



State of Florida
Ninth Judicial Circuit of Florida

COUNTIES OF ORANGE AND OSCEOLA
ADMINISTRATIVE OFFICE OF THE COURTS
ORANGE COUNTY CIVIL COURT BUILDING

37 N. ORANGE AVE., SUITE 1130
ORLANDO, FLORIDA 32801

R. JAMES STROKER
CHIEF JUDGE

RICHARD D. SLETTEN
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May 10, 1994

Orange County Board of County Commissioners
201 South Rosalind
Orlando, Florida 32801

Dear Commissioners:

In October of 1993, the Institute for Law and Policy Planning (ILLP) completed its comprehensive study of the county's criminal justice system. The Orange County Criminal Justice Coordinating Council was charged with the responsibility of analyzing the recommendations and implementing improvements where possible. The following report is in response to the assessment of the system as submitted by Dr. Alan Kalmanoff, Executive Director of the Institute for Law and Policy Planning (ILLP). It is the product of extraordinary cooperation and much hard work.

The study resulted in numerous recommendations. One of the system-wide findings noted that individual agencies were functioning well, but there was a lack of coordination in the Criminal Justice System. As a result, the ILLP Report suggested that a single criminal justice committee be formed to actively address the issues within the criminal justice arena. Therefore, at the October 20, 1993 meeting of the Criminal Justice Coordinating Council (CJCC), the CJCC was renamed the Criminal Justice/Public Safety Coordinating Council (CJ/PSCC). This committee is comprised of the statutory members of the County Public Safety Coordinating Council and serves as the committee required to exist by state law. By statute, the Chair of the Board of County Commissioners heads this committee. Chairman Chapin requested that I act as Chair, unless she is able to attend.

In order to actively address the various findings of the ILLP report, several subcommittees were created. The subcommittees were charged with reviewing the recommendations of the Report and providing innovative solutions. Over the past several months, these subcommittees met regularly and the following summarizes each subcommittee's recommendations.

Violation of Probation Subcommittee: Chairperson Susan Yawn

This Subcommittee discovered several bottlenecks in the system and completely revised the existing procedures for obtaining Violation of Probation warrants. The improvements included assigning one designated probation officer to each county and circuit judge to act as liaison for their respective departments. In addition, the subcommittee recommended a new form to be used in county court negating the need for the Clerk's office to pull the file for the judge's review. The Subcommittee also recommended highlighting a department probation warrant recommendation in each case. Rather than automatically issuing warrants with No Bond, the department will recommend Notices to Appear and Monetary bonds in some cases.

Notice to Appear Subcommittee: Chairman Thomas Hurlburt

The ILLP Report encouraged greater use of Notices to Appear versus physical booking. The Report recommended developing clear arrest standards to provide objective guidelines when a Notice to Appear should be issued. The subcommittee's recommendations include using Notices to Appear for most minor nonviolent offenses. Through a coordinated effort between the Orlando Police Department and the Orange County Sheriff's Office a simple, uniform policy was established. Both agencies will be conducting training specifically targeted to encouraging use of Notices to Appear. The use of Notices to Appear will be limited to minor non-violent offenses and will reduce system overcrowding with no negative impact on the quality of life in Central Florida.

Continuum of Confinement: Chairman Tom Allison

The Continuum of Confinement Subcommittee was charged with establishing standardized criteria for program qualification. The formerly called program "Continuum of Care" was renamed "Continuum of Confinement" to reflect its purpose. The ILLP study noted that there is a lack of understanding among the criminal justice agencies of pretrial and posttrial release programs and the procedures by which they are applied. To address this, the subcommittee invited the judges to tour the jail facilities. In addition, one of the Study's recommendations was to develop an Administrative Order to allow Corrections flexibility in making placements of its pretrial and sentenced inmates within the Continuum of Confinement. The Continuum of Confinement Subcommittee recommended such an order and is attached herein. In addition, the subcommittee recommended and developed an Administrative Order regarding the removal from the jail of certain mentally ill offenders into the Crisis Stabilization Unit of Lakeside Alternatives for treatment, when the offenders meet

Baker Act criteria. This order allows the movement of the offender to take place without further judicial approval.

Jail Review/Criminal Procedures Subcommittee: Chairman Joe DuRocher

The ILLP study determined that substantial jail resources were being utilized for relatively minor offenses and offenders. This Subcommittee studied the current case flow systems for these offenses and has recommended a complete restructuring of procedures. The primary change involves the earliest possible resolution of misdemeanors and ordinance violations at the initial appearance (within 24 hours). If successful, a substantial number of cases will be finally resolved before the criminal informations (formal charging documents) are even filed.

The Public Defender, Pretrial Release staff, State Attorney and the Court will all participate in this effort to resolve cases before they clog the system. It is anticipated that the new system will eliminate thousands of warrants issued for persons currently released without regard for the likelihood of their returning to court. A higher percentage of prisoners in these categories will be sentenced offenders rather than persons awaiting arraignment or trial. The current system of releasing all persons on such offenses after 72 hours will no longer be required. The advantages of these changes are: 1) persons desiring to enter early pleas and resolve their cases will have an opportunity to do so; 2) Arrestees will have the opportunity for a meaningful dialogue with their Public Defender within 24 hours; 3) Population Capacity Releases which result in over 50 percent Failures to Appear will be eliminated; 4) Failure to Appear Arrest Warrants will be greatly reduced, as will the high number of such arrestees awaiting Arraignment or trial in jail with No Bond; and 5) Persons who may represent a danger to the community or are otherwise ineligible for pretrial release will no longer be set free under the 72 hour rule.

Under the new procedures, the Initial Appearance Judge will be assigned all cases not resolved at Initial Appearance.

Pretrial Release/Population Capacity Release Subcommittee: Chairman Don Bjoring

This subcommittee was charged with proposing improvements to overhaul the entire jail release system. The ILLP study noted that a reassessment of the Population Capacity Release and Pretrial Release programs should be accomplished as well as a review of the bond schedule. This subcommittee developed one comprehensive custody release administrative order, included herein. In doing so, the subcommittee agreed to delay the pretrial release of offenders on non-monetary conditions until after First Appearance in order for the offender to have the opportunity to have an attorney appointed and participate in a meaningful First Appearance hearing. The recommendations included slightly changing the standards for release and eliminating Population Capacity Release. The subcommittee reviewed the bond

schedule to include new criminal statutes, such as carjacking. The subcommittee also recommended eliminating both the "72 hour release" and "96 hour release" since there was no legal requirement for either and since they were developed to enforce the federal court order on the county's crowded jails. Other significant recommendations include, holding an offender without release prior to First Appearance if the offender has refused to submit a blood sample pursuant to a request from a law enforcement officer and the establishment of a new schedule and procedure for "returnable dates".

Computerized I.D. Subcommittee: Chairman Howard Tipton

One of the major proposals from the ILLP Study suggested buying a computerized fingerprint system to ensure that crime suspects are positively identified before they are released from jail. The proper identification of people is essential to many of the reforms presented. While there is a substantial cost associated with the subcommittee's recommendations, a public safety commitment is difficult to quantify. Other issues such as Jail Overcrowding, Wrongful Arrests, Clogging of the Court System, Ability to Solve Crime and the County's Zero Tolerance Policy hinge on the purchase of an Automated Fingerprinting Identification System.

Domestic Violence: Chairperson Judy Bittman

The ILLP study recommended establishing a domestic violence task force composed of one representative each from all of the sectors that are affected by and who affect the processing of these types of cases. This Subcommittee's recommendations are a result of the efforts of the Domestic Violence Task Force in Orange County. The Task Force was created in April 1993 to develop a coordinated system-wide response to domestic violence. The Domestic Violence Task Force has filed an extensive report with numerous recommendations for your review.

Public Defender Liens/Fines: Chairman Howard Tipton

The ILLP Report recommended that with enhanced collection efforts the County could increase its revenues. This Subcommittee due to the complexity of the subject matter will be a standing subcommittee. Research has found that other jurisdictions nationally and in Florida are also studying ways to improve collections. One of the subcommittee's initial recommendations is that the Chief Judge encourage the Judges in County Court and Felony Court to impose Public Defender Liens routinely and that the lien be a condition of probation. A second recommendation is that the paperwork necessary for requesting a lien be included in the software for the personal computer in the courtroom project being implemented by the Clerk of Court and Court Administration. A third recommendation is that procedures be developed for County and Felony Court to reduce a case to Civil Judgment. In addition, the Subcommittee is reviewing improving the Traffic Court Fine Collection Procedures to reduce extensions and increase revenues.

Computer Subcommittee: Chairperson Charlotte Benson

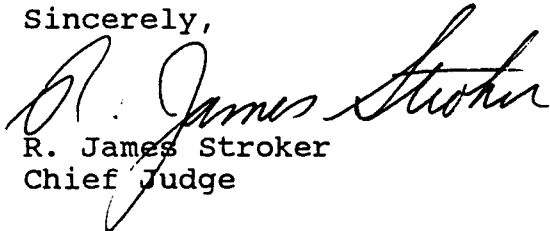
The ILLP study recommended identifying management information system needs as a group to create a prioritized list of goals that will improve how agencies are able to provide and obtain information from each other while still meeting external goals. The subcommittee addressed the existing inefficiencies and identified priorities as a collaborative effort in conjunction with Coopers and Lybrand, thus insuring that all projects are compatible with the long range planning process currently under development. These information sharing projects will require funding for the implementation of design and development as well as maintaining ongoing support.

Summary

It is important to note that the ILLP Report identified the over-utilization of jail bed space for minor offenders, misdemeanor probation violators and persons awaiting their day in court as a major problem within the system. The overall purpose of the Criminal Justice Public Safety Coordinating Council in recommending these changes is to create a more efficient and accountable criminal justice system and to ensure that valuable jail space is properly allocated to the serious offenders within the system. The Subcommittees' complete recommendations and final reports can be found in Sections A-I of this document. An overall Cost Benefit Analysis follows the Subcommittees' recommendations.

On behalf of all the criminal justice agencies, we appreciate your review of these recommendations and look forward to our ongoing cooperative working relationship.

Sincerely,



R. James Stroker
Chief Judge