <https://www.jacksonville.com/story/news/crime/2021/06/25/duval-jacksonville-crime-increase-murder-2021/5326634001/>

³ <https://www.firstcoastnews.com/article/news/crime/violent-crime-rises-in-florida-80-percent-murders-committed-using-firearms/77-f643611b-73b0-405d-ac1b-c51670047ef6>

In 2020, there were 175 homicides in Jacksonville, the most since 1990—that’s an average of almost 15 deaths by homicide per month. Of these, 139 have been confirmed as murders, 22 deemed not to be murders and 14 were pending as of the beginning of 2021.⁴ While 2020 appears to have had the most homicides in a year since 1990, data indicates that 2021 may not be far behind. According to the Florida Times-Union, Jacksonville reached 50 homicides on May 3, 2021. In comparison, these are the dates for the prior years when that milestone was reached:

- 2020: April 8
- 2019: April 27
- 2018: June 5
- 2017: May 13



* Data prior to 2006 from FDLE crime statistics, which doesn't track non-murder homicides.
 Data from 2006 to present from News4Jax records.

More than half of 2020’s homicides occurred in four ZIP codes: three North and West of downtown Jacksonville and one on the Westside:

⁴ Andrew Pantazi, The Tributary: Jacksonville’s Journalism Source

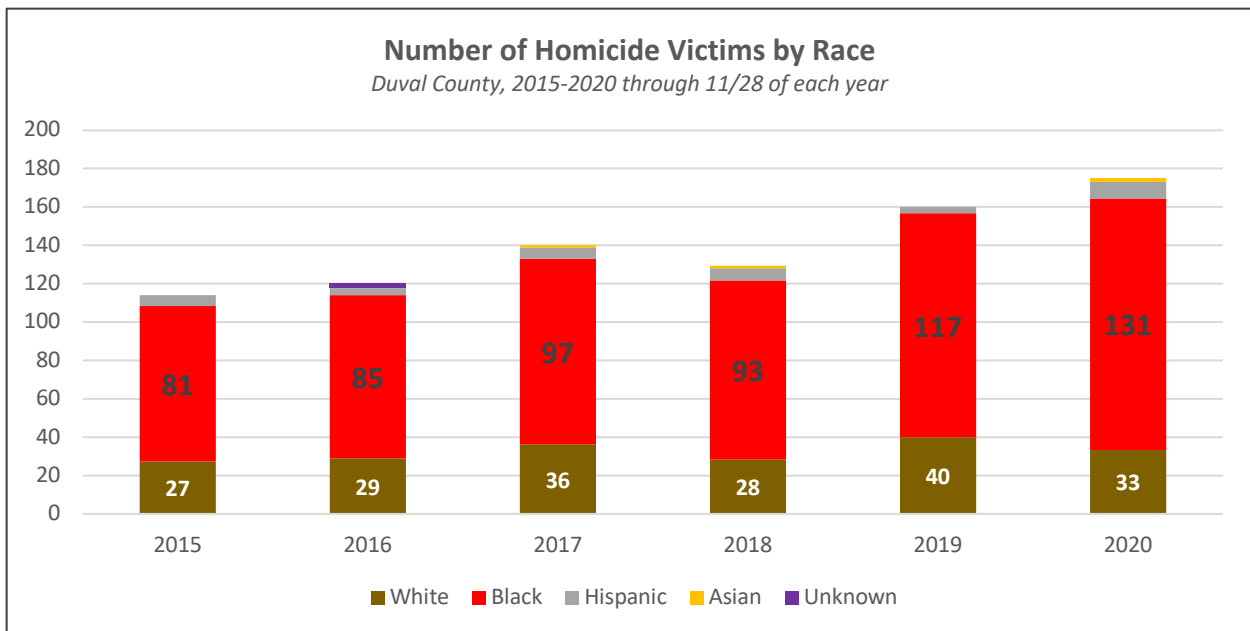
32209 had 18% of 2020 homicides;
 32208 had 11% of 2020 homicides;
 32218 had 11% of 2020 homicides; and
 32210 had 11% of 2020 homicides.

Of the first 50 homicides of 2021, 43 were men and 7 were women; over half were ages 18-29; and 50% were White, 34.67% were Black, 4% were Hispanic/Latinx, and 11.33% were unknown.⁵ The locations for those homicides were as follows:

32209 had 16% of the homicides;
 32206 had 14% of the homicides;
 32210 had 12% of the homicides;
 32211 had 12% of the homicides; and
 32254 had 10% of the homicides.⁶

Zip Code 32209 has led the county in the number of homicides every year since 2006.

Data from 2015-2020 shows that, in each year, the overwhelming majority of homicide victims were Black. An open question here is, “How many of these homicide cases with Black victims are solved?” The justice and the legal systems should honor the innocence of the accused until proven guilty and seek to bring justice and resolution to the family of the victims.



Source: Andrew Pantazi, The Tributary: Jacksonville’s Journalism Source

⁵ <https://www.jacksonville.com/story/news/crime/2021/05/04/jacksonville-homicides-closer-look-2021-numbers/7384524002/>

⁶ <http://www.zipatlas.com/us/fl/jacksonville/zip-code-comparison/families-below-poverty-level.htm>

OTHER VIOLENT CRIMES

Violent crimes are classified as those offenses which involve force or threat of force.⁷ In addition to homicides, forcible rapes, robberies and aggravated assaults are also classified as violent crimes. While overall crime has decreased, violent crime in Jacksonville increased by 8.5 percent from 2018 to 2019 and by 2.3% from 2019 to 2020. Homicides and aggravated assaults are the crime classifications that experienced an increase. Aggravated assault increased by 25 percent in 2020, which represents an increase of 1,075 over 2019. Of those assaults, 38% involved a gun.⁸ Rape saw a decrease of 9.3 percent and robberies declined by 17 percent. However, it is important to note that these three classifications have the largest numbers of cases, with 60,567 cases of aggravated assault, 13,439 robberies, and 7,650 cases of rape as compared to 1,285 murders in 2020.⁹

POLICE SHOOTINGS

Because of a teenage bystander's cell phone, the world was able to watch Derrick Chauvin put his knee on the neck of George Floyd and squeeze the life out of his body for nine minutes and 29 seconds on May 25, 2020. While this led to marches and protests across the globe, police shootings of unarmed citizens have been increasing over the past seven years. According to an NPR study published in January 2021, police officers have shot at least 135 unarmed Black men and women nationwide since 2015 with at least 75 percent of the officers being white. For at least 15 of the officers, the shootings were not their first, or even their last. The study found that they have been involved in two – sometimes three or more – shootings, often deadly and without consequences. Those who study deadly force by police say it is unusual for officers to be involved in any shootings.¹⁰

According to an April 20, 2021 report by Newsweek, 181 Black citizens have been killed by the police since the murder of George Floyd. This accounts for 18.7 percent of shootings, despite Black people only comprising 13 percent of the population. On the other hand, police shootings of White citizens comprised 37 percent of deaths with White people comprising 76.3 percent of the population. Hispanic/Latinx victims comprised 11.7 percent of the deaths and one percent were Asian/Pacific Islander. However, it is important to note that the race of the victim was unknown in 359 deaths, the majority of the deaths. Despite the renewed push for law enforcement changes, police are still killing at rates similar to past years; as of April, 319 people have been killed by police in 2021 in the United States. Black people are three times more likely to be killed by police than White people, despite being 1.3 times more likely to be unarmed than White people. Of the 181 police killing of Black people since George Floyd's murder, the highest number of killings occurred in Florida with 19 victims. In 2020, traffic stops were documented as the initial police encounter that led to 121 deaths by police in the country.¹¹

⁷ <https://ucr.fbi.gov/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/violent-crime/violent-crime>

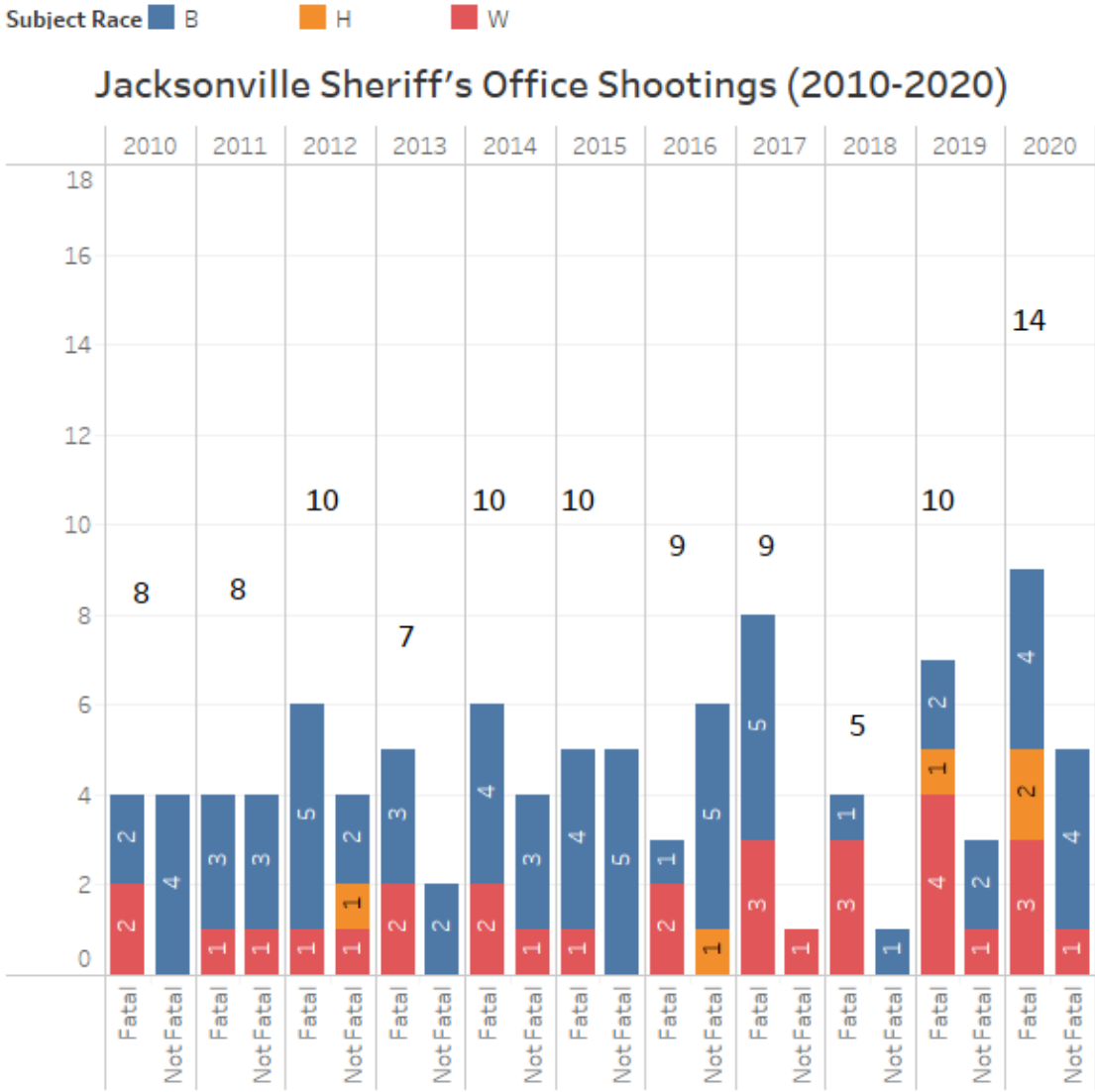
⁸ <https://www.jacksonville.com/story/news/crime/2021/06/25/duval-jacksonville-crime-increase-murder-2021/5326634001/>

⁹ <https://www.firstcoastnews.com/article/news/crime/violent-crime-rises-in-florida-80-percent-murders-committed-using-firearms/77-f643611b-73b0-405d-ac1b-c51670047ef6>

¹⁰ <https://www.npr.org/2021/01/25/956177021/fatal-police-shootings-of-unarmed-black-people-reveal-troubling-patterns>

¹¹ <https://www.newsweek.com/181-black-people-have-been-killed-police-since-george-floyds-death-1584740>

In 2020, Jacksonville Sheriff’s Department officers shot 14 people, the most in a decade. Nine of those shot by police died. The chart below shows those shot by police each year since 2010, by race. Between 2010 and 2016, more than 66% of those shot by police were Black. In the last four years, Black victims of police shootings have represented between 40-57% of the total number of police shooting victims.



Source: Andrew Pantazi, The Tributary: Jacksonville’s Journalism Source

As of August 1, 2021, there have been seven officer-involved shootings for the year that involved eight citizens. Of those shootings, five were Black men, two were White men, and one was a Hispanic/Latinx man. Three of the shootings were fatal, killing two Black men and one White man. Two of those men had handguns, and one had a taser.

ARRESTS AND TICKETING

In 2006, the Brennan Center for Justice and the Florida Rights Restoration Coalition conducted an extensive study of racial bias in Florida's electoral system. In that study, they had three findings relating directly to arrests in Florida. One, they discovered that Florida has heavily invested in policing programs that target minority communities. In 1996, Florida funded four projects that specifically targeted low-income areas populated by Black residents and one project aimed at "Mexican males" and street gangs with specific racial and ethnic origins. None of the \$796,734 allocated for discretionary policing programs targeted white-collar crime or illegal prescription drug use, both of which tend to occur at higher rates among White citizens.

The second finding was that although police assigned to routine duties arrested Black Floridians at a rate 2.9 times higher than their representation in the state's general population, police assigned to targeted programs arrested Black citizens at a rate 9 to 13 times higher than their representation in their respective county populations. Of the arrests made through targeted police programs funded by the state to focus on drug and street crime in five counties (Gadsden, Sumter, Taylor, Madison and Jefferson), 100 percent of the adults arrested were Black.

The third finding specifically relates to Duval County. The study showed that the disproportionate impact of targeted policing on people of color is particularly pronounced for drug arrests and highway patrols. In 1992, Black citizens comprised 12 percent of the city's population but 87% of total drug arrests. This data is particularly striking as the U.S. Department of Health and Human Services has consistently found that Black and White people use illicit drugs at similar rates. Highway patrols have also become an increasingly common way for police to target people of color for drug-related arrests. In 1992, while only 5% of drivers on a given interstate were Black or Hispanic/Latinx, almost 70 percent of those stopped and 80 percent of those searched were Black or Hispanic/Latinx. When stopped, drivers of color were detained longer than their White counterparts, and only nine of the more than 1,000 stops made in 1992 resulted in a ticket or criminal charges.¹²

The evidence indicates that very little has changed. In a 2021 study examining racial bias in arrests and police killings in the 37 largest cities in America conducted by FiveThirtyEight, Jacksonville was shown to have an arrest rate of 2.4 per 100 for White citizens and a rate almost three times higher of 6.1 per 100 for Black citizens in 2019, despite White citizens comprising almost double the percentage of the population (52.9%) as compared to Black citizens (29.2%). This data is further complicated as the FBI's Uniform Crime Report racially codes Hispanic/Latinx individuals as White or Black.¹³ Another study found that while the disparity in White and Black people being pulled over by the police is great, it lessens at night when police are less able to distinguish the race of the driver. The study also found that while

¹² https://www.brennancenter.org/sites/default/files/legacy/d/download_file_9477.pdf

¹³ <https://fivethirtyeight.com/features/the-biden-administration-wants-to-address-racial-bias-in-policing-what-cities-should-it-investigate/>

Black people were more likely to be searched after a stop, White people were more likely to be found with illicit drugs.¹⁴

This disparity in racial profiling spans across types of crimes and citations. From 2012 to 2016, the Jacksonville Sheriff's Office issued hundreds of pedestrian citations each year, stating that the citations are to keep people alive in a city with one of the highest pedestrian fatality rates in the nation as well as a crime-fighting tool that allows officers to stop suspicious people and question them for guns or drugs. However, a ProPublica/Florida Times-Union analysis shows that there is no strong relationship between where pedestrian citations are being issued and where people are being killed. The analysis did show that the pedestrian tickets, which typically cost \$65 and carry the power to damage one's credit or suspend a driver's license if unpaid, were disproportionately issued to Black residents, almost all of them in the city's poorest neighborhoods. Black residents were nearly three times as likely as White residents to be ticketed for a pedestrian violation, and residents of the city's three poorest ZIP codes were about six times as likely to receive a pedestrian citation as those living in the other 34 more affluent ZIP codes. Black residents received 55 percent of all pedestrian tickets and account for a higher percentage of tickets in Duval County than any large county in Florida.¹⁵

Prosecution and Judicial Engagement

PROSECUTION OF CRIMINAL ACTIVITY

Nationally, 95 percent of all criminal investigations are resolved with plea deals offering a lesser sentence because prosecutors want to minimize the expenditure and preparation required when trying a case. However, plea deals are a highly inaccurate measure of guilt. People often plead guilty when faced with going to jail for the rest of their lives or the trauma of having their family go through a trial experience, not just because they are guilty. And because 95 percent of cases are resolved this way, it is an ineffectual means of evaluating the criminal and prosecutorial system.¹⁶

In August 2019, researchers at Florida International University and Loyola University Chicago released the report *Race, Ethnicity and Prosecution in Clay, Duval and Nassau Counties, Florida*, examining 88,559 cases handled by the State Attorney's Office for Florida 4th Judicial Circuit, which includes Duval County, in 2017-2018. This is the first local study of its kind and serves as a baseline for future analysis. There is no comparable historical data.

The study looks at multiple decision points along the prosecution pathway, including:

- Case Filing – the decision whether or not to file charges against a defendant, or to divert the case to an intervention program.

¹⁴ <https://www.nature.com/articles/s41562-020-0858-1>

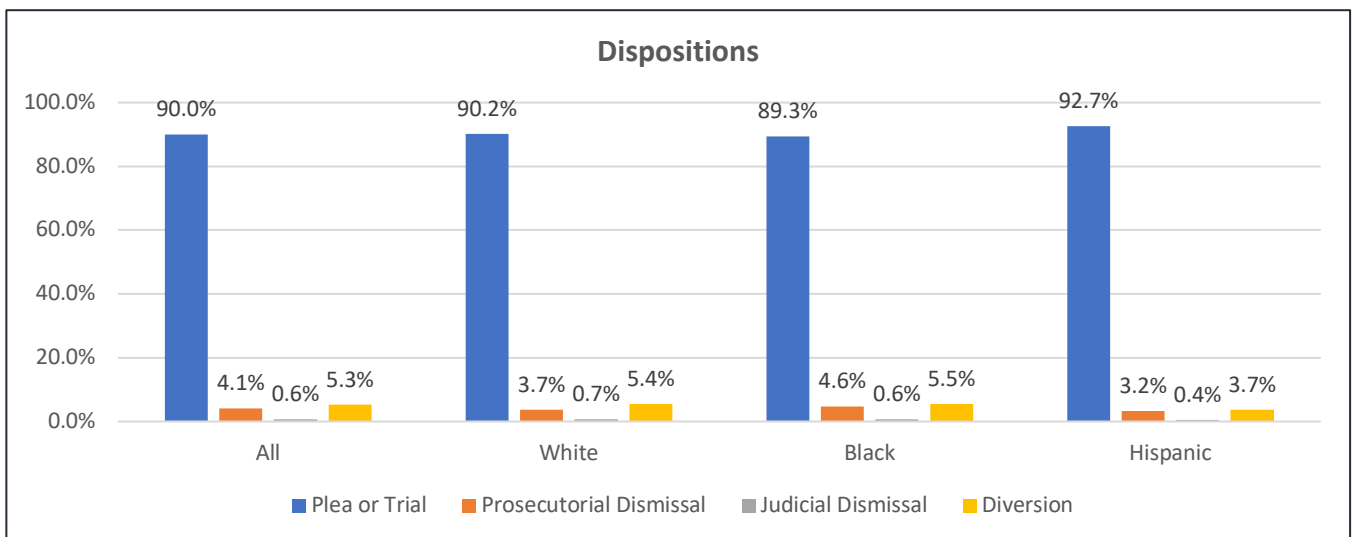
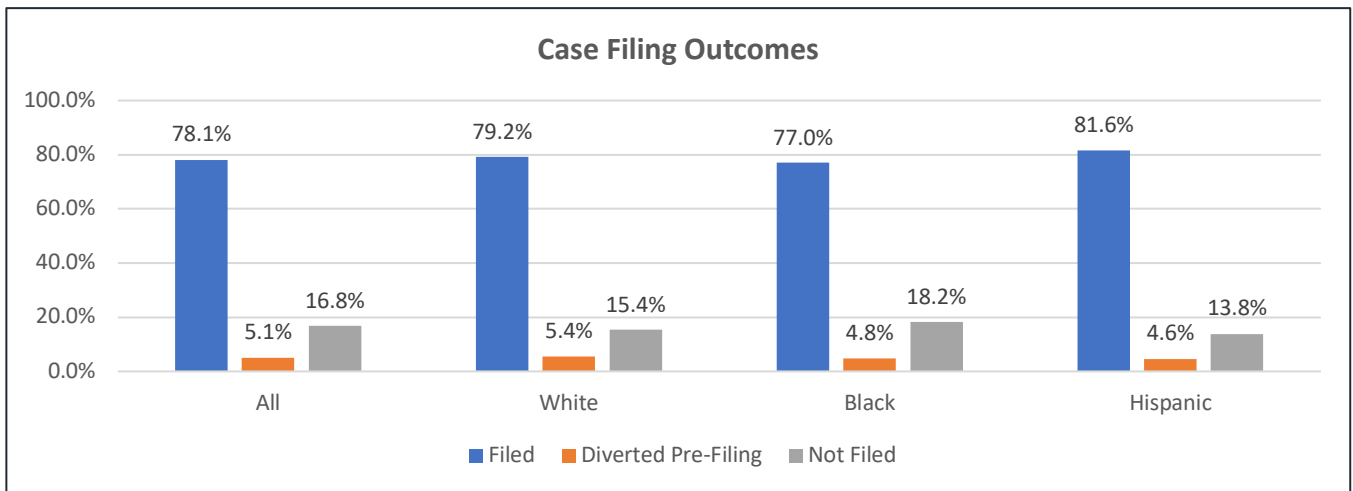
¹⁵ <https://features.propublica.org/walking-while-black/jacksonville-pedestrian-violations-racial-profiling/>

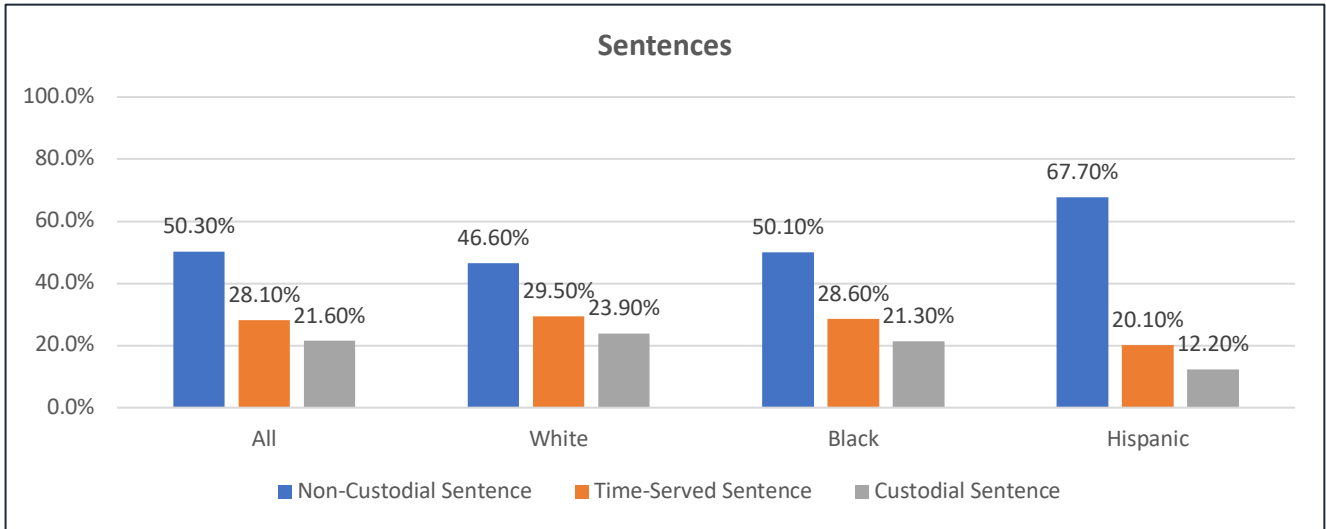
¹⁶ <https://news.uchicago.edu/big-brains-podcast-why-life-after-incarceration-just-another-prison>

- Disposition – the decision whether to accept a plea from the defendant, go to trial, drop the case or divert without conviction.
- Sentencing – the decision whether to require non-custodial sentence, a sentence of time served or a custodial sentence.

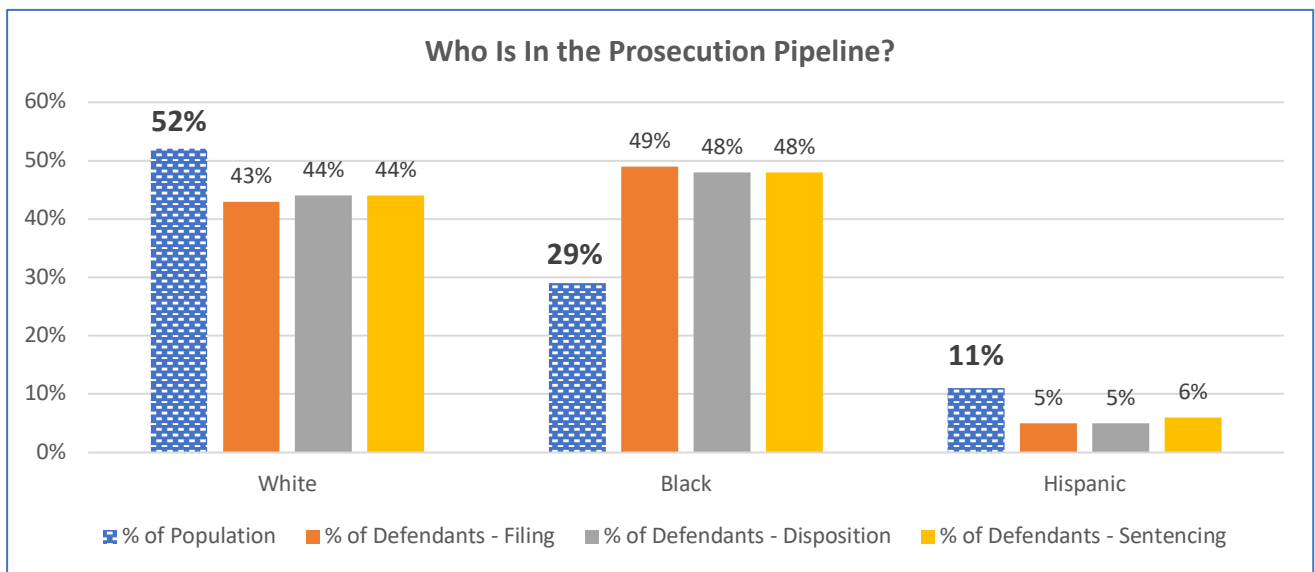
At each point, the study looks at outcomes for all defendants and broken down by race (White, Black and Hispanic/Latinx), both in terms of simple percentages, and in more nuanced analyses that account for a host of variables such as offense severity, victim age or prior convictions.

The charts below illustrate the findings:





Although the study concluded that most decisions made by prosecutors were not significantly influenced by race and ethnicity (except for case dismissals and case diversions discussed below), racial disparities are still clearly present in the process. The Jacksonville State Attorney’s Office oversees Duval, Clay and Nassau counties, with a combined population that is 60 percent White and 24.4 percent Black. However, Black defendants made up 51 percent of felony cases and 46 percent of misdemeanor cases as compared to 45 percent and 46 percent respectively for White defendants. Additionally, at filing, disposition and sentencing, 48 to 49 percent of the defendants were Black. This suggests that although defendants may not be treated with significant difference once they are in the pipeline, Black people are far more likely to be included in the pipeline than White or Hispanic/Latinx people, as the chart below indicates.



Source: *Race, Ethnicity and Prosecution in Clay, Duval and Nassau Counties, Florida*

DISMISSALS AND CASE DIVERSIONS

According to the aforementioned study, Black defendants were more likely to have their cases dismissed after prosecutors initially filed charges against them and later decided not to pursue the cases. “Late dismissals are especially problematic for individuals who end up in pretrial detention, which damages their employment prospects and family ties,” said Jacksonville State Attorney Melissa Nelson. “It is important that we screen cases even more thoroughly, to eliminate unprosecutable cases at the filing stage. Dismissing cases at later stages does not improve public safety, the community’s confidence in the justice system, or crime prevention.”¹⁷ The State Attorney’s Office has drawn on the results of the study to establish an online dashboard of indicators -- <https://sao4thdatadashboard.com/> -- that will be maintained and updated so citizens can monitor trends over time.

The study also found that Black defendants fared particularly worse as related to drug cases. The report’s lead author, Besiki Luka Kutateladze, stated that even though race wasn’t one of the most important factors in other decisions, it may still have played a more minor role. Defense attorneys are leveraging more blame at the Jacksonville Sheriff’s Office, stating that the increased dismissals indicate police officers are bringing frivolous arrests. “Officers are using lesser standards to get Blacks off the street and the state realizes the evidence is less than what they need or they can’t get a conviction,” said Dexter Van Davis, a local criminal defense attorney.¹⁸

In Jacksonville, prosecutors will file drug charges based on roadside drug tests, even though those tests often administer false positives and are inadmissible in court. They do not send the supposed drugs for lab testing until the case has been set for trial. If a lab test proves the supposed drugs aren’t what the police believed, the prosecutor will dismiss the case.

The racial disparity in diversions is particularly apparent in drug cases as well. Similarly situated Black defendants were about 30 percent less likely to get pre-filing diversion for drug offenses. Out of 1,000 cases 92 White defendants would receive pre-filing diversion as compared to 64 Black defendants. The contrast was most severe with marijuana possession cases where even after controlling for other factors, Black defendants were about 45 percent more likely to be sentenced to jail or prison than White defendants.¹⁹

SENTENCING

Despite the findings of the previous study, a 2017 survey conducted by the U.S. Sentencing Commission, showed that when Black men and White men commit the same crime, Black men on average receive a

¹⁷ <https://www.jacksonville.com/news/20190911/study-jacksonville-prosecutors-rarely-influenced-by-race-except-with-case-dismissals>

¹⁸ <https://www.jacksonville.com/news/20190911/study-jacksonville-prosecutors-rarely-influenced-by-race-except-with-case-dismissals>

¹⁹ <https://www.jacksonville.com/news/20190911/study-jacksonville-prosecutors-rarely-influenced-by-race-except-with-case-dismissals>

sentence that is almost 20 percent longer. The research controlled for variables such as age and prior criminal history. The study also revealed that when it comes to federal gun crimes, Black people are more likely to get longer sentences for similar crimes as well as more likely to get sentencing “enhancements.”²⁰

This finding is exacerbated by skin tone. In a 2018 review of academic research, findings show that disparities in punishment along the color continuum are often comparable to or even exceed disparities between Black people and White people as a whole. That is, the darker the skin of a Black person, the greater the disparity in arrest, charges, conviction rates and sentencing.²¹ This finding is supported by a 2007 Harvard study that examined 67,000 people convicted of a first-time felony in Georgia from 1995 to 2002. The average sentence for White men was 2,689 days. The average for Black men was 378 days longer. However, light-skinned Black people received sentences of about three and a half months longer than White people. Medium-skinned Black people received a sentence of about a year longer, while dark-skinned Black people received sentences of a year and a half longer.²²

Incarceration and Post-Incarceration

INCARCERATION

The American criminal justice system holds almost 2.3 million people in state federal prisons, juvenile correctional facilities, local jails, immigration detention facilities, Indian County jails, military prisons, civil commitment centers, state psychiatric hospitals and prisons in U.S. territories. While many people think of incarceration for persons convicted of violent offenses, the systems of incarceration are far more complex.

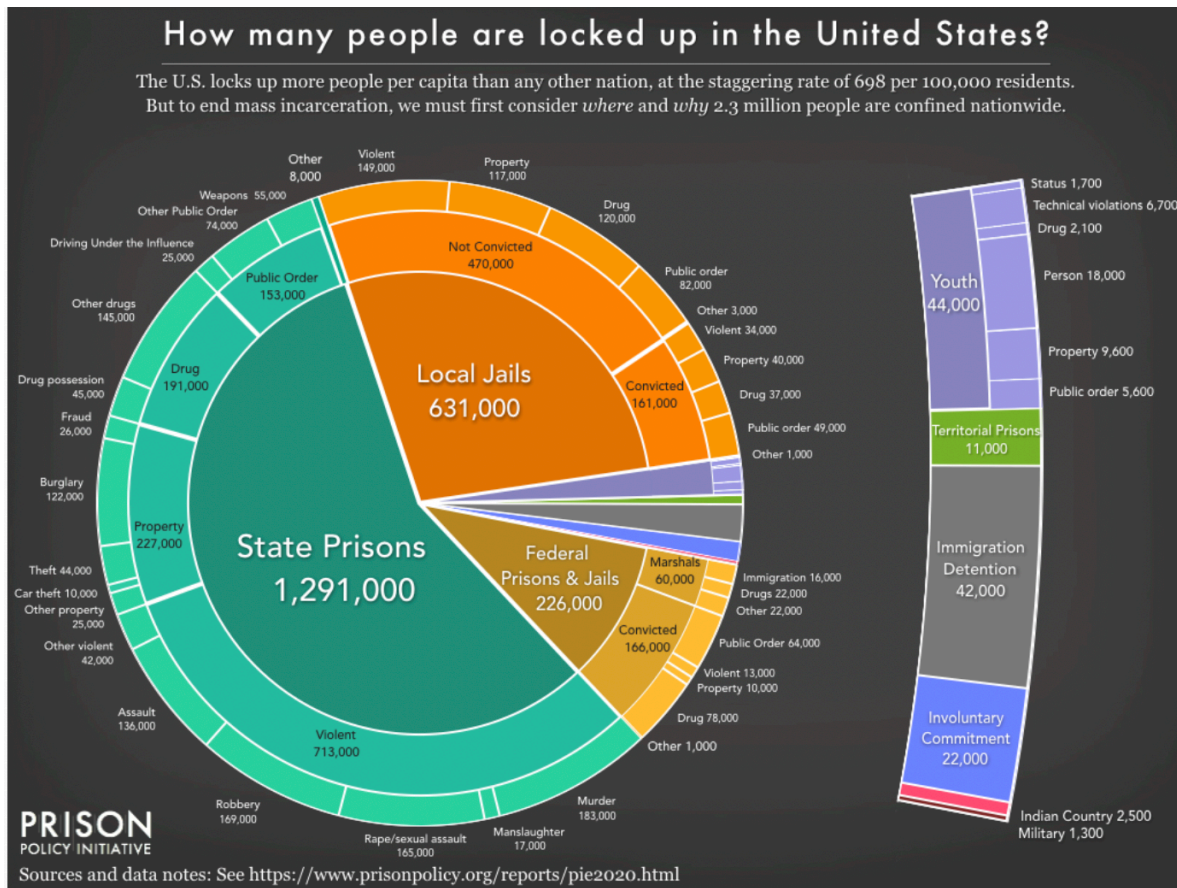
While the pie chart below provides a comprehensive snapshot of the American correctional system, it does not capture the enormous churn in and out of correctional facilities nor the far larger universe of people whose lives are impacted by the criminal justice system. While over 600,000 people are sent to prison each year, people go to jail 10.6 million times each year. Jail churn is particularly high because most people in jails have not been convicted. Only a small number have been convicted and are generally serving misdemeanor sentences under a year. Many are detained in local jails because they cannot afford to pay the bail amount for their release.²³

²⁰ https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171114_Demographics.pdf

²¹ <https://www.tandfonline.com/doi/abs/10.1080/01419870.2018.1508736?journalCode=rers20>

²² <https://scholar.harvard.edu/jlhochschild/publications/skin-color-paradox-and-american-racial-order>

²³ <https://www.prisonpolicy.org/reports/pie2020.html>

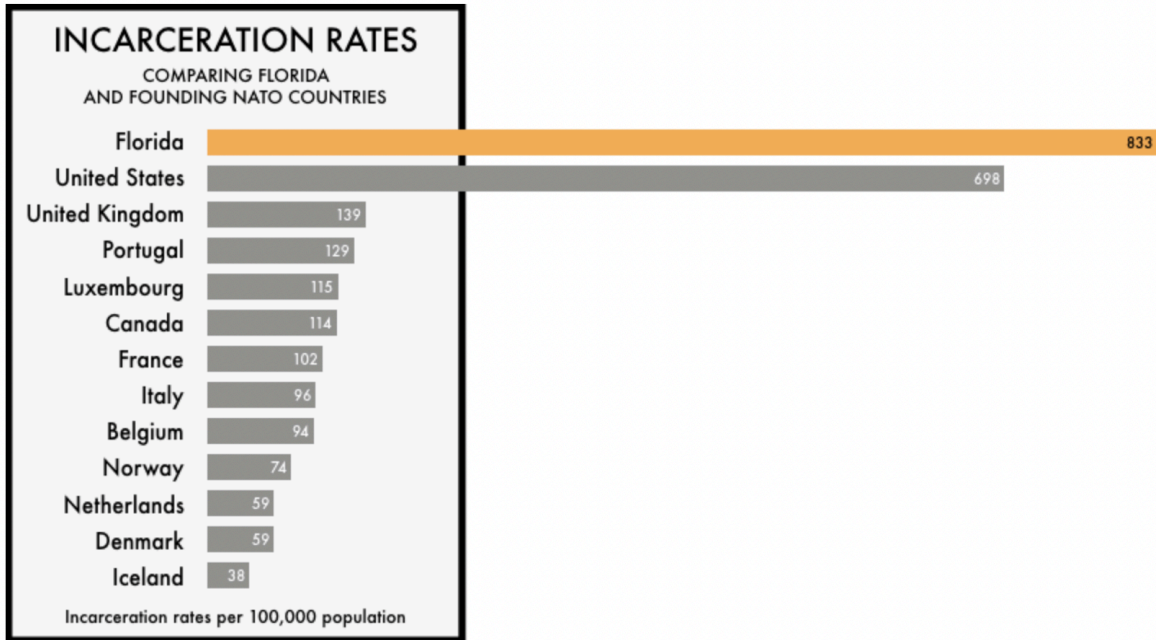


The Florida Department of Corrections is the third largest state prison system in the country with a budget of \$2.7 billion, incarcerating 80,000 inmates and nearly 145,00 on probation. The Department has 143 facilities statewide, including 50 correctional institutions, seven private partner facilities, 16 annexes, 33 work camps, three re-entry centers, 12 Department of Correction operated work release centers, 18 private work release centers, two road prisons, one forestry camp and one basic training camp.²⁴ There are 15 jails and prisons in Duval County, which includes jails, prisons, juvenile detention centers, pre-trial detention centers, and immigration detention centers.

The state of Florida has an incarceration rate of 833 per 100,000 people. Each year, at least 350,000 are booked into local jails in Florida. This rate of incarceration is higher than the country's rate as well as the rate for most democracies.²⁵

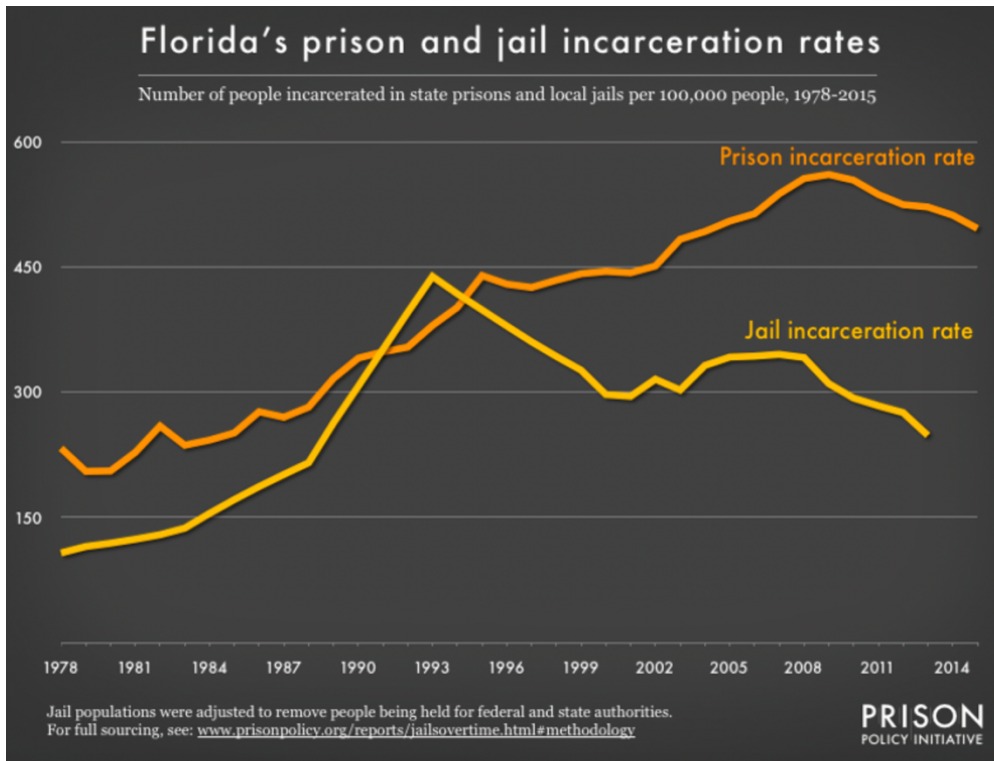
²⁴ <http://www.dc.state.fl.us/about.html>

²⁵ <https://www.prisonpolicy.org/profiles/FL.html>



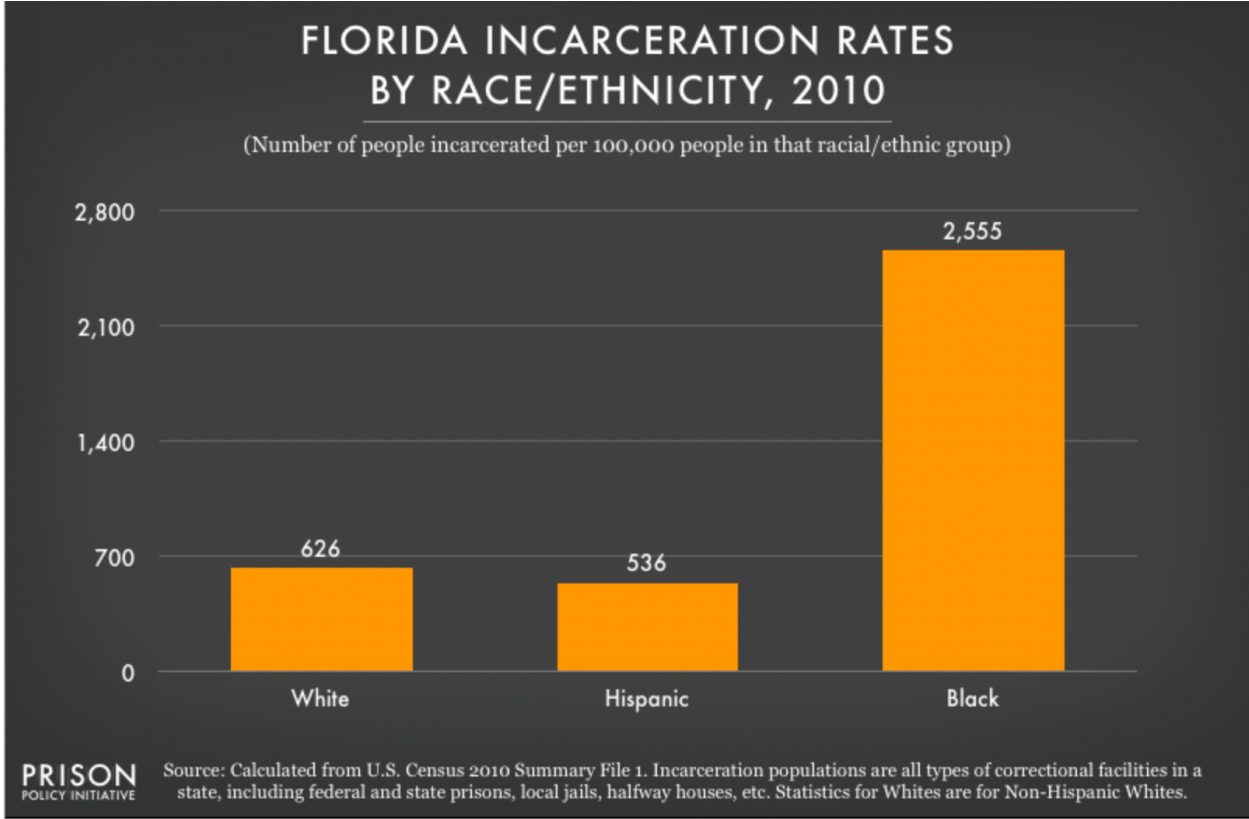
Source: <https://www.prisonpolicy.org/global/2018.html>

This rate of imprisonment has grown exponentially over the past 40 years. Florida has more than doubled its prison incarceration rate since the late 1970s while jail incarcerations have decreased since the early 1990s but are still significantly higher overall, as the graph below shows.²⁶



²⁶ <https://www.prisonpolicy.org/reports/jailsovertime.html>

With these high rates of incarceration also come high rates of racial disparity. Black people are severely overrepresented in the incarcerated population as compared to the demographics of the state and White people are underrepresented in the incarcerated population.²⁷



The prison population has exploded over the past few decades, largely due to the War on Drugs, increasing from 300,000 to over 2 million. However, crime rates in the United States have remained largely the same. Drug offenses alone account for about two-thirds of the increase in the federal inmate population and more than half of the increase in the state prison population. While the majority of people currently incarcerated are not serving a drug-related offense, drug sentences are shorter than murder or armed robbery. For example, during the 20 years one person may be incarcerated for murder, 20-30 people may have cycled through one spot for drug-related offenses. So, the largest percentage of people who have been convicted of a felony, incarcerated or post-incarceration, are for drug offenses, and most likely possession only.²⁸

This is shown when the number of people sentenced to prison is examined as opposed to the number of people incarcerated. While the majority of people currently in prison are in for

²⁷ <https://www.prisonpolicy.org/profiles/FL.html>

²⁸ Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Revised edition. New York: New Press, 2012. Print.

violent offenses, that does not hold true when examining the overall number of people sentenced.

Percent of Sentenced Prisoners by Most Serious Offense, under Federal Jurisdiction

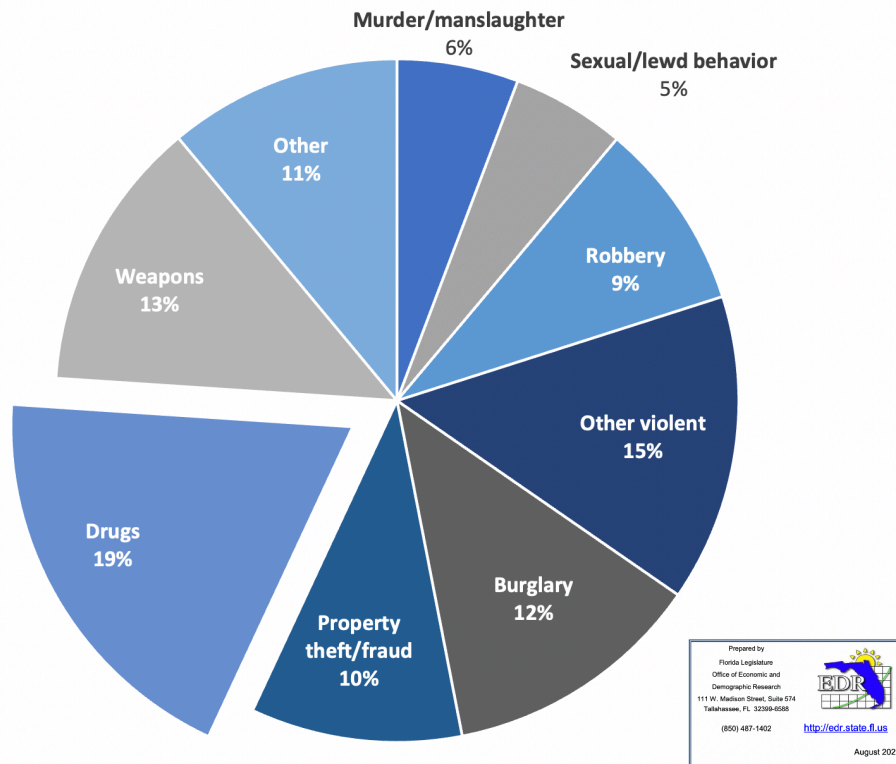
| | Sep. 2015 | Sep. 2016 | Sep. 2017 | Sep. 2018 | Sep. 2019 |
|-------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Total | 100% | 100% | 100% | 100% | 100% |
| Violent | 7.40% | 7.70% | 7.90% | 7.80% | 7.70% |
| Homicide* | 1.50% | 1.60% | 1.60% | 1.70% | 1.70% |
| Robbery | 3.70% | 3.80% | 3.80% | 3.70% | 3.50% |
| Sexual abuse | – | – | – | 0.70% | 0.80% |
| Other | 2.10% | 2.30% | 2.40% | 1.70% | 1.70% |
| Property | 6% | 6.10% | 5.90% | 5.70% | 5.30% |
| Burglary | 0.20% | 0.20% | 0.20% | 0.20% | 0.20% |
| Fraud** | 4.70% | 4.80% | 4.60% | 4.50% | 4.20% |
| Other*** | 1.10% | 1.10% | 1% | 1% | 0.90% |
| Drug**** | 49.50% | 47.50% | 47.30% | 47.10% | 46.30% |
| Public order | 36.30% | 38.20% | 38.50% | 39% | 40.30% |
| Immigration***** | 8% | 7.70% | 6.70% | 5.70% | 5.30% |
| Weapons | 16.30% | 16.70% | 17% | 17.70% | 18.50% |
| Other***** | 12% | 13.80% | 14.90% | 15.70% | 16.50% |
| Other/unspecified***** | 0.80% | 0.50% | 0.40% | 0.40% | 0.40% |
| Total number of sentenced prisoners | 185,917 | 172,554 | 166,800 | 162,904 | 158,107 |

In September 2019, violent offenses such as homicide, robbery, and sexual abuse constituted on 7.7 percent of the prisoners sentenced. Drug offenses, however, comprised the largest majority at 46.3 percent of the prisoners sentenced.²⁹ In Duval County, of the 1,341 individuals newly committed to prison in 2019, 256 (19.1%) of them were for drug offenses, the largest percentage by offense category.³⁰

²⁹ <https://felonvoting.procon.org/incarcerated-felon-population-by-type-of-crime-committed/>

³⁰ <http://edr.state.fl.us/content/area-profiles/criminal-justice-county/duval.pdf>

2019 New Commitments to Prison by Offense Category Duval County

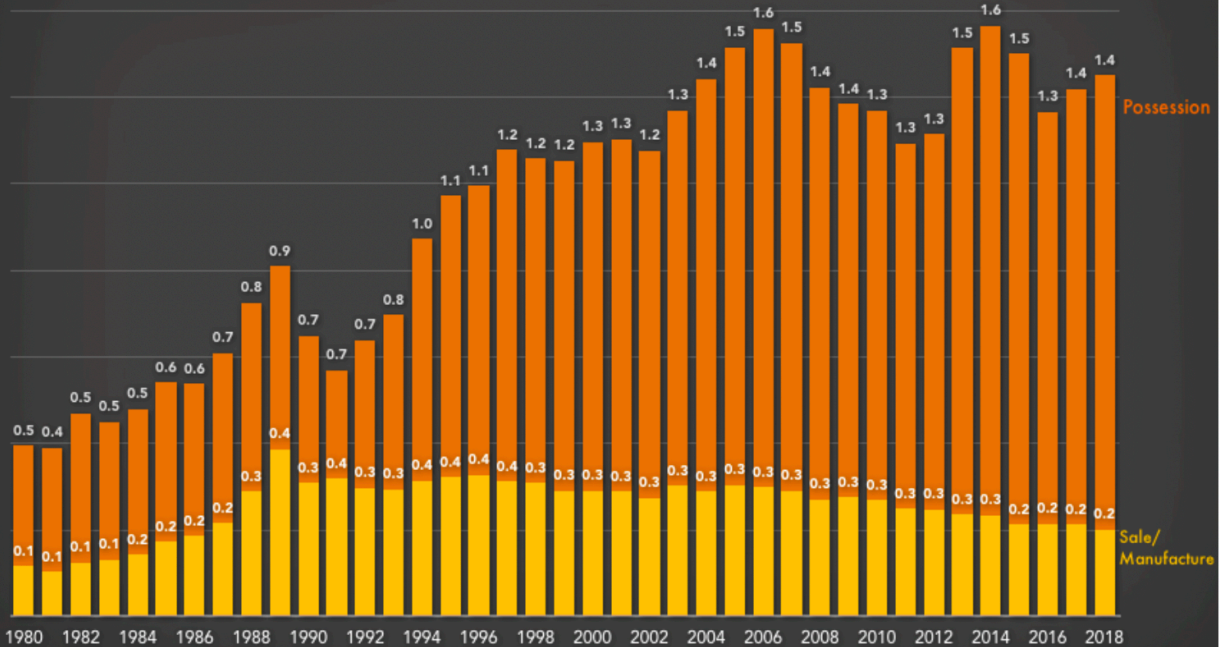


According to the Drug Policy Alliance, there were more than 1.5 million drug arrests in the U.S in 2013. The vast majority – more than 80 percent – were for possession only. At the end of 2012, 16 percent of all people in state prison were incarcerated for a drug law violation.³¹

³¹ https://www.reimaginerpe.org/20years/alexanderhttps://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_June2015.pdf

There are over 1 million drug possession arrests each year

There are 6 times as many arrests for drug possession as for drug sales.
(Arrests in millions, 1980–2018)



PRISON
POLICY INITIATIVE

Compiled by the Prison Policy Initiative from Federal Bureau of Investigation *Crime in the United States* series.

Although the rates of drug use and sales are similar across racial and ethnic lines, Black and Hispanic/Latinx people are far more likely to be criminalized than White people.³² In fact, White youth have about three times the number of drug-related visits to the emergency room as their Black counterparts.³³ According to Michelle Alexander, author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, there are more Black people under correctional control (incarceration, probation or parole) than there were enslaved in 1850, a decade before the Civil War began.³⁴

IMMIGRANTS & INCARCERATION

Another area that has significant racial disparity is for people who are locked up criminally and civilly for immigration-related reason. Nationally, convictions of immigration offenses accounts for 11,000 and another 13,600 being held pretrial by the U.S. Marshals office. Another 39,000 people are civilly detained by the U.S. Immigration and Customs Enforcement (ICE) not for a crime but simply for their undocumented immigrant status. ICE detainees are confined in a

³²https://www.reimaginerpe.org/20years/alexanderhttps://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_June2015.pdf

³³ <https://www.reimaginerpe.org/20years/alexander>

³⁴ <https://www.reimaginerpe.org/20years/alexander>

federally- or privately-run immigration detention facility or in local jails under contract with ICE. Additionally, 3,600 unaccompanied children are held in the custody of the Office of Refugee Resettlement (ORR), awaiting placement with parents, family members, or friends. Most of these children are held in detention center-like facilities.³⁵ Overwhelmingly, these detainees are Hispanic/Latinx. According to the American Immigration Council, 43 percent of detainees are Mexican and 46 percent are from either El Salvador, Guatemala, or Honduras.³⁶ The next largest percentage of detainees are persons from China, Haiti, and Cuba, all of whom represent populations of color.³⁷

CONDITIONS OF INCARCERATION

COVID-19 has also had a significant impact in the correctional system. Prisons are closed spaces where there is limited access to personal protective equipment, such as masks, which contributes to the spread of the virus. According to Johns Hopkins University, prisoners are 5.5 times more likely to get infected by COVID-19 as well as three times more likely to die after testing positive. They are also at increased risk of cardiac and respiratory conditions. Given the structure of prisons, it is also nearly impossible to maintain social distancing.³⁸ As of July 18, 2020, 3,647 Florida inmates and 1,065 prison staffers had tested positive, and 6,064 inmate tests were still pending. Thirty-two people in the system had died from the virus, all of them inmates.³⁹

COVID-19 conditions are exacerbated by the intense heat in most Florida prisons. The Florida Department of Corrections (FDC) reported that 18 of its major institutions have air conditioning in most of their housing areas. However, FDC operates 143 facilities and 50 major institutions. Without air conditioning, the facilities can get unbearably hot. Many of the inmates have said the masks are made of thick fabric, making breathing difficult and making it unbearably hot. However, they may also face punishment if they remove their masks without permission to do so.⁴⁰ One inmate described the heat inside of his cell like being locked in a car with the windows shut. The lack of air-conditioning creates unsafe – even lethal – conditions. Prolonged exposure to extreme heat can cause dehydration and heat stroke, both of which can be fatal. Many people in prison are especially susceptible to heat-related illnesses, as they have certain health conditions or medications that make them especially vulnerable to the heat.⁴¹ Even the state's prison hospital has patients living in dorms without air conditioning. There are only two wings of the hospital with air conditioning, which is cited to not work well and often

³⁵ <https://www.prisonpolicy.org/reports/pie2020.html>

³⁶ <https://www.americanimmigrationcouncil.org/research/landscape-immigration-detention-united-states>

³⁷ <https://www.phoenixnewtimes.com/news/mexicans-most-likely-of-immigrants-to-be-locked-up-in-detention-centers-7615278>

³⁸ <https://jamanetwork.com/journals/jama/fullarticle/2768249>

³⁹ <https://thecrimereport.org/2020/07/20/florida-prisoners-say-they-are-dying-in-the-heat/>

⁴⁰ <https://www.orlandosentinel.com/news/breaking-news/os-ne-florida-prisons-heat-masks-20200722-bbe4hatmffgb7aqdofhmnffdvi-story.html>

⁴¹ <https://www.prisonpolicy.org/blog/2019/06/18/air-conditioning/>

need repair.⁴² In a state that routinely has temperatures above 90 degrees for months on end, this is a serious concern for the health, safety and humanity of those incarcerated.

According to the Southern Poverty Law Center, the FDC holds approximately 10,000 people – more than 10 percent of its population – in solitary confinement.⁴³ The nationwide average was 4.5 percent in 2018.⁴⁴ Racial disparities are widespread in solitary confinement as well. Solitary confinement is the physical isolation of people confined to their cells for 22 to 24 hours a day, rarely having contact with people. While 16.9 percent of Floridians are Black, 47 percent of the people in Florida’s prisons are Black and over 60 percent of people in solitary confinement are Black. Comparatively, White residents comprise 77.4 percent of Florida’s population, 40.1 percent of the people in prison, and 34.5 percent of the people in solitary confinement.⁴⁵

IMPACT OF INCARCERATION

There are 2.7 million children are growing up in U.S. households in which one or more parents are incarcerated. Two-thirds of these parents are incarcerated for nonviolent offenses, including a substantial proportion who are incarcerated for drug law violations. One in nine Black children has an incarcerated parent as compared to one in 28 Hispanic/Latinx children and one in 57 White children.⁴⁶ Poverty plays a central role in mass incarceration, serving as the Ouroboros of the prison system, continually devouring itself and being reborn of its own essence. People in prison and jail are disproportionately poor as compared to the overall population.⁴⁷ The criminal justice system punishes poverty, beginning with the high price of bail. As a result, low-income individuals are more likely to endure the harms of pretrial detention. As for its own tail that poverty consumes, a criminal record and time spent in jail or prison destroys wealth, creates debt, and decimates job opportunities.⁴⁸

⁴² <https://www.jacksonville.com/news/20190626/florida-prisoner-advocacy-group-seeks-relief-for-heat-stricken-inmates>

⁴³ https://www.splcenter.org/sites/default/files/com_solitary_confinement_0.pdf

⁴⁴ 1 *Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell*, (Oct. 10, 2018), at 4, https://law.yale.edu/system/files/area/center/liman/document/asca_liman_2018_restrictive_housing_revised_sept_25_2018.pdf.

⁴⁵ https://www.splcenter.org/sites/default/files/com_solitary_confinement_0.pdf

⁴⁶

https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_June2015.pdf

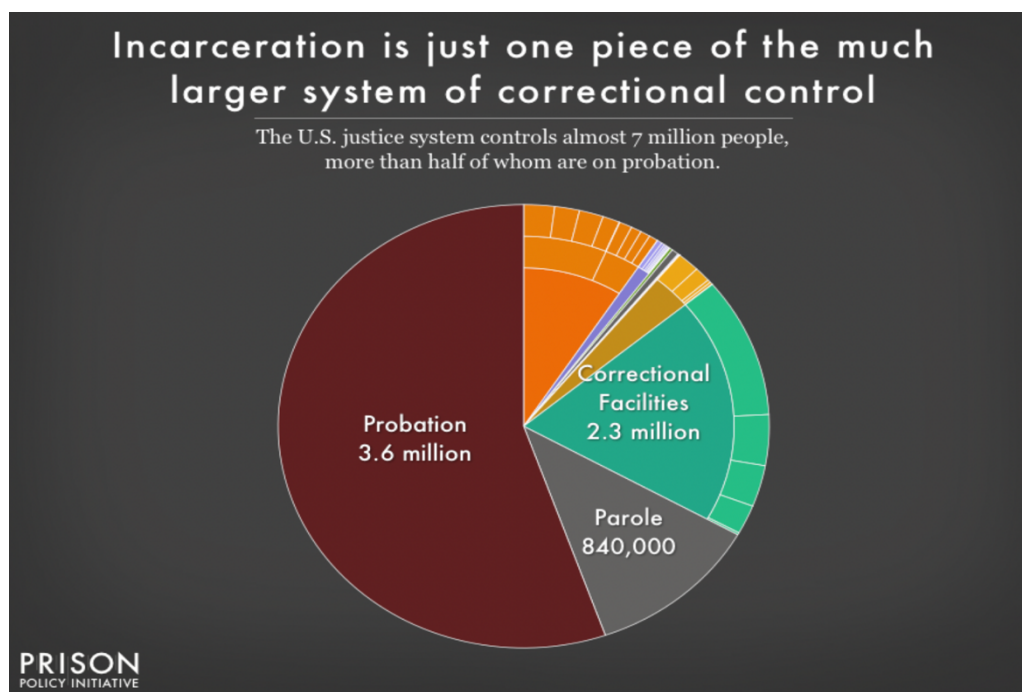
⁴⁷ <https://www.prisonpolicy.org/reports/income.html>

⁴⁸ <https://www.prisonpolicy.org/reports/pie2020.html>



POST-INCARCERATION

While incarceration is often the part considered when addressing the correctional system, it actually comprises one of the smaller portions of it. The U.S. justice system currently has almost 7 million people under its control, more than half of whom are on probation.



The federal government and State of Florida deprive persons convicted of a felony to serve on a jury, receive public social benefits or live in public housing, travel abroad or outside of the district, carry a firearm, and they restrict the issuance and renewal of some professional licenses such as real estate, law, education, insurance and other professional licenses. Parental rights may also be lost after release. Additionally, former inmates often cannot find stable housing, have inadequate access to drug and alcohol treatment, and do not have the job training needed. Former inmates also have challenges that are more difficult to track – the difficulty of navigating a world that you’ve been secluded from for years, or even decades.

According to Joan Petersilia in her book, *When Prisoners Come Home: Parole and Prisoner Reentry*, between 60 to 75 percent of former inmates find themselves jobless up to one year after being released.⁴⁹ Another study found that more than half of the formerly incarcerated people in New York City homeless shelters had been released from jail in the past 30 days.⁵⁰ The National Institute of Justice, however, discovered significant disparities in the process of reentering society. Black applicants with criminal records are turned down for jobs at nearly twice the rate as White applicants with criminal records.⁵¹ “There is prejudice that comes with your past that you can’t seem to escape,” said Shaka Senghor, author of *Writing My Wrongs* and a former inmate who was incarcerated for 19 years. “Unfortunately, when people are sentenced, that sentence never ends – even when they step out of prison.”⁵²

The recidivism rate in Florida supports this point. Approximately 33 percent of former inmates return to prison within three years; that rate skyrockets to 77 percent within five years.⁵³ According to [change.org](https://www.change.org), Florida spends approximately \$53.34 per day or \$19,469 per year to house an inmate in a Florida prison. However, while in prison, inmates do not receive the education, job skills training, or social skills training needed for them to successfully and productively in society outside of the prison.⁵⁴ In 2020, Governor Ron DeSantis launched a new foundation to address the recidivism rate as 85 percent of people currently incarcerated will eventually be released. This foundation will support programs like Operation New Hope, a local nonprofit that provides support and life and job skills training for people affected by the criminal justice system and helps place them in employment. Operation New Hope has been successful in reducing the recidivism rate by providing these supports. For participants in their program, there is a recidivism rate of just 8.64% and 75% of their program graduates find jobs and make an average of just over \$11 an hour.⁵⁵ According to Operation New Hope, taxpayers benefit \$2.86 from every \$1.00 spent on their programs by avoiding the repeated cost of incarceration.⁵⁶ Their success rate not only illuminates missing structural components to our current system of incarceration but also highlights a clear path forward to help address Senghor’s issue of the never-ending sentence.

Another means in which former inmates continue to experience the restraints of conviction even after their sentence is completed is through voting. Florida used to be one of the only states to ban persons convicted of a felony from voting for life. During the 2018 midterm elections, two-thirds of Florida

⁴⁹ Petersilia, Joan. *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press, 2003. Print.

⁵⁰ https://repository.upenn.edu/cgi/viewcontent.cgi?article=1063&context=spp_papers

⁵¹ <https://www.ojp.gov/pdffiles1/nij/grants/228584.pdf>

⁵² <https://www.mprnews.org/story/2017/03/08/issues-facing-former-inmates>

⁵³ <https://charleskochfoundation.org/stories/life-after-prison/>

⁵⁴ <https://www.change.org/p/ken-detzner-help-reduce-the-recidivism-rates-in-florida>

⁵⁵ <https://wusfnews.wusf.usf.edu/2020-02-07/gov-desantis-aims-to-reduce-floridas-recidivism-rate-with-new-foundation>

⁵⁶ <https://operationnewhope.org/wp-content/uploads/2021/08/Annual-Report-2021-compressed.pdf>

voters voted to automatically restore voting rights to anyone convicted of a felony who had completed his or her sentence, excluding murder or felony sexual offense convictions, known as Amendment 4. This is of significance as Florida is home to one-quarter of all persons convicted of a felony who have been released in the country, representing approximately 1.4 million people.⁵⁷ As the majority of persons convicted of a crime are persons of color, this has racial implications as well. The amendment has had the greatest impact in counties with higher number of Black residents. In Gadsen County, the only county in the state where more than half of the residents are Black, former inmates made up at least one in five new voters. In seven other counties with sizable Black populations, former inmates made up at least one in every 15 new voters. In Duval County, at least 5.1 percent of new voters were former inmates⁵⁸ The Florida State Legislature then passed a bill stating that only persons who paid off all fines and fees would be eligible to vote. According to the Miami-Herald, only 80,000 of those 1.4 million people had registered to vote in time for the 2020 general election.⁵⁹ State officials have also been unable to state how many former inmates owe court fees, fines or restitution that would disqualify them from voting. This has resulted in a much lower voter registration rate than in other states that have restored voting rights to former inmates, though it is over a shorter timeframe. It had been predicted that between 10 to 20 percent of former inmates, or between 140,000 and 280,000 former inmates, would register to vote in the 2020 election. The additional clause of requiring fees to be paid drastically reduced that number and has disenfranchised even more voters, a large percentage of whom are people of color.

Conclusion

We have to determine the goal for our justice and legal system as a whole and the goals for each step of the process to determine if we are successful obtaining the outcomes we want. At a minimum, we know that everyone deserves the right to a fair trial and they are innocent until proven guilty. If a person is accused of a crime, but they never get their day in court, that is not a successful outcome. If we want people who commit crimes to reintegrate into society after serving their sentences, but they end up back behind bars, we have failed. We have to be willing to admit that failure, but that comes with the need to revamp our justice and legal system at each level to get the desired outcomes.

⁵⁷ <https://www.pbs.org/newshour/show/in-florida-path-to-restoring-felons-voting-rights-has-been-fraught-with-challenge>

⁵⁸ <https://www.tampabay.com/news/florida-politics/elections/2020/10/07/florida-ruled-felons-must-pay-to-vote-now-it-doesnt-know-how-many-can/>

⁵⁹ <https://www.miamiherald.com/news/politics-government/state-politics/article247019212.html>

About 904WARD

904WARD began in 2015 with a small group of friends who came together to talk openly, challenge each other, support each other, and take action together to build a more inclusive Jacksonville. We are mostly a volunteer group made up of people from Jacksonville's private, public, and nonprofit sectors committed to creating a community of inclusion for all of Jacksonville's residents. 904WARD creates racial healing and equity through deep conversations and learning, trusting relationships, and collective action. Our vision is an end to racism in Jacksonville, so all people thrive. To learn more and sign up to get involved, visit 904WARD.org.

About The Community Foundation for Northeast Florida

The Community Foundation for Northeast Florida, Florida's oldest and largest community foundation, works to stimulate philanthropy to build a better community. The Foundation helps donors invest their philanthropic gifts wisely, helps nonprofits serve the region effectively, and helps people come together to make the community a better place. Now in its 57th year, the Foundation has assets of more than \$540 million and has made nearly \$600 million in grants since 1964. For more information: www.jaxcf.org.

About Mary Kress Littlepage

Mary Kress Littlepage is a journalist, researcher and communications expert who has lived in Jacksonville since 1977. For the last two decades, her company, KBT & Associates, has worked with the community's leading philanthropic organizations to enhance understanding of critical community issues.