

## Frequent Fliers: The High Demand User in Local Corrections

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### Abstract

Jail practitioners are very familiar with a small, but very active group of minor offenders that cycle through local correctional institutions on a regular basis. These offenders have received comparatively little scrutiny from jail scholars, and this study responds to this gap in the literature by examining the legal and social characteristics of a group of Florida jail offenders that has been labeled frequent fliers. This exploratory study examines the characteristics of these high-demand users and their involvement in local justice systems. The findings reveal that a small group of jail inmates have dozens, and in some cases, more than a hundred jail admissions over a period of years – most often for minor offenses. The results suggest that frequent fliers exhaust community services and that local jails are a safety net for this high-demand, high-needs population in the absence of alternatives. Implications for community health care and other county services are addressed.

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### Introduction

Policy-makers are primarily concerned about serious and violent offenders, or repeat felony offenders, the so-called career criminal. Despite the challenges that career offenders pose for justice systems, there is an equally taxing group that poses considerable problems for a range of county level services, including local corrections. These persons, whom practitioners have labeled frequent fliers, are characterized by their high-volume of jail admissions and discharges. In most cases, these offenders have dozens of arrests and jail admissions – but some high-demand users have been admitted more than a hundred times. These frequent fliers not only create challenges for jails, but also mental health agencies, emergency rooms, addictions services, and county public health agencies. While the problems of this group of offenders are legal in nature, they often stem from other health-related issues.

The challenges posed by these non-serious, highly active offenders are compelling for several reasons. First, the sheer volume of transactions processed by jails warrants our attention. In 1999, for instance, there were over

11 million jail admissions (Beck, 2002). In comparison, the 615,377 admissions to state prisons at midyear 2003 was a small fraction of that total (Harrison & Karberg, 2004). At midyear 2003 local jail authorities held some 691,301 offenders. This total population was approximately 4.5 times greater than inmates held in Federal prisons during the same time, and a little more than half of the number detained in the nation's prisons (Harrison & Karberg, 2004). National statistics also indicate a sustained growth in jail populations: increasing over 40 percent from 1990 to 2002. During this period the number of jail inmates rose from 163 to 238 per 100,000 residents in the population (Harrison & Karberg, 2004). Clearly the volume of traffic through the nation's estimated 3300 jails, as well as the average daily population, suggests that understanding the characteristics of jail populations is important.

Second, jails are challenged by multiple missions. Inmate populations consist of a diverse group, including pretrial defendants and sentenced offenders, felons and misdemeanants, or prison inmates -- awaiting parole hearings, transport to state prisons, or extradition to other

places. Moreover, jail populations are much more diverse than state prisons, holding both male and female inmates, and inmates of all ages – including juveniles in some jurisdictions. Jails are continually challenged to accommodate these heterogeneous populations. Indeed, the array of inmate statuses and their need for service is more varied than in state or federal prisons. This heterogeneity in population and jail functions complicates the delivery of services and challenges the maintenance of a safe and humane environment.

Many jail detainees are simply individuals for whom there are few alternatives and the jail has become the place that “just can’t say no” (Lamb, Weinberger, & DeCuir, 2002). Jails hold disaffected and disturbed individuals who are underserved or ill-served by other support or community systems (see Ford & Moore, 1992). Jails often serve as way stations for persons with mental illness, alcoholics and drug users, the public nuisance, and most recently, the homeless. In some cases, a small number of persons admitted to jail may have all of these problems (see Hartwell, 2004). Jails often act as gatekeepers — directing those in need of treatment and rehabilitative services to more appropriate community-based agencies. Alternately, jails are also a safety net — the last resort for law enforcement and families when social and community support systems have failed. In an era of diminishing resources for social programs, there is a greater pressure on jails to assume these roles. Thus, jails have assumed more health-related roles and responsibilities, despite the fact that budgets have not had a corresponding increase in funding (Leach, 2004).

The motivation for this research about frequent fliers is twofold. Most important is to better understand the legal, demographic, and individual-level characteristics that define these jail inmates. There is very little prior empirical work that has examined these high-demand jail populations, and this is a significant gap in the literature, -especially considering the challenges frequent fliers pose for county services. In a period of increased demand on jail resources (e.g., increasing inmate population growth but

no corresponding growth in beds to house these inmates, or funds for services), understanding the impact of repeat offenders upon the system is critically important.

A second goal of this study is that future practitioners use this research to develop strategies to reduce the prevalence of these inmates, and their impact on county services – from health care agencies, courts, as well as jails. Possible interventions that might reduce arrests and jail admissions of frequent fliers include; a policy shift in law enforcement or court practices, or the development of alternative community-based services for these individuals. Practitioners have long understood that the problems of some jail inmates are primarily health or addiction related, and this creates challenges where no other community option exists, other than the jail. Last, future scholars may also use this exploratory study as a starting point for their research about special-needs jail populations.

There has been very little prior empirical work that has specifically addressed the issue of high-demand jail inmates. In 2002, New York City initiated Operation Spotlight. This initiative focused on a small group of persons described as low-level criminals who were repeatedly arrested and were responsible for a disproportionate amount of minor offenses (Canarsie Courier, 2002). This group of misdemeanor offenders comprised only six percent of defendants but accounted for 28 percent of all non-felony prosecutions. Most often these persons were involved in quality of life offenses such as drug possession, property crime, and criminal trespass. Once high-demand users were identified, Operation Spotlight coordinated the efforts of the police, prosecutors, courts, probation, and local corrections to develop responses intended to interrupt their pattern of arrest, jail admissions, and discharges. One of the main strategies involved intensive discharge planning for incarcerated defendants and close monitoring of those offenders placed on probation (Canarsie Courier, 2002), a strategy that has worked in other places as well (see Osher, Steadman, & Barr, 2002).

Despite the fact that such offenders have long been recognized by jail practitioners, there has been very little scholarly interest in frequent fliers. This study examines a small group of these offenders, and analyzes their offense histories, individual-level characteristics, and indicators of social stability. Altogether, the intent of this study is to expand our understanding of frequent fliers, the challenges that they pose for county agencies, and establish a research agenda for the study of these high-demand, low-risk offenders.

### **Data and Methods**

This exploratory study was conducted in a Florida county jail in 2003. The jail system is considered large, with a rated capacity of 1495 beds. This is an important consideration – while there are over 3,300 jails in the nation, the 50 largest jails and jails systems hold almost one-third of all inmates (Harrison & Beck, 2004). Jails are busy places, and at the time of the study this jail had 30,000 annual admissions. This jail -- like many others -- operated with an average daily population close to its rated capacity. Moreover, the jail becomes more crowded each year. Conditions such as overcrowding and high rates of admissions taxes jail officers, and may create conditions that are less safe for offenders (Tartaro, 2002). As frequent fliers contribute to both the annual admissions and jail overcrowding, understanding their behaviors and characteristics is an important step.

A non-random approach was used to generate a sample of high-demand jail inmates. Study subjects were first identified by key informants, in this instance the jail's booking officers. Booking staff were instructed to compile a list of 20 to 30 persons they considered frequent fliers. In order to qualify for this status, offenders had to have at least 20 prior arrests and ten prior incarcerations. The resulting sample of 19 jail inmates is small, but this research was intended as a pilot study to understand the characteristics of this population and to evaluate the adequacy of local jail records for conducting future studies.

Criminal history records and personal information was retrieved from the offender's case and computer files. While the number of high-

demand cases is small, the number of criminal incidents pertaining to this group of frequent fliers is extremely large. Specifically, these 19 individuals were involved in 894 jail admissions. In the following paragraphs the demographic and legal characteristics of this group of offenders is explored, and contrasted with the results of national-level studies of jail offender characteristics (James, 2004) and special needs populations (Mays & Ruddell, 2004).

### **Frequent Fliers – Demographic Characteristics**

Anyone asked to describe a frequent flier would likely offer up a description of an individual who has not been particularly successful, lived a marginal existence, suffers from a long-term alcohol or substance abuse problem, and is slightly older than average jail admissions. The findings reveal that these characteristics accurately describe this population. Table 1 reveals the demographic, social, and legal characteristics of the sample of Florida frequent fliers.

Consistent with expectations, over three-quarters of the frequent fliers were male. Two-thirds were white and all of the non-white offenders were African Americans, even though the community has a sizeable Hispanic population. Nearly 40 percent of the frequent fliers were between the ages of 40 and 45 years, while 22 percent were over 50 years. The mean age for the study group was 43.9 years and the median was 42 years; this compares with an average age of 34 years for all jail admits in the study jurisdiction.

These findings were contrasted against recent studies of jail populations. James (2004) reports that while 39 percent of all jail inmates in a national survey conducted in 2002 had three or more sentences to incarceration or probation, this number had dropped slightly since 1996 – when the total was 44 percent. James (2004) also found that persons with 11 or more sentences had also decreased from 8.7 percent of all offenders in 1996 to 5.9 percent in 2002. Yet, as this study did not report those with over 20 admissions it is difficult to evaluate the true national population of frequent fliers.

Table 1  
 Characteristics of 19 Frequent Fliers

| Characteristic                           | Percent |
|--|---------|
| <b>Race</b>                              |         |
| White                                    | 66.7    |
| Nonwhite                                 | 33.3    |
| <b>Gender</b>                            |         |
| Male                                     | 77.8    |
| Female                                   | 22.2    |
| <b>Age</b>                               |         |
| 39 years or younger                      | 27.8    |
| 40-45 years                              | 39.1    |
| 46-49 years                              | 11.2    |
| 50 and older                             | 22.3    |
| Mean= 43.9 years; Median 42.0 years      |         |
| <b>Mental health history</b>             |         |
| No                                       | 56.2    |
| Yes                                      | 43.8    |
| <b>Substance Abuse History</b>           |         |
| No                                       | 11.1    |
| Yes                                      | 88.9    |
| Alcohol                                  | 33.3    |
| Drugs                                    | 38.9    |
| Polydrug use (alcohol and drugs)         | 16.7    |
| <b>Education</b>                         |         |
| Less than high school                    | 42.1    |
| High school graduate and higher          | 57.9    |
| High school/GED                          | 47.4    |
| Some college                             | 10.5    |
| Mean = 11th grade, Median = 12th grade   |         |
| <b>Employment Status</b>                 |         |
| Chronic unemployment                     | 60.0    |
| Employed (casual and steady laborer)     | 40.0    |
| <b>Transient or Homeless</b>             |         |
| No                                       | 22.2    |
| Yes                                      | 77.8    |
| Average number of residence changes = 10 |         |

Mays and Ruddell's (2004) national survey of jail administrators solicited responses about a number of behavioral and offense-related characteristics of frequent fliers. Respondents estimated that approximately 29.7 percent of all jail inmates

were thought to have more than 20 jail admissions during the past five years. Findings regarding the growth of this population were mixed, with 49.6 percent of respondents reporting that the population of frequent fliers had increased, while

46.1 percent reported that these populations were approximately the same. Inconsistent with the Florida data, however, jail administrators reported that frequent fliers were approximately the same age as other offenders. Jail administrators overwhelmingly reported that this population posed significant challenges for jail officers and other inmates. Ultimately, such mixed results suggest that the matter be examined more closely in follow-up studies that draw upon larger samples, and contrasted with national-level data.

A number of social characteristics of this sample of offenders were also examined including their levels of education, employment status, substance abuse and mental health history, as well as their homelessness or transient status. Over 55 percent of the sample had graduated from high school or attained a GED, while ten percent of the group had completed some college coursework. The mean highest grade completed was 11 while the median education level was the 12th grade. Despite having advanced high school educations, 60 percent of the frequent fliers were classified as chronically unemployed. Of the 40 percent who reported having employment, it was as defined as casual or steady laborer-type occupations.

The frequent flier population was also likely to have a history of mental illness and substance abuse. Persons in this sample had a much higher incidence of such problems than are generally reported for offender populations. Nearly 90 percent of frequent fliers had a documented substance abuse history. One-third abused alcohol, 38.9 percent abused drugs, and 16.7 percent abused both alcohol and other drugs. James (2004) found that approximately two-thirds of jail inmates drank regularly, and 68.7 reported using drugs – so the reported drug and alcohol use of the frequent fliers is somewhat higher than the norm.

National estimates of inmates with severe mental illnesses generally place its prevalence between 16-20 percent for jail inmates (Ditton, 1999). Frequent fliers in this sample, however, had mental health problems twice that rate and 43.8 percent had received mental health treatment and had been prescribed psychotropic medications. These findings underscore the importance of establishing relationships between mental health

services and jail operations. These high-demand users tax not only jail resources, but are likely to strain community mental health services as well.

Data about the offender's place(s) of residence over-time were also collected as frequent residential changes can signal instability in an individual's personal or home life. As anticipated, frequent fliers had numerous address changes and the average person changed address ten times. Moreover, nearly 80 percent had been transient or homeless at least once at the time of arrest or jail admission. Consistent with the findings reported above, the inability to establish a long-term residence may make it harder to make a successful re-entry into the community once released from jail.

Altogether, the higher incidence of mental health issues, substance abuse problems, and residential instability in this study are significant because of their very high levels. Yet these findings are hardly surprising. We know from prior studies that social instability -- characterized by mental health, substance abuse, or homelessness -- has been associated with criminal offending. These findings are also parallel with the results from a national survey that reported that co-occurring disorders (mental health and substance abuse) were most often cited as the best descriptor of frequent flier jail inmates (Mays & Ruddell, 2004). While the education levels of this group suggest that a majority of them have the ability to be productive citizens with stable employment, this educational readiness is overshadowed by a lack of social stability, and significant (and long-term) health or addictions problems.

### **Legal Involvement**

The very definition of frequent fliers suggests a long-term relationship with justice systems. Not unexpectedly, the volume of prior arrests and incarcerations is high for this group. The average number of years of criminal justice involvement as an adult was 12.8 (median = 13 years). The shortest justice system involvement for a frequent flier was six years while the longest was 17 years. Frequent fliers had from 24-236 prior criminal charges, with a mean of 97.6 (median = 69 charges). Misdemeanor charges outweighed felony charges and the mean number of felony

cases was 10.2 while the mean number of misdemeanor cases was 87.4 (median = 8.5 and 53.5, respectively, see Table 2a). Consistent with

these findings, Mays and Ruddell (2004) reported that frequent fliers were thought to be primarily misdemeanor offenders.

Table 2a  
Frequent Fliers: Total Prior Cases

|        | <b>Total Prior Cases</b> | <b>Felony Cases</b> | <b>Misdemeanor Cases</b> |
|--------|--------------------------|---------------------|--------------------------|
| Mean   | 97.6                     | 10.2                | 87.4                     |
| Median | 69.0                     | 8.5                 | 53.5                     |
| SD     | 67.7                     | 8.3                 | 71.3                     |
|        |                          |                     |                          |
| Range  | 24-236                   | 0-27                | 15-226                   |

In order to better understand the offense characteristics of this population, prior offenses were categorized into one of five groups; personal crimes, property crimes, public order crimes, drug crimes, and other offenses. Offenders were most often charged with public order offenses such as disorderly conduct, trespass, and trespass after warning. The average number of prior public

order charges was 71.6. In comparison, the comparable average total of property offenses was 12.6; for personal offenses it was 5.7; for drug offenses it was 4.7; and for other offenses it was 2.89 (see Table 2b). Median values for each crime type were lower than the mean, but the pattern was parallel.

Table 2b  
Frequent Fliers: Nature of Offenses

|        | <b>Person</b> | <b>Property</b> | <b>Public Order</b> | <b>Drug</b> | <b>Other</b> |
|--------|---------------|-----------------|---------------------|-------------|--------------|
| Mean   | 5.7           | 12.6            | 71.6                | 4.7         | 2.9          |
| Median | 4.0           | 10.0            | 26.0                | 2.0         | 1.0          |
| SD     | 35.2          | 10.3            | 74.9                | 5.9         | 3.8          |
|        |               |                 |                     |             |              |
| Range  | 0-20          | 0-39            | 0-203               | 0-17        | 0-14         |

The number of prior jail admissions was also counted, although they were not disaggregated by crime type. There were a total of 894 jail incarcerations for these 19 persons. Four individuals had over 100 incarcerations, with the heaviest user recording 151 separate jail

admissions. The number of jail incarcerations was high, with a mean of 56.9 and a median of 43.5 admissions. Consistent with the number of charges, incarcerations for misdemeanor offenses led those for felonies. The median number of misdemeanor incarcerations was

31.5, while the median for felony offenses was only seven. The most noteworthy finding is that while this group of offenders does commit some serious offenses, they are overwhelmingly minor offenders. Table 2c, for instance, reveals that very few of these frequent fliers ever ended up in state prison.

Information was also collected about levels of criminal involvement over-time – although this is not displayed on a separate table. These characteristics were examined to evaluate whether there was an identifiable progression in criminal involvement. Understanding whether a frequent flier’s criminal conduct remains the same over

time, escalates, or has a random pattern is important not only for theoretical reasons (e.g., better understanding law-violating behavior) but to develop better interventions to reduce such illegal conduct. Each frequent flier’s criminal history was separately analyzed and in two-thirds of the sample, there was an increase in criminal involvement, a clear increase in the volume of cases over time. Another 27.8 percent of the cases had steady or consistent patterns of criminal involvement (e.g., relatively consistent number of cases in all four time periods). Only 5.5 percent of the frequent fliers had a decline in the number of criminal justice cases in recent years.

Table 2c  
Frequent Fliers: Incarcerations

|        | <b>Total Incarcerations</b> | <b>Felony Incarcerations</b> | <b>Misdemeanor Incarcerations</b> | <b>State Prison Terms</b> |
|--------|-----------------------------|------------------------------|-----------------------------------|---------------------------|
| Mean   | 56.9                        | 7.6                          | 49.3                              | .3                        |
| Median | 43.5                        | 7.0                          | 31.5                              | 0.0                       |
| SD     | 42.5                        | 4.4                          | 44.5                              | .8                        |
| Range  | 11-151                      | 0-22                         | 4-141                             | 0-3                       |

One important goal in this study was to estimate the cost of high-volume minor offenders within a county jail system. Table 3 displays the estimated costs of incarceration for this group of frequent fliers. Detention periods of two, seven or 15 days are typical for misdemeanor offenders in this jurisdiction. While detailed data were not available for this analysis on the actual jail stays, Table 3 provides an estimate of overall costs assuming release using average periods of detention. The overall cost of housing this small group of offenders is both startling and reveals the long-term tax burden on county taxpayers to detain these frequent fliers. Even using the lowest average of two days in custody, the cost of temporary detention for this group exceeds \$100,000. Costs escalate along with the length of detention, and a one-week average stay for this

group costs county taxpayers \$351,792 and \$753,840 using a 15-day jail stay.

**Discussion**

A primary goal of this study was to better understand the cost of high-demand users within local jails. In a period of excessive demand for jail resources, (increasing inmate population growth but no corresponding growth in jail beds), the impact of repeat offenders upon the local justice system was viewed as one area where reductions might be possible. As illustrated in Table 3, the costs associated with brief periods of detention are significant. What makes these figures so astonishing are three factors. First, the size of the sample is small (n = 19) and if all jail inmates with over 20 admissions were counted the total would be much higher.

Table 3  
Cost to incarcerate frequent flyers

| Number of Incarcerations | Length of Stay |           |           |
|--------------------------|----------------|-----------|-----------|
|                          | 2 days         | 7 days    | 15 days   |
| 894                      | \$100,512      | \$351,792 | \$753,840 |

Second, the cost per day for each incarceration in this jurisdiction is modest, \$48, well below daily costs for many large jails (Criminal Justice Institute, 2002; Mays & Ruddell, 2004). And finally, these costs relate only to jail stays. They exclude the costs of law enforcement and do not include court processing costs. It is clear that the costs borne by the entire justice system for a single frequent flier are not trivial or unimportant. In addition to justice system costs, it is likely that there is a correspondingly high additional cost to county health systems, emergency room treatment, and other social and public health programs.

Of equal importance in this study are the findings about the criminal careers of the high-volume misdemeanor offender. By understanding the offense trajectories of frequent fliers it may be possible to develop interventions that may interrupt the cycle of repeat incarcerations. Since a majority of the cases were public order matters (e.g., trespass or disorderly conduct), an important policy question is whether the law enforcement response is appropriate. Should police, for example, ignore the conduct of individuals instead of making arrests for such petty misconduct?

Once arrests accumulate -- even if they are for minor offenses -- there is often an adverse effect on the individual's overall functioning. Repeat arrests and incarcerations may interrupt employment or damage fragile family and social relations. At the same time, multiple arrests and periods of short-term detention or incarceration

may motivate justice system decision-makers to ignore alternative sanctions and diversion opportunities for these high-volume users as they become viewed as incorrigible.

While the police have other options for handling petty offenders, ignoring disruptive or illegal behavior is not generally a viable tactic from the perspective of law enforcement or the community. As a practical matter, most law enforcement officers attempt to resolve petty offenses without arrest (Reuland, 2004). At the same time, the community demands an official response to annoying or troubling behaviors because of their negative impact on business and the overall quality of life for all community members. In some cases, offenders with mental illness may be arrested in order to remove them from situations that place them in danger -- the so called "mercy booking" (see Lamb, Weinberger, & De Cuir, 2002). When such conduct occurs in elevated volumes (the average frequent fliers had 71.6 of these offenses), it exceeds community patience and restraint. Moreover, in some cases what begins as a petty exchange erupts into a more serious situation. A number of these frequent fliers were charged with violent offenses, such as misdemeanor battery. Altogether, these factors suggest that a change in law enforcement response is not likely to occur without significant changes in the types of community services available for frequent fliers.

A second policy question is whether the diversion of these offenders to community-based services would be effective in reducing repeat

misconduct, or at the least, be a less costly option. This sample of frequent fliers had extraordinary rates of substance abuse and mental health problems. They also were more likely to be chronically unemployed and to have been homeless or transient at least once – and often displayed a pattern of residential instability. While this constellation of problems suggests that intervention is necessary, there is a more serious challenge. Diversion programs are only successful if they have a broad range of referral options, and in many cases, community mental health services are woefully underfunded (Ruddell, Roy, & Diehl, 2004). Moreover, many of these offenders are likely to have unsuccessful histories with mental health agencies (Fisher, Wolff, & Roy-Bujnowski, 2003).

As noted earlier, many jails act as gatekeepers, referring individuals to treatment alternatives in lieu of further justice system involvement. Indeed, this was a routine practice during jail stays for these offenders. Typically, referrals for treatment occur early in the offender's criminal career when interventions may be more successful. Mental health and substance abuse services are employed as a first option for non-serious offenders by justice system decision-makers. Innovations such as drug or mental health courts, for example, are a promising alternative for offenders with few contacts with criminal justice systems (Cooper, 2003; Turpin & Richards, 2003). It is plausible that conventional mental health diversion programs, or other interventions, will be less successful once the person has a long-term history of legal and health system involvement.

Frequent fliers represent a population of offenders who are at high-risk of a host of social, legal, and health problems, including an increased risk of victimization (Brekke et al.,

2001; Sells et al., 2003). Many frequent fliers are unpredictable and aggressive in the community, and after being confronted by the police. Yet conventional treatment programs require cooperative and compliant conduct as a prerequisite for program acceptance. Moreover, there are few programs equipped to manage the offender with co-occurring substance abuse and mental health (see Osher et al., 2002). The reality is that some of this group have rejected treatment and are likely to continue to reject treatment. Still others are rejected by the treatment providers because of their failure to abide by program rules (Fisher et al., 2004). Indeed, some frequent fliers, due to their years of substance abuse and mental health issues, may be unable to conform to the expectations of treatment providers even if they desired to do so.

It is not popular to suggest that some offenders may be beyond the boundaries of conventional approaches to mental health or addictions treatment. However, it is important to recognize that the high-demand user requires special attention. It may well be that the jail is not only the last resort, but an appropriate resort for some frequent fliers. After families and social support systems have been destroyed, when traditional treatment programs cannot respond, the jail, by default, becomes the primary caregiver. At a time when jail beds are a scarce commodity, the need for crafting other treatment options for this population becomes more significant. Moreover, we should also involve practitioners from the fields of mental health, addictions, and public health to develop strategies to interrupt those who are at-risk of becoming frequent fliers. This study suggests that it is well past time to begin developing these alternatives. Yet, neither justice systems nor health systems are able to provide a suitable response on their own, and effective solutions may require a blend of legal, health, and other county services.

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