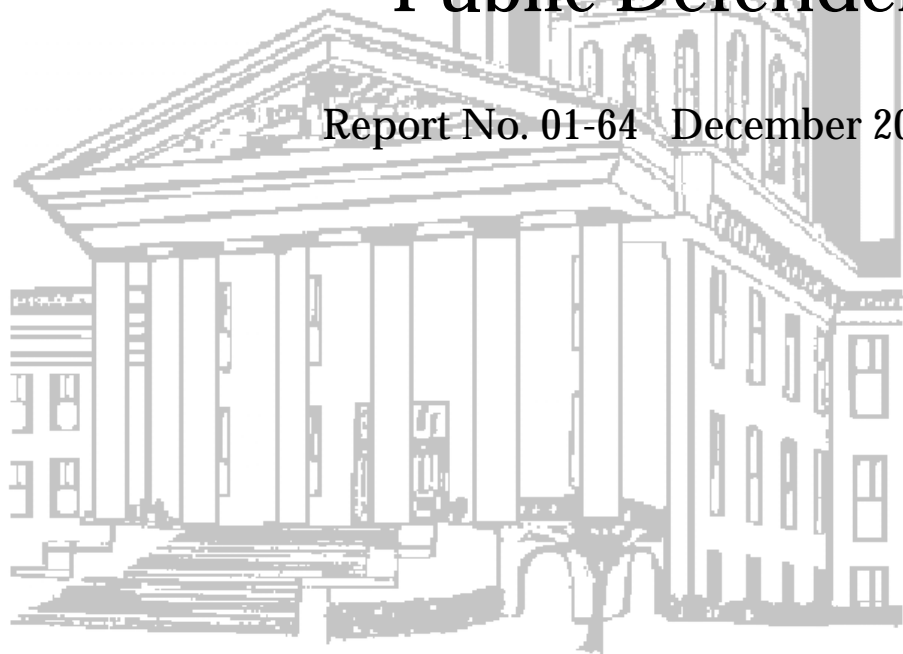


oppaga

Justification Review

Justice Administrative Commission
State Attorneys
Public Defenders

Report No. 01-64 December 2001



*Office of Program Policy Analysis
and Government Accountability*

an office of the Florida Legislature

OPPAGA provides objective, independent, professional analyses of state policies and services to assist the Florida Legislature in decision making, to ensure government accountability, and to recommend the best use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, 111 W. Madison St., Tallahassee, FL 32399-1475).

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John W. Turcotte, OPPAGA Director*



The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY



John W. Turcotte, Director

December 2001

The President of the Senate,
the Speaker of the House of Representatives,
and the Joint Legislative Auditing Committee

I directed our office to examine the Justice Administrative Commission and the Offices of the State Attorneys and Public Defenders. OPPAGA reports findings and recommendations required by the Government Performance and Accountability Act of 1994. Richard Dolan, Cynthia Cline, Maryann Ferencak and Sabrina Hartley conducted this examination under the supervision of Kathy McGuire.

We wish to express our appreciation to the staff of the Justice Administrative Commission, State Attorneys, and Public Defenders for their cooperation and the many courtesies shown us during the course of the examination.

Sincerely,

John W. Turcotte
Director

Table of Contents

Executive Summary	i
Chapter 1: Introduction	1
Chapter 2: Performance of the Justice Administrative Commission	6
Chapter 3: Performance of the Offices of State Attorneys and Public Defenders	9
Chapter 4: Improving the Operations of State Attorneys and Public Defenders	15
Chapter 5: Revision 7 to Article V Issues	24
Appendix A: Statutory Requirements for Program Evaluation and Justification Review	31
Appendix B: Catalog of Special Programs	34
Appendix C: Agency Responses	72

Justification Review of the Justice Administrative Commission, State Attorneys, and Public Defenders

Purpose

OPPAGA is required to complete a Program Evaluation and Justification Review of each state agency program during its second year of operating under a performance-based program budget. However, we conducted our review of the state attorneys, public defenders, and Justice Administrative Commission one year ahead of schedule to provide the Legislature information for its deliberations concerning Revision 7 to Article V of the Florida Constitution. Because the issues related to these entities are so intertwined, our review conclusions are presented in one report. In November 2001, we also published an overview of Revision 7 to Article V issues, *Many Article V Trial Courts Funding Issues Need to Be Resolved*, Report No. 01-54.

Background

Chapter 26, *Florida Statutes*, divides the state into 20 judicial circuits and the Florida Constitution requires voters in each circuit to elect a state attorney and public defender. The state attorneys prosecute criminal and some civil matters in their circuits on behalf of the state, while public defenders provide legal representation to indigent defendants. Public defender appellate lawyers located in 5 court circuits represent public defender cases that progress to appeal in all 20 circuits. Cases pertaining to the death penalty are referred to the capital collateral regional counsels for representation following action by the Florida and U.S. Supreme courts to uphold the sentences.

The Justice Administrative Commission, created by Ch. 43, *Florida Statutes*, provides budgetary, accounting, and personnel support to the 20 state attorney offices, 20 public defender offices, and 3 capital collateral regional counsels. In addition to providing these services, the commission provides a single point of contact from which the Legislature and state

agencies can obtain administrative information concerning the state attorneys, public defenders, and capital collateral regional counsels.

Program Performance

The commission is well regarded

Justice Administrative Commission Performance. The commission is well regarded by the offices it serves for its accuracy, timeliness, and expertise. Based on the commission's recent efforts to streamline accounting work by acquiring an automated system to reduce data entry, we identified 1.4 accounting positions that may no longer be necessary. We recommend that the 1.4 positions be eliminated beginning in the 2002-03 fiscal year for an annual cost savings of \$40,500.

Turnover is high

State Attorney and Public Defender Performance. The turnover rate for state attorney and public defender staff is high. According to Justice Administrative Commission records, the turnover rate for Fiscal Year 2000-01 was 22% for assistant state attorneys and 23% for assistant public defenders. Only 54% of assistant state attorneys and 46% of assistant public defenders are retained for three years or more from date of hire. A 2000 study by the National Association of Law Placement analyzed turnover data on nearly 5,500 lawyers from the graduating classes of 1991-98. The study found that 8.3% of new associates depart their law firms before the end of the first year, and 38.3% depart by the third year of employment. As noted above, the turnover rate in state attorney and public defender offices is higher than this national rate.

Salaries are lower than state agency or private attorney salaries

Assistant state attorney and public defender starting salaries are lower than state agency and private sector attorney starting salaries. When the Legislature increases assistant state attorney and public defender starting salaries to \$35,931 in January 2002, they will be in line with state agency attorney salaries. However, this starting salary will still be generally less than private sector attorney starting salaries.

Public attorneys are less costly than outsourcing

One policy question that is often raised is whether it would save the state money to outsource more legal work, particularly for public defender cases. However, at \$25 an hour, including benefits, the new salary rate is significantly lower than the \$50 to \$75 rate the counties pay private attorneys to represent defendants when public defenders cannot take a case due to an ethical conflict.

Improving State Attorney and Public Defender Operations. State attorneys and public defenders could improve operations in the four areas discussed below.

Develop a plan and schedule to integrate technology

The Florida Public Defender Association, the Florida Prosecuting Attorneys Association, and the Joint Article V Committee should work together to develop a plan and schedule to integrate technology within

and among circuits. Currently, the level of technology varies from circuit to circuit. Some circuits have automated systems that allow for information sharing among the clerk of the court, the jail, the state attorney, and the public defender, while other circuits still rely on manual systems or use independent automated systems. Integrating criminal justice technology can reduce costs and improve efficiency by eliminating duplicative entry of common data, reducing the opportunity for data entry errors, allowing staff to perform other work, and enhancing the timeliness of information.

***Reduce the cost of
online legal research***

State attorneys and public defenders should work together to take advantage of group purchasing discounts for subscriptions to online legal research services. Current state attorney and public defender subscription prices range from \$50 to \$150 per password per month. The average cost per password per month is \$73. At the present time, online legal research costs the offices approximately \$550,000 annually. However, the state attorneys and public defenders have begun working as a group to share information about legal research options and costs. By pooling their purchasing power and negotiating as a group, it is likely that the rate for online service can be reduced substantially. The court negotiated a group purchase of online legal services in the \$30 per password per month range. If the state attorneys and public defenders negotiate a similar rate, they could save over \$300,000 annually. Other entities, such as the capital collateral regional counsels, could also benefit from participating in the user group.

***Appoint an indigency
examiner administrator***

The Legislature has eliminated funding for indigence examiner positions. If the Legislature reauthorizes these positions in the future, it should fund a program administrator within the Office of the State Courts Administrator to improve and standardize indigency examiner operations. The 1995 Legislature created an indigency examiner position in each of the 20 court circuits to verify defendant eligibility for a public defender. There was great variation in how examiners in the 20 circuits obtained and verified indigency and the impact of their reviews was uncertain. Indigency examiners have the potential to prevent ineligible persons from being represented by public defenders and thereby reduce public defender workloads, but would require additional direction to be effective on a statewide basis.

***Reclassifying some
offenses could reduce
costs***

State attorneys and public defenders should work with the Legislature to identify misdemeanors and felonies that should be considered for reclassification. Reclassifying some non-violent criminal offenses could reduce court workloads and costs. Though reclassifying some crimes from felonies to misdemeanors would not significantly reduce caseloads, since defendants may still go to court and may be eligible for public counsel, reclassification would likely reduce the amount of time required to handle these cases. Reclassifying some misdemeanors as civil infractions would reduce public defender caseloads, as defendants would

Executive Summary

no longer be eligible for public counsel absent the threat of imprisonment. This reclassification would also reduce state attorney and court workloads, as defendants would pay a fine instead of going to court. If select non-violent misdemeanors were reclassified as civil infractions with a fine penalty, both the state and counties could receive increased revenue.

Revision 7 to Article V Issues. Some of the day-to-day operations of the state attorneys and public defenders are affected by issues pertaining to Revision 7 to Article V.

- Local governments currently pay for and monitor contracted conflict attorneys when public defenders cannot take a case due to ethical conflict or work overload. When the state assumes financial responsibility for these lawyers, it will need to develop a new system of oversight.
- It is not clear whether some state attorney and public defender costs, such as library services, will remain the responsibility of local government or be paid by the state.
- State attorneys and public defenders participate in 197 special programs that are intended to improve the efficiency or effectiveness of the court system. It is unclear whether the state should fund some of these programs after the implementation of Revision 7 to Article V.

Agency Response ---

The Justice Administrative Commission, the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, Inc., and the Office of the State Courts Administrator provided written responses to our preliminary and tentative findings and recommendations. (See Appendix C, page 72, for these responses.)

Introduction

Purpose

This report presents the results of our program evaluation and justification review of the Justice Administrative Commission and Offices of State Attorneys and Public Defenders. We conducted our review of these programs one year ahead of schedule to provide the Legislature information for its deliberations concerning Revision 7 to Article V of the Florida Constitution. Because the issues related to the state attorneys, public defenders, and Justice Administrative Commission are so intertwined, we have issued our findings in a single report. In November 2001 we also published another report, *Many Article V Trial Courts Funding Issues Need to Be Resolved*, Report No. 01-54, which provides an overview of Revision 7 to Article V issues.

Background

Article V of the Florida Constitution establishes the judicial branch of state government and defines the elements of the state court system, including state attorneys and public defenders. Chapter 26, *Florida Statutes*, divides Florida into 20 judicial circuits, as shown in Exhibit 1; the constitution provides that voters in each circuit shall elect a state attorney and a public defender.

State attorneys are the chief prosecutors

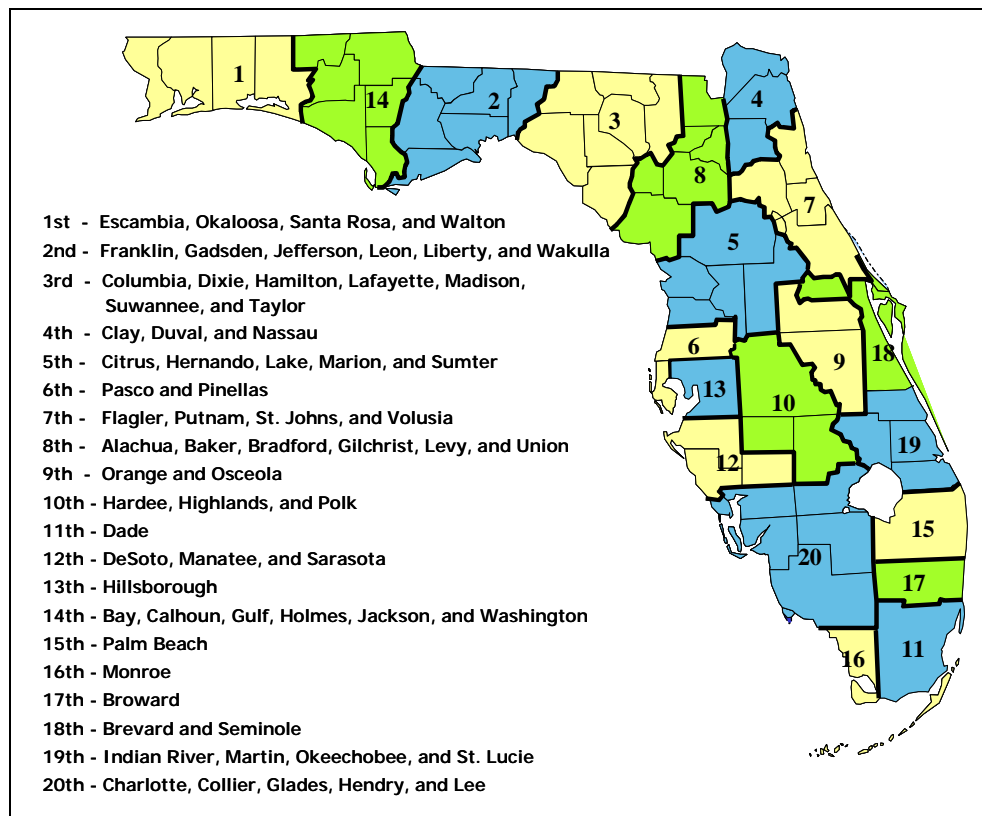
The **state attorneys** prosecute criminal and some civil matters in their circuits on behalf of the state. As the chief prosecutors of the trial courts, state attorneys determine whether the offense and the evidence are sufficient to warrant filing charges against alleged law violators. State attorneys work closely with law enforcement and employ investigators as well as lawyers. In Fiscal Year 2000-01, law enforcement agencies and the public referred 1,474,415 felony, misdemeanor, and juvenile cases to state attorneys. The state attorneys transfer cases that progress to the appeals courts to the Attorney General to handle.

Public defenders represent indigent defendants

The **public defenders** provide legal representation for any person determined by the court to be indigent who is (1) charged with a felony; (2) charged with a misdemeanor which could be punished by incarceration; (3) alleged to be a delinquent; or (4) subject to a petition for involuntary commitment as mentally ill or developmentally disabled and

a danger to him or herself and others, or as a sexual predator. ¹ In Fiscal Year 2000-01, public defenders represented clients in 592,248 cases.

**Exhibit 1
Florida Comprises 20 Judicial Circuits**



Source: Chapter 26, *Florida Statutes*.

Public defender appellate lawyers represent public defender cases that progress to appeal. Chapter 27, *Florida Statutes*, designates one public defender's office in each of the five District Court of Appeal regions to handle appellate cases for the region. ² In Fiscal Year 2000-01, public defenders represented clients in 5,537 appellate cases. Cases pertaining to the death penalty are referred to the capital collateral regional councils for representation following action by the Florida and U.S. Supreme Courts to uphold the sentences. ³

¹ The United States Supreme Court established the right of indigent persons to an attorney in a 1963 Florida case known as *Gideon v. Wainwright*.

² Public defender appellate lawyers are located in the 2nd, 7th, 10th, 11th, and 15th circuits.

³ Capital collateral regional councils are reviewed in OPPAGA's *Performance of Collateral Councils Improved; Registry Accountability Needs to Be Revisited*, [Report No. 01-52](#), November 2001.

Justice Administrative Commission is a liaison

The **Justice Administrative Commission**, created by Ch. 43, *Florida Statutes*, provides budgetary, accounting, and personnel support to the offices of 20 state attorneys, 20 public defenders, and 3 capital collateral regional counsels.⁴ The Justice Administrative Commission is governed by 2 state attorneys and 2 public defenders appointed by their respective professional associations.⁵

Resources

For Fiscal Year 2001-02, the Legislature appropriated over \$436 million and 8,000 full-time equivalent employee positions (FTE) to the state attorneys, public defenders, and Justice Administrative Commission, as shown in Exhibit 2.

Exhibit 2
Legislative Appropriations Have Increased Over the Past Three Years

Program	Fiscal Year		
	1999-2000	2000-01	2001-02
State Attorneys	\$276,096,986 5,305 FTE	\$288,356,305 5,520 FTE	\$290,085,816 5,525 FTE
Public Defenders	\$136,703,398 2,555 FTE	\$144,762,592 2,634 FTE	\$144,780,592 2,634 FTE
Justice Administrative Commission	\$1,590,037 30 FTE	\$1,769,089 31 FTE	\$1,761,640 32 FTE
Total	\$414,390,421 7,890 FTE	\$434,887,986 8,185 FTE	\$436,628,048 8,191 FTE

Source: General Appropriations Acts.

Counties also pay state attorneys and public defender expenses

As required by Ch. 27, *Florida Statutes*, county governments pay specified state attorney and public defender costs. These include expenses for office space, utilities, telephone services, custodial services, library services, transportation services, and communication services. The counties also pay consultation fees for expert witnesses, travel expenses, and court reporter fees. In addition, when public defenders cannot represent a client due to an ethical conflict of interest or work overload, the counties pay for a private attorney to take over the case.

There is no current reliable data on the amount of county contributions. Although counties report expenditures using the *Uniform Chart of Accounts*, the data submitted is derived from dissimilar methods of accounting for some costs, such as administrative costs. Neither the Auditor General nor the Comptroller has audited these expenditures, so

⁴ Some of these offices perform some administrative functions independently. Two capital collateral regional counsels conduct their own voucher payment processing, as does the state attorney office in the 11th Circuit (Dade County).

⁵ The Florida Prosecuting Attorneys Association and the Florida Public Defender Association, Inc.

the data is not reliable at this time. The best information currently available is county contributions specific to state attorneys and defense attorneys (public defender and conflict attorney costs) from county Fiscal Year 1999-2000, as shown in Exhibit 3. ⁶ In that year, counties provided \$19,437,763 for state attorneys and \$57,635,718 for defense attorneys. This data does not include costs for clinical evaluations or expert witness fees, which cannot be attributed to state attorneys or defense attorneys. During that period, counties expended \$4,351,377 for clinical evaluations and \$3,519,712 for expert witness fees.

Exhibit 3
Counties Also Contribute to State Attorneys and Defense Attorneys ¹

Circuit	County Fiscal Year 1999-2000	
	Expenditures for State Attorneys	Expenditures for Defense Attorneys
1 st	\$ 1,047,494	\$ 2,146,649
2 nd	189,855	1,328,392
3 rd	36,653	35,303
4 th	1,940,775	979,651
5 th	355,979	1,543,717
6 th	343,311	1,235,100
7 th	830,753	1,244,072
8 th	321,708	1,488,384
9 th	810,040	7,397,111
10 th	321,825	1,366,435
11 th	3,878,970	15,081,586
12 th	674,787	2,253,715
13 th	1,088,680	2,058,476
14 th	359,621	312,803
15 th	1,397,826	5,356,310
16 th	124,120	477,196
17 th	2,613,000	6,812,000
18 th	1,046,978	2,481,658
19 th	1,031,702	1,914,673
20 th	1,023,686	2,122,487
Total	\$19,437,763	\$57,635,718

¹ The following counties did not report expenditure data for state attorneys and defense attorneys: Walton, Wakulla, Franklin, Columbia, Lafayette, Suwannee, Clay, Sumter, Baker, Hardee, Calhoun, Gulf, and Hendry. The following counties did not report for the entities noted: Liberty (defense attorneys), Gadsden (state attorney), Madison (state attorney), Putnam (state attorney), and Glades (state attorney).

Source: OPPAGA analysis of Department of Banking and Finance Uniform Chart of Account data for county Fiscal Year 1999-2000. More recent data is not available.

⁶ Conflict attorneys represent indigent defendants when the public defenders cannot take the case due to ethical conflict of interest or work overload.

State and county responsibilities for paying state attorney and defense attorney costs will shift in 2004 as a result of Revision 7 to Article V of the state constitution. This revision, passed in 1998, requires the state to assume some costs of the state court system that have been previously paid by county governments.

Report organization

- Chapter 2 discusses the performance of the Justice Administrative Commission.
- Chapter 3 discusses the performance of the Offices of State Attorneys and Public Defenders.
- Chapter 4 identifies options for improving operations of the Offices of State Attorneys and Public Defenders.
- Chapter 5 identifies Article V, Revision 7 issues pertaining to state attorneys and public defenders.

Report Recommendations

To improve Justice Administrative Commission operations,

- and as a result of technology upgrades, 1.4 accountant positions should be eliminated during the 2002-03 fiscal year, which would provide a savings of \$40,500 annually.

To improve state attorney and public defender operations,

- the Florida Public Defender Association, the Florida Prosecuting Attorneys Association, and the Joint Article V Committee should work together to develop a plan for integrating technology within and among circuits;
- public defenders and state attorneys should work together to take advantage of group purchasing discounts for online legal research services; better rates could reduce statewide costs by over \$300,000 annually;
- the Legislature could create an Indigency Examiner Program administrator within the Office of State Courts Administrator to improve review of indigency eligibility for representation by a public defender; and
- legislative criminal justice, fiscal, and transportation committees, along with state attorneys, public defenders, and other stakeholders, should identify misdemeanors and felonies that should be considered for reclassification.

Regarding Revision 7 to Article V changes,

- the Legislature should establish an independent commission to oversee the appointment, payment, and performance of conflict and dependency counsel;
- the new appointed counsel oversight system should include specific criteria regarding appointment, payment, and data collection;
- the Legislature should revise ss. 938.29, 27.562, and 39.0134, *Florida Statutes*, to specify that funds collected for appointed counsel and related costs be paid to the state rather than the counties;
- the Legislature should clarify in Ch.27, *Florida Statutes*, whether the state or the counties will be responsible for funding transportation, travel, and library (including online legal research) costs; and
- administrators of some special programs that the Legislature and the court have not defined as essential court functions but improve the efficiency or effectiveness of the courts should collect information to provide the Legislature if they wish to request state funding. The Legislature should designate a workgroup to help develop standards and protocol for collecting cost and performance data from these programs. Information that programs should provide includes clear program goals, clear performance measures and standards against which performance can be measured, cost and unit cost information, and data describing basic indicators of need and numbers of participants and completers.

Performance of the Justice Administrative Commission

The commission provides administrative services and is a liaison between the state and independent legal entities

The Justice Administrative Commission performs personnel, budgeting and accounting functions for state attorneys, public defenders, and capital collateral regional counsels.⁷ Among its many activities, commission staff collects position and lapse information to submit to the state personnel data system, helps process bills and payment warrants, and provides accounting and reconciliation for all the state budget categories for the entities.

The commission provides a single source of information

The Legislature created the Justice Administrative Commission to facilitate the operations of state government. The commission provides a single point of contact from which the Legislature and state agencies can obtain information on the financial, accounting, and personnel activities of the 20 state attorney, 20 public defender, and 3 capital collateral regional counsel offices. The commission also provides a single point of contact for the 43 independent entities to stay abreast of state policies that include not only core issues, such as processing payroll, but also numerous related concerns such as workers compensation and retirement.

Commission services support over 5,525 employees in state attorney offices, 2,634 in public defender offices, and 98 in the offices of capital collateral regional counsels. In Fiscal Year 2000-01, the commission processed 306,817 accounting transactions and 49,226 personnel transactions.

Commission work is considered timely and accurate

Commission staff is well regarded by the offices it serves for accuracy, timeliness, and expertise. Users consider the commission an effective way to provide consistency, uniformity, and communication of changes in

⁷ The capital collateral regional counsels provide post-conviction legal services to individuals sentenced to death for their crimes. Two of these regional offices conduct their own voucher payment processing, as does the state attorney office in the 11th Circuit (Dade County).

policies and procedures. In its first year of performance-based program budgeting, the commission met its performance outcome goals of receiving no material/substantial audit findings related to its work, processing 99.9% of invoices within the statutory time frame, and maintaining administrative support costs as 0.6% of agency costs and support positions as 0.3% of total agency positions.

The commission facilitates essential state functions

The Legislature created the commission to facilitate the transfer of essential information between the independent entities and the state. Without the commission, each of the 43 agencies would need to expand its own administrative unit, which would increase overall costs and reduce accountability. While we conclude that the Legislature should continue to fund the commission, 1.4 commission staff positions could be eliminated due to increased efficiencies brought about by technology.⁸

Personnel functions are being outsourced

In the 2001-02 fiscal year, the state is expected to privatize the personnel functions of all executive and judicial agencies.⁹ Ten of the commission's 32 staff conduct payroll and human resources functions, as shown in Exhibit 4, and will be subject to this outsourcing plan. The specific impact of the privatization of personnel functions on commission staff is not known at this time.

Accounting work is being streamlined; 1.4 positions can be cut to save \$40,500 annually

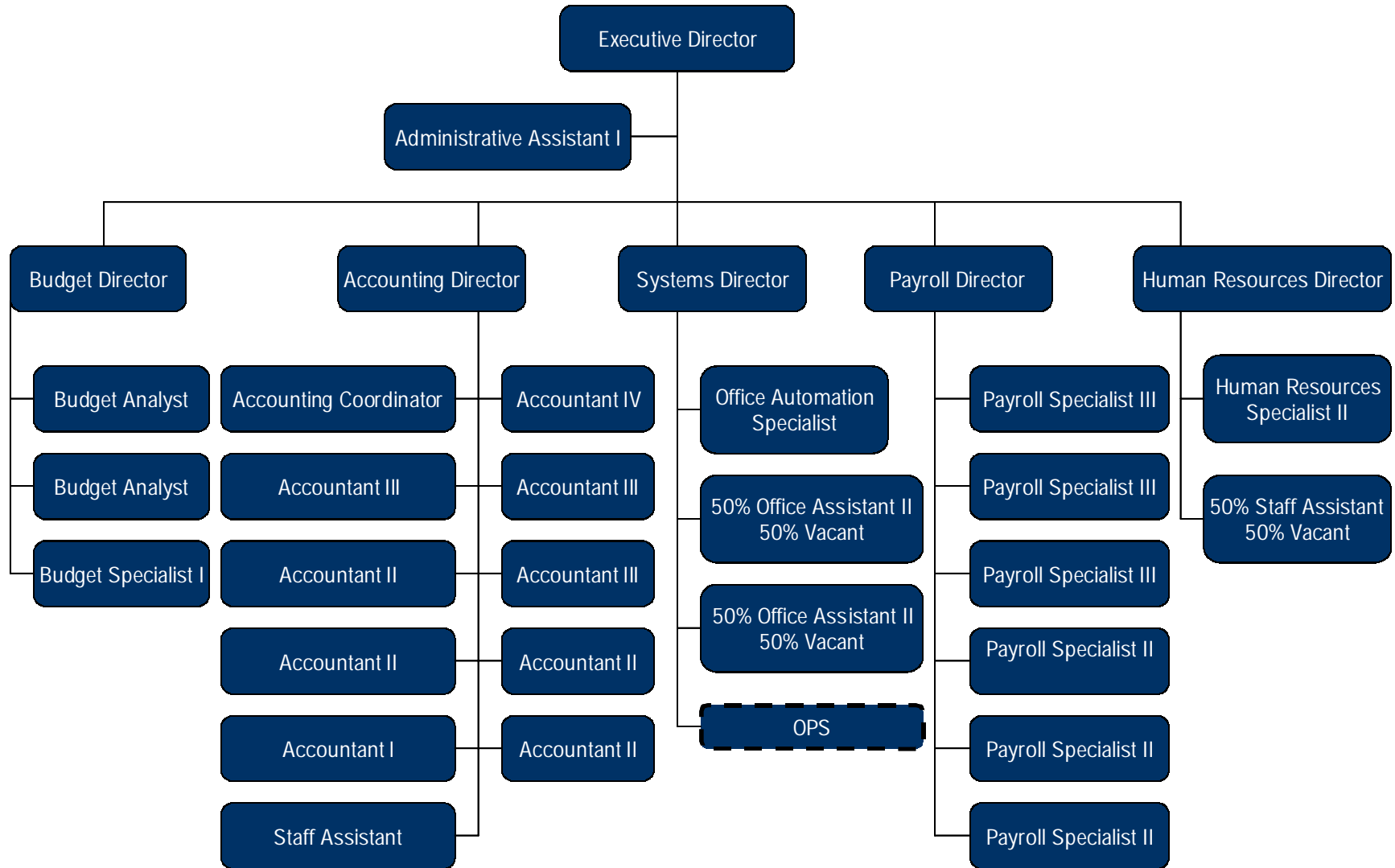
The commission has also taken steps to streamline its accounting work by acquiring an automated system to reduce data entry. Our analysis of the workload for the accounting staff devoted to data entry and related duties for voucher processing indicates that this technology upgrade will reduce the workload of the seven accountants that currently enter this data. As a result, it appears that once the new accounting software is implemented, 1.4 positions may no longer be needed for this accounting work. We recommend that these 1.4 positions be eliminated beginning in the 2002-03 fiscal year, which would provide annual cost savings of \$40,500.¹⁰

⁸ OPPAGA's analysis is based on commission estimates of time spent on voucher processing activities. The commission estimates the impact of workload efficiencies is .5 FTE. The commission could not provide documentation to justify its estimate.

⁹ One reason for this initiative is to allow the state to avoid the cost of replacing its obsolete personnel data system, COPES.

¹⁰ We calculated this savings by determining the average salary of the seven accountants and multiplying it by 1.4.

Exhibit 4
Justice Administrative Commission Organization Chart



Source: Justice Administrative Commission.

Performance of the Offices of State Attorneys and Public Defenders

Because legal representation is an important and costly activity, the Legislature adopted many performance measures for state attorneys and public defenders. The offices have just completed their first year of operating under performance-based program budgeting and collecting data on these measures. These measures will provide useful information in time; however, because this was the first year, the information was not available to analyze performance trends over time. In addition, some of the measures are highly detailed and not useful for assessing statewide performance, such as the number of experts and witnesses interviewed, and the number of contacts with death penalty inmates.

To assess state attorney and public defender performance, we focused on available data that assesses whether these public sector attorneys

- provide effective legal representation;
- provide services at a cost that is comparable or less than the private sector; and
- process and keep up with the caseload.

Quality of legal representation. The Legislature established two measures that indirectly assess the effectiveness of counsel across the offices: attorney turnover and substantiated Florida Bar grievances. The Justice Administrative Commission also tracks attorney retention. The attorney turnover and retention measures reflect the assumption that the quality of legal representation increases with experience. The performance measure concerning grievances assesses the quality of attorney work and ethics, and is based on grievances filed with the Florida Bar against state attorney and public defender staff. The Florida Bar reviews and investigates grievances, and may take professional disciplinary actions against attorneys with substantiated claims.

Turnover is high

The turnover rate for state attorney and public defender staff is high. According to Justice Administrative Commission records, the turnover rate for Fiscal Year 2000-01 was 22% for assistant state attorneys and 23% for assistant public defenders.¹¹ Only 54% of assistant state attorneys and

¹¹ Assistant public defenders and assistant state attorneys are not classified as career service. As such they are not included in the Department of Management Services data on career service turnover. If they had been included in the comparison, they would rank among the five highest turnover rates in state government.

Performance of the Offices of State Attorneys and Public Defenders

46% of assistant public defenders are retained for three years or more from date of hire. A statewide standard had not been set for these measures.

High turnover has negative effects

High turnover is a concern. Continual turnover reduces the level of experience of staff. And, when positions are vacant, the caseloads of other attorneys increase. Even after the vacancies are filled, experienced staff must allocate time to training new staff.

High turnover is common among new attorneys in all types of jobs. A 2000 study by the National Association of Law Placement analyzed turnover data on nearly 5,500 lawyers from the graduating classes of 1991-98. The study found 8.3% of new associates depart their law firms before the end of the first year, and 38.3% depart by the third year of employment. However, the turnover rate in state attorney and public defender offices, as noted above, is higher than this national rate. The negative effects of attorney turnover are more pronounced in state attorney and public defender offices because less experienced attorneys form a high proportion of their staffs.

Despite the high turnover, the state attorneys and public defenders performed well in the second legislative measure that assesses the quality of legal representation. The two types of offices each reported one instance of a substantiated Florida Bar grievance in the 2000-01 fiscal year. The performance standard for this measure was zero substantiated grievances; however, two cases for 8,159 attorney positions is not cause for concern.

Salaries are lower than state agency or private attorney salaries

Legal representation costs. In addition to providing effective counsel, the cost of public legal representation should generally be comparable to or less than the private sector. We found state attorney and public defender salaries are lower than state agency attorney salaries, as well as private sector salaries. The starting salary for an assistant state attorney or public defender varies throughout the state; according to a recent study the average starting salary for public defenders is \$31,465.¹² This salary is less than the \$35,055 starting salary of state agency attorneys, and is thought to contribute to the high turnover rate. To address this situation, during the 2001 session the Legislature directed that the starting salary for both assistant state attorneys and assistant public defenders be raised to \$35,931 effective January 1, 2002.¹³ This new starting salary will put the assistant state attorneys and public defenders in line with other state agency attorney salaries. However, as shown in Exhibit 5, these starting salaries will remain less than other public and private sector attorney starting salaries.

¹² *Florida Public Defenders Comparative Salary Analysis*, February 2001, MGT of America, Inc., commissioned by the Florida Public Defender Association, Inc.

¹³ Chapter 2000-253, *Laws of Florida*.

Exhibit 5
State Attorney and Public Defender Salaries Are Less Than Many Other Public and Private Sector Attorneys

Attorney Type	Starting Salary
State Attorneys and Public Defenders (current)	\$31,465
Florida State Agency Attorneys	35,055
State Attorneys and Public Defenders (effective January 1, 2002)	35,931
City Attorneys	47,170
County Attorneys	48,486
Private Florida Attorneys	50,000
Private Firms Nationwide (median)	95,000

Sources: 2001 National Association of Law Professionals Entry-level Associate Salary Survey; *Florida Public Defenders Comparative Salary Analysis*, MGT of America, Inc.

Public attorneys are less costly than outsourcing

One policy question that is often raised is whether it would save money to outsource more legal work, particularly for public defender cases. However, at \$25 an hour, including benefits, the new salary rate is significantly lower than the \$50 to \$75 rate the counties pay private attorneys to represent defendants when public defenders cannot take a case due to an ethical or workload conflict.

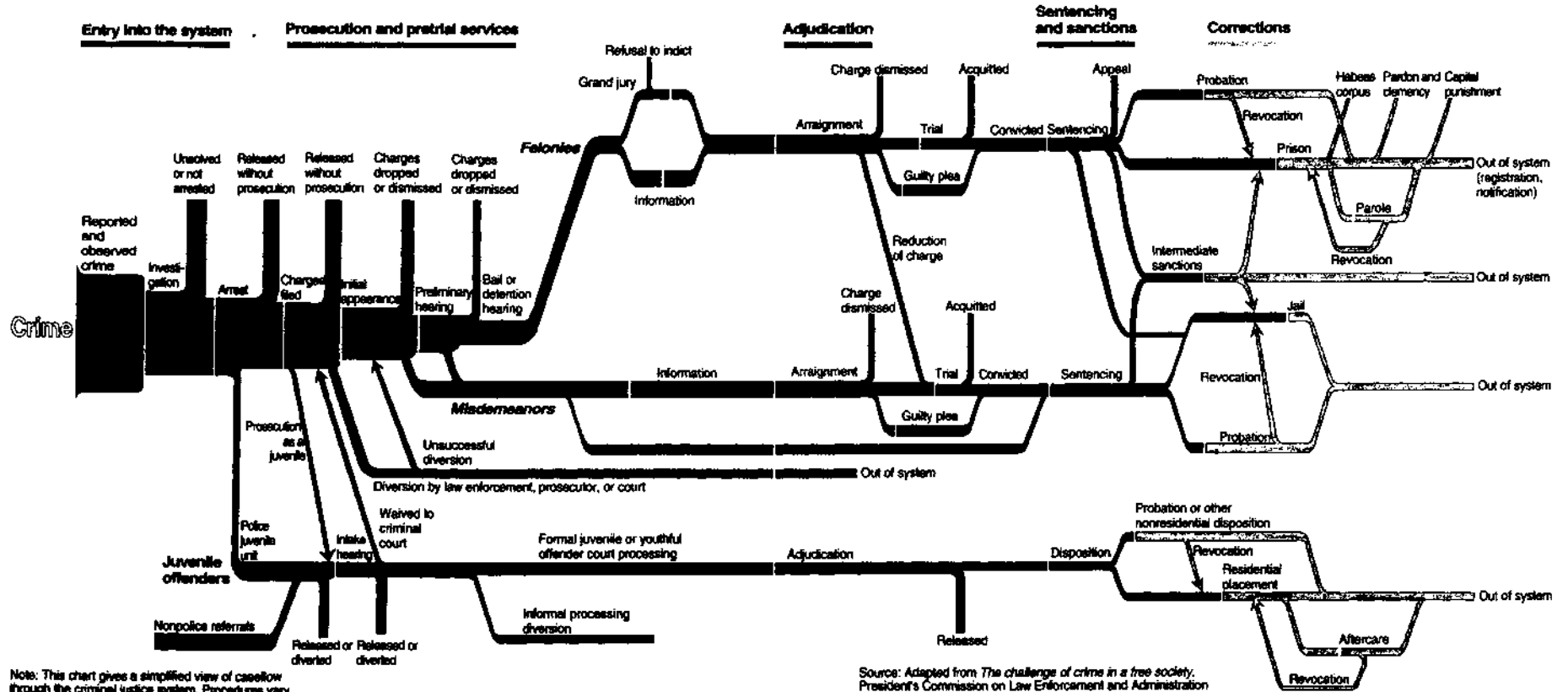
Caseload management. Case activity is another important component of attorney performance. The state attorneys and public defenders report on many performance measures concerning caseload. The most useful performance measures are volume and disposition of cases, because they provide a good picture of workload.

Volume of work is driven by the crime rate

The biggest drivers of case volume are external factors such as crime rate and community standards. However, the way cases move through the court system also reflects numerous strategic and tactical decisions made by the state attorneys and public defenders, such as whether a state attorney diverts an offender to a pre-trial program or the defendant accepts a plea agreement. The complexity of this legal environment is reflected in Exhibit 6.

Exhibit 6
 State Attorneys and Public Defenders Work
 in a criminal justice System?

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*, President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

Referrals and dispositions will be useful measures

Case volume, or the number of cases coming into state attorney and public defender offices, can be used in a general way to compare the amount of work of one office to the others.¹⁴ For the 2000-01 fiscal year, both the state attorney and the public defender standards overestimated the number of referrals they would receive. It is important to recognize that the work performed on a case by state attorneys differs from the work performed by public defenders. State attorneys must decide whether to file a charge and proceed with a case, and they charge defendants who are represented by private attorneys as well as public ones. Public defenders represent only indigent clients and handle appeal as well as trial cases.

The data generated on the number of state attorney cases that are completed, or disposed of, in various ways will also be useful because it will allow a more thorough understanding of the workload. For example, cases disposed of by pleas are generally less work than those disposed of by trial, although in some cases the plea is entered the day of the trial and the same preparation is required. Actual dispositions differed from the standards: 14 state attorneys took fewer cases to trial than expected. A standard was not set for public defender dispositions.

The primary benefit of case referral and disposition data will be that it can be used to compare trends of numbers of cases over time. For example, over time the cases coming into an office can be compared to the cases disposed of to help determine whether a backlog of cases is building up.¹⁵ Because the data has only been collected for one year, trend analysis cannot be conducted at this time. One reason for the variations between the standards and the actual data for the referral and disposition data may be that the measures and standards were new; agencies often revise their standards during their second year of performance budgeting as they develop historical information.

The number of measures should be reduced

We recommend that the state attorneys and public defenders keep detailed performance measures as internal measures to be provided to the Legislature upon request, and that the Legislature direct the state attorneys and public defenders to report annually on the reduced number of measures listed below.

For both state attorneys and public defenders:

- Annual attorney turnover rates
- Percentage of staff retained for an average of three years from date of hire

¹⁴ In addition to reporting cases, public defenders report the number of clients they represent. The number of clients differs from the number of cases because in a single case multiple defendants may be charged or a single client may be involved in multiple cases.

¹⁵ The length of time it takes to complete cases is also needed to assess backlog.

Performance of the Offices of State Attorneys and Public Defenders

- Number and percentage of substantiated Florida Bar grievances filed annually
- Number and percentage of dispositions by trial verdict, plea, non-trial, and otherwise

For state attorneys:

- Number of referrals for felony, misdemeanor, and juvenile cases
- Average number of referrals per attorney for felony, misdemeanor, and juvenile cases

For public defenders:

- Number of clients served for felony, misdemeanor, and juvenile cases
- Average number of cases per attorney for felony, misdemeanor, and juvenile cases
- Number of felony, misdemeanor, and juvenile cases represented

Improving the Operations of State Attorneys and Public Defenders

We identified several opportunities to increase the efficiency and effectiveness of state attorney and public defender operations through

- better integration of technology;
- more economical access to online research;
- enhancing or eliminating the work of indigency examiners; and
- reclassification of some laws.

Better integration of technology is essential

Technology provides many benefits

Integrating criminal justice technology can reduce costs and improve efficiency. Most computer systems operated by the numerous participants in the criminal justice system are not integrated to communicate with each other. Higher levels of technology integration provide several benefits, including

- eliminating duplicative entry of common data by multiple offices;
- reducing the opportunity for data entry errors;
- allowing cost sharing of programming changes and technology staff;
- allowing staff to perform other work; and
- enhancing the timeliness of information sharing.

Integrated technology is important in the criminal justice system because so many offices gather and use the same information. The less technology is integrated, the more duplication occurs in the system. For example, a law enforcement officer takes basic information at the time of arrest, including a defendant's name, address, Social Security number, and crimes charged. The clerk enters the same information for the court. The state attorney and public defender also enter this information for their records. Each office bears the cost for entering the same information. However, if the computer systems used by the different offices are integrated, then information from law enforcement records can be used to create case records for the other offices.

The level of technology and integration varies among circuits

The level of integration in state attorney and public defender offices varies from circuit to circuit. Those circuits that are most integrated, such

as the 6th and 11th circuits, have systems that pull data from the clerk of court’s office or the jail to populate fields in the state attorney’s database. The state attorney adds information and forwards it to the public defender’s office. Each office is protected by software firewalls that limit or refuse access to other parts of the system.

At the other end of the technology spectrum, the offices maintain records manually or if they use automated systems, maintain duplicative records with each office doing its own data entry.

Most circuits fall somewhere between total integration and none, as shown in Exhibit 7. Connectivity between public defender and state attorney offices is common. And, state attorney offices are generally more integrated with more other participants in the criminal justice system than the public defenders. One reason for this may be concern by some law enforcement offices about protecting information from offices that are adversaries in the judicial system.

**Exhibit 7
In Most Circuits, Technology Is Integrated to Some Degree**

State Attorney				
	Not linked to other offices	Linked with public defender	Linked with clerk of courts	Linked with jail
Circuit	3, 5, 7, 16, 19	1, 2, 6, 8, 9, 11, 14, 15, 20	4, 6, 9, 11, 12, 13, 17, 18, 20	4, 6, 9, 10, 11, 12, 13, 17, 20
Public Defender				
	Not linked to other offices	Linked with state attorney	Linked with clerk of courts	Linked with jail
Circuit	3, 4, 5, 7, 10, 12, 13, 16, 17, 18, 19	1, 2, 6, 8, 9, 11, 14, 15, 20	1, 6, 11, 20	1, 6, 11, 20

Source: OPPAGA survey of state attorneys and public defenders.

There are several impediments to integration

Several factors discussed below impede full integration of criminal justice information systems.

Control issues. Some offices may be concerned that they have to give up control of their technology if they are part of an overall technology system that serves multiple users. However, we do not believe this concern is valid. It is not necessary for each office or circuit to use a single system, as long as the software chosen permits the transfer of essential information among entities.

Lack of county infrastructure. Small counties in particular often lack the necessary elements of technology to allow for the integration of offices. In these counties, it will be important for the state attorneys and public defenders to work closely together, and with other entities including the

clerks of the court and judiciary, to ensure that limited resources are leveraged to the maximum extent possible.¹⁶

Multiple counties and clerks offices. Technology needs to be integrated not only among offices within a single county but also among counties within multiple-county circuits. The integration of all criminal justice entities within judicial circuits, including sheriffs' offices and the clerks' offices, should be the ultimate goal of integration. However, integrating the state attorney and the public defender offices, which work on cases involving the same defendants, is a higher priority and should be the immediate goal.

Cost. Offices that have already developed systems may be unwilling or unable to afford changing a system in which they have made great investments.

Planning for integration of technology is vital

Currently no plan, schedule, or funding strategy has been developed for an integrated system. We recommend that the Florida Prosecuting Attorneys Association and the Florida Public Defender Association work with the Legislature's Joint Article V Committee to develop a plan and schedule for integrating technology, first within the state attorney and public defender offices and then within and among the circuits.¹⁷

State attorneys and public defenders could reduce electronic legal research costs

Books and CD-ROMs have become obsolete

Ready access to up-to-date legal research resources is critical for attorneys. Since the court rules on the basis of previous case decisions as well as law, lawyers need to be able to research the continually evolving collection of judicial decisions. The general method of conducting legal research has evolved from books to CD-ROMs to online services. Casebooks require constant updating and a considerable amount of space, increasing the amount of space needed to maintain each office. CD-ROMS require far less space, but they are being phased out because the vendors are not planning to update their software. Online subscription legal research services provide nearly instant access and updating, and have no local space requirements. The factor limiting widespread state attorney and public defender use of online legal research has been the cost.

Online legal research costs have run over \$100 per person per month, primarily due to the relative non-competitiveness of the providers in Florida. These costs have forced some state attorney and public defender

¹⁶ The Public Records Modernization Trust Fund, which the Legislature established in 1987 for clerks of the court to enhance technology for public records, may be a source of technology integration funds.

¹⁷ As described in our *Many Article V Trial Courts Funding Issues Remain to Be Resolved*, [Report No. 01-54](#), November 2001, this information system should include local law enforcement, clerks of the court, the court, the Department of Juvenile Justice, and the Department of Corrections.

Improving the Operations of State Attorneys and Public Defenders

offices to purchase only limited access to online services or forgo it altogether. However, we found that the state attorneys and public defenders may be able to increase access and obtain better rates on legal research through taking advantage of increased competition and creating a negotiating consortium.

Increased competition should lower prices

Better prices may be available as a result of increased competition. West Publishing Company has held a majority share of the market with its online research service, Westlaw. However, another research company's online subscription product, LexisNexis, has become more competitive in Florida in the past year by revising its service to include some new features such as case summaries for quick review. As both companies compete for the state's legal research market, we expect the prices of the services to come down.

The current state contracts for online services have been negotiated through the Department of Management Services by the Office of the Attorney General. The contracts contain a myriad of pricing options which are confusing to interpret. Current state attorney and public defender contract prices range from \$50 to \$150 per password per month, depending on the breadth of the services ordered and the interpretation of the state contract. The average cost to the offices per password per month is \$73. At the present time, online legal research, which is primarily through Westlaw, costs the offices approximately \$550,000 annually.¹⁸

The state attorneys and public defenders have begun working as a group to share information about legal research options and costs. By pooling their purchasing power and negotiating as a group with both providers, it is likely that the rate for online legal service can be reduced substantially.

The court has negotiated a group purchase of online legal services in the \$30 per password per month range. If the state attorneys and public defenders negotiate a similar rate, they will save over \$300,000 annually. We encourage the state attorneys and public defenders to take advantage of group purchase prices so as to reduce costs. These reduced prices may permit offices that limited or did not have online service to expand or obtain it. We note that other entities, such as the capital collateral regional counsels, could also benefit from participating in the user group.

¹⁸ This does not include the cost of the CD ROM legal research tools, which some offices use exclusively, and others use in conjunction with online services.

The Statewide Indigency Examiner Program was not operating as the Legislature intended

In Special Session C, December 2001, the Legislature eliminated funding for indigency examiner positions. We include the following discussion to provide information in case the Legislature decides to reauthorize the positions in the future.

After the media reported in 1995 that affluent criminal defendants in south Florida had been represented by public defenders, the Legislature created indigency examiner positions in each judicial circuit, housed in the circuit's Administrative Office of the Court.¹⁹ Examiners verified defendant affidavits of indigency and eligibility for public counsel.²⁰ The Office of State Courts Administrator also provided a part-time staff person for the program who generally acted as a liaison among the circuits. In Fiscal Year 2001-02, the Legislature appropriated \$979,313 for indigency examiners.

Indigency reviews were inconsistent

The indigency examiner program was characterized by uneven implementation and statewide fragmentation. After some initial general guidance from the Office of State Courts Administrator, examiners in each circuit were left to develop their own policies and procedures. There was little uniformity in how the programs operated among the judicial circuits; the 20 offices varied considerably in how they obtained and verified indigency claims and collected performance data.

The impact of the examiners' case reviews was uncertain. Court personnel indicated that judges may override the examiners' decisions, but there was no information collected on how frequently this occurred, or why.

No standard affidavit or collection process

The indigency examiner program was weakened because there was no standard indigency affidavit or common process for obtaining the indigency affidavit. Defendants across the state completed the form at different stages in the case process. Some circuits obtained affidavits at the time a defendant is placed in jail, while others waited until the defendant was brought to the courtroom. There was also wide variation as to whether defendants received direction and/or assistance in completing the affidavit. In some circuits, public defender or indigency examiner personnel assisted defendants in the process; in other circuits,

¹⁹ Following this initial funding, the 11th Circuit (Dade County), because of its size and caseload, requested and obtained funding for four additional positions. The 11th Circuit was the only circuit with more than one state-funded indigency examiner position.

²⁰ An individual is indigent if his or her income is 250% or less of the current poverty rate; he or she receives Aid to Families with Dependent Children, poverty-related veteran's benefits, or supplemental security income; or he or she is unable to pay for the services of an attorney without a substantial hardship to his or her family.

Improving the Operations of State Attorneys and Public Defenders

bailiffs filled out the affidavit for the defendants with minimal information or gave the paperwork to the defendants and told them to complete it. Another reason for the limited level of review in some circuits was that the logistics of affidavit collection and verification were more complex in multi-county circuits, as there was only one examiner per circuit.

Overall, examiners reviewed a small percentage of affidavits

The caseload of the examiners varied substantially across the state. For example, examiners in the 11th Circuit (Dade County) and the 15th Circuit (Palm Beach County) reviewed all the indigency affidavits they received for felony, misdemeanor, juvenile, and civil courts. Examiners we interviewed in six other circuits did not review all cases, but investigated from 10% to 30% of the affidavits, generally from felony cases, or a mix such as felony and domestic violence cases. Some of these reviews took place after a public defender had already been appointed, and there was little chance of the attorney being removed from the case. Court personnel indicated that judges sometimes immediately appointed a public defender to ensure that a case kept moving through the judicial system because the cost of delaying a case may outweigh the cost of appointing a public defender.

Some circuits expanded indigency programs

While some circuit programs reviewed only a small percentage of affidavits, other circuits expanded the responsibilities of their examiners. Some larger circuits, such as the 11th (Dade County) and the 15th (Palm Beach County), expanded their indigency examiner program to review claims of inability to pay court fees in family court and divorce petitions. While this expansion of services had little effect on the workload of state attorneys and public defenders, as neither is typically involved in civil court, the expanded services did have the potential of increasing the collection of court fees that counties receive. The Palm Beach County indigency examiner program had demonstrated that, with its expansion into family court and the resulting collected fees, the program could fund an extra position needed to do the work.

The appointment of a special public defender was another area in which the indigency examiner had been asked to provide services in some circuits. In these cases, an individual had originally retained the services of a private attorney and then made a claim that their funds had been exhausted. Based on the client's financial situation, the private attorney petitioned the court to be appointed as a 'special public defender' whereby they received no salary, but defense costs were borne by the county. Such costs included depositions, psychological exams, or expert witness testimony. Indigency examiners verified the defendant's claim of exhausted resources.

Performance data was not reliable

The Office of State Courts Administrator reported that the monthly performance data that indigency examiners submitted from each circuit represented a diverse mix of screening, verification, and data reporting

Improving the Operations of State Attorneys and Public Defenders

techniques and that the data reported was not reliable. For example, one circuit reported for calendar year 2000 that approximately 23,000 public defender requests were made and about 27,000 defendants were interviewed for eligibility, yet 64,000 were found to be indigent. For this circuit alone, 280% of defendants were determined to be indigent. Staff also believed that the number of indigency affidavits was grossly under-reported because the forms were not consistently forwarded to the indigency examiners by the clerks' offices, jail personnel, and others.

We concluded that the statewide Indigency Examiner Program was not operating as the Legislature intended. To address this situation, the Legislature could provide a full-time program administrator to increase standardization and program effectiveness by providing full-time program oversight. When the Indigency Examiner Program was created, the Office of State Courts Administrator took an existing full-time position that had been auditing court Summary Reporting System data and directed the staff person to also act as a part-time liaison with the 20 indigency examiners. Because the auditing function is so important, it would be more effective for the Legislature to fund a new position to administer the indigency examiner program than convert the existing position to conduct only indigency work.²¹ The Office of State Courts Administrator estimates that the annual cost for the program administrator position would be approximately \$57,000.²²

Although there is a slightly increased cost, this option offers several advantages. It would provide statewide reviews of indigency as a deterrent to false affidavits and public defenders representing ineligible persons. With better direction, the program may be able to pay for itself statewide through costs avoided as a result of inappropriate public defender appointments. This option also offers the potential to expand services to verify indigence for inability to pay court fees in family court and appointment of a special public defender. If the Legislature and the Office of State Courts Administrator implement this option, the program administrator and circuit examiners should collect the following data to assess program performance:

- number/percentage of total affidavits reviewed compared to the number submitted;
- number/percentage of total affidavits reviewed compared to public defender caseload data;
- number/percentage of affidavits reviewed by case type, i.e., felony, misdemeanor, juvenile, etc.; and

²¹ Auditing Summary Reporting System data is an important function of the Office of State Courts Administrator, as discussed in *Review of the Two-Tiered Trial Court System and the Process for Certifying Judges*, [Report No. 97-36](#), January 1998.

²² This estimate includes \$49,000 in salary and benefits, \$6,000 in expenses, and \$2,000 in operating capital outlay.

- number of defendants that refuse indigency interview following a claim of indigence.

Reclassifying some non-violent criminal offenses could reduce workloads while increasing income

State attorneys and public defenders identified some laws that could be reclassified

Reclassifying some non-violent criminal offenses could reduce court workloads and costs. Both state attorneys and public defenders asserted that some non-violent offenses are classified as too serious, which increases the costs of prosecution and defense. In a survey, state attorneys and public defenders provided over 30 examples of misdemeanors and felonies that could be reclassified as less serious offenses.

Exhibit 8 illustrates crimes that both state attorneys and public defenders proposed for reclassification. These infractions currently carry penalties that include imprisonment. However, they represent relatively non-serious offenses that could be handled through less severe penalties, such as fines, with imprisonment reserved for repeat offenders. For example, traffic misdemeanors were mentioned in the survey as non-violent, victimless crimes that could be appropriately reclassified. The three misdemeanors of unlawful use of a temporary tag, expired tag more than 4 months, and expired drivers license more than 4 months, together represent 213,221 public defender cases in a 12-month period from November 1999 to October 2000.

Exhibit 8

Prosecutors and Defenders Propose Some Laws Be Reclassified

Areas of Reclassification Proposed by both State Attorneys and Public Defenders

- Boat cushion violations
- Drivers license suspended/ revoked
- Fishing license violations
- Petit theft/ theft
- Worthless checks

Source: OPPAGA survey of state attorneys and public defenders.

Reclassification would reduce workload

Reclassifying specified crimes could have several benefits. Crimes that are reclassified from felonies to misdemeanors would not significantly reduce caseloads, since persons charged with misdemeanors may still go to court and are eligible for a public defender; however, it would likely reduce the amount of time required to handle these cases. Reclassifying misdemeanors as civil infractions would reduce public defender caseloads, as persons charged with these crimes would not be eligible for their representation; it should also reduce state attorney and court workloads because persons charged would pay fines instead of going to court. This remedy could increase state and local revenues.

Fines would provide state and local revenues

If select non-violent misdemeanors were reclassified as civil infractions with a fine penalty, both the state and counties could receive increased income. Section 318.18, *Florida Statutes*, outlines the amount of civil penalties authorized for non-moving and moving violations. Non-moving violations carry a penalty of \$30 and moving violations that do not require a mandatory court appearance cost \$60. The statute also provides for additional penalties if the original fine is not paid within 30 days. The statute outlines court costs that are to be added to the civil fine penalty and designates the distribution of civil fine monies. Many state programs and agencies as well as the counties receive and benefit from fine income.

Decisions on the reclassification of offenses must balance efficiency with the seriousness of the offenses and the threat that they pose to the public. We recommend that the Legislature direct its criminal justice committee staff to work with state attorneys, public defenders, the courts, fiscal and transportation committee staffs, and other stakeholders to identify misdemeanors or felonies that should be considered for potential reclassification. We recommend that the work group complete its recommendations for discussion prior to the 2003 legislative session.

Revision 7 to Article V Issues

Revision 7 to Article V of the Florida Constitution shifted the responsibility for funding many aspects of the state court system from county governments to the state. At present, there are many questions about how these changes will be implemented.²³ Some of these concerns directly affect the day-to-day operations of the state attorneys and public defenders.

- Local governments have paid for and monitored contracted conflict attorneys when public defenders cannot take a case due to ethical conflict or work overload; when the state assumes financial responsibility for these lawyers, it will need to develop a new system of oversight.
- It is not clear whether some state attorney and public defender costs, such as transportation costs incurred in obtaining depositions or expert opinions, will remain the responsibility of local government or be paid by the state.
- State attorneys and public defenders participate in 197 special programs that are intended to improve the efficiency or effectiveness of the court system; it is unclear whether the state should fund some of these programs after the implementation of Revision 7 to Article V.

The state should revise financial and management controls as it assumes responsibility for appointed counsels

Revision 7 to Article V of the Florida Constitution requires the state to assume full responsibility for conflict counsel on July 1, 2004. Judges appoint private attorneys, who have been approved for appointment by a circuit conflict committee, to serve as counsel to indigent clients when public defenders cannot take the case. In 1998 county governments spent \$34.8 million on conflict attorneys and their related costs, while the state appropriated \$2.5 million for this purpose.²⁴ Because the counties have been responsible for most of the costs and have been active in the conflict

²³ Our report, *Many Article V Trial Courts Funding Issues Still Need to Be Resolved*, [Report No. 01-54](#), November 2001, provides an overview of these and other Article V issues.

²⁴ This is the most current funding information available because the state's participation in funding the conflict attorneys has evolved over time. In the 1999-2000 fiscal year, the Legislature appropriated \$2.5 million for conflict counsel. In Fiscal Year 2000-01, the Legislature shifted its focus to direct all \$5.7 million state conflict funds to three demonstration "pilot" projects. For the 2001-02 fiscal year, the Legislature again appropriated \$5.7 million to continue the pilot projects, but the Governor vetoed this item.

appointment and oversight process, the current method of appointing, monitoring, and paying the fees of conflict counsels will need to be revised as the state assumes this responsibility.

Conflict attorneys take ethical conflict and overload cases

Public defenders defer cases to conflict attorneys for two reasons: ethical conflict and work overload. Ethical conflicts arise, for example, when partners in crime are caught and one defendant is willing to testify against the other. Professional ethics prohibit one law firm (in this case, the public defender's office) from representing both defendants because the interests of the two defendants conflict and there should clearly be no sharing of information between their lawyers or investigators.²⁵ Public defenders that need to remove themselves from a case prepare an order explaining the conflict that must be approved by the judge. In Fiscal Year 2000-01, the 20 circuits reported ethical conflicts in 29,499 or 5% of total cases.

Judges also appoint conflict attorneys when public defenders cannot handle the caseloads of representing additional defendants. In Fiscal Year 2000-01, four circuits (the 5th, 11th, 13th, and 20th) declared case overload in 36,902 cases. In these circuits the county has provided funding for additional attorneys who work under the direction of the public defender.

Conflict counsel oversight will need to be revised

Section 925.037, *Florida Statutes*, authorizes a conflict committee in every judicial circuit to approve and select members of the Florida Bar who judges may appoint to conflict cases. The committees are comprised of the chief judge, the public defender, and a county commissioner from each county in the circuit, or their representative. When the financial responsibility for the conflict attorneys shifts from the county to the state, the oversight process will need to be changed because counties will no longer have a financial interest in the proceedings.

One advantage to creating a new oversight process is the opportunity to identify best practices among the 20 circuits, which have instituted varying levels of supervision. For example, in some circuits it is up to the judge to appoint an attorney he or she considers qualified and knows is available, whereas other circuits promote consistency and fair distribution of the work by using the conflict committee to screen attorneys and generate a list from which the judge makes an appointment. Some circuits have a clerk review requests for payment, whereas others use the county attorney or a designated committee to review appropriateness of the reimbursement request. Finally, some circuits do not routinely assess the performance of the private conflict attorneys while others have a formal written evaluation.

The state will also need to monitor other appointed attorneys

The system the state establishes to monitor conflict attorneys should also address other appointed attorneys that are currently paid for by the

²⁵ Public defender offices do not take each other's conflict cases because it would be inefficient given the logistics of travel and staffing.

counties, but will become the responsibility of the state under Revision 7 to Article V. For example, the law requires counties to contribute to the costs of counsel for indigent parents whose children are taken into state custody in dependency proceedings. The Legislature appropriated \$3.5 million for the 2000-01 fiscal year for reimbursement of these county costs. However, the actual dependency case costs are much higher. For example, Leon County paid \$1,614 more per filing than it was reimbursed. For the 13,478 cases statewide, if each case cost an additional \$1,000, that would mean an increase of \$13 million in state costs.²⁶

An independent commission could provide state oversight

We recommend that the Legislature establish an independent commission to oversee conflict and dependency counsel. This is an important function because it involves approximately \$55 million in costs per year. The Article V Funding Steering Committee, one of the groups appointed by the Florida Supreme Court to assist in defining the costs of Revision 7 to Article V, recommended a 15 member state-level commission that would oversee activities of a 5 member attorney appointment committee in each of the 20 circuits composed of the chief judge, the public defender, the court administrator or their designee, and two members of the local bar.

While a 15-member commission may be larger than necessary, we conclude that the idea of strong statewide leadership combined with circuit-based review would be effective. It is possible that by taking an active role in assuring the effective implementation of the conflict attorney appointment process, the resulting efficiencies would pay for the resources appropriated to oversee this process. The Legislature may wish to consider including the clerk of the court on the local committee, as the clerks have a significant role in collecting and providing data that should be used in evaluating the performance of appointed attorneys.

We recommend that the commission develop state criteria to address the following issues:

- when a case should be contracted to an appointed attorney;
- how the appointed counsel should be selected;
- how the state will monitor billing rates and payment; and
- what data is to be collected, including which type of cases, length of time, cost, and client satisfaction. This information can be used to make comparisons between appointed counsels and public defenders, and among the circuits.

²⁶ Counties are not required to report their actual expenditures for appointed dependency counsel, but for the 2001 fiscal year, Leon County reported expenditures of \$519,000 for court-appointed attorneys and related expenses in parental termination cases. Using the 277 dependency case filings for the 1999-2000 fiscal year, this calculates to a total cost of \$1,874 per filing. State reimbursement is based on the number of dependency petitions filed by each county for the preceding full fiscal year. The Justice Administrative Commission divides the number of cases into the available funds to obtain a per filing reimbursement amount. For the 2000-01 fiscal year, the state provided \$259.68 per filing for dependency attorneys. At \$1,874 per filing, Leon's costs were \$1,614 greater than the state reimbursement per filing.

Statutory revisions are needed

In conjunction with revising the method of monitoring appointed attorneys, the Legislature needs to redirect funds resulting from liens in these cases. Section 938.29, *Florida Statutes*, directs the court to impose liens for attorney fees and costs on defendants who have been found guilty or plead no contest and have been represented by public counsel. Currently, ss. 938.29, 27.562, and 39.0134, *Florida Statutes*, allow funds collected on these liens to go to the counties.²⁷ Since Revision 7 to Article V specifies that the state will assume responsibility for paying for appointed attorneys, we recommend that as part of implementing Revision 7, the Legislature revise the statutes to specify that funds collected for appointed counsel and related costs be made a lien on behalf of the state. Further, the Legislature should require the clerks of the court to report how many of these liens are made orders by the court and how much is collected.

Future funding responsibility for some public defender and state attorney services has not been addressed

Chapter 2000-237, *Laws of Florida*, which implements Revision 7 to Article V, defines the essential elements of the state courts system that the state and the counties will be obligated to fund, as shown in Exhibit 9. However, the law does not currently address state attorney and public defender costs for travel, transportation, and libraries (which includes online legal research). In the past the counties paid these expenses; it is not clear whether the Legislature intends for the counties to continue to fund these expenses or whether they will become state responsibilities. As the Legislature continues to attend to the transition to Revision 7 and delineate state and local responsibilities, we recommend that the Legislature clarify which level of government will fund travel, transportation, and library services.

²⁷ While some counties may keep track of funds received as a result of these specific liens, the data is not reported to the Comptroller, so the amount has not been determined.

**Exhibit 9
Funding Responsibility for Some Services Has Not Been Addressed**

Public Defender and State Attorney Services	Current Funding Responsibility	Future Funding Responsibility as Specified in Ch. 2000-237, Laws of Florida
State attorney and public defender staff	State	State
Indigency examiners	State	State
Conflict and appointed counsel	County	State
Expert witness fees	County	State
Witness fees	County	State
Court reporters	County	State
Transportation services	County	Not addressed
Library services	County	Not addressed
Travel for out-of-jurisdiction depositions and out-of-state travel by assistant state attorneys and public defenders to locate/interrogate witnesses	County	Not addressed
Office space, utilities, custodial services	County	County
Communication services, including telephones, computers, and multi-agency information systems.	County	County

Source: Florida Statutes and Ch. 2000-237, *Laws of Florida*.

Some special programs may provide cost savings

State attorneys and public defenders participate in many special activities to support their core functions. State law mandates or establishes specific criteria for several of these programs, such as Drug Courts; other activities, circuits or counties have developed on their own initiative to meet unique needs; for example, the 8th and 17th circuits operate Mental Health Courts. To date the Legislature and the court have not included these special programs and local initiatives in the list of essential elements of the courts system that the state will fund under Revision 7 to Article V. However, some may provide cost-effective alternatives to essential activities.

We surveyed the state attorneys and public defenders to identify special programs and local initiatives in which they participate; these 197 programs are cataloged in Appendix B. While the state attorneys and public defenders are sole administrators of some of these programs, many are jointly administered or run by other entities, such as the courts, law enforcement, and the Department of Corrections. In some cases, the state attorneys and public defenders participate simply by making referrals to the program, such as Teen Court.

Programs are intended to reduce court system costs

The goals of these programs are consistent with the state's interest in reducing costs. Generally, the goals of both the state programs and local initiatives fall into two categories. One type is intended to provide cost-effective alternatives to traditional prosecution by limiting the court's involvement in the case. For example, pre-trial diversion programs can impose sanctions such as community service hours without involving a judge and associated costs such as a bailiff and court reporter. The second type of program is intended to reduce long-term costs to the court system and society by reducing recidivism. Examples of this type of program are Drug Court and Truancy Intervention.

These special programs and local initiatives are funded by a variety of sources. For example, the four types of programs that were most frequently reported among the circuits were: Domestic Violence, Victim/Witness, Drug Court, and Pre-trial Intervention. The incomplete and un-audited responses to our survey indicate that state attorneys and public defenders expended \$2 million in local funds, \$2 million in state funds, and \$2 million in federal funds for these four types of programs. (Most of the federal funds support Victim/Witness and Domestic Violence programs.)

It is not clear who will pay for state and locally funded court programs after Revision 7 takes effect in 2004, and whether the programs will continue. To determine whether any of these programs actually reduce costs and might therefore be worth funding as alternatives to essential programs, the Legislature will need to be able to identify program costs, cost savings, and results.

Little is known about these programs' costs or effectiveness

Most of the state attorneys and public defenders we surveyed could not provide cost or evaluative information at this time. According to our survey, state attorneys and public defenders generally do not maintain cost data for programs in which they participate, but are administered by other entities. Some could not provide expenditure data even for programs they do administer because they do not track the costs associated with the time staff devote to various special activities. Furthermore, the effectiveness of most of the special programs has not been evaluated. Of the 197 programs, survey respondents reported that they knew of only 30 having been evaluated in some way.

The administrators of programs that may wish to request state funding have time before 2004 to collect the type of information that the Legislature will need to assess funding requests. We recommend that the Legislature designate a workgroup to help develop standards and uniform definitions for collecting cost and performance data for programs for which administrators may chose to request state funding. Members of the work group could include representatives of the Office of State Courts Administrator, the Florida Public Defender Association, the Florida Prosecuting Attorneys Association, the Florida Association of Court

Revision 7 to Article V Issues

Clerks, the Association of Counties, the Auditor General, and OPPAGA. We recommend that special programs be directed to provide information that includes

- clear program goals,
- clear performance measures and standards against which performance can be measured,
- cost and unit cost information, and
- data describing basic indicators of need and numbers of participants and completers.

Appendix A

Statutory Requirements for Program Evaluation and Justification Review

Section 11.513(3), *Florida Statutes*, provides that OPPAGA program evaluation and justification reviews shall address nine issue areas. Our conclusions on these issues as they relate to the Justice Administrative Commission, state attorneys, and public defenders are summarized in Table A-1.

Table A-1
Summary of the Program Evaluation and Justification Review of the Justice Administrative Commission, State Attorneys, and Public Defenders

Issue	OPPAGA Conclusions
The identifiable cost of the program	For Fiscal Year 2001-02, the Legislature appropriated \$290 million and 5,525 positions for State Attorney Offices and \$144 million and 2,634 positions for Public Defender Offices . Both state attorney and public defender offices receive additional funding from the counties within their circuits; the amount of county contributions has not been identified. The Justice Administrative Commission received \$1.7 million and 32 positions for Fiscal Year 2001-02.
The specific purpose of the program, as well as the specific public benefit derived therefrom	Article V of the Florida Constitution includes state attorneys and public defenders as elements of the state courts system. State attorneys prosecute in their circuits on behalf of the state and determine when an offense and related evidence are sufficient to file charges. Public defenders provide legal representation for indigent defendants facing the possibility of incarceration, juveniles alleged to be delinquent, and individuals who may be involuntarily committed as mentally ill or developmentally disabled and a danger to themselves and/or others, or as a sexual predator. The Justice Administrative Commission , created by Ch. 43, <i>Florida Statutes</i> , provides a single point of contact where the Legislature and state agencies can obtain information on the budgetary, accounting, and personnel activities of the 20 state attorney and 20 public defender offices, and 3 capital collateral regional counsel offices. The commission performs the personnel, budgeting, and accounting functions of these agencies. (It does not perform voucher payment processing for two of the capital collateral regional counsels and the 11 th Circuit (Dade County) state attorney's office.
Progress towards achieving the outputs and outcomes associated with the program	For state attorneys overall, the outcome measure standards do not appear to accurately reflect case disposition practices in most circuits; 14 state attorneys took fewer cases to trial than anticipated. Also, overall, the state attorney standards overestimated the number of referrals for all case types. One reason for this is that the measures and standards were new; agencies often revise their standards during their second year of performance budgeting as they develop historical information.

Issue	OPPAGA Conclusions
	<p>Public defenders overall also overestimated the number of client appointments. The public defenders exceeded their goals for contacting 90% of incarcerated clients within 72 hours by contacting 95.32 %. They also exceeded their goal of closing 90% of cases within the speedy trial rule by closing 92.10% within that time.</p> <p>The Justice Administrative Commission met its outcome standards by maintaining administrative support costs as 0.6% of total agency costs, support positions as 0.3% of agency positions, receiving 0 material audit findings; and processing 99.9% of invoices within statutory timeframes. The commission also met all output measures.</p>
<p>An explanation of circumstances contributing to the state agency's ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, <i>F.S.</i>, associated with the program</p>	<p>Changes in the number of cases referred or clients served are generally reflective of changes in external factors, such as the amount of crime, than of actions by the state attorney and public defender. State attorneys and public defenders work with their staffs to address cases of the greatest importance with the resources available.</p>
<p>Alternative courses of action that would result in administering the program more efficiently and effectively</p>	<p>To improve Justice Administrative Commission operations,</p> <ul style="list-style-type: none"> • And as a result of technology upgrades, 1.4 accountant positions could be eliminated during the 2002-03 fiscal year, which would provide a savings of \$40,500 annually. <p>To improve state attorney and public defender operations,</p> <ul style="list-style-type: none"> • The Florida Public Defender Association, the Florida Prosecuting Attorneys Association, and the Joint Article V Committee should work together to develop a plan and schedule for integrating technology within and among circuits. • Public defenders and state attorneys should work together to take advantage of group purchasing discounts for online legal research services; better rates could reduce statewide costs by over \$3000,000 annually. • The Legislature could create an Indigency Examiner Program administrator within the Office of the State Courts Administrator to improve review of indigency eligibility for representation by a public defender. • Legislative criminal justice, fiscal, and transportation committee staffs, along with state attorneys, public defenders, and other stakeholders, should identify misdemeanors and felonies that should be considered for reclassification. <p>Regarding Revision 7 to Article V changes,</p> <ul style="list-style-type: none"> • The Legislature should establish an independent commission to oversee the appointment, payment, and performance of conflict and dependency counsel. • The new appointed counsel oversight system should include specific criteria regarding appointment, payment, and data collection. • The Legislature should revise ss. 938.29, 27.562, and 39.0134, <i>F.S.</i>, to specify that funds collected for appointed counsel and related costs be paid to the state rather than the counties. • The Legislature should clarify in Ch.27, <i>F.S.</i>, whether the state or the counties will be responsible for funding transportation, travel, and library (including online legal research) costs. • Administrators of some special programs that are not essential court functions but improve the efficiency or effectiveness of the courts should collect information to provide the Legislature if they wish to request state funding. The Legislature should designate a workgroup to help develop standards and protocol for collecting cost and performance data from these

Issue	OPPAGA Conclusions
	<p>programs. Information that programs should provide includes clear program goals, clear performance measures and standards against which performance can be measured, cost and unit cost information, and data describing basic indicators of need and numbers of participants and completers.</p>
<p>The consequences of discontinuing the program</p>	<p>Both the United States Constitution and the Florida Constitution require counsel be provided to indigent persons accused of any offense punishable by imprisonment. Article V of the Florida Constitution identifies public defenders and state attorneys as elements of the state courts system. Elimination of the Justice Administrative Commission would result in more work for each of the 20 state attorney and 20 public defender offices and would require state agencies such as the Department of Management Services and the Comptroller's Office to interact with each of the 43 offices instead of one coordinating office.</p>
<p>Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue funding the program, either in whole or in part</p>	<p>State attorneys and public defenders are essential to the state's courts system and should continue to be funded.</p> <p>The Justice Administrative Commission facilitates essential state functions and while these services could be privatized, it is impossible to quantify the efficiency and expertise that would be lost.</p>
<p>Whether information reported pursuant to s. 216.03(5), <i>F.S.</i>, has relevance and utility for the evaluation of the program</p>	<p>Many of the adopted performance measures are too detailed and should be used only as internal measures to be provided to the Legislature upon request. We recommend that only the following measures be routinely provided to the Legislature.</p> <p>For both state attorneys and public defenders:</p> <ul style="list-style-type: none"> Annual attorney turnover rates Percentage of staff retained for an average of three years from date of hire Number and percentage of substantiated Florida Bar grievances filed annually Number and percentage of dispositions by trial verdict, plea, non-trial, and otherwise <p>For state attorneys:</p> <ul style="list-style-type: none"> Number of referrals for felony, misdemeanor, and juvenile cases Average number of referrals per attorney for felony, misdemeanor, and juvenile cases <p>For public defenders:</p> <ul style="list-style-type: none"> Number of clients served for felony, misdemeanor, and juvenile cases Average number of clients per attorney for felony, misdemeanor, and juvenile cases Number of felony, misdemeanor, and juvenile cases represented <p>For the Justice Administrative Commission</p> <ul style="list-style-type: none"> Administrative support positions as a percentage of total agency positions Number of material/substantial audit findings pertaining to work Percentage of invoices processed within statutory time frames.
<p>Whether state agency management has established controls systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports</p>	<p>Neither state attorneys nor public defenders have inspector generals to verify the accuracy of performance data. Each of the 40 independent offices has developed internal data controls; some are better than others. The Justice Administrative Commission reviews accounting, budgeting, and personnel work to ensure accuracy. The Auditor General and the Office of the Comptroller audit the Justice Administrative Commission's work.</p>

Source: OPPAGA analysis.

Appendix B

Catalog of Special Programs

Table B-1
Public Defender and State Attorney Special Programs

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
<i>First Judicial Circuit—Public Defender</i>				
Pensacola Truancy Court	Provides court supervision of parents and children with excessive unexcused school absences	Juvenile Adult	Public Defender Court Department of Children and Families	Provide legal staff
Pensacola Dependency Court	Provides court supervision of Department of Children and Families cases	Juvenile Adult	Court Department of Children and Families	Provide legal staff
Pensacola Parent Drug Court	A specialty court for drug-dependent parents in lieu of rule to show cause trial; provides drug treatment and counseling, with close court supervision	Adult Determined on case-by-case basis	Court Department of Children and Families	Provide legal staff
Pensacola Juvenile Drug Court	A specialty court using multi-systemic therapy model and family intervention specialist staff for juveniles with drug problems and their families. Parents and juvenile must agree to participate.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Court Private provider	Refer individuals Provide legal staff
Pensacola Family Focused Female Court	A specialty court for juvenile girls; employs multi-systemic therapy model and family intervention specialists. Parents and juveniles must agree to participate.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Court	Refer individuals Provide legal staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Pensacola Juvenile Domestic Violence Court	A specialty court for juveniles and their families using multi-systemic therapy model and family intervention specialists. Parent and child must agree to participate.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Court Department of Children and Families Private provider	Refer individuals Provide legal staff
Okaloosa County Teen Court	A diversion program for first-time juvenile offenders. Juveniles are prosecuted, defended, and sentenced by their peers.	Juvenile Misdemeanor Felony First Offense	State Attorney Public Defender Court Community organization	Adult volunteers in the legal system
Rocket Docket	Provides court supervision of Department of Children and Families cases	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff
Okaloosa County Drug Court Program	An outpatient 12- to 15-month rehabilitation program for felony drug offenders. If successfully completed, the defendant is allowed to withdraw plea and case is dismissed.	Adult Felony First Offense One Prior Offense State Attorney makes rec.	State Attorney Public Defender Court Law enforcement Department of Corrections	Provide legal staff Provide administrative/clerical staff
Okaloosa Domestic Violence Court	Supervision program for individuals on probation for domestic violence offenses; individuals are monitored for compliance with the conditions of probation.	Adult Misdemeanor Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Community organization	Provide legal staff
Milton Teen Court	A diversion program for first time juvenile offenders. Juveniles are prosecuted, defended, and sentenced by their peers.	Juvenile Misdemeanor Felony First Offense	State Attorney School District	Provide legal staff
First Judicial Circuit—State Attorney				
Worthless Check Diversion	A diversion program for worthless check cases. Notice is sent to defendants to make restitution and pay costs to avoid court. Warrants are served on defendants who do not respond. The case then goes to court for disposition. The judge may refer the defendant back to the program.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney, Clerk of Court County Law enforcement	Refer individuals Provide legal staff Provide administrative/clerical staff

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Second Judicial Circuit—Public Defender				
Teamchild	The public defender and North Florida Legal Services work cooperatively to provide various free legal services in delinquency and civil courts. Service areas include homelessness, legal representation at school disciplinary hearings, mental health and drug/alcohol problems.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Public Defender Private provider	Refer individuals Provide legal staff Provide administrative/clerical staff
Second Judicial Circuit—State Attorney				
Felony Drug Intervention Program (Drug Court)	First offenders charged with possession of a controlled substance, third-degree felonies, may apply for one year diversion, counseling, random urinalyses, supervised by probation officers, periodic court review before a judge. If the offender fails, the case reverts to trial division for regular prosecution. If the offender successfully completes the program, the case is dismissed and the offender may qualify to have the record sealed or expunged.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney PA Court Department of Corrections County commission	Refer individuals Provide legal staff Provide administrative/clerical staff
Pretrial Intervention Program	Any first offender, or any person previously convicted of not more than one nonviolent misdemeanor, who is charged with any misdemeanor or felony of the third degree is eligible for release to the pretrial intervention program on the approval of the administrator of the program and the consent of the victim, the state attorney, and the judge who presided at the initial appearance of the offender. The program provides appropriate counseling, education, supervision, and medical and psychological treatment as available and when appropriate.	Juvenile Adult Misdemeanor Felony First Offense	State Attorney Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff
Worthless Check Diversion	A program for diverting from prosecution persons accused of worthless check violations as enumerated in Florida law. The program requires defendants to pay full restitution.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney	Administer the program
Misdemeanor Diversion	A diversion program for non-violent, first-time misdemeanor offenders. Those accepted into the program pay a fee, work one day on the county work program, attend an educational program, and are on probation for three months.	Adult Misdemeanor First Offense	State Attorney Clerk of Court Probation	Administer the program
Third Judicial Circuit—Public Defender				
Teen Court	A peer court for juveniles who commit non-violent first-offense misdemeanors. The public defender's office provides legal and administrative staff to help train teen volunteers to run the court.	Juvenile Misdemeanor First Offense Defendant must plead guilty	State Attorney Public Defender Court Department of Juvenile Justice	Provide legal staff Provide administrative/clerical staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Domestic Violence/Batterers' Intervention Committee	Assists and makes the community aware of the serious problem of domestic violence.	Adult Misdemeanor First Offense	State Attorney Public Defender Court Law enforcement Private provider	Refer individuals Provide legal staff Provide administrative/clerical staff
School Awareness Program	The public defender's office speaks at several classes during the school year to emphasize crime prevention to deter youth from committing crimes. The program operates in all seven counties in the Third Judicial Circuit.	Juvenile	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization School district	Provide legal staff Provide administrative/clerical staff
University of Florida Law School Moot Court Judge	The public defender's office assists the University of Florida Law School in preparing and training second and third year law students in criminal law.	Law students	State Attorney Public Defender University of Florida Law School	Provide legal staff
<i>Third Judicial Circuit—State Attorney</i>				
Worthless Check Diversion	Offers defendants an opportunity to avoid prosecution upon completion of restitution, payment of program costs, and educational class attendance.	Adult Misdemeanor First offense	State Attorney	Administer the program
Pre-trial Diversion	Pre-trial diversion	Adult Misdemeanor First offense Victim must consent and offenders must pay costs of the program	State Attorney	Administer the program
<i>Fourth Judicial Circuit—Public Defender</i>				
Adult Drug Court	Provides alternative sentencing and treatment for certain non-violent drug offenders and other clients with drug-related offenses.	Adult Misdemeanor Felony	State Attorney Public Defender Court Law enforcement Department of Corrections Private provider	Refer individuals Provide legal staff

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Juvenile Drug Court	Provides alternative sentencing and treatment for certain non-violent drug offenders and other clients with drug-related offenses.	Juvenile Misdemeanor Felony	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization Private provider	Refer individuals Provide legal staff
Fourth Judicial Circuit—State Attorney				
Worthless Check Program	An alternative designed to reduce the flow of worthless check cases through the court system. Two immediate benefits are reduction of the high worthless check caseload and the related costs, and a speedier recovery of the victim's losses than by the traditional method. The defendant attends an educational hearing on how to clear the check with the victim. Time limits and terms for restitution are developed at the hearing. If the defendant fails to appear or denies the charge, the case is referred to the county or circuit court of origin for prosecution.	Adult Misdemeanor Felony Multiple Prior Offenses	State Attorney	Administer the program
Truancy Arbitration Program	The goal of this program is to get children back in school and avoid the necessity of arresting their parents. The program works in conjunction with the school board's attendance workers to provide services to students age 6 through 15. If a child continues to miss school, the state attorney's office summons parents and students to a hearing. Students may be referred for counseling or tutoring. Parents are referred to parenting skills classes or other successful programs within the community.	Juvenile	State Attorney	Administer the program
Stop Violence Against Women Act	September 1997 grant funds have allowed the office to enhance its existing specialized domestic and sexual violence unit. The office maintains a high level of specialization by providing grant monies for sufficient paralegal and advocacy support, and funding for specialized training for adult domestic and sexual battery victims.	Adult Misdemeanor Felony Multiple Prior Offenses	State Attorney	Administer the program
Victims of Crime Act	Provides advocacy to abused children and children who witness domestic violence by providing a continuum of services throughout the entire criminal justice system. Services include supportive counseling; assistance with victim compensation; therapy referrals; information about the criminal justice system and individual cases; home and school intervention services, transportation to court appearances; and deposition, trial and courtroom hearing preparation and accompaniment.	Adult Misdemeanor Felony Multiple Prior Offenses	State Attorney	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Youth Offender Programs	First Time Offender Program (FOP) is a diversion program for first-time misdemeanor arrests. Juveniles pay restitution, perform community service hours, and participate in counseling if necessary. Multi-agency Assessment Program (MAAP) is a program for juvenile offenders exhibiting multiple factors indicating that they are at risk of re-offending. Juveniles are intensely monitored at home and at school by state attorney case managers.	Juvenile (FOP and MAPP) Misdemeanor (FOP and MAPP) Felony (MAPP) First Offense (FOP and MAPP) One Prior Offense (MAPP) Multiple Prior Offenses (MAPP)	State Attorney	Administer the program
Citizen Dispute Settlement Program	A volunteer hearing officer assists parties in reaching a mutually satisfactory compromise. Mediation can result in a referral to community counseling services. Cases handled by this program include non-family member assaults, batteries, threats, theft, malicious mischief and neighborhood disputes, and some civil complaints.	Adult Misdemeanor	State Attorney	Administer the program
Pretrial Intervention -misdemeanor	Primarily for adult, first-time offenders who meet certain criteria. Participants must sign a deferred prosecution agreement requiring that they remain law abiding, complete a minimum of 40 hours of community service, pay restitution (if applicable), and participate in counseling, if required. The offender's progress is monitored while participating in the program. Upon successful completion of the program, charges are dismissed. If an offender fails to complete required conditions of the PTI contract, the case may then be rejected and returned to the prosecutor for review and appropriate legal action.	Adult Misdemeanor Multiple prior offenses	State Attorney	Administer the program
Felony Pretrial Intervention	A program for any first offender, or person previously convicted of not more than one non-violent misdemeanor, who is charged with any misdemeanor or felony of the third degree. Offenders agree to a deferred prosecution and are supervised by the Department of Corrections. Community service, restitution, mental health counseling, substance abuse education, and monthly contact with probation officers are common conditions of the program.	Adult Felony One prior offense	State Attorney Court Department of Corrections	Administer the program
Adult Drug Court	A pretrial program that targets drug offenders and has as its primary purpose intense substance abuse counseling and monitoring by the court and probation officers. The program also accepts sentenced defendants from the other circuit divisions for supervision and services.	Adult Misdemeanor Felony Multiple prior offenses	State Attorney Department of Corrections	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Restitution Enforcement Program	Assists government agencies in collecting restitution in cases such as public assistance or worker's compensation fraud, electric meter tampering, occupational license and sales tax violations. Participants sign a written agreement to pay restitution expeditiously. A waiver of speedy trial is signed in each case and those who do not follow through will be prosecuted.	Adult Misdemeanor Felony One prior offense Multiple prior offenses	State Attorney	Administer the program
Program for At-Risk Students	Designed to educate at-risk students not currently in the juvenile justice system about the importance of staying in school and the consequences of criminal behavior.	Juvenile	State Attorney	Administer the program
Conflict Resolution Training	State attorney staff work with schools to institute peer mediation.	Juvenile	State Attorney	Administer the program
School Outreach Program	Assigns assistant state attorneys to middle schools. Attorneys visit schools regularly and speak to students, staff, teachers, and parents.	Juvenile	State Attorney	Provide legal staff
Victim Impact Panels	Victims tell juveniles about the effect crime has had on their lives.	Juvenile	State Attorney	Administer the program
Peer Impact Panel	An alcohol awareness program for juveniles sponsored by the state attorney's office and Mothers Against Drunk Driving. Students hear from families of victims killed in alcohol-related traffic accidents and juveniles prosecuted for alcohol-related traffic deaths.	Juvenile	State Attorney	Administer the program
Helping At-Risk Kids	A program for juvenile delinquents who witness domestic violence. Administered by Hubbard House, it is used as a condition of community control or probation. Appropriate juveniles are identified through the state attorney computer program.	Juvenile	State Attorney	Refer individuals
Drug Free Youth Incentive Program	Uses community incentives and peer pressure to influence youth not to use drugs.	Juvenile	State Attorney	Administer the program
Early Delinquency Intervention Program	A juvenile sanction and diversion program designed for second offenders.	Juvenile	State Attorney	Refer individuals
First Offense Step for Teens	A program for perpetrators of domestic violence, run by Hubbard House and used as a condition of community control.	Juvenile	State Attorney	Refer individuals
Consumer Mediation Program	The revisions to Article V of the Florida Constitution in January 1973, abolishing the Justice of the Peace System, resulted in the displacement of thousands of domestic and citizen dispute complaints. The office took on this role by offering an informal hearing process in order for these parties to reach a mutually satisfactory settlement of the matter. The program is coordinated by an office employee and staffed by volunteers.	Adult Misdemeanor Felony	State attorney	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
<i>Fifth Judicial Circuit—Public Defender</i>				
Teen Court	An educational program whereby juvenile offenders are judged and sanctioned by their peers.	Juvenile Misdemeanor Felony First Offense	Clerk's office administers program	Provide legal staff
<i>Fifth Judicial Circuit—State Attorney</i>				
Worthless Check Program	Allows defendants who have passed worthless checks to pay restitution over a 60-day period, pay the check diversion fee, and attend a three-hour class. If the subject has previous prosecutions of worthless checks, the state attorney goes forth with prosecution. Defendants must admit guilt and sign a contract. If all conditions are met, the case is closed.	Adult Misdemeanor Felony First Offense	State Attorney	Administer the program
Violence Against Women Act	Investigators who are specially trained in domestic violence photograph victims, follow investigations, talk to victims and witnesses in the case, contact law enforcement to get reports, transport victims to court, and work closely with assistant state attorneys.	Adult Misdemeanor First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Hernando County Victim/Witness Grant	Hernando County provides two victim/witness clerks to work within the state attorney's office. The clerks go to court, help victims and witnesses through the court process, talk with victims and witnesses, and assist them in finding other agencies that can help them (e.g., Rape Crisis).	Juvenile Adult Misdemeanor Felony Must be a victim or witness	State Attorney	Administer the program
Victims of Crime Act	The state attorney's office has a victim witness counselor who handles mainly domestic violence cases by helping the victim through the court process, talking with victims and witnesses involved in the case, referring victims to other agencies for counseling and safe housing, and helping them fill out the crimes compensation form.	Adult Misdemeanor	State Attorney	Administer the program
Drug Court	Drug Court diverts individuals from the court system.	Juvenile Adult Misdemeanor Felony Multiple prior offenses	Court	Refer individuals
Pretrial Intervention	Diverts individuals from the court system.	Adult Felony First Offense	Department of Corrections	Refer individuals

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Sixth Judicial Circuit—State Attorney				
Bad Check Diversion Program	Eligible defendants appear at the state attorney’s office with a money order or cashier’s check payable to the complainant for the check amount plus the applicable service charge and the applicable state-processing fee. The defendant is also required to complete an educational class. If these conditions are met the case is closed without criminal history. If the defendant fails to comply with the provisions of the program, the case is referred for possible criminal prosecution.	Juvenile Adult Misdemeanor Felony	State Attorney	Administer the program
Better Choices	This activity, Truancy Intervention, and State Attorney Safe Schools Initiative interact as part of the overall behavior modification of student offenders through early intervention. Referred students attend four hours of instruction and at least one parent or guardian must attend two hours of instruction. The sessions are held in the evening and utilize staff from the state attorney’s office and Envision Learning Corporation, a local anger management provider.	Juvenile Misdemeanor Felony First Offense Multiple Prior Offenses Needs of individual student are considered.	State Attorney Law enforcement Community organization School district	Administer the program
State Attorney Safe Schools Initiative (Pinellas County and Pasco County)	Three assistant state attorneys are assigned to nine middle schools in Pinellas and Pasco counties to provide citizen rights and responsibility education, diversion, charge screening, and individual case management for defendants charged with school-based incidents.	Juvenile Misdemeanor Felony First Offense Multiple Prior Offenses	State Attorney Law enforcement Community organization School district	Administer the program
Violence Against Women Act (Pinellas County and Pasco County)	In Pinellas County, the victim advocate program for felony domestic cases assists victims of felony charges through the life of the criminal case. The program provides an advocate to encourage the cooperation of victims while the case is pending action. In Pasco County the deferred prosecution program is designed to increase victim contact prior to advisory hearings as well as preparing the defendants’ criminal history prior to first appearance hearing in order to insure the defendant’s entry into the program.	Adult Misdemeanor Felony Multiple Prior Offenses	State Attorney	Administer the program
VOCA Victim Advocate Program (Pinellas County)	Provides services to seven communities in Pinellas County that do not have a victim advocate available at their local law enforcement agency. The program provides victims of crime with crisis counseling, information and referral, criminal justice support and advocacy, assistance in filing victim compensation claim forms, transportation and 24-hour emergency availability to go to the crime scene, hospital, and sexual assault exams.	Juvenile Adult Misdemeanor Felony	State Attorney	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Truancy Intervention	School personnel refer absentee problems to the state attorney for intervention who, in turn, contacts the parent(s). If attendance does not improve, a meeting at the school is conducted with parents. If attendance still does not improve, a meeting is held at the state attorney's office as one last attempt to intervene. If that fails, the assistant state attorney in charge files the case as educational neglect.	Juvenile for intervention Adult (if intervention fails, adult is prosecuted) Misdemeanor First Offense Multiple Prior Offenses	State Attorney Public Defender Court Community organization School district Intervention involves State Attorney and school district; if prosecution is necessary, the court and possibly Public Defender and community organizations are involved in counseling.	Refer individuals Provide legal staff Provide administrative/clerical staff
Pretrial Intervention -felony and misdemeanor	The defendants report monthly to a probation officer. They are required to pay supervision fees. Community service can be required along with other activities depending on the type of charge. After successful completion, the charge is dismissed.	Adult Misdemeanor Felony One Prior Offense	State Attorney Public Defender Court Department of Corrections Salvation Army Pasco County government	Refer individuals Provide administrative/clerical staff
Domestic Violence Diversion	A deferred prosecution program for misdemeanor and felony domestic violence offenders to refer offenders to the 26-week Batterers Intervention Program. The case is dismissed upon successful completion (one year for misdemeanors and two years for felonies).	Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney	Administer the program
Seventh Judicial Circuit—Public Defender				
Putnam County Drug Court	Diverts cases from the circuit docket to the drug court docket. A plan is established for individuals addressing their drug problem and upon successful completion of the program, their criminal case is dismissed and their record is cleared.	Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff
Volusia County Drug Court - Adult	Diverts cases from the circuit docket to the drug court docket. A plan is established for individuals addressing their drug problem and upon successful completion of the program, their criminal case is dismissed and their record is cleared.	Adult First Offense One Prior Offense	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff
Volusia County Drug Court - Juvenile	Diverts cases from the circuit docket to the drug court docket. A plan is established for individuals addressing their drug problem and upon successful completion of the program, their case is dismissed and their record is cleared.	Juvenile Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
<i>Seventh Judicial Circuit—State Attorney</i>				
Victims of Crime Act	Provides funds to support the provision of direct assistance to crime victims as soon as possible after the crime occurs in order to reduce the severity of the psychological consequences of the victimization and to improve the victim's willingness to cooperate with the criminal justice process and restore the victim's faith in the system.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Juvenile Alternate Services Program	Alternative prosecution for first offense non-violent offenders and misdemeanants.	Juvenile Misdemeanor Felony First Offense One Prior Offense Truancy Drug abuse Runaway Ungovernable History of physical, sexual, mental abuse, mental illness	State Attorney Law enforcement Community organization School district	Administer the program
Violence Against Women Grant Program (Putnam County and St. Johns County)	Provides victim advocacy for victims of domestic violence and focuses on assisting the underserved migrant population of Putnam and St. Johns counties and providing technical assistance and support of law enforcement agencies in both counties.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Worthless Check Diversion Program	A program for diverting from prosecution persons accused of worthless check violations. The program requires defendants to pay full restitution and service charges.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney	Administer the program
<i>Eighth Judicial Circuit—Public Defender</i>				
Drug Court Program	A seven-month therapeutic pretrial diversion program for individuals charged with non-violent felony drug related charge.	Adult Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court	Refer individuals Provide legal staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Teen Court	A diversionary program for first-offender juvenile misdemeanants who are tried and sentenced by their peers. Teenage volunteers who perform the roles of the prosecuting and defense attorneys, bailiff, clerk, and jury run the program. The judge is the only adult participant in the proceedings.	Juvenile Misdemeanor Felony First Offense	Court Law enforcement Teen volunteers	Refer individuals Provide legal staff
Mental Health Court	Clients suspected of mental health problems are referred for screening by the public defender, state attorney, court services, judges, or relatives. Charges are dropped upon successful completion of this voluntary program.	Adult Misdemeanor First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Department of Corrections Private provider	Refer individuals Provide legal staff
Criminal mediation	The state attorney's office and public defender select a criminal mediator for the victim and offender. Mediation agreements can be approved by the judge, ending the case, or not approved, which results in the case going back to court.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization School district Victim advocates	Refer individuals Provide legal staff
Pretrial Intervention	Similar to probation, but the defendant does not have to plead to the offense. Supervision is provided to monitor compliance and if the program is successfully completed, charges are dismissed. The defense refers to the state attorney who approves or disapproves applicant for participation in the program.	Adult Felony First Offense	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff
<i>Eighth Judicial Circuit—State Attorney</i>				
W.O.Beauchamp Drug Court Program	A diversionary program that focuses on rehabilitation as opposed to incarceration. It is a unique program in which state attorneys, public defenders, treatment providers, judges, court administrators all work together to help individuals with drug addictions to successfully complete the program and ultimately get their charges dropped.	Adult Felony Multiple Prior Offenses	State Attorney Court	Refer individuals Provide legal staff
Worthless Check Diversion Program	If the defendant pays full restitution and the worthless check (face value and victim service charges), the state fee, and pays to attend an educational program, the case is dismissed. If these requirements are not met within the designated time, the agreement is revoked and the case is prosecuted. Program benefits include (1) the victim is paid restitution much faster than if the case is prosecuted, (2) the state attorney collects funds that help cover the costs of prosecution and administering the Check Fraud Division, (3) the total number of cases are decreased, and (4) the defendant receives specified assistance and education.	Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Violence Against Women Act	A domestic violence investigator is assigned to the misdemeanor and felony domestic violence prosecutors to provide case specific investigation services for cases involving domestic violence. The investigator locates, contacts, and interviews victims and witnesses, retrieves evidence and provides follow-up documentation of the victim's physical and emotional condition. The investigator also obtains photographs, completes criminal record checks, and investigates prior domestic violence incidents for use as similar fact evidence at trial. The state attorney's office works with law enforcement agencies to improve the standardization and documentation of domestic violence reports.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Victim Advocate Program	State attorney's office Victim Services Unit provides services to all victims of crime who require crisis counseling, follow-up contact, information and referral, criminal justice support/advocacy, emergency legal advocacy, assistance in filing compensation claims, personal advocacy and telephone contact as they enter and proceed through the criminal justice and juvenile justice process. The unit also provides restitution advocacy to victims of juvenile crime in the outlying counties.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses (Must be a victim of or witness to a crime)	State Attorney	Administer the program
Pretrial Intervention	Designed to defer first-time third-degree felons from full prosecution.	Adult Felony First Offense One Prior Offense	State Attorney Court Department of Corrections Parole and Probation	Refer individuals Provide legal staff Provide administrative/clerical staff
Project Payback	A victim restitution program that assists juveniles in paying court-ordered restitution to victims of crime. Employability skills are taught and employment assistance is available. Juveniles under age 16 are also offered Community Restitution Work Service, in which Project Payback donates minimum wage toward unpaid restitution balances. Juveniles who are in noncompliance are returned to court and ordered to appear before the juvenile judge for a compliance hearing. Project Payback works closely with Juvenile Probation, Juvenile Court, and the Office of the Public Defender.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses Juveniles must be court-ordered to pay restitution with an amount determined by hearing or by stipulation. Juveniles also must be ordered as a condition of probation to enroll and complete the project.	State Attorney Clerk of court Department of Juvenile Justice Community organization	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
<i>Ninth Judicial Circuit—Public Defender</i>				
Interpreter Service	Planned to be implemented in Fiscal Year 2001-02. The program establishes a full-time position under contract with the county to perform interpreter services within the public defender's office.	Juvenile Adult Misdemeanor Felony	State Attorney	Administer the program
<i>Ninth Judicial Circuit—State Attorney</i>				
Victims of Crime Act	The state attorney-based Victim Assistance Program is the critical link between the victim and the criminal justice system. Support for the victim during the process can enhance the victim's recovery from the psychological impact of the crime. Victim Assistance personnel improve the victim's knowledge of procedures and terminology and provide a stable point of contact within the prosecutor's office.	Juvenile Adult Misdemeanor Felony	State Attorney	Administer the program
Early Truancy Intervention (ETI)	This program investigates parents who do not send their children to grade school. The goal is to change parents' behavior so that they send their children to school on a regular basis. There is a direct correlation between truancy and juvenile delinquency. This program is a crime prevention effort.	Adult Misdemeanor Felony	State Attorney School district	Administer the program
<i>Tenth Judicial Circuit—Public Defender</i>				
Expedited Disposition Program	The program is designed to resolve numerous felony cases at arraignment while providing high quality legal representation. Intake procedures within the office of the public defender were modified to ensure that newly appointed clients were seen within two days of appointment. Procedures were changed within the Clerk of Courts Office to assign felony cases to one of the trial divisions at, or prior to, first appearance hearing. This enabled the public defender's office to assign cases to an attorney almost immediately upon appointment. The public defender engages in discovery and attempts to negotiate offers of settlement prior to arraignment. If a negotiated settlement is reached, the client enters a plea and is sentenced at the time of arraignment.	Adult Felony Multiple prior offenses	State Attorney Public defender Court	Administer the program
<i>Tenth Judicial Circuit—State Attorney</i>				
Worthless Check Program	Provides restitution for victims receiving worthless checks.	Bad check writers to make restitution	State Attorney	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Eleventh Judicial Circuit—Public Defender				
Anti-Violence Initiative: Educational-Based Sentencing Pilot Project	The goal of the pilot project is to reduce likelihood of juvenile clients re-offending by addressing their educational and vocational needs. The project combines required representation of indigent juveniles in delinquency proceedings with facilitation of educational plans in sentencing and disposition. The project is staffed primarily by law school interns and currently has limited scope and reaches few clients. The office has social workers to assist attorneys in developing sentencing plans	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Public Defender Law school legal clinic	Refer individuals Provide legal staff Provide admin/clerical staff
Anti-Violence Initiative: Juvenile Sentencing Advocacy Project	The office intervenes early in direct file (transfer to adult) cases to address the needs of the youth while meeting the concerns of the court and prosecution. Clients are assessed, extensive background investigations are undertaken, and sentencing and treatment plans intended to meet the youth's needs are developed and presented to the prosecution and the court. The office develops and provides multi-disciplinary training to attorneys, social workers, judges, prosecutors, and other criminal justice and public health professionals.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Public Defender	Administer the program
Eleventh Judicial Circuit—State Attorney				
Pre-Arrest Diversion	Focuses on first-time non-violent misdemeanor offenders. Participation in the program is voluntary. Eligible juveniles and their families are provided counseling and assistance tailored to their needs. An individualized plan may include both sanctions and services, depending on the nature of the offense and the rehabilitative needs of the child and/or family. After successfully completing the program, juveniles that have not been re-arrested will have the opportunity to have their arrest records expunged.	Juvenile Misdemeanor First Offense Must have arresting officer's approval	State Attorney Public Defender Court Law enforcement Community organization School district	Administer the program
Miami-Dade County Drug Court	Requires two counseling sessions per week and two drug tests per week. The Dade County Program requires the defendant to attend the program every day during Phase I, three times per week during Phase II, and two times per week during Phase III. Defendants are tested each time they attend.	Juvenile (direct file only) Adult Felony First Offense One Prior Offense	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Shoplifters Alternative Course for Adults and Youth Educational Shoplifting Program for juveniles	Provide offense-specific rehabilitative classes and correspondence courses which include a psychological profile analysis and free added support services for life. Programs can be self-supporting with offenders paying a tuition fee to enroll.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization School district (Programs can be administered locally by one of these entities or solely by State Attorney.)	Provide materials, training, and ongoing support to the entity that administers the program.
State Attorney's Office Truancy Intervention Program	The program combines early intervention with prosecutorial enforcement of Florida's Compulsory Education laws. The program requires a meeting at the school of the student, the parents/guardians, a representative of the state attorney's office (or other law enforcement agencies), school attendance personnel and counselors, and needed social service agencies. The program envisions regular attendance in school as the first step needed to provide meaningful and effective intervention that may prevent future delinquency. As a result, various strategies, including remedial tutoring, social service assistance and, if necessary, court assistance through Florida's dependency system or through appropriate criminal prosecution, are used to develop and implement solutions. After the meeting, the student's school attendance is tracked and follow-up meetings are mandated as needed.	Juvenile	State Attorney School district	Administer the program
Domestic Violence Diversion	The Advocate Program, Inc., is a private, not-for-profit, agency offering structured probation, traditional probation, diversion, community service, DUI school and domestic violence programs to the courts of the eleventh circuit, both adult and juvenile.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Advocate Program, Inc., Board of Directors	Refer individuals

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
State Attorney's Office Bad Check Restitution Program	A pre-filing diversion program that provides relief to victims of worthless checks. The program operates at no cost to the taxpayers, victims, or state attorney and provides an efficient way to effectively address a non-violent crime. Program costs are covered by the offenders, who are required to pay full restitution to the victims (including statutory fees and bank charges) and a fee to attend an eight-hour interactive educational intervention course.	Adult Misdemeanor Felony First Offense	American Corrective Counseling Services, Inc.	Refer individuals Provide legal staff Provide administrative/clerical staff
Drive Legal Program	People with numerous traffic tickets and those who drive with a suspended license enroll and pay a fee. Cases are closed out via community service and reduced fees.	Juvenile Adult Misdemeanor Multiple Prior Offenses (Cannot face state-ordered suspensions; court order alone overrides)	State Attorney Public Defender Court Community organization	Refer individuals Sit on board and give input Close out cases per agreement
Truancy Intervention Program	Assures the early identification of youth under age 16 (mandatory school age) who are charged with a delinquent act and who are chronic truants or have experienced other behavioral problems at school. The program provides intervention through a structured graduated system of sanctioning based on the youth's attendance and academic performance. In addition to monitoring, the program provides an after-school tutoring component that works closely with the youth's teacher to promote literacy and academic improvement.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Court	Don't Know/No Response
Eleventh Judicial Circuit Court Jobs Program	The state attorney's office assists court-ordered ex-offenders in obtaining employment. Once ex-offenders are hired, the state attorney's office assists them in obtaining education or vocational training.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses Participants must be court-ordered or referred by a judge	Administrative office of the courts	Employment assistance
Special Needs and Domestic Response Team	All domestic violence and family violence victims in the felony and juvenile divisions are assessed and receive the level of service, information, and support deemed necessary. The continued contact and support must be maintained throughout the pretrial and trial process to insure the safety of the victim and provide the services needed for the victim to continue to pursue a family free from violence.	Juvenile (victims of domestic violence, sexual assault) Adult (victims of domestic violence, elderly abuse, and non-stranger sexual abuse) Misdemeanor (juvenile only)	State Attorney	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Mobile Operations Victim Emergency Services Domestic Violence Program	The program responds to domestic violence calls and work closely with the arresting police officer, police advocate, if available, and the victim as soon after the incident as possible. The victim and other essential witnesses are brought to the nearest meeting site where program specialists render a psycho-social assessment. Key to the project's purpose is to identify "high-risk cases" and work towards ensuring victim safety and provide paralegal services.	Adult (victims of domestic violence) Misdemeanor/felony	State Attorney	Administer the program
Pretrial Services Diversion Program	Operates as the county's clearinghouse and central intake unit for all felony cases that are designated for deferred prosecution by the state attorney's office. The program monitors compliance of program participants and reports case status to the courts, state attorney, and defense counsel. Upon successful completion or termination, the supervising agency notifies pretrial diversion and in its liaison capacity, sets a court date with the respective assigned judge and reports the case status. Depending on the completion disposition, the state attorney's office then either enters a nolle prosequere or sets the case for trial.	Adult Felony First Offense	State Attorney County agency	Administer the program
Miami-Dade County Teen Court	An alternative-sanctioning program designed to intervene, divert, and prevent unlawful behavior of juveniles. The program targets youth volunteers and youth offenders to divert them from the juvenile justice system. Their peers who serve as attorneys, bailiffs, clerks, and jurors sanction youthful offenders having admitted guilt.	Juvenile Misdemeanor Felony First Offense One Prior Offense	State Attorney Court Law enforcement Department of Corrections School district	Refer individuals Provide administrative/clerical staff
Twelfth Judicial Circuit –Public Defender				
Drug Court	An intensive drug treatment program operated in conjunction with the circuit judge. Individuals must agree to participate for a minimum of one year in the program, maintain a drug-free lifestyle, obtain a sponsor, participate in narcotics anonymous or alcoholics anonymous program, and gain employment. The program includes random drug testing and counseling therapy services. Participants cannot be convicted of a violent crime or sale of drugs.	Adult Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff
Twelfth Judicial Circuit—State Attorney				
Pretrial Intervention	A rehabilitative alternative to criminal prosecution, including efforts to avoid a criminal case through efforts to intervene prior to filing criminal charges.	Adult Misdemeanor Felony First Offense	Department of Corrections, Salvation Army, Sarasota County Misdemeanors, Manatee County Probation Department	Refer individuals

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Domestic Violence Diversion Program (Batterers' Intervention Program)	Assists victims of domestic violence by screening defendants to determine if they meet a pre-trial diversionary program and providing information for selecting counseling providers to understand and prevent abuse.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses Defendants can have multiple non-domestic related offenses and qualify for diversion. Defendants with prior domestic offenses are screened and depending on the seriousness of the charge and the disposition of the priors, may be referred to diversion. If the defendant is currently in a domestic diversion program and re-offends, the case may also be referred for diversion.	Certified Batterers' Intervention programs and assessors	Refer individuals
Drug Court	A cooperative effort between the courts, public defender, state attorney, and designated treatment staff to identify defendants who need treatment and are eligible for the program. Defendants are monitored closely for drug use and through a system of rewards for drug-free living and sanctions for drug use are helped to revamp their lives to conform to law-abiding behavior. Defendants must be employed or attend school.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses Defendant with a prior adjudication may be eligible for drug court, but must enter a plea and be sentenced to drug court. Defendants are not eligible if they score mandatory prison, have a conviction for a violent felony, or are charged with sale of drugs.	State Attorney Public Defender Court Department of Corrections Private treatment provider	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Worthless Check Diversion Program	Persons accused of violating laws relating to issuing worthless checks and drafts may be placed in this program as an alternative to prosecution. Defendants are required to make full restitution to the victim, including service charges and payment of service charges to the state attorney's office.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Thirteenth Judicial Circuit—Public Defender				
Misdemeanor Intervention Program	Requires that the client participate in a mini- probation supervised by the Salvation Army. If the client completes successfully, the charges are dismissed.	Adult Misdemeanor First Offense	State Attorney Public Defender Court	Refer individuals Provide legal staff Provide administrative/ clerical staff
Misdemeanor Worthless Check Program	Requires the client to pay off the check, do community service, and be supervised by the Salvation Army. If the client completes the program successfully, the charges are dismissed.	Adult Misdemeanor	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff
Misdemeanor Domestic Violence Program	The program provides indigent screening, assessment/evaluation, treatment, and monitoring reimbursement. The Salvation Army submits a monthly report to the domestic violence judge and state attorney for approval of the diversion program. The Spring of Tampa Bay offers outpatient counseling for both the defendant and the victim of domestic abuse. The Board of County Commissioners and the Court Administrator's Office provide the funding.	Adult Misdemeanor First offense One prior offense Multiple prior offenses	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff
Misdemeanor Mental Health Diversion	Defendants who have misdemeanor offenses and who are identified at the jail by the social worker or psychiatric staff as having a significant mental health problem are diverted to the local community mental health center where they are evaluated, treated and offered follow-up services. These cases will be nolle prossed if the client gets treatment.	Adult Misdemeanor First offense One prior offense Multiple prior misdemeanor offenses	State Attorney Public Defender Court Law enforcement	Refer individuals Provide legal staff
Felony Pretrial Intervention Program	First-time felony offenders are given the opportunity to participate in a probationary program, which includes treatment and monitoring for a specified time. If the offender completes the program successfully, the case is dismissed.	Adult Felony First offense	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff
Juvenile Arbitration Program	Focuses on reducing the number of youths in juvenile court and providing meaningful and constructive alternatives to the formal court processing of juvenile offenders. Youth referred to this program must admit responsibility to the crime and sign a waiver of speedy trial. Youth who do not feel they are guilty of the crime are not eligible for the program.	Refer individuals Provide legal staff	State Attorney Public Defender Court	Refer individuals

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Teen Court	A diversionary program designed to reduce the number of youths in juvenile court. The program provides specific and immediate sanctions and services to juveniles who have committed crimes. Offenders must answer to their crime in a mock court, before a jury of their peers. The program instills a sense of responsibility to the offender and gives each youth the tools they need to avoid further criminal behavior.	Juvenile	Don't Know/ No Response	Don't Know/No Response
Juvenile Shock Education Program	Designed to show juveniles the less glamorous side of crime and delinquent behavior. The program introduces youth to victims of the crime and focuses on rehabilitation with graphic presentations on the consequences of criminal behavior.	Juvenile	State Attorney Public Defender Court Department of Juvenile Justice	Refer individuals
Children in Need of Services and Families in Need of Services	Provides intervention and diversion services to children and families in need of immediate family counseling, temporary residential services, and individual/group counseling.	Juvenile Adult	Department of Juvenile Justice	Refer individuals
PACE Center for Girls of Hillsborough	Offers young girls "at risk" an opportunity for an improved quality of life. The focus is to provide counseling, education, and life skills in a structured nurturing environment. There is no cost to the client. United Way, Department of Juvenile Justice, and private contributions provide funding.	Juvenile Misdemeanor Felony First offense One prior offense Multiple prior offenses	Public Defender Community organization	Refer individuals Provide legal staff Provide administrative/ clerical staff
Intensive Delinquency Diversion Systems	Developed by the Department of Juvenile Justice and provides intensive case management services. The youth is given an intensive treatment plan and meets with a treatment team regularly to modify the plan as needed. The youth stays in the program five to seven months, and the case is closed out if the treatment plan is successfully completed. If the youth does not complete the treatment plan, the case is sent back to the State Attorney's Office for prosecution.	Juvenile	State Attorney Public Defender Court Department of Corrections Department of Juvenile Justice	Refer individuals
Prodigy	A youth prevention, intervention and diversion program that uses visual and performing arts to help at-risk youth and juvenile offenders. Offenders receive intensive case management services including supervision, restitution collection, sanction monitoring, social work services, and educational seminars.	Juvenile	Department of Corrections, Department of Juvenile Justice	Refer individuals

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Drug Court Diversion Program	A two-year program that gives individuals with a substance abuse problem an alternative to jail and/or prison by providing a structured, supportive treatment environment for substance abusing first time offenders charged with a third degree felony. The requirements become less restrictive as the offender progresses through the program. Individuals who continually use drugs while in the program will be terminated. All of the clients are determined to be indigent. Drug Court is funded primarily through the Court Administrator's Office and the Department of Corrections.	Juvenile Adult Felony First offense One prior offense Multiple prior offenses	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff
Hillsborough County Public Defender's Social Services Division	Clients for mental health and substance abuse problems are then referred to a treatment incarceration program. The purpose of the treatment is to provide the client with the skills and tools needed to cope with his or her problems and thus reduce the chance of re-offending. The division refers clients to 16 residential and outpatient programs.	Juvenile Adult Misdemeanor Felony First offense One prior offense Multiple prior offenses	Public Defender Court Department of Corrections	Administer program
Restorative Justice Program	The intent of the program to enforce court ordered sanctions mandated during the sentencing process, particularly as it relates to restitution. This is being done in an effort to promote successful completion of court-ordered sanctions and reduce returns to the criminal justice system for failing to complete supervision. The program is also designed to assist offenders in the procurement of employment through established community-based partnerships comprised of business professionals willing to offer offenders a second chance.	Juvenile Adult Misdemeanor Felony First offense One prior offense Multiple prior offenses	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization School district	Administer the program
Public Defender's Mentoring Program	Consists of recruiting responsible community volunteers willing to offer moral and spiritual guidance and the fundamental character building techniques that are intended to influence offenders to be motivated to successfully complete their supervision.	Don't Know /No Response	Don't Know/ No Response	Don't Know/No Response
Continuum of Services	An after-care component that provides additional services that might contribute to the continued success of former clients.	Juvenile Adult Misdemeanor Felony First offense One prior offense Multiple prior offenses	State Attorney Public Defender Court Law Enforcement Department of Corrections Community organization School district	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Public Defender Community Coalition Initiative	Seeks to affect such positive change by encouraging and establishing cooperative and collaborative efforts between the Office of the Public Defender and other governmental agencies, community organizations, treatment programs, schools, and universities. The concept of the program is that persons represented by the office of the public defender are provided opportunities, treatment, and "know how" needed to lead productive and crime-free lives.	Juvenile Adult Misdemeanor Felony First offense One prior offense Multiple prior offenses	Public Defender Department of Corrections Community organization School district	Refer individuals Provide legal staff
Rocket Docket	Expedites "old" juvenile cases. Placing the case on the Rocket Docket means that no motion will be filed. The defendant will plea or go to trial.	Don't Know/ No Response	Don't Know/ No Response	Don't Know/No Response
Thirteenth Judicial Circuit—State Attorney				
Domestic Violence Diversion Program	Provides counseling for first-time offenders, allowing them to keep the charge off of their record.	Adult Misdemeanor First Offense	State Attorney Community organization	Refer individuals Provide legal staff
Misdemeanor Intervention Program	A diversion program for first-time misdemeanants. A contract is signed for the program and upon successful completion the charge is dropped. The Salvation Army administers the program.	Adult Misdemeanor First Offense	State Attorney Salvation Army	Refer individuals Provide administrative/clerical staff
Pretrial and Drug Intervention	A diversion program for first-time offenders for third-degree non-violent felonies. A contract is signed for the program and upon successful completion the charge is dropped.	Adult Felony First Offense	State Attorney Department of Corrections	Refer individuals Provide administrative/clerical staff
Victim Assistance Program	Assists all victims of crime in Hillsborough County, many times from the crime scene through the final appeals, providing a wide variety of services to victims and serving as a liaison between victims and the criminal justice system. The program is funded entirely by Hillsborough County.	Juvenile Adult Misdemeanor Felony	State Attorney	Administer the program
Worthless Check Program	A sub-set of the Victim Assistance Program and is entirely funded by Hillsborough County. All fees collected through this program pass back to Hillsborough County.	Juvenile Adult Misdemeanor	State Attorney	Administer the program
Fourteenth Judicial Circuit—State Attorney				
Bay County Drug Court	Referrals are made to drug court for persons charged with minor drug offenses who appear to be candidates for rehabilitation through the court. Treatment staff, assistant public defenders, assistant state attorneys, and a judge work together to provide the individuals accepted into the program with strong motivation to succeed in the program to overcome their underlying drug abuse problems.	Adult Felony First Offense One Prior Offense	State Attorney Public Defender Court Department of Corrections (Probation and Parole) Community organization Private treatment provider	Refer individuals Provide legal staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Juvenile Alternative Sanctions Program	Department of Juvenile Justice intake counselors screen juvenile offenders for the program as part of the intake process. The department makes disposition recommendations to the state attorney's office. The state attorney weighs the recommendation, but is not bound to accept the recommendation. For juveniles accepted into the program, the sanctions generally include community service hours, continuing pursuit of an education, and, as deemed necessary by the counselor, individual or group counseling sessions with the juveniles.	Juvenile Misdemeanor Felony Multiple Prior Offenses Multiple Prior Offenses prior offenses are a consideration for eligibility. Age, maturity, and violence associated with the offense are other considerations.	Department of Juvenile Justice School district	State attorney's office has authority to override a department recommendation for program participation.
Victim Assistance Program	The program consists of six victim-witness counselors who assist crime victims. Domestic violence, sexual assault, and child abuse crime victims are priority targets for the program. The program provides assistance with applications for victim compensation funds, transportation to court proceedings, accompaniment for sexual assault victims to all proceedings, referral to public and private sector community service organizations, and general support for crime victims through the criminal justice process.	Juvenile Adult Misdemeanor Felony (Only victims, homicide survivors, parents/guardians of minor children who are crime victims are eligible for assistance through this program. Criminal defendants are prohibited from receiving services.)	State Attorney Office of the Attorney General	Provide legal staff Provide administrative/clerical staff
Worthless Check Diversion Program	First-time offenders are given an opportunity to participate in the program. Two different private contractors in the circuit administer the program. Offenders who qualify for the program may choose to participate in the program by paying the check restitution, penalties, classroom fees, and completing a money management course provided by private contractors. Upon completion of the program and payment of all fees and restitution, the case is dismissed by the state attorney's office.	Juvenile Adult Misdemeanor Felony First Offense	State Attorney Two private contractors	Refer individuals
Pretrial Diversion Program	Designed as a resolution of pending criminal charges. The defendant waives rights to a speedy trial for the duration of program participation, is supervised by probation and parole officers of the Department of Corrections, and must abide by the general terms of a probationary sentence with specific conditions to meet the rehabilitative needs of the defendant. Most often these special conditions deal with drug abuse treatment/counseling and anger management. After successfully completing the program, all pending criminal charges are dismissed.	Adult Felony First offense Non-violent first felony offense of the third degree Limited number of non-violent second degree felonies	State Attorney Court Department of Corrections	Refer individuals Provide legal staff

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Fifteenth Judicial Circuit—Public Defender				
Early Representation Unit	Provides immediate review of in-custody cases by a team comprised of an attorney, an investigator, and a social worker. The program addresses the social needs of the client (e.g., drug addiction, mental illness, homelessness) in order to prevent recidivism.	Juvenile Adult Felony First Offense One Prior Offense Multiple Prior Offenses	Public Defender	Administer the program
Drug Court	This is an alternative court for felony drug offenders that involves counseling, inpatient, outpatient treatment, and random drug testing. If the defendant successfully finishes program (at least one year) charges are dropped. Defendants with violent felonies or domestic battery convictions are not eligible.	Adult Felony Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff
Community Court	Diverts individuals from the criminal justice system by addressing quality of life crimes with sanctions such as community service and providing a wide range of social services, such as employment referrals, mental health treatment, and addiction treatment, to assist defendants.	Adult Misdemeanor Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Community organization Criminal Justice Commission	Provide legal staff
Fifteenth Judicial Circuit—State Attorney				
Amicus Curiae Foundation Mileposts	A diversion program for first-time misdemeanor drug offenders. If the defendant completes the course as required, the state drops the charges.	Adult Misdemeanor First Offense	State Attorney	Administer the program
Choices Program/Parent Child Center	An anger management program for juvenile offenders. Most juvenile offenders attend this program as a condition of probation, but the state attorney also can access this program by placing the juvenile on a deferred prosecution contract and requiring the juvenile offender and family to successfully complete the program. The 12-week program includes group and family therapy sessions as well as anger management sessions. The Parent Child Center also takes referrals for juvenile offenders who are under age 10 and those needing sexual offender outpatient treatment. This is done through the State Attorney Deferred Prosecution Contract.	Juvenile Misdemeanor Felony First Offense One Prior Offense	Community organization	Refer individuals
Community Court	This program is for defendants charged with "quality of life" crimes (misdemeanors for trespass, open containers, sleeping in the open) that impact the community. Charges are dropped if the defendant completes the program. If applicable, the defendant must attend Narcotics Anonymous or Alcoholics Anonymous. The defendant is also required to perform community service, drug evaluation, job counseling, and if applicable, complete GED classes.	Adult Misdemeanor First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Community organization (Work Force Development)	Provide legal staff Provide administrative/clerical staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Domestic Violence Mediation Program	At juvenile detention hearings program staff attend and interview the child and family of any case of first offense domestic violence. The juvenile and family must agree to successfully complete the program, which includes anger management, family counseling and substance abuse testing. The child is ordered to successfully complete the program as a condition of their release from detention status. If the program is completed the state attorney agrees to "no file" the case.	Juvenile Adult Misdemeanor Felony First Offense	Court	Refer individuals State attorney must review all cases for legal sufficiency, check prior juvenile history and make decisions regarding diversion. The assistant state attorney must review completion reports.
Drug Court	Serves all individuals charged with possessing cocaine, heroin, controlled substances, and marijuana over 20 grams, and attempting to purchase any of these drugs. Individuals must submit to random drug tests, counseling one to three times per week, perform community service, and pay for the program on a sliding fee scale. If the individual fails the course, he/she can receive jail time and inpatient treatment. If the individual completes the program, the charges are dropped.	Adult Felony One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization	Refer individuals Provide legal staff Provide administrative/clerical staff
Intensive Delinquency Diversion Program	The program has strict criteria for entry and provides assessments, sanctions, therapy, monitoring, family services and much more. The duration is approximately four to seven months.	Juvenile Misdemeanor Felony First Offense One Prior Offense (Three out of the following four criteria must be met: family violence or arrest, school problems, runaway/stealing, substance abuse.)	JSP Company	Refer individuals
Juvenile Assessment Center	Sponsored by the Department of Juvenile Justice and brings all diversion programs together in the community to allow for the immediate referral of an arrested juvenile to diversion. The center is the first point of arrest where juveniles are fingerprinted and photographed. Department staff interview the child to determine if they meet diversion criteria. State attorney staff review the arrest, speak to law enforcement and victims and make a decision on diverting or filing charges. If the state attorney determines that the case is legally sufficient and eligible for diversion, the state attorney's office signs off on the referral and the child is escorted to the appropriate diversion program.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Department of Juvenile Justice	Refer individuals Provide legal staff Provide administrative/volunteer/ clerical staff

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Plea and Pass Program (Domestic Violence)	The defendant pleads guilty to the charge and agrees to a sentence. If the defendant successfully completes a batterer's intervention program and various other conditions, the charges are nolle prossed. If the defendant fails to complete the agreement, the sentence is imposed. The program accomplishes the same goal as pre-trial intervention, but does so more efficiently. The program is intended to reduce the overall court workload by reducing recidivism.	Adult Misdemeanor First Offense	State Attorney Public Defender Court	Administer the program
Pretrial Intervention	A diversion program for first offender misdemeanors for adults and juvenile traffic with no prior arrest. (The state attorney can waive this requirement.) Upon program completion, the charge is nolle prossed. If the defendant fails the program, he/she is scheduled for court. The defendant must not violate any law during the course of the program; must pay a monthly cost of supervision of \$45; must be lawfully employed and support their dependents; not change address or employment or leave the state without consent; report in person on a monthly basis; not possess any firearms or weapons; answer all inquiries by probation truthfully; not use intoxicants to excess; and not visit places where intoxicants, drugs or other dangerous substance are unlawfully sold, dispensed, or used. Special conditions include community service (standard is 15 hours per month), substance abuse evaluation and the completion of any recommended treatment, AIDS Awareness Class (appropriate for solicitation charges), Theft Abatement Class (appropriate for retail theft charges), and Defensive Driving School (ranges from 4 to 12 hour course).	Juvenile Adult Misdemeanor First Offense	State Attorney Public Defender	Refer individuals
Teen Plea and Pass	Designed for first offenders under the age of 17 for traffic charges with no accidents, DUI, and under-age "no driver's license" offenses. Charges are nolle prossed if the program is completed. The defendant has to write a 500-word essay, attend teen driving school, tour jail, and collect 30 articles relating to traffic accidents.	Juvenile Misdemeanor First Offense	State Attorney Public Defender Court	Administer the program
Theft Education for Adults	This is a diversion program for first-time defendants charged with misdemeanor retail theft with no restitution required. The defendant goes to a four-hour group session and obtains employment or returns to school. Charges are dismissed if the defendant completes the program in six months.	Adult Misdemeanor First Offense	State Attorney National Community Corporation	Refer individuals Provide legal staff Provide administrative/clerical staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
State Attorney Truancy Program	The primary purpose of the program is to assist the school system in ensuring that elementary age children are in school. The prosecutor reviews cases and send letters to children's' parents advising them of the law and warning of possible prosecution. The office uses investigative staff on priority cases to go to the home and ensure that the child is safe and to locate the child.	Juvenile Adult Misdemeanor Referred by the Palm Beach District School Truancy Area Coordinators	State Attorney	Administer the program
Truancy Interdiction Program	The state attorney's office receives information on juveniles who are picked up as truant and on Department of Juvenile Justice probation. The state attorney is responsible for reviewing and filing all violations of probation petitions, including truancy violations.	Juvenile	Law enforcement School district	File violations of probation petitions for truancy
West Palm Beach Community Service Program	A diversion program for quality of life offenses (trespass, open container, sleeping in the open, etc.). If the individual completes the program, the charges are dropped. Offenders are usually given some type of community service to complete.	Adult Misdemeanor First Offense One Prior Offense	State Attorney Court Law enforcement	Refer individuals Provide legal staff Provide administrative/clerical staff
Worthless Check Diversion	Victims submit check cases directly to the American Corrective Counseling Services for collection. Upon receiving the complaint, the agency sends a letter to the check writer asking for payment. The program requires the defendant to pay all necessary fines (i.e., face amount of the check, services fees, state fees, and an administrative fee of \$85 to attend a check writer's class). If the defendant agrees to enter this program, no criminal charges are filed. For individuals not entering the program, cases are referred to the state attorney's office for review of prosecution.	Adult Misdemeanor Felony Multiple Prior Offenses	State Attorney	Review cases for prosecution
Youth Court Diversion	A program for first offenders who have committed a misdemeanor sponsored by the School Police Department using a model similar to Teen Court. Juveniles who are arrested as first offenders are referred to this program directly from the law enforcement agency. If the youth successfully completes all of the sanctions that the Youth Jury proscribes, the case is not sent to the Department of Juvenile Justice or the state attorney.	Juvenile Misdemeanor First Offense	Law enforcement School district	Provide legal advice to the teen prosecutor at youth court hearings and serve as judges

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Youth Court Diversion	Provides sanctions for juveniles who are arrested for misdemeanors and some third-degree felonies. The juvenile is given many of the same sanctions they would receive in the normal juvenile court case. The incentive to complete this program is that the state attorney agrees to "no-file" the case if there is successful completion of all sanctions. The case still goes through the Department of Juvenile Justice and the state attorney before a decision is made to divert.	Juvenile Misdemeanor Felony First Offense One Prior Offense	Law enforcement School district	Refer individuals Assist in program design
Sixteenth Judicial Circuit—Public Defender				
Drug Court	Provides specialized supervision for people arrested for drug offenses. The program includes diversion aspect as well as drug offender probation.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Court Department of Corrections Pretrial Services	Refer individuals
Pretrial Intervention	A diversion program for first-time felony offenders.	Adult Felony First Offense	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff
Pretrial Services Diversion and Treatment	A diversion program for first-time drug offenders with an intensive treatment component.	Juvenile Adult Misdemeanor Felony First Offense	Pretrial Services	Refer individuals Provide legal staff
Teen Court	A diversion program for first-time juvenile offenders consisting of peer sentencing.	Juvenile Misdemeanor First Offense	Law enforcement	Provide legal staff
Family Safety Court	Provides specialized supervision for individuals charged with misdemeanor domestic violence offenses. The program includes diversion and probation.	Adult Misdemeanor First Offense One Prior Offense	Court	Refer individuals Provide legal staff Provide administrative/clerical staff
Monroe County Sheriff Office Drug Treatment Program	A four-month drug treatment program for volunteer and court-ordered jail inmate participants.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Public Defender Monroe County Sheriff's office Guidance Clinic of the Middle Keys (mental health care provider)	Refer individuals

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Early Case Resolution	Jail inmates charged with felonies have the opportunity to enter negotiated pleas and be sentenced on an expedited schedule. The program prevents felony docket congestion and long jail stays for inmates awaiting case resolution.	Adult Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court	Refer individuals Provide legal staff
Jail Pleas	Jail inmates with misdemeanor charges may take advantage of this weekly event to plead and resolve their cases. The program prevents docket congestion.	Adult Misdemeanor First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Pretrial Services	Refer individuals Provide legal staff Provide administrative/clerical staff
Intensive Delinquency Diversion Services	An intensively supervised diversion program for at-risk juvenile offenders.	Juvenile Misdemeanor Felony First Offense One Prior Offense	Monroe County Sheriff's Office	Refer individuals
Monroe County Sheriff's Office Work Release Program	Prescreened jail inmates are placed in jobs in the community's private sector. Inmates leave and return to the jail each workday. A portion of their pay is given to the inmates upon release.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Monroe County Sheriff's Office	Refer individuals
Intensive Delinquency Diversion Services	An intensively supervised diversion program for at-risk juvenile offenders.	Juvenile Misdemeanor Felony First Offense One Prior Offense	Monroe County Sheriff's Office	Refer individuals
Sixteenth Judicial Circuit—State Attorney				
Domestic Violence	The state attorney's office acts as a liaison among the court, Department of Children and Families, prosecutors, and victims of domestic violence. It is necessary to track these cases so that everyone is aware of all of the issues involved.	Juvenile Adult Misdemeanor Felony	State Attorney Court	Administer the program
Witness Management	An employee in the Court Administrator's Office works with the prosecutors to make sure all travel arrangements are made for witnesses subpoenaed for criminal cases and that all of their paperwork is properly filed with the clerk's office for payments.	Juvenile Adult Misdemeanor Felony	State Attorney Court	Provides equipment and supplies for the court employee
Early Resolution (Rocket Docket)	Helps identify offenders who will most likely be sentenced to probation and try to get the cases plead early to avoid tying up the court system.	Adult Felony First Offense One Prior Offense	State Attorney Public Defender Court Department of Corrections	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Worthless Checks	The state attorney's office takes in worthless check complaint affidavits and makes an attempt to collect the money. This is a very active program and keeps many cases out of the court system with successful resolutions.	Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Seventeenth Judicial Circuit—State Attorney				
Broward Truancy Intervention Program	A partnership with the Broward County School Board and the state attorney to identify truant children, notify their parents or guardians of the law and prosecution alternatives, meet with the parents, law enforcement, school board member, and state attorney staff to get the children back into school without having to prosecute the parents for violation of compulsory school attendance laws.	Juvenile Adult Misdemeanor	State Attorney School district	Administer the program
Pretrial Intervention	Any first offender, or any person previously convicted of not more than one nonviolent misdemeanor who is charged with any misdemeanor or felony of the third degree is eligible for the program on the approval of the administrator of the program and the consent of the victim, the state attorney, and the judge who presided at the initial appearance of the offender. The program provides appropriate counseling, education, supervision, and medical and psychological treatment as available and when appropriate for the persons released to the program.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense	State Attorney Public Defender Court Law enforcement Department of Corrections	Establish guidelines for entry into the program and consent to those who can participate Determines who are successful participants and refers unsuccessful participants for prosecution
Drug Court Pretrial Intervention	A person who is charged with a second- or third-degree felony for purchase or possession of a controlled substance and who has not previously been convicted of a felony nor been admitted to a pretrial program is eligible for admission into the program. The program provides education and treatment intervention approved by the chief judge of the circuit for a period of not less than one year.	Juvenile Adult Felony First Offense	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization	Provide legal staff Provide administrative/clerical staff
STOP Violence Against Women Act	This grant program supports weekend victim advocates and an assistant state attorney to handle weekend domestic violence magistrate hearings. This activity is part of prosecution services.	Adult Felony Misdemeanor	State Attorney	Administer the program
Mental Health Court	This program is for misdemeanor offenders who are identified as candidates through a mental health assessment. Their cases are continued on a status-hearing basis until the offender reaches competency restoration. The case is then resolved through the appropriate process.	Adult Misdemeanor First Offense One Prior Offense	State Attorney Public Defender Court Law enforcement Community organization	Provide legal staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Victims of Crime Act	Provides services to crime victims which includes crisis intervention, assistance in filing compensation claims, courtroom orientation and accompaniment, criminal justice information, social service information, advocacy, support groups, counseling and other services mandated by Florida Statutes Chapter 960. This program is a Victim of Crimes Act grant funded by the Office of the Attorney General.	Juvenile victims Adult victims Misdemeanor Felony	State Attorney	Administer the program
<i>Eighteenth Judicial Circuit—Public Defender</i>				
Early Resolution, Pre-Trial Resolution	Designed to resolve felony cases at the arraignment stage. The attorney meets with the client to review the specific charges, the client's record, the client's history, eligibility for pre-trial intervention, and possible sentencing decisions. Based on this information, the attorney presents to the client options and possible outcomes. Based on the client's desires, the attorney then negotiates a resolution with the state for presentation to the client.	Adult Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff
Restorative Justice	Restorative justice is designed to address juvenile offenders. The program components are preventive education, diversion, and alternative sentencing options.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	Public Defender Law enforcement School district	Refer individuals Provide legal staff Provide administrative/clerical staff
<i>Eighteenth Judicial Circuit—State Attorney</i>				
Neighborhood State Attorney Initiative	An aggressive case screening and trial prosecution effort at the misdemeanor, juvenile, and felony prosecution level. The initiative promotes partnerships among the state attorney's office, law enforcement, public and private organizations, and the community. Assistant state attorneys are assigned cases based on geographic areas in order to identify and address criminal activity. The State Attorney Citizen Academy is a function of the initiative and educates the public on the role and responsibility of the state attorney's office. It is also a source of future volunteers for the state attorney's office.	Juvenile Adult Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Worthless Check Diversion Program	Offers first-time offenders the opportunity to enter into a diversion agreement that requires payment of restitution in full, payment of the service charge to the victim, and a fee for the program. Some offenders are also required to attend an eight-hour course. By offering this diversion alternative, victims receive restitution sooner, the courts are not inundated with worthless check cases, and the likelihood that the offender will repeat is lessened. If the	Adult Misdemeanor Felony First Offense	State Attorney	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
	<p>check writer elects not to participate in the program or elects to participate and then violates the diversion agreement, the case is referred for criminal prosecution. The average time for the program is between 60 and 90 days.</p>			
<p>Early Case Resolution</p>	<p>Primarily responsible for handling felony arraignment cases after the Felony Intake Division has filed the case. The objective is to identify and resolve appropriate cases at the time of arraignment. The attorney reviews files that might be a potential plea at arraignment, contacts the victims in these cases, and prepares plea offers. A defendant who wishes to plead at the time of arraignment may do so providing he/she is willing to accept the plea offer tendered by the state or plead directly to the court without a negotiated plea. The majority of cases resolved at arraignment deal with controlled substances, theft, worthless checks, or traffic offenses with the defendant receiving a probationary or county jail sentence. Other cases may be identified at this stage as eligible for and referred to the Pretrial Intervention Program, Worthless Check Diversion, or Batterer's Diversion. Cases that are not resolved at the time of arraignment are placed on a felony trial docket.</p>	<p>Adult Felony First Offense One Prior Offense Multiple Prior Offenses</p>	<p>State Attorney</p>	<p>Administer the program</p>
<p>Repeat Offender Team</p>	<p>An integral part of the office's prosecution effort. The team is composed of seasoned state attorney's office trial attorneys assigned to each of the various felony prosecution divisions. The mission of the unit is to prevent future crime and thus improve public safety by identifying, prosecuting, and incapacitating repeat offenders with longer sentences. Office personnel attend daily first court appearances of all offenders at the county jail. If the offender is a repeat offender, pertinent information about the offender is presented to the initial appearance judge, enabling the judge to make an informed decision regarding the offender's bond and the need for any special conditions of release. The team also identifies offenders who have served their prison sentences and are being released back into the community. Members from the team, local law enforcement, and the local probation office personally contact prison releasees and advise them of the serious consequences of any further criminal activity and of community resources available to assist them in their transition back into the community.</p>	<p>Adult Felony Multiple Prior Offenses</p>	<p>State Attorney</p>	<p>Administer the program</p>

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Victims of Crime Act	Services to crime victims include crisis intervention, body identification; accompaniment to line-ups and interviews; assistance with filing crimes compensation claims; courtroom orientation and accompaniment; child care; criminal justice information and advocacy; information and referrals; support groups; supportive counseling; follow-up and providing appellate information and other services authorized or mandated by state law. The program serves the crime victim, not the defendant.	Juvenile (victim) Adult (victim) Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Attorney General's Office	Administer the program
Project Payback	An aggressive juvenile restitution program offered in Brevard and Seminole counties designed to lessen recidivism rates. The juvenile offender is required to work to pay back restitution to the victim and state crimes compensation fund. The program is operated by the state attorney's office as a function within its Juvenile Prosecution Division. The program educates all participants on work ethics and employability skills. Some participants are guided towards working for local businesses. Other participants find their own employment opportunities. Seventy five percent of participant's earnings are forwarded to the program for reimbursing the youth's victim.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney	Administer the program
Teen Court Program	A program for first-time nonviolent juvenile offenders offered in Brevard and Seminole counties. Trained teen volunteers fill all court roles such as jurors, bailiffs, attorneys, and court clerks. The judge is the only adult participant. A jury of peers sentences the defendants. Successful completion of the program will result in the charges being no-filed. Teen Court is funded and operated by Seminole County government and operated by the state attorney's office.	Juvenile Misdemeanor Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Seminole County	Administer the program
Nineteenth Judicial Circuit—Public Defender				
Client Services Program	Provides substantive support and individualized sentencing recommendations for misdemeanor offenders with mental illness, retardation, or those economically or educationally disadvantaged. Referrals are made at the time of sentencing to various agencies which include educational institutions, life skills training counselors, mental health and health service agencies, job placement centers and substance abuse facilities.	Juvenile Adult Misdemeanor Felony (In exceptional cases, clients could have more than one prior offense and/or be charged with a felony.)	Public Defender	Administer the program
Investigator Intern Program	Persons interested in obtaining a private investigator license or earning college credits toward an AA degree in criminal justice agree to exchange 150 volunteer hours to our office for classroom	Adult	Public Defender	Administer the program

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
instruction and training in criminal investigations.				
Nineteenth Judicial Circuit—State Attorney				
State Attorney 19th Judicial Circuit Victim Services	Offers services to victims of sexual assault (male/female; adult/juvenile) in all four counties of the 19th Judicial Circuit from the time the crime is reported to law enforcement until the case is concluded. This includes victims of child-on-child sexual assault and sexual child abuse by a non-caretaker in addition to all other sexual assault crimes. Advocates work with the victim throughout the criminal justice system if they choose to prosecute. The program also responds to victims of elder abuse, homicides, and child physical abuse for law enforcement agencies that do not have in-house advocates. State attorney advocates assist in death notification and support for the surviving family. The advocates provide assistance to victims of all crimes from the time the case is received in the state attorney's office. These services include accompaniment to all court hearings, on-going follow-up contact to keep victims informed and to ensure that their input is heard by the assistant state attorney handling their case as well as the judge on the case, assistance in applying for crimes compensation, obtaining needed documentation and follow-up contact with the Crimes Compensation Bureau, crisis counseling and 24-hour crisis hot-line availability. Advocates also provide services to victims of Jimmy Ryce (Involuntary Civil Commitment of Sexually Violent Predators) which includes assistance in locating victims and notifying them of the resurrection of their case. Staff member serve on local task forces and coalitions for the purpose of providing unduplicated consistent care to victims and to collaborate with other local agencies in the delivery of these services.	Juvenile Adult Misdemeanor Felony	State Attorney	Administer the program
Worthless Check Diversion	Identifies first-time offenders who pass worthless checks. If the offender qualifies, he/she is diverted into an educational program on writing worthless checks and its ramifications to the offender and victim. The program provides for restitution. If successfully completed, the offender does not go through the full judicial process. If unsuccessful, the offender is prosecuted. The program was initiated in October 2000 in one of four counties in the circuit. If successful, it will be implemented in the other three counties.	Adult Misdemeanor Felony First Offense	State Attorney	Administer the program

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Twentieth Judicial Circuit—Public Defender				
Lee County Drug Court Program	A court-supervised voluntary comprehensive treatment program for non-violent defendants. The program includes regular court appearances before a designated drug court judge; treatment including drug testing; individual, group, and family counseling; and attendance at 12 step meetings. Participants are assisted in vocational training, education, and/or job placement services. The length of the program is determined by the participant's progress, but not less than one year.	Adult Felony Multiple Prior Offenses	State Attorney Public Defender Court Department of Corrections Community-based treatment provider	Refer individuals Provide legal staff Weekly monitoring of participants
Juvenile Arbitration	A diversion program that, if completed satisfactorily, results in the State Attorney's Office declining to file formal charges against the child. The program requires parental support and a willingness to accept responsibility for the charge.	Juvenile Misdemeanor Non-violent third degree felony charges. (Usually reserved for first time offenders and, on rare occasions, children with one prior offense.)	Juvenile Arbitration through the Court Administrator's Office	Refer individuals
Intensive Juvenile Diversion Services	A diversion program that, if completed successfully, results in the State Attorney's Office declining to file formal charges against the child. The program is designed to service youth under the age of 18 and preferably under 16 years of age.	Juvenile Misdemeanor Felony (First time offenders or youth with multiple prior offenses are eligible, but must be approved by the State Attorney's Office.)	Services provided by the regional Department of Juvenile Justice Office	Refer individuals
Accelerated Case Resolution	Designed to give defendants a faster resolution to their criminal case without affecting the quality of representation. The Public Defender's Office designates one full-time attorney to receive cases each week that meet program criteria and set appointments with each defendant to discuss their options. Once a decision has been made by the client as to how he/she wishes to proceed, the appropriate plea is made. If a not guilty plea is entered, the case is set for trial. If a guilty or no contest plea is made, the case is resolved.	Adult Third-degree felony Non-violent second-degree felony	State Attorney Public Defender Court Department of Corrections	Refer individuals Provide legal staff Provide administrative/clerical staff
Pre-trial Diversion Program	A diversion program that, if successfully completed, results in the State Attorney's Office declining to file formal charges against the client.	Adult Felony First Offense (Only non-violent offenses and generally third-degree felonies)	State Attorney Public Defender Court Law enforcement Department of Corrections	Refer individuals Provide legal staff

Appendix B

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Drug Court	Provides an alternative to incarceration for non-violent third and second-degree felonies that stem from drug abuse. The defendant enters a plea of no contest and receives a sentence of incarceration which is suspended upon the condition that the defendant remain drug-free and meet all the requirements of drug court, including intensive counseling and maintaining employment.	Adult Felony First Offense One Prior Offense Multiple Prior Offenses	State Attorney Public Defender Court Department of Corrections Private provider	Refer individuals Monitor participants progress in the program Provide legal staff
Twentieth Judicial Circuit—State Attorney				
Victims of Crime Act	Funds are awarded by the Office of Justice Programs, U.S. Department of Justice, and are designed to enhance services to crime victims.	Juvenile Adult Misdemeanor Felony Any victim of a crime	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization School district	Administer the program
Worthless Check Diversion	This diversion activity is designed to ease the burden of the judicial system by following a three-step approach: increase defendant accountability; obtain restitution for victims; and educate the offender. The activity is carried out without increasing the financial burden to the state. A private provider contacts the offenders and collects the appropriate fees. The state attorney's office retains prosecution responsibilities for those offenders who do not complete the educational and restitution requirements.	Juvenile Adult Misdemeanor First Offense	State Attorney Law enforcement ACCS (private provider)	Refer individuals Provide legal staff Provide administrative/clerical staff
Violence Against Women Act	Authorizes grants to states to fund projects in an effort to foster more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women through the criminal justice system. This activity is part of prosecution services.	Adult Misdemeanor Felony	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization	Administer the program
Domestic Violence Diversion	Provides an opportunity for first-time misdemeanor domestic violence offenders to enter into a batterers' intervention program. All programs are certified and monitored by the Department of Corrections. The program is administered by the state attorney's office, which works directly with the Abuse Counseling and Treatment Center. The programs work with offenders in dealing with the issues that gave rise to the violence and also address substance/alcohol abuse issues. If a defendant successfully completes the program, no further court action is taken against the offender.	Adult Misdemeanor First Offense	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization	Provide legal staff

Program Name	Description	Eligibility	Entities Participating in Administering the Program	State Attorney and Public Defender Involvement
Pretrial Diversion	A pretrial prosecution tool available to first-time felony offenders charged with a nonviolent third degree felony or a second-degree felony charge (excluding sale of drugs). The state attorney's office files the charges and offers the program at the arraignment to eligible defendants as identified by the state attorney's office and confirmed as eligible by the Department of Corrections. Those that accept sign a diversion contract, make a written admission of guilt, and are supervised by the Department of Corrections for 6 to 18 months in a manner similar to probation. Any restitution to the victims must be made.	Adult Felony First Offense	State Attorney Public Defender Court Law enforcement Department of Corrections Community organization	Administer the program

Source: OPPAGA survey of state attorneys and public defenders.

Agency Responses

The Justice Administrative Commission, the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, Inc., and the Office of the State Courts Administrator provided written responses to our preliminary and tentative findings and recommendations. (See page 73 for these responses.)



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E. Frank Farrell
Executive Director

December 6, 2001

Mr. John Turcotte, Director
Office of Program Policy Analysis and
Government Accountability
111 West Madison Street, Suite 312
Tallahassee, Florida 32302-1735

Dear Mr. Turcotte:

This is in response to your November 2001, draft report of your program evaluation and justification review of the Justice Administrative Commission (JAC), and the State Attorney, and Public Defender offices. My comments will only address those issues pertaining to the JAC.

The JAC's primary Job is to centrally process administrative actions on behalf of 43 judicial agencies statewide (State Attorneys, Public Defenders, and Capital Collateral Regional Counsels). These administrative actions include payroll, accounting, and budget changes. Although our clients and stakeholders would like more services provided by JAC such as training and analytical reports, we do not have the staff to provide additional services.

Although JAC's workload has increased significantly over the last eleven years, the workforce has not. The judicial agencies we serve have increased from approximately 6,000 FTE in 1990 to 8,000 in 2001, a 30% increase. The JAC has attempted to meet this workload with 2.00 additional FTE since 1990, a 7% staff increase. In addition to the growth and increased complexity of judicial accounts (ie: Dependency Counsel \$3.5M, Civil Commitment \$2.3M, and Purchasing Card Administration) agency budgets have increased from 42 budget entities to 49 (5 PD Appellate and 2 CCRC's).

With its limited resources, JAC's goal is to provide at least a satisfactory level of service to judicial agencies. Streamlining JAC processes should help in accomplishing this. In addition to traditional methods of communicating, we now exchange information utilizing computers, facsimile machines, conference calls, internet email, and JAC recently received a legislative appropriation of \$160,000 to provide a means for judicial agencies to electronically transmit certain accounting transactions to JAC. Although JAC needs additional staff to meet the added workload generated by our client agencies, streamlined processes have helped JAC get by until additional FTE can be added.

The Justice Administrative Commission administratively serves the offices of State Attorneys, Public Defenders,
and Capital Collateral Regional Counsels

Appendix C

Currently, the JAC processes payroll information using the DMS COPEs system. The JAC is aware DMS plans to replace the COPEs system; however, it is understood this change will not impact JAC staff.

JAC does not agree with OPPAGA's recommendation to eliminate 1.40 positions from JAC due to streamlining its accounting work. Our analysis reveals less than .50 FTE will become available as a result of this new process. We plan to utilize this FTE savings to handle increased workload. The purpose of implementing an automated method of transmitting judicial accounting transactions to JAC was to make available a system that would avoid duplication of data entry and move information faster to JAC. Although participation in this new process is voluntary, it's anticipated most judicial agencies will be added over the next few years. As a result, JAC will initially spend extra time (.50 FTE) training agencies to use the new system, then devote more time addressing other judicial needs left unattended due to a shortage of staff.

The JAC does not object to OPPAGA's proposal to reduce the number of performance measures as listed on page 33 of the draft report.

Thank you for the opportunity to respond to your report, and we appreciate the professional and courteous manner in which you and your staff conducted your review.

Sincerely,

/s/

E. Frank Farrell
Executive Director



OFFICE OF THE STATE ATTORNEY
THIRD JUDICIAL CIRCUIT OF FLORIDA

Jerry M. Blair, State Attorney

*Serving the Counties of Suwannee, Hamilton, Dixie,
Lafayette, Taylor, Madison and Columbia*

*100 Court St. S. E.
P.O. Drawer 1546
Live Oak, FL 32064
(386) 362-2320
FAX(386) 362-5370*

December 6, 2001

Mr. Richard Dolan
Office of Program Policy Analysis and Government Accountability
111 W. Madison Street
Tallahassee, FL 32399-1475

Dear Richard:

Enclosed in the response of the Florida Prosecuting Attorneys Association (FPAA) to the OPPAGA Justification Review Draft of Justice Administrative Commission, State Attorneys, and Public Defenders.

You should have received a copy of this via e-mail yesterday afternoon.

Thank you for the opportunity to respond to your thoughtful and through review.

Sincerely,

/s/
JERRY M. BLAIR
STATE ATTORNEY

RESPONSE OF FLORIDA PROSECUTING ATTORNEYS ASSOCIATION
to
OPPAGA JUSTIFICATION REVIEW DRAFT
JUSTICE ADMINISTRATIVE COMMISSION, STATE ATTORNEYS, and PUBLIC
DEFENDERS

REPORT NO. OI-XX
NOVEMBER 2001

On behalf of the twenty elected state attorneys of Florida, thank you for the opportunity to respond to OPPAGA's *Justification Review Draft of the Justice Administrative Commission, State Attorneys and Public Defenders*.

Chapter 1 of your program evaluation and justification review accurately reflects the role and responsibilities of the state attorneys, and accurately reflects the legislative appropriations to fund the operations of the state attorneys. As noted on page 3, the current data on the amount of county contributions is not reliable. State attorneys have attempted to compile this data for over two years, and our data reflects county expenditures of 28.3 million dollars for fiscal year 1999-2000. State attorneys also concur in your recommendation that the legislature clarify in Chapter 27 the responsibilities for funding transportation, travel, and library (including on-line legal research) costs.

The state attorneys concur in your findings in Chapter 3 regarding the lower than average salaries paid assistant state attorneys, and agree that these lower salaries contribute to a high turnover rate and difficulties in retaining assistants. We also concur in the recommended performance measures for state attorneys. The state attorneys agree that the standards and measures will more accurately reflect case disposition practices as historical data is continued to be compiled.

In the Report Recommendations, OPPAGA recommends four measures to improve state attorney and public defender operations:

1. ***The Florida Public Defender Association, the Florida Prosecuting Attorneys Association and the Joint Article V Committee should work together to develop a plan for integrating technology within and among the circuits.***

Response: The state attorneys stand ready to work together with the public defenders and the Joint Article V Committee to develop a plan for integrating technology within and among circuits. We recognize that integrating technology within and among circuits will require a financial commitment by the State of Florida to implement such integration, particularly in smaller circuits where current technology lags behind the larger jurisdictions. State attorneys have been involved in such efforts in some jurisdictions in the past, but these efforts have been largely unsuccessful, and are likely to remain unsuccessful without the incentive of adequate state funding for an integrated system.

2. *Public defenders and state attorneys should work together to take advantage of group purchasing discounts for online legal research services.*

Response: State Attorney Earl Moreland of the 12th Judicial Circuit has negotiated a contract with LexisNexis on behalf of Florida's state attorneys and public defenders which will result in a rate of approximately \$19 per user, based on at least 900 users. If this contract is entered into by all of the state attorneys and public defenders, it would result in cost savings significantly more than that projected by OPPAGA. However, legal research is provided by the counties for some state attorney offices, and those counties might not be able to be a party to this proposed contract.

3. *The legislature should either work with the court to designate an Indigence Examine Program administrator within the Office of State Courts Administrator to improve program operations, or terminate the Indigence Examiner Program*

Response: The state attorneys are impacted only minimally by the Indigence Examiner Program, but many State Attorneys feel the program could be eliminated with little adverse impact on the criminal justice system.

4. *Legislative criminal justice, fiscal, and transportation committees, along with state attorneys, public defenders, and other stakeholders, should identify misdemeanors and felonies that should be considered for reclassification.*

Response: The state attorneys stand ready to participate with legislative committees and other stakeholders in an effort to identify felonies and misdemeanors which should be considered for reclassification. In a number of the state attorneys offices, many of those offenses proposed for reclassification are referred to diversion programs operated by the state attorneys offices. These diversion programs provide a more economical resolution of minor offenses, so savings realized by reclassification of offenses may be less than anticipated.



Florida Public Defender Association, Inc.
P.O. Box 11057•311 South Calhoun Street, Suite 204•Tallahassee, Florida 32302

December 14, 2001

Mr. John Turcotte
Director of OPPAGA
111 West Madison Street
Suite 312
Tallahassee, Florida 32399-1475

Re: Response to OPPAGA's Justification Review Draft

Dear Mr. Turcotte:

The Public Defenders appreciate OPPAGA's thorough and insightful review of our operations, and we were especially pleased with its conclusion that our services are efficient and cost effective (pg. 14). The following are a number of observations and reactions to the report. We look forward to working with OPPAGA as the report is finalized.

We are full agreement with OPPAGA's recommendations concerning reclassification of criminal offenses, integrating technology with the State Attorneys within and among circuits, and taking advantage of group purchasing discounts for on-line legal research services. We also agree that the funding of our transportation, travel, and library costs is a critical matter which needs to be clarified in statute. Likewise, we concur in the conclusion that the Justice Administrative Commission plays a valuable role in the administration of our offices and therefore should continue to be funded.

We believe that OPPAGA's analysis of our high turnover and inadequate salary structure is completely accurate and significant.

With respect to special programs administered by the Public Defenders, we agree that each program should have clear goals and accountability.

On page 3 of the report, in describing the types of legal representation done by the Public Defenders, we would add that in the last two years, we have begun to receive appointments in post-conviction cases (for 3.850 motions), further increasing our felony caseloads.

Mr. John Turcotte
Page Two
December 14, 2001

Public Defender Conflicts

On pages 5, 14, 27, and 28, the report differentiates between "ethical conflicts" and "work overload conflicts." In actuality, both types of conflicts are ethical in nature. Caselaw establishes that work overload conflicts force public defenders to choose between clients, which is ethically improper. We suggest "fact specific conflicts" as a more accurate description of those referred to in the report as "ethical conflicts."

With respect to the report's recommendation that the Legislature establish a State Commission to oversee the appointment, payment, and performance of conflict counsel, we have a number of concerns. While we have no objection to developing criteria for conflict representation and understand that the State will need to develop methods of monitoring billing rates and payments, we would point out that Chapter 27 currently assigns each elected Public Defender as the Chief Administrative Officer of criminal defense services in his or her circuit. We think we should retain this responsibility. The Rules Regulating the Florida Bar are controlling on what cases have to be assigned to conflict lawyers, and this is an area in which we have expertise and long experience. Furthermore, we believe that any criteria regarding appointment of conflict counsel should emphasize experience and quality of representation, and we are not convinced that a statewide commission would be the best vehicle for developing such criteria.

ACCURACY OF DATA REGARDING COUNTY EXPENDITURES

We believe that the data in Exhibit 3, indicating that counties spend \$19.4 million for State Attorneys and \$57.6 million for defense attorneys, is so inaccurate that it should be deleted from the report. As OPPAGA rightly points out, it is currently impossible to get accurate data from the counties, the Clerks, or any source, but we question these figures and believe they are misleading and meaningless. In any event, it should be noted that the 57.6 million dollar figure for "defense attorney" costs paid by the counties includes the cost of paying private conflict counsel, which is a cost completely beyond the control of public defenders.

INDIGENCY EXAMINER PROGRAM

The FPDA has supported the development of the Courts' Indigence Examiner program, and we believe that the program should be continued and adequately staffed within the court system.

CASE DISPOSITION DATA

The Public Defenders currently keep extensive performance data, including the number of clients served, the number of felony, misdemeanor, and juvenile cases, the appointed cases, assigned

Appendix C

Mr. John Turcotte
Page Three
December 14, 2001

cases, and the number of counts, nolle prosses, pleas and the number of trials, categorized by the degree of offense. We have collected all of this data for the last two years, as prescribed by the GAA (see attached Exhibits A and B). It is true that Public Defenders have not set a statewide standard for dispositions, but we report all of the above data to the Legislature. We agree with OPPAGA that annual attorney turnover, staff retention percentages, number of cases, type of cases, average number of cases per attorney, and number of clients should continue to be reported. However, we do not agree that the "number and percentage of dispositions by trial verdict, plea, nontrial and otherwise" should continue to be reported. Case dispositions, we believe, are not performance indicators but more likely are a reflection of the strength or weakness of individual cases. Capturing this data takes many hours of staff time, and we have not been given positions or technology to assist in accomplishing the task. In addition, we have not seen that disposition data has been useful to the Legislature in making funding or policy decisions. Accordingly, while we agree with OPPAGA that our reporting to the Legislature should be reduced, we believe that with respect to disposition reporting, we should continue to track and report only the total number of case dispositions.

In conclusion, the Public Defenders appreciate the hard work of OPPAGA on this draft document, and substantially agree with its conclusions and recommendations. We will gladly participate in future efforts regarding technology, on-line research, conflict representation, indigent examiners, decriminalization, and statutory clarification of cost responsibilities.

Sincerely,

/s/

Nancy A. Daniels
President-Elect FPDA

NAD/sf

**FPDA MONTHLY WORKLOAD REPORT
TRIAL CIRCUIT CASES**

PUBLIC DEFENDER

Nancy Daniels

CIRCUIT:

Second

MONTH:

Year:

2001

CASE TYPE	APPOINTED CASES (First Appearances)	ASSIGNED CASES (Arraigned)	COUNTS (Arraigned Cases)	NOL PROS	PLEAS	TRIALS
Capital Felony						
Non-Capital Felony						
Misdemeanor (Excluding Traffic)						
Traffic Misdemeanor						
County to Circuit Appeals						
Juvenile						
Mental Health, Baker Act & Sunland Proc.						
Jimmy Ryce Act Cases						
Totals						

VOP/VOCC						
Drug Court						
PTI/PTD						

e-mail to: fpda@nettally.com

DUE DATE: On or before the 20th of each month

Public Defender Office

PB2 BASELINE DATA COLLECTION FY 99-00

Circuit: _____

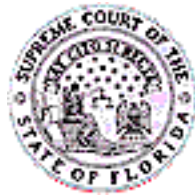
CRIMINAL & CIVIL TRIAL COURT

Ex. B

	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	TOTAL
# CLIENTS													
SPEEDY TRIAL CALCULATION: <u>TOTAL CASES CLOSED FOR MONTH</u>													
SPEEDY TRIAL CALCULATION: <u>TOTAL CASES CLOSED WITHIN SPEEDY TRIAL RULE</u>													
SPEEDY TRIAL CALCULATION: <u>% CASES CLOSED WITHIN SPEEDY TRIAL RULE</u>													
# CONTESTED VOP/VOCC HEARINGS													
72 HOUR INITIAL CONTACT CALCULATION: <u>TOTAL NUMBER OF INCARCERATED CLIENTS TO BE INTERVIEWED</u>													
72 HOUR INITIAL CONTACT CALCULATION: <u>TOTAL NUMBER OF INITIAL CONTACTS COMPLETED WITHIN 72 HOURS</u>													
72 HOUR INITIAL CONTACT CALCULATION: <u>% OF INITIAL CONTACTS W/ INCARCERATED CLIENTS COMPLETED WITHIN 72 HOURS</u>													
# SUBSTANTIATED BAR GRIEVANCES													
# ATTORNEYS TERMINATED	*	*	*	*	*	*	*	*	*	*	*	*	*
# ATTORNEYS PRIOR TO 3 YRS. SERVICE	*	*	*	*	*	*	*	*	*	*	*	*	*

Notes / Explanations: "*" Indicates employee data to be supplied by JAC through COPES.

Charles T Wells
Chief Justice



Kenneth R. Palmer
State Courts Administrator

Office of the State Courts Administrator

Elisabeth H. Goodner
Deputy State Courts Administrator
(850) 488-9922 Fax: (850) 488-3744

December 7, 2001

Mr. John W. Turcotte
Director of Program Policy Analysis
and Governmental Accountability
Claude Pepper Building, Room 312
111 West Madison Street
Tallahassee, Florida 32301

Dear Mr. Turcotte:

The following are the comments of the Office of the State Courts Administrator on the OPPAGA draft report entitled Justification Review Draft of Justice Administrative Commission, State Attorneys, and Public Defenders. Thank you for the opportunity to comment on this draft. The specific recommendations of OPPAGA to which we are responding appear in italics.

1. *The Florida Public Defender Association, the Florida Prosecuting Attorneys Association and the Joint Article V Committee should work together to develop a plan for integrating technology, within and among circuits.*

We agree that a better integration of technology among justice system partners is essential. We want to point out that the Supreme Court in June 2001, by Administrative Order # AOSCO1-27, created the Trial Court Technology Committee under the authority of the Florida Courts Technology Commission. This committee is charged with designing a long-range strategic plan to coordinate present and future technical development in the trial courts. Therefore, the Joint Article V Committee may want to consider working with the Trial Court Technology Committee when planning for the integration of technology.

2. *The Legislature should either work with the court to designate an Indigence Examiner Program administrator within the Office of the State Courts Administrator to improve program operations, or terminate the Indigence Examiner Program.*

Appendix C

Mr. John Turcotte
December 7, 2001
Page 2

We agree that the statewide Indigence Examiner Program is not operating as effectively as it could, and the legislature did indeed eliminate funding for the 24 positions funded by the state during the recent special session. However, it would have taken more than one additional position in the Office of the States Courts Administrator's office to sufficiently fund this program. Prior to the legislature creating this program in 1996, the Office of the State Courts Administrator provided information to the legislature indicating a need for a minimum of 70 indigence examiners to effectively handle felony filings alone. Only if adequate resources were in place could a proper evaluation be completed for this program.

3. *The Legislature should establish an independent commission to oversee the appointment, payment, and performance of conflict and dependency counsel.*

The Trial Court Budget Commission, the entity responsible for making recommendations to the Court and the Legislature on trial court budget issues and Revision 7 implementation, voted at their December 1, 2001 meeting to concur in this OPPAGA report recommendation. The scope of this commission could also include overseeing appointment, payment, and performance of attorneys in Jimmy Ryce cases. While the Commission should be responsible for instituting "best practices" and looking for efficiencies across all circuits, it is important that cost efficiencies not come at the expense of quality of representation.

4. *Administrators of some special programs that are not essential court functions but improve the efficiency or effectiveness of the courts should collect information to provide the Legislature if they wish to request state funding. The Legislature should designate a workgroup to help develop standards and protocol for collecting cost and performance data from these programs.*

We agree that there are numerous programs that improve both the efficiency or effectiveness of the justice system. The Trial Court Budget Commission has already begun collecting data on such programs in the court and is willing to provide information to the workgroup.

Thank you again for allowing input on the draft report. If you have questions contact me at (850) 488-9922.

Sincerely,

/s/

Elisabeth H. Goodner

LG:jd

cc: Chief Justice Charles T. Wells
Judge Susan Schaeffer, Chair, Trial Court Budget Commission
John D. Dew
Greg Youchock
Mike Love