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Brevard County jail gets inmate crowding under control

But some worry that state budget will be major setback

BY JEFF SCHWEERS

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Three years ago, the Brevard County Detention Center peaked at 1,988 inmates, nearly 300 more than the jail's maximum capacity.

Violence was considered out of hand, with 445 inmate-on-inmate assaults and 117 inmate-on-officer assaults the year before.

A federal judge at any time could have ordered a jail expansion at taxpayer expense, as the crowding put the county in violation of a court mandate dating back to 1983 -- even after the county had spent \$17 million to increase the number of beds from 1,000 to 1,700.

But today, the population is under capacity and under control, credited primarily to a series of moves that helped force inmates -- almost all awaiting trial -- through the court system faster.

"Right now, we have breathing space," Jail Cmdr. Susan Jeter said.

Some, however, worry that a proposal in Gov. Rick Scott's budget to cut 50 percent of all judicial assistants could set the court system back to those days of stacked dockets and a crowded jail.

"Our system would entirely back up," said Chief Judge Preston Silvernail of the 18th Circuit, which covers Brevard and Seminole counties. "If resources get cut back, we can't offer the same level of service."

That will be decided this spring as Scott and the Florida Legislature decide on the budget.

Report time

But the changes that led to the "breathing space" came about after U.S. District Judge Gregory Presnell ordered a conference with county government justice officials and recommended they find a consultant to get the jail population under control.

In 2008, the county commission hired Charles Edelstein, a court consultant and Florida senior judge, who delivered a 115-page report that boiled the crowding problem down to the key issue of slow case flow.

"We made a lot of improvements based on that recommendation," County Manager Howard Tipton said.

The changes includes increased use of pre-trial release and GPS trackers, giving first-appearance

judges more leeway to lower or eliminate bonds and allowing hearing dates instead of arrest for some probation violators.

The results:

- From January 2008 through April 2009, the number of felony cases pending trial dropped from 3,197 to 1,935.
- During the same period, inmate population dropped from 1,804 to 1,452.

About a year ago, the county followed another of the consultant's recommendations and hired a coordinator to help the courts keep inmate cases on track, another assurance that the jail would remain uncrowded.

Better, safer

These days, the jail population hovers between 1,500 and 1,600 a day and has been as low as 1,400.

Officials report better and safer conditions for inmates and employees. The jail recorded 305 inmate-on-inmate assaults in 2010, a 30 percent drop from 2007. Assaults on correction officers also decreased to 19, which is 15 percent fewer than in 2007.

"It is much easier to manage them at this state," said Maj. Gregory Robinson, one of two chief deputies under Jeter.

On a typical day, inmates mill about Cell Block 200 in orange jumpers and shower shoes or flip-flops, talking, playing cards or using one of the pay phones. Some talk via "videophone" with friends and family, who are in a separate building outside the jail.

Each pod used to have more than 70 inmates at a time, sharing two showers, with 30 to 40 on bunks on the day room floor.

"Before, it was hard to handle," said Laura Stevenson, a corrections technician who's been with the jail for more than five years. "It was often hard to see what was going on. Total chaos."

Now, there are about 28 inmates to a pod, the number they were designed to accommodate. And no inmates are housed in the common areas.

"Now that we can put people behind locked doors, we have control of the facility," said Maj. Darrell Hibbs, second chief deputy under Jeter. "For the officers' sake, we can get things back to normal."

Longtime issue

Crowding has been a problem at the county jail for three decades.

A federal lawsuit in 1983 forced the building of a 386-bed jail, which replaced the old Titusville jail. The new jail was near capacity with 342 inmates when it opened in 1986.

By 2003, the jail had been expanded to hold 1,000 inmates, but had more than 1,400. Five inmate suicides that year and in 2004 led the Florida Justice Institute of Miami to file a lawsuit.

Newly elected Sheriff Jack Parker made fixing the problem one of his top priorities.

In 2005, he asked the county commission to buy a steel-and-fabric "tent" designed to withstand hurricane-force winds, where he could move 100 of the least violent offenders. But plans stalled when

commissioners couldn't agree how to pay.

As assaults on officers and inmates reached an all-time high in 2007, the commissioners floated a \$17 million construction bond to add three more 100-bed tents and build a wing for inmates with mental health and medical problems.

The expansion brought the jail to its current capacity.

Jeter said the new 346-bed wing, opened in April 2008, let jailers move a vulnerable and unpredictable group out of the general population to a facility where they could be managed better. In 2006 and 2007, when part of the general population, inmates with mental issues were responsible for 20 percent of all attacks.

"It eases the strain on the corrections officer in each block," Jeter said.

The jail reported its last suicide in September, which was only the second in two years.

New position

In 2009, Edelstein recommended the county create a population-management coordinator to act as a liaison among judges, the clerk of court, the sheriff, state attorneys and public defenders.

Commissioners voted to set the annual salary for the new position at \$60,000. Last March, the county hired Isabel Kennedy, who had worked for decades in the court system.

Her job is to conduct population research, develop crowding solutions, do cost-benefit studies and pursue grant money, among other tasks.

"I am an advocate for an efficient system," she said. "Really, what we're doing is finding ways to make room for improvement."

Last July, she met with Chief Judge Preston Silvernail and other members of the criminal justice community. At the time, the jail population was about 1,700 -- higher in part because of the annual summer increase in the number of inmates.

Kennedy said Silvernail did two things after that meeting:

- Signed an administrative order to ensure that all defendants with multiple cases pending got assigned to one judge.
- Signed an order assigning more assistant state attorneys and public defenders to the early resolution program, to speed along defendants ready to resolve their cases with plea deals.

Kennedy and Jeter both provide the courts with monthly updates of inmates' length of stay by each circuit division, and record how many continuances each defendant has had.

Tipton said the information has helped speed the judicial process.

"If information is not moving to all areas or not moving well," he said, "judges don't know which cases are languishing, and the jail is not tracking which inmates are languishing the longest."

Lower cost

Jeter said fewer inmates means a lower daily cost of feeding and housing, now at \$72 per inmate per day.

But it doesn't offset the additional cost of adding more officers and other staff to run the jail.

The jail staff went from 392 to 486 between 2006-07 and 2007-08, when the expanded facilities began opening, raising the budget from \$33 million to \$40 million, said Greg Pelham, budget director for the sheriff's office.

Since then, staffing has remained at 475 and the budget at \$42 million, he said.

Tipton said that cost-savings in the system is difficult with a 1,600-inmate population because "you still have all the officers and infrastructure needed to make that possible."

Making the courts run more efficiently to keep the jail population down is more about avoiding costs than saving costs.

"It costs a lot of money to build a new jail wing," Tipton said.

Contact Schweers at 321-242-3668 or jschweers@floridatoday.com.

Additional Facts

Curbing crowding

After decades of crowding at the Brevard County Detention Center and even a \$17 million expansion in 2007, a jail consultant identified the slow movement of court cases as the main cause. Multiple steps have been taken, including:

- Releasing more inmates before trial, partly by increased use of electronic tracking devices.
 - Allowing the first-appearance judges more discretion to set lower or no bond.
 - Setting hearing dates for people who violate probation, instead of taking them to jail.
 - Assigning one judge to all cases pending for an individual inmate.
 - Increasing manpower to speed up plea deals.
 - Hiring a coordinator to track cases and keep judges informed about the longest incarcerated inmates.
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