

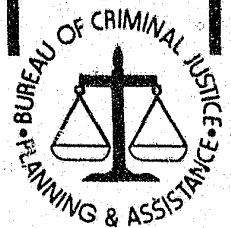
FLORIDA COORDINATED
PRE-TRIAL SERVICE PROJECT
FY 1976-77

50311

EVALUATION REPORT



The Florida Department of Administration Division of State Planning





STATE OF FLORIDA .

NCJRS

AUG 31 1978

XFLORIDA COORDINATED
PRE-TRIAL SERVICE PROJECT
FY 1976-77

ACQUISITIONS

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SUMMARY

The Pretrial Intervention Program (PTI) diverts eligible accused offenders prior to trial and places them in supervised community based programs. There are presently seven PTI projects servicing seven judicial circuits in Florida with funds from the Law Enforcement Assistance Administration. The program operates under the Department of Offender Rehabilitation in cooperation with the State Attorneys in each circuit involved. In FY 1977-78 this program will be expanded to 18 judicial circuits in all. This report covers FY 1976-77.

Findings:

Among the major findings revealed by the study are the following:

- 1) During FY 1976-77, 6,631 preliminary investigations were completed and 2,120 background investigations were conducted.
- 2) 1,439 people were accepted into the program. 1,211 (90%) successfully completed the program. 134 did not complete the program.
- 3) The program's recidivism rate was 3.70% of those clients who had successfully been terminated from the program.
- 4) In total the PTI program has collected \$58,965.03 in restitution during fiscal year 1976-'77.
- 5) The average cost for one individual to go through the program was approximately \$342.16 compared to the

average cost per case on probation being \$1,656.25*

Recommendations:

- 1) DOR should research the feasibility of expanding the criteria for eligibility into PTI programs in order to provide diversionary services to persons not now eligible under the present statute. Florida Statute 944.025 would need to be amended.
- 2) There is a need to establish good working relationships with State Attorneys in the new judicial circuits in which projects could be established.
- 3) There is a definite need for increased training of line staff as well as supervisory staff. This should be done on a pre-service and in-service basis every six months.
- 4) With the expansion of the Pretrial Intervention Program, all data needs to be computerized.

*See page 19 for formula.

INTRODUCTION

One of the major problems facing Florida's criminal justice system is the enormous increase of persons coming in contact with the system. The court dockets are overloaded, the jails are overcrowded and some of the state prisons are at double their design capacity. It has become obvious that Florida must divert those offenders who do not pose a threat to the community and for whom further penetration into the system would be detrimental.

In response to this problem the Governor of Florida, in his FY 1977-78 budget request, expanded the Department of Offender Rehabilitation's Coordinated Pretrial Projects from seven sites to 18.

Pretrial Intervention programs (PTI) divert eligible accused offenders prior to trial and places them in a supervised community-based program. These PTI programs provide the participant with counseling, job placement and referral services.

PTI programs offer benefits not only to the participants but also to the judicial and correctional systems. Diversion without adjudication allows participants, who successfully complete the program, to avoid the social stigma of a criminal record. Short term supervision of an individual in a PTI program is far less costly than processing him through the system.

In light of the expansion of PTI to all judicial circuits in Florida, it seems critical to have more detailed information on the success of the seven existing projects and the impact of the total program on the Florida criminal justice system.

Also, the Coordinated Pretrial Projects fall within the program which was given the top priority by the Governor's Commission on Criminal Justice Standards and Goals in both the 1977 and 1978 Comprehensive Criminal Justice Plans. It has been determined that at this critical decision point, the problem of correctional client flow and prison overcrowding must first be addressed. Therefore, it is imperative that these projects be evaluated to determine the degree of success in meeting current objectives, and to plan how they may be improved for even greater future impact.

The conclusions of this evaluative study are intended to be used by the state planning agency, the Bureau of Budget, the Department of Offender Rehabilitation (DOR), and the State Attorneys in each of the 20 judicial circuits of Florida.

METHODOLOGY

For the purpose of evaluating the PTI projects the following objectives and measurements have been selected:

Objective #1 - To determine the degree of grant objectives achieved in regards to:

1. Numbers of referrals to the program and the number of preliminary investigations.
2. Number of intensive background investigations of persons initially screened.
3. Number of offenders deferred from prosecution and enrolled in the program.
4. Client profile.
5. Percentage of the intakes that complete the program with a recommendation for dismissal of charges.
6. Recidivism

Measurement - the numbers projected in the grant proposal will be compared to project records which show the actual numbers and percentages achieved.

Objective #2 - To determine program/project impact on the criminal justice system in regard to the approximate numbers of adult offenders diverted from the system.

Measurement - Compute total intakes in PTI for FY 1976-77, subtract number of unsuccessful terminations and then subtract the projected number of recidivists. This will give the approximate number of adult offenders diverted from the system.

Objective #3 - To determine the project's performance in terms of standards documented in Florida's Standards and Goals Report.

Measurement - Compare project objectives and performance records for compatibility and conformity to Florida's official Standards and Goals document. (See attached Standard CT 1.01, and CR 2.03, Appendix A)

Objective #4 - To determine cost effectiveness.

Measurement - Compare costs of supervising pretrial releasees to costs of bringing an individual to trial and subsequently placing him on probation.

Objective #5 - To determine the nature of the project's relations with state attorneys, circuit judges, and other agencies.

Measurement - Interview project staff, state attorneys and/or their key staff, circuit judges and/or their key staff to determine these intra-agency relationships.

Objective #6 - To determine differences in each program which may influence the effectiveness.

Measurement - Comparing available data and observations from each program.

This data was collected by two different means. First, surveys were sent to project staff, state attorneys, circuit court judges, local sheriffs and police departments. Secondly, each project was visited, directors and staff were interviewed and data was collected.

LIMITATIONS

There were a number of limitations encountered in doing this evaluation. Data was incomplete for two of the projects, Jacksonville and Fort Lauderdale. This was due to the fact that Jacksonville began operations in September, 1976 and Fort Lauderdale in July, 1976.

Another problem arose in the staffing of the projects. There was a large turn-over in the Probation Officer I position. It was found that in order to receive a promotion to a Probation Officer II, one had to leave the PTI program. Out of 24 professional positions employed in PTI programs, only 3 positions are P.O. II's, 15 are P.O. I's and 6 are Supervisor I's. This turnover in staff was one of the causes for the variation in caseload sizes.

BACKGROUND DATA

Overview:

Pretrial Intervention is a diversionary program for first-time offenders charged with third-degree felonies. Those who meet the criteria are offered an alternative probationary plan with intensive supervision prior to a determination of guilt. Fulfillment of all requirements cancels prosecution and avoids a criminal record. Criminal justice authorities must approve the individual's placement in the program.

Florida Statutes 944.025 provides the authority for the Department of Offender Rehabilitation (DOR) to supervise pretrial intervention programs and outlines procedure and eligibility guidelines.

Purpose:

The purpose of PTI is to divert selected first offenders from traditional court processing to an immediate controlled supervisory program in order to:

- 1) reduce court system time and cost,
- 2) allow the system to work more effectively and efficiently,
- 3) provide a specially-tailored treatment program for the accused individual on a more timely basis, and
- 4) prevent the individual's further involvement in the criminal justice system.

Criteria:

The eligibility criteria specified for participation in the program includes:

- 1) Those charged with a third degree felony punishable by up to five years in prison or a misdemeanor reduced

from a felony charge by the circuit court.

- 2) First-time offenders (no previous convictions, probations or PTI).
- 3) Victims in the case must consent before the defendant may enter the program.
- 4) Approval of the judge who presided at the initial hearing appearance (or judge of jurisdiction if intervention occurs later).
- 5) Approval of DOR program administrator at the circuit level of jurisdiction.
- 6) Defendant must permit a background investigation to be conducted, waive his right to a speedy trial, and offer an acceptable plan for a contractual agreement between himself and the state attorney. The agreement will contain, when appropriate, an agreement to be supervised, to enter into counseling, to participate in programs for identified problems.

Screening and Investigations:

Generally, screenings and investigations are begun at the circuit court levels for accused felons who met the eligibility criteria. If the potential participants met the eligibility requirements and the individual wished to apply, a more detailed background investigation is conducted. Such an investigation includes a general review of social history; contact with the victim; contact with: his former employer, present employer, and school officials; and a review of law enforcement records. If the defendant appears to be a good prospect, a recommendation is made

to the state attorney by the local program administrator of each judicial circuit, with a generalized plan of treatment.

Other referrals for PTI are through the public defenders office, private attorneys, police officers and interested citizens.

Intervention:

If the State Attorney approves Pre-Trial Intervention, a document of deferred prosecution is prepared. This document is an agreement between the offender and the State Attorney who defines the terms and conditions by which the offender must abide. The client accepts the terms of supervision and the State Attorney agrees to defer prosecution for a certain period of time. If the client successfully completes the project, the local program administrator will recommend dismissal of charges to the State Attorney.

Services:

The PTI staff assists the diverttees in securing worthwhile employment, locating appropriate educational or vocational programs, and by providing counseling for any adjustment problems, such as, alcohol and drug related problems. Many diverttees are referred to outside agencies for treatment (i.e., Alcoholics Anonymous). The person is required to be involved on a weekly basis in individual or group counseling during the first 90 days after entering into the contract, and on a more relaxed basis the following 90 days if his progress indicates this is in order.

Locations:

As of October 1977 DOR's PTI projects were located in seven judicial circuits.

CIRCUIT	OFFICE LOCATION	OPENED	COUNTY
1st	Pensacola	7/74	Escambia, Santa Rosa, Okaloosa, Walton
4th	Jacksonville	8/76	Duval, Nassau, Clay
6th	St. Petersburg	7/74	Pinellas, Pasco
8th	Gainesville	7/74	Alachua, Gilchrist, Levy, Bradford
13th	Tampa	2/73	Hillsborough
15th	West Palm Beach	7/74	Palm Beach
17th	Ft. Lauderdale	7/76	Broward

By the end of FY 1977-78 DOR will have expanded PTI to a total of 18 circuits. The two remaining circuits presently have county run intervention programs.

Funding Level: Grant #76-A4-41EJ01

The grant request covered the 12 month period from July 1976 to June 30, 1977. The grant award was \$415,197 LEAA money, with a State match of \$51,316.49 for a total of \$466,513.

This amount represents the total amount of money expended over the grant period.

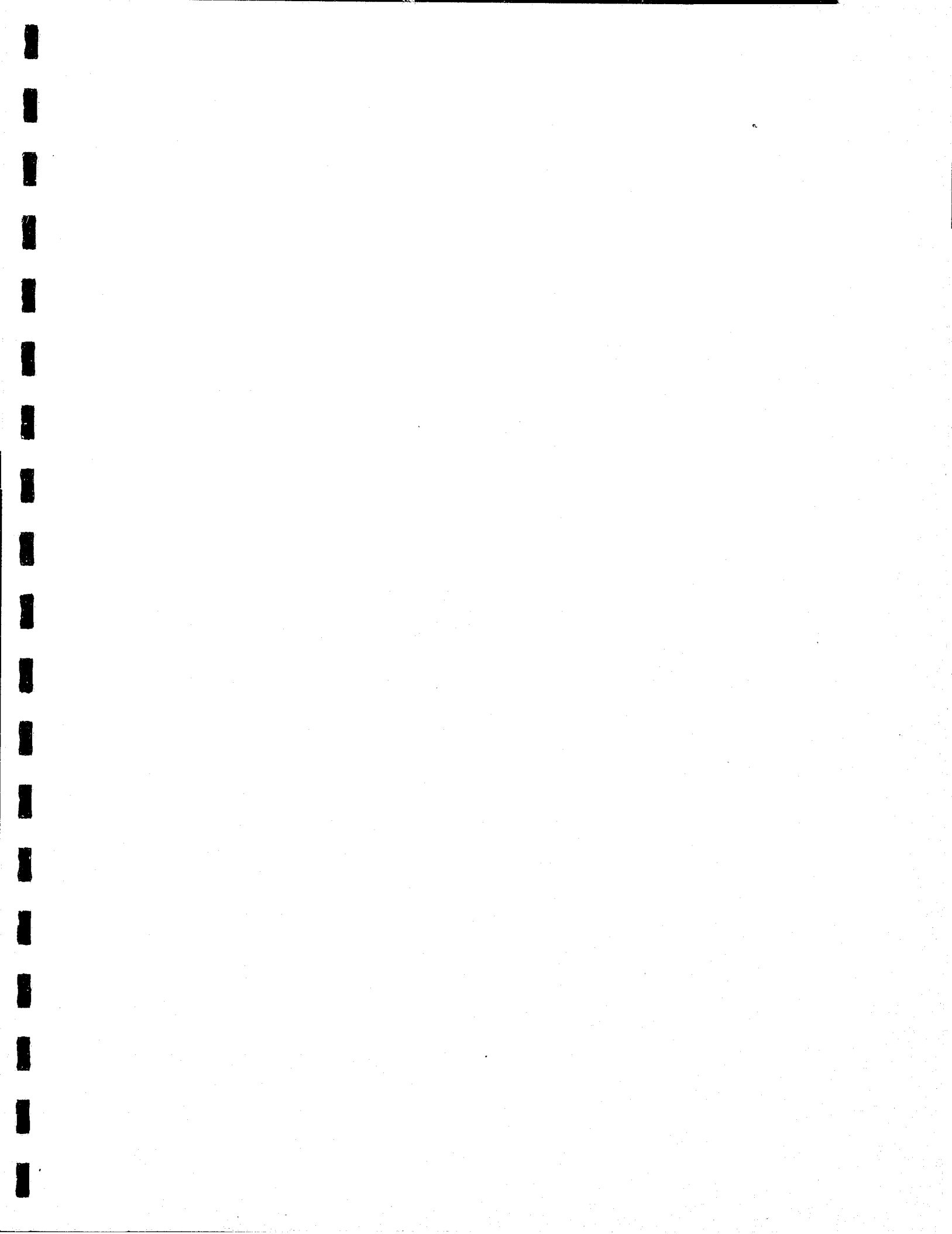
FINDINGS

The data in this section will be presented by evaluation objectives as specified in the methodology section.

Objective #1 - To determine the degree of grant objectives achieved in regards to:

1. Numbers of referrals to the program and the number of preliminary investigations.
2. Number of intensive background investigations of persons initially screened.
3. Number of offenders deferred from prosecution and enrolled in the program.
4. Client profile.
5. Percentage of the intakes that complete the program with a recommendation for dismissal of charges.
6. Recidivism.

Following is a list of the grant objectives and an analysis of data as to the level of compliance to each grant objective:



GOALS/MEASURABLE OBJECTIVES	STATUS	ACTUAL PROGRESS FOR FY1976-77
) This program will conduct a preliminary investigation on 1,500 prospective clients per quarter from the felon population.	Surpassed	1) In FY 76-77 6,631 preliminary investigations were completed. This averaged 1,658 per quarter, surpassing the grant objective. Though 3 quarters exceeded 1,500 investigations, the 2nd quarter fell short of the 1,500 investigations mark.
) An intensive background investigation will be conducted on all persons found to be eligible from the preliminary investigation. It is estimated that 1/3 of those receiving a preliminary investigation will qualify for a more intense background investigation. This represents a quarterly project total of 500 intensive background investigations.	Surpassed	2) The number of background investigations for FY 1976-1977 was 2,120. This surpasses the grant objective of 2,000. This was an average of 32% of the preliminary investigations conducted. The individual quarters ranged from 30.11% to 36.86% of the quarter preliminary investigations.
) Approximately 330 accused offenders per quarter will be deferred from prosecution and enrolled in the program.	Surpassed	3) An average of 360 accused offenders were accepted into the program per quarter. The numbers accepted per quarter ranged from 319 to 425.
) The reason for rejecting any case from program entry will be recorded on the appropriate form and reported to the Project Director.	Obtained	*4) The interview sheet for preliminary investigations lists a reason for rejecting on each case.
) At least <u>50%</u> of all cases diverted statewide shall be diverted prior to arraignment.	Surpassed	5) 52.7% of all cases were diverted prior to arraignment in FY 76-77.
) Caseloads shall not exceed <u>50</u> cases per officer (unless an officer specializes in supervision) and a maximum of <u>35</u> per Supervisor I and none for supervisors of 3 or more subordinates.	Obtained	*6) Caseloads have generally been 35, averaging the total caseload in the seven circuits. Isolated caseloads have been higher due to a need from time to time to redistribute the manpower to the workload developed certain circuits.
) A small sample of PTI CASE CONTACTS (frequency and type) will be compared to probation cases to determine if contacts are more frequent. Also, a determination will be made to compare length of supervision period of regular probations vs. PTI supervision.	Not Obtained	*7) This study was not conducted this Fiscal Year. *Source program final report

GOALS/MEASURABLE OBJECTIVES

STATUS

ACTUAL PROGRESS FOR FY1976-77

<p>1) STANDARDS are to be developed for type and frequency of client contacts.</p>	<p>Not Obtained</p>	<p>8) Standards have been drafted and are under study presently. In addition, state standards are to be revised by a recently developed task force sub-committee of the BCJPA.</p>
<p>2) A SUMMARY report is to be submitted to the State Attorney and Program Director on each case nearing completion with a recommendation re: dismissal of case.</p>	<p>Obtained</p>	<p>*9) 100% compliance by program directive.</p>
<p>0) Program COMPLETION SUCCESS RATE will be determined.</p>	<p>Obtained</p>	<p>10) Of 1,345 cases terminated, only 134 were for breaking the terms of their contract rendering a 90% success program completion rate.</p>
<p>1) RECIDIVISM measured via post-program follow-up of NCIC/FCIC record checks are expected.</p>	<p>Obtained</p>	<p>11) FCIC/NCIC record checks conducted on all graduates reveal less than 10% recidivism. Of 2365 successful terminations, only 88 cases (3.7 %) have new convictions over the past 24 months.</p>
<p>2) EXIT INTERVIEWS will be conducted with 80% of all successful program participants to ascertain their accomplishments.</p>	<p>Obtained</p>	<p>12) More than 80% of the exit interviews were received this fiscal year. See Appendix A.</p>
<p>3) FOLLOW-UP QUESTIONNAIRES will be distributed to a sample of program participants.</p>	<p>Obtained</p>	<p>* 13) A survey of program graduates who have been out of the program 6 to 7 months was conducted with very favorable results.</p>
<p>4) A survey will be conducted to determine the extent of ongoing PRETRIAL RELEASE PROGRAMS (ROR).</p>	<p>Not Obtained</p>	<p>* 14) Data exists in monthly regional reports, but has not been tabulated.</p>
<p>5) STAFF HOURS spent in COUNSELING will be reported.</p>	<p>Obtained</p>	<p>15) During FY 1976-77 13,034 hours of counseling were provided.</p>

*Source program final report.

GOALS/MEASURABLE OBJECTIVES

STATUS

ACTUAL PROGRESS FOR FY1976-77

6) Client INFORMATION PROFILES will be maintained.	Obtained	16) Client information profile data has been maintained. See Appendix A.
7) Use of VOLUNTEERS and hours donated will be recorded.	Obtained	*17) STP-2 (Structured Treatment Programming) forms have collected this data monthly from each PTI Program under this project.
8) A PROCEDURE MANUAL shall be developed.	Not Obtained	*18) Not able to revise the procedure manual in use last Fiscal Year. It is being updated at present.
9) The PTI Supervisor of the Department of Offender Rehabilitation will provide technical assistance to regional and local pretrial intervention staff state-wide, as needed.	Obtained	*19) A great deal of planning technical assistance was rendered leading to an increase in the number of programs next Fiscal Year to cover the state.

*Source: program final report.

Objective #2: To determine program/project impact on the criminal justice system in relation to the approximate numbers of adult offenders diverted from the system.

The number of adult offenders diverted from the criminal justice system may be found by using the total intakes for FY 76-77 subtracting from that: 1) the number of unsuccessful terminations, and 2) the projected number of recidivists. The reasoning behind this is as follows: All intakes are diverted from the system as long as they complete the program successfully. An unsuccessful termination re-routes the offender back into the system. A recidivist is an individual who is convicted of another crime after successful completion of the program. Therefore, the number of diverted adult offenders would equal intakes (1,439) minus unsuccessful terminations (134) minus recidivists (44*) or a total of 1,261 adult offenders diverted from the system during FY 76-77.

*The actual number of recidivists for FY 76-77 was not available, therefore, this figure was obtained by using a recidivism rate of 3.7% based on 24 months of actual data. 3.7% was then multiplied by the number of successful termination (1211) to obtain 44 projected recidivists.

OBJECTIVE #3: To determine the project's performance in terms of standards documented in Florida's Standards & Goals.

Florida presently has two standards relating to PTI. They are CR 2.03 Pretrial Diversion and CT 1.02 Guidelines for PTI.* CR 2.03 specifies that 1) programs should exist in every circuit; 2) programs should operate pursuant to written guidelines; and 3) decisions approving or denying diversion must be made in writing.

CT 1.02 specifies criteria for favorable consideration of offenders into a PTI program as well as the establishment of guidelines for making PTI decisions.

The PTI program as it exists meets all provisions of the existing standards except that PTI does not exist in every circuit of the state in FY 76-77. However, in FY 77-78 DOR's PTI program will expand to 18 out of the 20 circuits. Two circuits have county funded PTI programs.

The Governor's Commission of Criminal Justice Standards and Goals task force on Corrections formed a sub-committee to expand the existing diversion standards. They will come before the Governor's Commission in 1978 for final approval.

OBJECTIVE #4: To determine cost effectiveness.

Measurement: Compare costs of supervising pretrial releases to costs of supervising an offender on probation.

To obtain the cost of Pretrial Supervision, the average daily population must first be computed.

Population under supervision on the last day of each of the twelve months was:

*See Appendix A.

July 1976	652
August	694
September	638
October	685
November	663
December	692
January 1977	688
February	681
March	679
April	667
May	702
June	<u>705</u>
TOTAL	8,146

Average daily population = 8,146 ÷ 12 = 679

To obtain the cost per year of PTI supervision, divide the total program cost by the average daily population.

Formula:

$$\frac{\text{Total Program Cost}}{\text{Average Daily Population}} = \text{Cost per client per year}$$

$$\frac{\$466,513*}{679} = \$687.05/\text{year}$$

To obtain the cost per day of PTI supervision, divide the cost per year by 365.

$$\frac{\text{Cost per year}}{365} = \text{Cost per client per day}$$

$$\frac{\$687.05}{365} = \$1.88/\text{day}$$

*Based on actual amount expended, includes LEAA and state match.

To obtain the cost per case, multiply the cost per day times the average length of stay. In FY 1976-77 the cost per day was \$1.88, data on the average length of stay has not been collected. Therefore, for purposes of comparison the period of 6 month was used which is the maximum time spent on supervision and will yield a maximum cost per case. The average length of stay is obviously lower.

Cost per day X Average length of stay = Average cost per case

\$1.88 X 182 days (6 months) = \$342.14

\$342.14 cost per case

If we compare the cost of PTI to the cost of probation the following is revealed. The DOR estimates the cost per day of probation to be \$1.25. This would seem to be less expensive than PTI, but when we examine the cost per case we find that: the average length of stay on probation is 3.63* years or 1,325 days, when we multiply 1,325 by \$1.25, the cost per case for probation is \$1,656.25 as compared to \$342.16 on PTI. Pretrial is almost five times less expensive.

The cost of supervising one client for one day is a little more than on probation, but the cost per case, due to the shorter, more intensive supervision period, is much cheaper in PTI programs than on probation. It should also be noted that any court costs eliminated by diversion to the PTI program should be considered as a cost savings to the public. A small percentage of PTI participants may have been incarcerated. The savings here would be substantial in dollar savings and in alleviating the overcrowded jail system.

OBJECTIVE #5: To determine the nature of the project's relationships with State Attorneys, circuit judges, public defenders, police departments and sheriffs.

*DOR Annual Report 1975-76, pg. 64.

Measurement: Questionnaires were sent to each of the above agencies in circuits in which PTI programs exist. Responses were received from 5 public defenders, 5 state attorneys, 5 police departments, 6 sheriffs, and 3 judges.

The data in this area is subjective. Below is a summary of the responses to some key questions.

- 1) What is your opinion of the entrance or eligibility requirements into the PTI program?
 - a. Almost all public defenders felt it was too exclusive (too many offenders are screened out who should be included).
 - b. Most police departments felt it was too inclusive (too many offenders are included who should be screened out).
 - c. All State Attorneys and judges that responded felt that the eligibility requirements were alright.
- 2) How often does your agency/office use the PTI program?
 - a. The only clear response to this question came from the public defenders and State Attorneys who all agreed that they use the program frequently.
- 3) How would you describe the working relationship between your office and the PTI staff?
 - a. All those agencies indicating they have contact with the program felt their relationship was excellent.
- 4) How does the PTI program affect the workload of your agency?
 - a. In almost all cases, all agencies felt that their caseloads were reduced as a result of PTI.

5) How effective is the PTI program in your area?

a. Many of the agencies responded that they didn't know the answer to this question. Of those who had an opinion, all felt the program was very effective.

From the responses sent in, one would draw the conclusion that according to agencies having direct contact, the programs have affected them in a positive way by reducing their caseloads and by having an excellent working relationship.

OBJECTIVE #6: To determine differences in each program which may influence their effectiveness.

Measurement: Compare all available data and observations from each program.

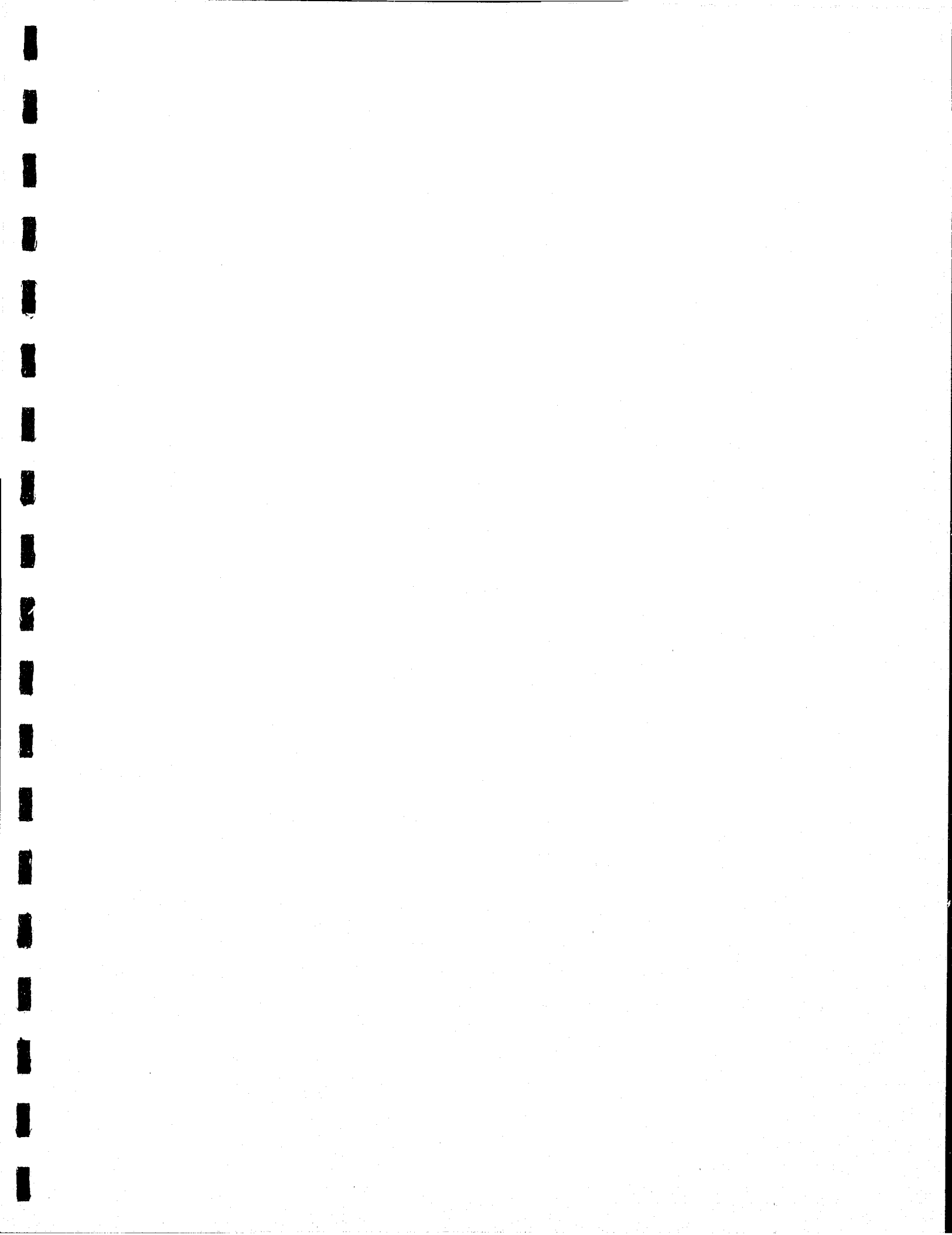
When examining the sources of referrals to the programs some interesting differences appear. St. Petersburg, and Fort Lauderdale each get over 93% of their cases directly from their State Attorney. Jacksonville received slightly better than three-fourths (76.12%) of its referrals from the State Attorney. However, the numbers referred were small. Because of a reported poor coordination between the State Attorney's Office and the project for the first 8 months, the number of intakes were below project goals. Since March 1977 referrals have increased due to an improved working relationship between the PTI staff and the State Attorney's office.

West Palm Beach, Gainesville and Pensacola receive fewer referrals from their State Attorney. West Palm Beach and Pensacola split their referrals between taking them off the commitment sheets and getting them from public and private attorneys. During the interview with the project staff in West Palm Beach, it was

pointed out that the low referral rates from the State Attorneys Office was due, in part, to the decentralized handling of cases among the assistant State Attorneys. Gainesville received a majority of their referrals from public and private attorneys (64.5%) (See Table 1)

Table 2 shows the relationship between the preliminary and background investigations for each project. The grant objective specified that approximately one-third of the preliminary investigations would result in background investigations. As can be seen from the Table the individual projects vary from the grant objective. Tampa and Fort Lauderdale are very low with 23.1% and 11.8% respectively and West Palm Beach is very high with 83.5%. A possible interrelationship between the source of referrals (see Table 1) and the investigations may exist. West Palm Beach obtains most of their prospective clients from the courts commitment sheets and from public defenders and private attorneys. This could be a form of center screening of the possible client prior to the preliminary investigation. Since the center does this initial selective choosing of the clients, the number which pass the initial criteria of the preliminary investigation and have a background investigation completed is high. The proportion of background to preliminary investigations is 83.5%.

Fort Lauderdale, on the other hand, receives a a large number of referrals from the State Attorney, and presumably does not have the opportunity to do the initial center screening which West Palm Beach does. The first center screening is the preliminary investigation where the majority of referred clients do not meet the center criteria. Therefore, the number of background investigations



SOURCE OF CLIENT REFERRALS TO THE PTI PROGRAM

FOR FISCAL YEAR 1976-1977

PROJECT LOCATION	REFFERAL SOURCE																TOTAL			
	State Attorney		Public & Private Attorney		Police		Interested Citizen		Bondsman		Defendant		Judge		Committment Sheets		Other		Data	%
	Data	%	Data	%	Data	%	Data	%	Data	%	Data	%	Data	%	Data	%	Data	%		
St. Petersburg	All	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	All	100%
Tampa			74	2.70	3	0.11	88	3.22	-	-	-	-	-	-	2570	93.86	3	0.11	2738	100%
Ft. Lauderdale	3171	93.40	179	5.27	5	0.15	23	0.68	-	-	16	0.47	1	0.03	-	-	-	-	3395	100%
Jacksonville	86	76.12	7	6.19	-	-	12	10.62	-	-	-	-	-	-	-	-	8	7.07	113	100%
West Palm Beach	52	12.65	177	43.07	11	2.68	3	0.73	40	9.73	18	4.38	-	-	110	26.76	-	-	411	100%
Gainesville	64	32.00	129	64.50	7	3.50	-	-	-	-	-	-	-	-	-	-	-	-	200	100%
Pensacola	-	-	227	45.49	13	2.61	7	1.40	-	-	6	1.20	-	-	244	48.90	2	0.40	499	100%
TOTAL	5943+	80.79	793	10.78	39	0.53	133	1.81	40	.54	40	.54	1	0.01	354	4.82	13	0.18	7,356+	100%

is small in relation to the number of preliminary investigations (11.8%). This interrelationship between referral source, initial center screening and investigations may be working in varying degrees in each of the project locations.

Another interesting distinction among the projects is apparent when the relationship between intakes and background investigations is examined. Table 3 presents this information. The grant objectives did not specify a percentage of intakes relative to background investigations. However, a percentage can be inferred from the objectives. Intakes were to constitute 330 per quarter of the 500 background investigations completed. This is approximately two-thirds intakes to background investigations. As indicated in Table 3, the individual projects vary consistently from this percentage, being either at 82% or 43%. Jacksonville and Pensacola approximate the two-thirds proportion.

In the projects in which the State Attorney had initially referred a large number of possible clients, there was a high percentage of intakes relative to background investigations - Fort Lauderdale, 82.9%. In comparison, West Palm Beach, Gainesville, and Pensacola, where the State Attorney had little input until the final decision to allow the client into the program, a much lower percentage of intakes relative to background investigations was apparent (43.2%; 43.8%; and 55.5% respectively). Therefore, a further interrelationship between the referral source, investigation and intakes probably exists.

Table 4 presents the data on terminations both successful and

Table 2

RELATIONSHIP BETWEEN BACKGROUND
AND PRELIMINARY INVESTIGATIONS

PROJECT LOCATION	INVESTIGATIONS		% BACKGROUNDS ARE OF PRELIMINARIES
	Preliminary	Background	
St. Petersburg	659	386	58.6%
Tampa	2,743	635	23.1%
Ft. Lauderdale	1,582	187	11.8%
Jacksonville	98	67	68.4%
West Palm Beach	399	333	83.5%
Gainesville	372	249	66.9%
Pensacola	778	263	33.8%
TOTAL	6,631	2,120	32.0%

Grant objective 33%

Table 3

RELATIONSHIP BETWEEN INTAKES AND
BACKGROUND INVESTIGATIONS

PROJECT LOCATION	BACKGROUND INVESTIGATIONS	INTAKES	% INTAKES ARE OF BACKGROUNDS
St. Petersburg	386	319	82.6%
Tampa	635	522	82.2%
Ft. Lauderdale	187	155	82.9%
Jacksonville	67	44	65.7%
West Palm Beach	333	144	43.2%
Gainesville	249	109	43.8%
Pensacola	263	146	55.5%
TOTAL	2,120	1,439	67.9%

Grant objective approximately 66.6%

Table 4

PTI SUCCESSFUL AND UNSUCCESSFUL
TERMINATIONS

PROJECT LOCATION	TERMINATION		PERCENTAGE SUCCESSFUL
	Successful	Unsuccessful	
St. Petersburg	330	29	91.9%
Tampa	442	54	89.1%
Ft. Lauderdale	65	16	80.2%
Jacksonville	14	3	82.4%
West Palm Beach	141	6	95.9%
Gainesville	98	8	92.5%
Pensacola	121	18	87.1%
TOTAL	1,211	134	90.0%

unsuccessful. A successful termination is when an individual fulfills the terms of his PTI contract in completing the program. An unsuccessful termination is when an individual does not fulfill his obligations under his contract and is placed back into the system. The successful termination percentages are fairly consistent with the overall average of 90%. The only variation occurs in the two newest programs, Jacksonville and Fort Lauderdale with an average of approximately 81%. This is probably due to the fact that there have been a low number of terminations from these two projects, and that they have been in existence for a short period of time.

Chart 2 presents the demographic data on the program participants. Included are race, sex, age, education, juvenile record, alcohol and drug use, type of offense, filed, and arraigned. Chart 2 is located in Appendix A, page

Table 5 presents the number and percentage of services received by program participants. The major stress was placed on individual counseling. Slightly better than eighty percent of all program participants received individual counseling, of these most were counseled in house by project staff. Of note are Jacksonville and Fort Lauderdale which contracted out over 50% of their individual counseling service. Group counseling received less emphasis with only 23.2% of the program participants receiving this type of counseling. Gainesville seemed to stress group counseling more than the other centers. Again Jacksonville and Fort Lauderdale contracted out the majority of their group counseling services. The other types of counseling were not as vigorously

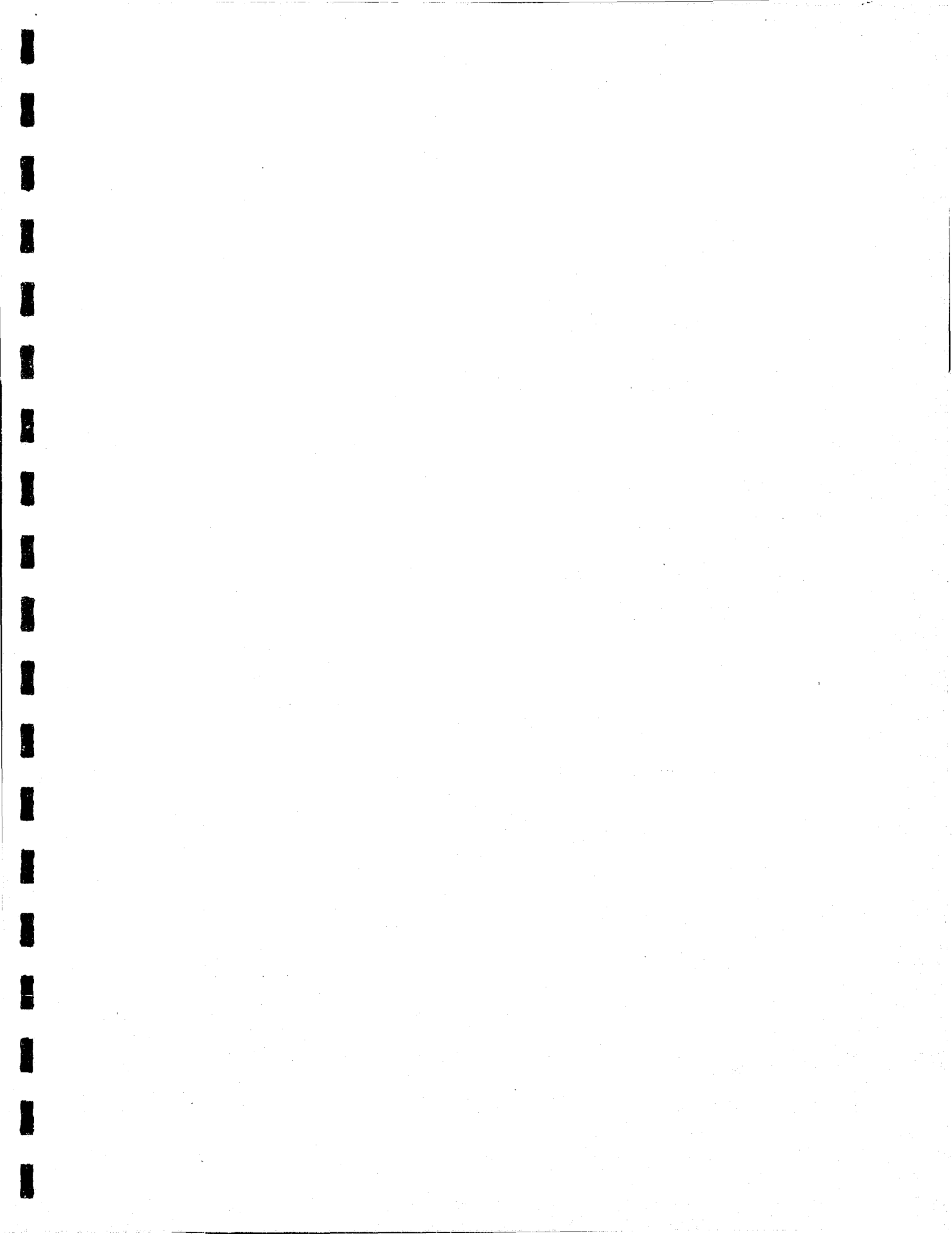


Table 5

NUMBER AND PERCENTAGE OF SERVICES RECEIVED BY PTI
PARTICIPANTS DURING FISCAL YEAR 1976-77

SOURCE/ TREATMENT	PROJECT LOCATION														TOTAL	
	St. Petersburg		Tampa		Fort Lauderdale		Jackson- ville		West Palm Beach		Gaines- ville		Pensacola			
	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%
<u>MEDICAL REFERRAL</u>																
Did not receive service	343	95.6	464	99.2	83	98.8	19	73.1	123	98.4	106	93.0	104	100.0	1242	97.0
In-house	8	2.2	2	0.4	0	0.0	0	0.0	2	1.6	6	5.3	0	0	18	1.4
Contractual	8	2.2	2	0.4	1	1.2	7	26.9	0	0.0	2	1.7	0	0	20	1.6
TOTAL	359	100%	468	100%	84	100%	26	100%	125	100%	114	100%	104	100%	1280	100%
<u>PSYCHOLOGICAL EVALUATION</u>																
Did not receive service	336	93.6	454	97.6	68	78.2	13	50.0	124	99.2	99	86.1	87	95.6	1181	93.1
In-house	11	3.1	2	0.4	0	0	2	7.7	1	0.8	7	6.1	0	0	23	1.8
Contractual	12	3.3	9	2.0	19	21.8	11	42.3	0	0	9	7.8	4	4.4	64	5.1
TOTAL	359	100%	465	100%	87	100%	26	100%	125	100%	115	100%	91	100%	1268	100%
<u>PSYCHOTHERAPY</u>																
Did not receive service	328	98.5	461	98.5	70	83.3	23	88.5	123	98.4	104	93.7	88	95.7	1197	96.6
In-house	3	0.9	2	0.4	0	0	0	0	2	1.6	4	3.6	3	3.3	14	1.1
Contractual	2	0.6	5	1.1	14	16.7	3	11.5	0	0.0	3	2.7	1	1.0	28	2.3
TOTAL	333	100%	468	100%	84	100%	26	100%	125	100%	111	100%	92	100%	1239	100%

Table 5

NUMBER AND PERCENTAGE OF SERVICES RECEIVED BY PTI
PARTICIPANTS DURING FISCAL YEAR 1976-77

SOURCE/ TREATMENT	PROJECT LOCATION														TOTAL	
	St. Petersburg		Tampa		Fort Lauderdale		Jackson- ville		West Palm Beach		Gaines- ville		Pensacola			
	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%
<u>INDIVIDUAL COUNSELING</u>																
Did not receive service	78	21.7	58	12.7	29	32.6	5	19.2	45	36.0	14	11.8	21	20.0	250	19.5
In-house	275	76.4	345	75.8	12	13.5	8	30.8	72	57.6	97	81.5	83	79.0	892	69.7
Contractual	7	1.9	52	11.5	48	53.9	13	50.0	8	6.4	8	6.7	1	1.0	137	10.8
TOTAL	360	100%	455	100%	89	100%	26	100%	125	100%	119	100%	105	100%	1279	100%
<u>GROUP COUNSELING</u>																
Did not receive service	240	68.6	343	79.6	66	74.2	19	86.4	115	92.0	67	60.4	80	96.4	930	76.8
In-house	76	21.7	70	16.2	11	12.4	0	0	4	3.2	38	34.2	2	2.4	201	16.6
Contractual	34	9.7	18	4.2	12	13.4	3	13.6	6	4.8	6	5.4	1	1.2	80	6.6
TOTAL	350	100%	431	100%	89	100%	22	100%	125	100%	111	100%	83	100%	1211	100%
<u>EDUCATIONAL COUNSELING</u>																
Did not receive service	247	68.8	405	86.5	59	66.3	7	26.9	106	76.8	45	37.2	66	71.7	935	72.3
In-house	100	27.9	55	11.8	2	2.2	10	38.5	17	12.3	65	53.7	20	21.7	269	20.8
Contractual	12	3.3	8	1.7	28	31.5	9	34.6	15	10.9	11	9.1	6	6.6	89	6.9
TOTAL	359	100%	468	100%	89	100%	26	100%	138	100%	121	100%	92	100%	1293	100%

NUMBER AND PERCENTAGE OF SERVICES RECEIVED BY PTI PARTICIPANTS DURING FISCAL YEAR 1976-77

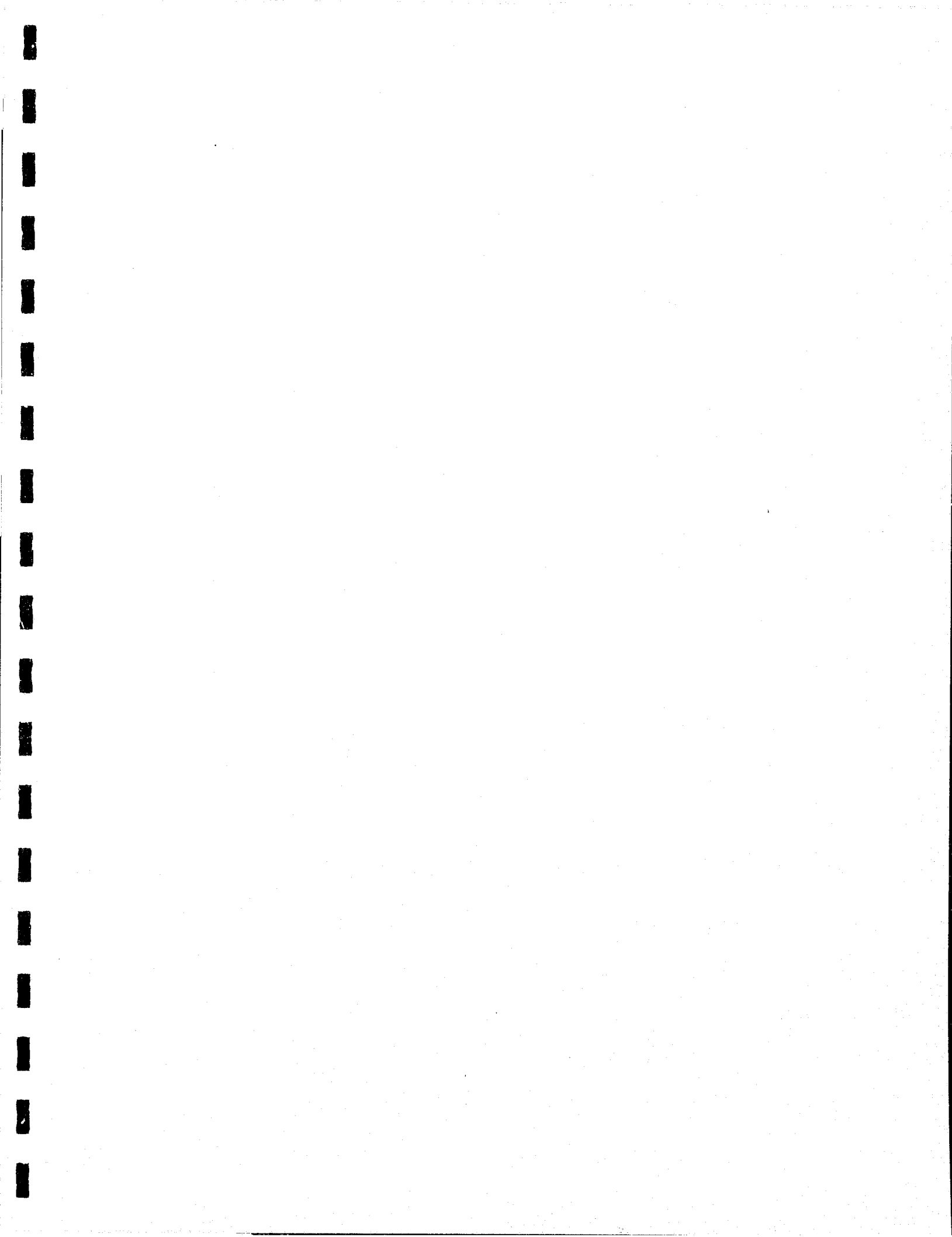
SOURCE/ TREATMENT	PROJECT LOCATION														TOTAL	
	St. Petersburg		Tampa		Fort Lauderdale		Jacksonville		West Palm Beach		Gainesville		Pensacola			
	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%	RAW DATA	%
<u>EDUCATIONAL PLACEMENT</u>																
Did not receive service	330	91.7	443	94.7	78	86.7	24	92.4	121	96.8	88	75.2	101	97.1	1185	91.9
In-house	16	4.4	14	3.0	3	3.3	1	3.8	4	3.2	19	16.2	2	1.9	59	4.6
Contractual	14	3.9	11	2.3	9	10.0	1	3.8	0	0	10	8.6	1	1.0	46	3.5
TOTAL	360	100%	468	100%	90	100%	26	100%	125	100%	117	100%	104	100%	1290	100%
<u>DRUG COUNSELING</u>																
Did not receive service	273	75.8	447	93.9	77	86.5	11	42.3	112	89.6	45	38.1	52	50.0	1017	78.4
In-house	77	21.4	11	2.3	3	3.3	5	19.2	11	8.8	65	55.1	51	49.0	223	17.2
Contractual	10	2.8	18	3.8	9	10.2	10	38.5	2	1.6	8	6.8	1	1.0	58	4.4
TOTAL	360	100%	476	100%	89	100%	26	100%	125	100%	118	100%	104	100%	1298	100%
<u>ALCOHOL COUNSELING</u>																
Did not receive service	306	84.8	460	98.3	82	97.6	15	57.7	97	78.2	73	60.3	101	97.1	1134	88.0
In-house	43	11.9	2	0.4	1	1.2	2	7.7	12	9.7	38	31.4	1	1.0	99	7.7
Contractual	12	3.3	6	1.3	1	1.2	9	34.6	15	12.1	10	8.3	2	1.9	55	4.3
TOTAL	361	100%	468	100%	84	100%	26	100%	124	100%	121	100%	104	100%	1288	100%

stressed. See Table 5 for project by type of counseling breakdowns. Table 6 bears out the findings in Table 5 showing that almost three-fourths of the time spent in client services was directed towards individual counseling.

Recidivism is defined as a conviction after successful termination from the program. These include misdemeanors and felonies with sentences of imprisonment, jail terms, probation, probation with adjudication withheld, and fines. In order to determine whether or not a program participant had been re-convicted, the National Crime Information Center (NCIC) and the Florida Crime Information Center (FCIC) were checked at 6 month intervals after successful completion of the program.

Recidivism rates for each project are presented in Table 7. The time span for these data covers those cases with a successful termination within the last two (2) years. No data is available for Fort Lauderdale and Jacksonville because of the short amount of time they have been in operation. The overall recidivism rate was 3.7%.

Restitution is another major component of the PTI program. This is money that is paid by the offender to his/her victim to compensate for their losses. In fiscal year 1976-77 PTI projects collected a total of \$58,965.03 in restitution. This is broken-down in Table 8 by project location.



HOURS SPENT IN CLIENT SERVICES BY
PROJECT LOCATION FOR FISCAL YEAR
1976 - 1977

PROJECT LOCATION	CLIENT SERVICES												TOTAL	
	Personal Adjustment Counseling		Vocational Educational Guidance		Group Counseling		Individual Counseling		House Placement		Other Treatment			
St. Petersburg	550.00	22.88%	245.00	10.19%	107.00	4.45%	1379.00	57.36%	2.00	0.09%	121.00	5.03%	2404.	100%
Tampa	23.00	0.54%	50.00	1.16%	148.00	3.45%	4007.00	93.32%	1.00	0.02%	65.00	1.51%	4294	100%
Ft. Lauderdale	178.00	16.93%	107.00	10.17%	104.00	9.86%	620.00	58.95%	0.00	0.00%	43.00	4.09%	1052	100%
Jacksonville	111.00	30.41%	42.00	11.51%	9.50	2.60%	160.50	43.97%	0.00	0.00%	42.00	11.51%	365	100%
West Palm Beach	836.00	36.93%	290.00	12.81%	5.00	0.22%	1027.00	45.36%	17.00	0.75%	89.00	3.93%	2264	100%
Gainesville	66.75	4.93%	229.50	16.94%	33.50	2.47%	919.25	67.84%	8.50	0.62%	97.50	7.20%	1355	100%
Pensacola	35.00	2.69%	122.00	9.38%	36.00	2.77%	1100.00	84.62%	0.00	0.00%	7.00	0.54%	1300	100%
TOTAL	1799.75	13.80	1085.50	8.33	443.00	3.40	9212.75	70.68	28.50	0.22	465.50	3.57	13034.	100%

Table 7

RECIDIVISM* RATES BY PTI PROJECT LOCATIONS

PROJECT LOCATION	RECIDIVISTS	SUCCESSFUL TERMINATIONS	RECIDIVISM RATE (%)
St. Petersburg	16	623	2.57%
Tampa	26	675	3.85%
Ft. Lauderdale	**	**	-
Jacksonville	**	**	--
West Palm Beach	2	351	0.57%
Gainesville	20	316	6.33%
Pensacola	24	411	5.84%
TOTAL	88	2,376	3.70%

*Recidivism is defined as a conviction after successful termination from program. These include misdemeanors and felonies with sentences of imprisonment, jail terms, probation, probation with adjudication withheld, and fines. The time span for these data covers those cases with a successful termination within the last two (2) years.

**Not available.

Table 8

RESTITUTION PAID BY PTI PROJECT
 PARTICIPANTS DURING FISCAL YEAR 1976-77

PROJECT LOCATION	RESTITUTION PAID
St. Petersburg	\$16,469.20
Tampa	17,811.70
Ft. Lauderdale	5,184.82
Jacksonville	205.00
West Palm Beach	10,963.43
Gainesville	5,277.28
Pensacola	3,053.60
TOTAL	\$58,965.03

RECOMMENDATIONS

1. Improved Relationships between Agencies - In the case of PTI, there is definite room for improved relations with State Attorneys in certain circuits. These relationships are vital to the success of the project. With DOR expanding to 11 more circuits in fiscal year 1977-78, it is recommended that communications be established in order to develop good relationships with existing agencies prior to the programs becoming operational.

2. Expansion of Eligibility Criteria - There has been considerable support around the state to expand the eligibility criteria for acceptance into the program. It is therefore recommended that DOR research the feasibility of this expansion in order to provide diversionary services to persons not now eligible. For example, consideration should be given to persons with minor prior criminal records. Also, there are many second degree felons who could benefit from PTI. Since the criteria is established by Statute, it is recommended that DOR take steps to amend Statute 944.025 in the 1979 legislature to reflect the expanded criteria.

This recommendation is supported by:

1. All PTI project directors,
2. The overall program director
3. Almost all public defenders responding to the questionnaire, and
4. The subcommittee on Pretrial Diversion of the Florida Corrections Task Force.

Nationally, pretrial diversion programs have come under criticism.

" A frequent criticism of pretrial diversion projects is that they deal almost solely with individuals who are charged with minor offenses, and in dealing with them, they extend services of a kind and cost that would ordinarily be provided to a clientele who had been not only charged, but also convicted of much more serious charges. Distribution of offenses with which the defendants participating in the pretrial diversion project survey are indicative of the same circumstances.

An additional observation made widely about pretrial diversion projects is that their clientele includes not only cases that would be prosecuted in the absence of the diversion alternative, but clients who would not be prosecuted without that alternative. That is, the existence of the supposedly less stigmatizing penalty embodied in the diversion process, promotes the use of that process for very minor offenders who, in the past, would have had the charges either not filed against them or dismissed in the interest of justice, or because of insufficient evidence."¹

It seems like the trend nationwide is to expand eligibility criteria to accept more serious, non-violent cases into PTI. Florida should, at a minimum, establish a pilot project accepting more serious, non-violent, felons into PTI programs.

3. Staff Training - Upon questioning staff, it became apparent that there existed little or no pre-service or in-service training. Training is a vital component for any program. All project directors felt there was a need for training. It is therefore recommended that monies be allocated in order to train, not only line staff, but supervisors as well. This training should take place prior to the individual beginning work and should have an ongoing in-service component as well.

¹California Department of Correction-Evaluation of Adult Diversion Projects, CBCP report-Part I, February 1976.

4. Staff Positions - A high turnover rate among Probation Officer I positions was detected. This, according to interviews with project directors, is due to the fact that in each project, in order to be promoted, a P.O. I would have to leave PTI because there were so few P.O. II positions in the program (3 P.O. II positions exist). It is recommended that the Department of Offender Rehabilitation look into the feasibility of including more P.O. II positions in PTI so that workers have an incentive to move up within their project.

5. Computerization of Data - There is much data presently being collected. When all the new projects become operational, the amount of data will be overwhelming. It is, therefore, recommended that DOR immediately computerize all the PTI data.

6. Coding Sheets - There are a number of terms used for coding which are in need of definition:

- a. Where unsuccessful terminations are coded as 1) subject uncooperative and 2) technical difficulties, there terms need definitions. It was found that different projects interpreted these terms differently.
- b. Also, on sheet 5, form 5, drug and alcohol counseling are distinguished from individual counseling. There is a need to define at what point an individual is doing drug counseling as being separate from individual counseling (in-house). If this drug and alcohol counseling is intensive, then the question of qualifications of the counselors must be examined. Again, there may be a need for specific training. It is recommended that PTI programs work closely with the Office of Drug Abuse, Mental Health Program of the Department of Health and Rehabilitative Services.

7. Terminations - Lastly, it has been found that the courts and State Attorneys in each circuit where projects now exist handle the sealing and/or expungment of records differently. There is a need for written guidelines for the handling of records of individuals successfully terminated from PTI programs. Project directors should be responsible for informing a successful client of the process for having his or her record expunged. DOR should determine if legislation is needed in this area.

APPENDIX A

Chart 1

EXIT INTERVIEWS

FY 76-77

The following is a synopsis of a questionnaire sent to a sample of persons in various circuit PTI programs following a six month period without supervision or staff involvement. The fifteen respondents out of thirty-three voluntarily returned their answers regarding their feelings about themselves and the program.

Returned Questionnaire.....	15	45%
Male.....	12	80%
White.....	11	73%
High school graduates or have attended college.....	12	80%
Employed at beginning of PTI.....	11	73%
Employed at completion of PTI.....	14	93%
Received Salary Increases or Promotions.....	9	64%
Graduated or GED diploma achieved.....	3	20%
Felt gains made during PTI supervision were maintained.....	13	87%
Felt they had a better attitude toward the use of drugs or alcohol.....	9	60%
Felt it important not to have a conviction record...	15	100%
Participation in the PTI program motivated or helped the respondent gain some maturity.....	12	80%
Attended group sessions.....	5	33 1/3%
Of five attending group sessions, 4 felt they were beneficial.....	4	80%
Among other type contacts all but six respondents were visited in their homes by PTI officers.....	9	60%
PTI officers made 243 contacts with 12 respondents who indicated number of contacts on their questionnaire.....	243	112 1/2%
Felt they had received enough attention and help in the PTI program.....	14	93%
Felt they had maintained improvement made initially during the program during the six months following completion in areas of alcohol, drugs, family/ marital relations, getting along with others, supporting dependents, etc.....	11	73%
Indicated they would not recommend the program to friend in trouble.....	2	13%

Standard CR 2.03 Pretrial Diversion

Each local jurisdiction, in cooperation with the State Attorney in that jurisdiction and with related state agencies, should develop and implement a formal pretrial diversion program for first and other selected offenders.

1. The planning process and the identification of diversion services to be provided should follow generally and be associated with "Total System Planning" as outlined in Standard 5.01.

a. Based upon available planning data, eligibility criteria and operational procedures should be developed for the diversion of eligible defendants.

b. Mechanisms for review and evaluation of policies and practices should be established.

c. Liaison should be established with existing community rehabilitative resources and agencies to which diverted defendants may be referred for services.

2. Each diversion program should operate pursuant to written guidelines that should specify:

a. Program objectives and eligibility criteria.

b. Guidelines for measuring successful participation in the diversion program, as well as standards for unsuccessful participation and the return to traditional prosecution.

c. A requirement that decisions approving or denying diversion be made in writing along with reasons underlying the decision.

d. A requirement that the diversion program maintain current listings of community resources available to the program and its participants.

3. The following considerations should be included in determining whether a particular offender should be placed in a diversion program:

a. That traditional prosecution and a criminal conviction might cause undue harm to the defendant or exacerbate the problems that originally caused its criminal acts.

b. That rehabilitative services needed by the undue harm to the defendant or exacerbate the social problems that led to his criminal acts.

c. Appropriate services to meet the offender's needs and problems are unavailable within

the criminal justice system or may be provided more effectively outside the system.

d. The arrest has already served as a desired deterrent.

e. The needs and interests of the victim and society are served better by diversion than continuation in the criminal justice system.

f. The offender does not present a substantial danger to others.

g. The offender voluntarily accepts and agrees to participate in the offered alternative to further justice system processing. Family involvement is to be encouraged when appropriate.

h. The facts of the case sufficiently establish that the defendant committed the alleged act.

EXISTING SYSTEM

This standard is partially implemented by the Florida Parole and Probation Commission. The FPPC presently provides diversion services discussed in this standard to five of Florida's 20 judicial circuits.

The FPPC reports the liaison between the Commission and community resources for defendant diversion is the field officer. According to the FPPC, the criteria for determining who will enter a diversion program is established by the policies of that program and by Florida Statute 944.025. The final decision, however, on which inmates enter diversion programs rests on the approval of the program supervisor, the judge and finally the state attorney who generally utilize the field officer's recommendation. The FPPC reports the results of diversion programs are evaluated by the Division of Planning and Evaluation.

Another pretrial diversion program available in Florida is the Citizen Dispute Settlement (CDS) program. Currently, there are three citizen dispute settlement programs in operation in the state. One is located in Miami. This program is under the supervision of the administrative office of the court, 11th Judicial Circuit. In 1974, the operating budget of this program was \$55,000. The program is processing about 6,000 cases at an approximate cost of \$90.00 per case. The average cost per misdemeanor case if processed through the court system in Miami is approximately \$250.00 per case. The program is diverting 35 percent of the cases which are being filed in the 11th Circuit into the program.

The other CDS programs are located in Jacksonville and Orlando. There currently is no data available concerning the operation of these two programs.

IMPLEMENTATION STRATEGY

In order to initially implement a statewide pretrial intervention program designed to service 2,500 clients per year, approximately \$1.5 million additional funding would be needed. The Multiphasic Program, while not a diversion project per se, may still provide similar benefits. The projected cost for 27 centers statewide would be approximately \$4,589,148. This estimate was made by the FPPC in March 1976. The figure is a tentative estimate and is subject to economic changes. Further analysis of cost is necessary prior to implementation.

The Pretrial program provides a viable alternative to incarceration for selected individuals. It diverts offenders at the earliest possible stage in the criminal justice system back into the community and into a more productive and socially sanctioned way of life. The Multiphasic Program provides alternatives to the court to imprisonment and furnishes comprehensive therapy and assistance.

Regarding the Citizen Dispute Settlement Program, with one CDS program in operation at this time at a savings of approximately \$160.00 per case, a substantial savings in operating funds would be made if other areas began implementing such a program. As many as ten judicial circuits could possibly need a CDS program. In the best estimate of the staff of the Governor's Commission on Criminal Justice Standards and Goals, if citizen dispute settlement programs were instituted in 11 judicial circuits diverting some of the misdemeanor cases from the court at a cost per case that is \$150.00 less than if processed through the courts, the total savings would approach \$10,000,000. The Bureau of Criminal Justice Planning and Assistance, the state criminal justice planning agency, should encourage the various judicial circuits to apply for grants to help implement a CDS program in those circuits where the need exists. In addition, in order to fully implement this standard, legislation is needed to expand the criteria for an offender to be eligible for a pretrial diversion program to other than first offenders.

The Corrections Task Force designated this standard to receive priority emphasis for implementation in fiscal year 1976.

Standard CT 1.02

Guidelines for Pretrial Intervention

In appropriate cases, offenders should be diverted into noncriminal programs before formal trial or conviction. Such pretrial intervention is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal pretrial intervention program outweigh any harm done to society by abandoning criminal prosecution.

Among the factors that should be considered favorable to pretrial intervention are:

1. The relative youth of the offender;
2. The willingness of the victim and the investigating officer to have no conviction sought;
3. Any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available;
4. Any likelihood that the crime was significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a pretrial intervention program;
5. The nature of the offense and the defendant's criminal record; and

6. The defendant's attitude toward rehabilitation.

Among the factors that should be considered unfavorable to pretrial intervention are:

1. Any history of the use of physical violence towards others;
2. Involvement with organized crime;
3. A history of antisocial conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change;
4. Any special need to pursue criminal prosecution as a means of discouraging others from committing similar offenses;
5. The nature of the offense and the defendant's criminal record, and;
6. The defendant's attitude toward rehabilitation.

The prosecuting attorney should have the ultimate authority to make the decision to divert as soon as adequate information can be obtained.

Guidelines for making pretrial intervention decisions should be established and made public. Where it is contemplated that the pretrial intervention decision will be made by law

enforcement officers or similar individuals, the guidelines should be promulgated by the law enforcement or other agency concerned after consultation with the prosecutor and after giving all suggestions and considerations. Where the pretrial intervention decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted into a pretrial intervention program, a written statement of the fact of, and reason for, the decision should be made and retained. Emphasis should be placed on the offender's right to be represented by counsel during negotiations for pretrial intervention.

The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

EXISTING SYSTEM

Currently, there are nine judicial circuits where pretrial intervention programs are ongoing.* They range in size and cost from the Miami Pretrial Intervention Program which, over a two-year period from 1972-1974, served 595 clients at a cost per client of \$398.50; the Tampa Pretrial Intervention Program under the supervision of the Florida Parole and Probation Commission which, over a 17-month period beginning in February of 1973, served 450 clients at a cost per client of \$55.00 with average length of time in the program of 7.5 months; to the Orange County Pretrial Intervention Program which, over a nine-month period, beginning in April of 1974, served 174 clients at a cost per client of \$160.00. Other pretrial intervention programs are operating in Pensacola, Clearwater, West Palm Beach, Broward County, Gainesville and the 19th Judicial Circuit.

According to a recent survey by the Governor's Commission on Criminal Justice Standards and Goals, 3.3 percent of the cases handled by the state attorney offices are diverted into pretrial intervention programs. Thirty one and three tenths percent of the state attorney offices do not divert any cases into pretrial intervention programs. When each state attorney's office was

asked to rate those factors which they feel are the most important in determining whether to divert a defendant into a pretrial intervention program, the most frequent and important factor was whether the offender is a present danger to the community. Other almost equally considered factors were the nature of the offense and the defendant's prior criminal record. Other factors that were considered in every case but do not influence the decision concerning pretrial intervention as much as those mentioned above, are: Will the offender's needs be better met in the community; has the arrest already served as a deterrent; the defendant's attitude and the attitude of the victim.

IMPLEMENTATION STRATEGY

Legislation is needed to provide more flexibility in determining what offenders are eligible to be placed in pretrial intervention programs. Florida Statute 944.025 gives the Florida Parole and Probation Commission the responsibility for developing pretrial intervention programs and authorizes the state attorneys to recommend whether a defendant who is a first offender charged with a misdemeanor or a third degree felony should be placed in a pretrial intervention program. This authorization should be expanded to include categories of offenders other than first offenders. In addition, recent misunderstandings concerning the authority of the Parole and Probation Commission to develop programs involving misdemeanor offenders should be clarified (by statute, if necessary).

Even though initial cost of establishing pretrial intervention programs throughout the state may be substantial, preliminary evaluations of several current programs indicate that significant cost savings can be realized by establishment of such programs. That is, probation, court and incarceration costs are replaced by pretrial intervention program costs. Some programs show a net savings by diverting the offender into the program. Thus, it is possible that the establishment of these programs statewide could result in a net savings of resources. The more optimistic figures indicate a 2:1 benefit/cost ratio.

The Courts Task Force has designated this standard to receive priority emphasis for implementation in fiscal year 1976.

*This data was obtained from LEAA grant applications and annual reports of these projects.

CHART 2

CLIENT INFORMATION PROFILES

	St. Petersburg	Tampa	Fort Lauderdale	Jacksonville	W Palm Beach	Gainesville	Pensacola	TOTAL
RACE:								
White	90.5%	74.5%	84.3%	0.75%	84.0%	59.5%	83.0%	79.8%
Other	0.0	3.4	2.5	0.0	0.0	7.2	1.4	2.2
Black	9.5%	22.1%	13.2%	0.25%	16.0%	33.3%	15.6%	18.0%
*N =	316	522	159	48	144	111	147	1443
AGE:								
Under 27	67.9%	60.2%	82.4%	85.4%	70.1%	67.6%	85.5%	69.2%
27 and over	32.1%	39.8%	17.6%	14.6%	29.9%	32.4%	14.5%	30.8%
*N =	318	520	159	48	144	111	138	1438
SEX:								
Male	79.3%	72.8%	81.9%	72.9%	81.3%	65.8%	82.3%	76.5%
Female	20.7%	27.2%	18.1%	27.1%	18.7%	34.2%	17.7%	23.5%
*N =	319	522	155	48	144	111	147	1446
EDUCATION:								
No education	0.3%	0.2%	1.9%	0.0%	0.0%	1.8%	0.0%	0.5%
1st - 3rd	0.3	0.8	0.0	0.0	0.0	1.8	0.0	0.5
4th - 6th	2.2	1.9	0.0	0.0	1.4	1.8	0.7	1.5
7th - 9th	10.3	12.9	6.5	4.2	9.7	12.8	10.9	10.8
10th - 11th	20.1	22.2	19.4	20.8	25.0	20.2	23.8	21.7
High school graduate	34.2	39.7	45.8	50.0	41.0	24.9	38.8	38.4
Some college/AA degree	26.9	17.9	23.2	20.8	9.0	29.4	19.7	20.7
College graduate/BA, MA, PhD	3.8	3.1	3.2	4.2	5.6	5.5	3.4	3.7
Business or vocational school	1.9%	1.3%	0.0%	0.0%	8.3%	1.8%	2.7%	2.2%
*N =	319	519	155	48	144	109	147	1441

*N equals the number of participants on which data was available.

CHART 2

CLIENT INFORMATION PROFILES

	St. Petersburg	Tampa	Fort Lauderdale	Jacksonville	W Palm Beach	Gainesville	Pensacola	TOTAL
<u>JUVENILE RECORD:</u>								
No known record	96.2%	95.6%	92.8%	0.0%	91.0%	89.2%	96.0%	94.1%
1 - 3 referrals, Fla. only	2.5	4.0	5.3	50.0	8.3	7.2	2.0	4.4
4 - 7 referrals, Fla. only	0.0	0.0	0.0	25.0	0.7	0.9	0.0	0.2
8 - 10 referrals, Fla. only	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
No Fla. record, 1 or more in another state	1.3	0.4	1.9	0.25	0.0	0.0	2.0	1.0
Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%	0.0%	0.1%
*N =	319	522	152	4	144	111	147	1399
<u>ALCOHOL:</u>								
No Use	39.4%	23.4%	42.9%	4.2%	20.1%	24.8%	19.9%	27.7%
Moderate Use	49.2	71.8	48.8	77.1	61.8	54.1	76.0	62.5
Moderate Use/Factor in Instant Offense	8.2	3.2	3.6	16.7	16.0	8.3	3.4	6.5
History of Excessive Use	1.3	0.6	1.8	0.0	2.1	3.7	0.0	1.2
History of Excessive Use/Factor in Instant Offense	1.9	1.0	2.4	2.0	0.0	8.3	0.7	1.8
Unknown	0.0%	0.0%	0.5%	0.0%	0.0%	3.7%	0.0%	0.3%
*N =	317	522	168	48	144	109	146	1454
<u>DRUG USE:</u>								
No Use	43.9%	46.0%	27.4%	20.8%	60.2%	56.0%	34.9%	43.4%
Exclusive Use of Marijuana or Prior Conviction for Possession or Sale	24.4	13.8	26.7	54.2	9.7	12.8	15.1	18.7
Exclusive Use of Marijuana or Prior Conviction for Possession or Sale/Factor in Instant Offense	27.9	12.3	11.7	0.0	11.5	11.0	37.7	17.8
Experimental Use of Narcotics or Dangerous Drugs	1.6	13.2	20.1	20.8	0.0	13.8	2.1	9.4
*N equals the number of participants on which data was available.								

CHART 2

CLIENT INFORMATION PROFILES

	St. Petersburg	Tampa	Fort Lauderdale	Jacksonville	W Palm Beach	Gainesville	Pensacola	TOTAL
Experimental Use of Narcotics or Dangerous Drugs/Factor in Instant Offense	1.6	12.3	10.4	0.0	15.9	1.8	7.5	8.2
Frequent Use of Any Dangerous Drug or Past Conviction for Possession or Sale	0.0	0.8	0.6	4.21	0.0	3.7	2.1	1.0
Frequent Use of Any Dangerous Drug or Past Conviction for Possession or Sale/Factor in Instant Offense	0.3	0.4	0.6	0.0	1.8	0.0	0.0	.4
Addiction to Any Narcotic or Past Conviction for Possession or Sale	0.0	0.2	1.3	0.0	0.9	0.0	0.0	.3
Addiction to Any Narcotic or Past Conviction for Possession or Sale/Factor in Instant Offense	0.3	0.0	0.6	0.0	0.0	0.9	0.0	.2
Use of Drugs is Unknown	0.0%	1.1%	0.6%	0.0%	0.0%	0.0%	0.7%	.6%
*N =	319	522	154	48	113	109	146	1411
TYPE OF OFFENSE:								
Misdemeanor	0.0%	0.0%	0.0%	0.0%	0.7%	0.0%	0.7%	0.1%
Felon	100%	100%	100%	100%	99.3%	100%	99.3%	99.9%
*N =	319	522	154	48	144	111	147	1450
OFFENSE:								
Larceny	13.2%	11.1%	8.7%	6.2%	22.2%	17.6%	11.0%	12.5%
Burglary (includes B&E)	18.0	10.3	13.9	12.5	23.3	26.4	11.0	14.9
Drug Offenses	36.1	29.4	49.6	54.2	21.1	24.2	53.2	35.3
Weapon Offenses	1.9	8.6	10.4	6.3	5.6	11.0	2.8	7.3
Forgery, Fraud, Embezzlement	8.8	16.7	7.8	10.4	12.2	6.6	4.6	11.1
Other	22.0%	23.9%	9.6%	10.4%	15.6%	14.2%	17.4%	18.9%
*N =	205	360	115	48	90	91	109	1025

*N equals the number of participants on which data was available.

CHART 2

CLIENT INFORMATION PROFILES

	St. Petersburg	Tampa	Fort Lauderdale	Jacksonville	W Palm Beach	Gainesville	Pensacola	TOTAL
<u>FILED:</u>								
Yes	100%	0.0%	84.3%	0.0%	96.2%	87.7%	99.3%	63.1%
No	0.0%	0.0%	15.7%	100%	3.8%	12.3%	0.7%	36.9%
*N =	319	522	159	48	130	106	147	1431
<u>ARRAIGNED:</u>								
Entered PTI prior to arraignment	0.0%	94.2%	25.2%	93.8%	18.6%	28.8%	100%	52.7%
Was arraigned, pled not guilty	100	5.8	72.3	0.0	79.8	64.4	0.0	44.2
Was arraigned, pled guilty	0.0	0.0	0.6	6.2	0.0	0.0	0.0	2.2
Was arraigned, pled nolo contendere	0.0	0.0	1.3	0.0	0.0	0.0	0.0	.1
Other	0.0	0.0	0.0	0.0	1.6	1.0	0.0	.3
Unknown	0.0%	0.0%	0.6%	0.0%	0.0%	5.8%	0.0%	.5%
*N =	319	498	159	48	129	104	147	1433
46								

*N equals the number of participants on which data was available.

vices], and all other rehabilitative and correctional services dealing with the offender.

History.—s. 5, ch. 74-112; s. 12, ch. 75-49

*Note.—See Note 2 following s. 944.023.

*Note.—Bracketed language substituted for "Division of Family Services." See s. 33), ch. 75-49.

cf.—s. 944.025 Community-based facilities and programs.

✓ 944.025 Pretrial intervention program.—

(1) The ²[Department of Offender Rehabilitation] shall supervise pretrial intervention programs for persons charged with a crime, before or after any information has been filed or an indictment has been returned in the Circuit Court. Such programs shall provide appropriate counseling, education, supervision, and medical and psychological treatment as available and when appropriate for the persons released to such programs.

(2) Any first offender 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 hearing of the offender. In no case, however, shall any individual be so released unless, after consultation with his attorney or one made available to him if he is indigent, he has voluntarily agreed to such program and has knowingly and intelligently waived his right to a speedy trial for the period of his diversion. In no case shall the defendant or his immediate family personally contact the victim or his immediate family to acquire the victim's consent under the provisions of this act.

(3) The criminal charges against an individual admitted to the program shall be continued without final disposition for a period of 90 days from the date the individual was released to the program, if the offender's participation in the program is satisfactory, and for an additional 90 days upon the request of the program administrator and consent of the State Attorney, if the offender's participation in the program is satisfactory.

(4) Resumption of pending criminal proceedings shall be undertaken at any time if the program administrator or State Attorney finds such individual is not fulfilling his obligations under this plan or if the public interest so requires.

(5) At the end of the intervention period, the administrator shall recommend:

(a) That the case revert to normal channels for prosecution in instances in which the offender's participation in the program has been unsatisfactory;

(b) ¹[The offender] is in need of further supervision; or

(c) That dismissal of charges without prejudice shall be entered in instances in which prosecution is not deemed necessary.

The State Attorney shall make the final determination as to whether the prosecution shall continue.

(6) The chief judge in each circuit may appoint an advisory committee for the pretrial intervention program. Said committee shall be composed of the chief judge or his designate, who shall serve as chairman; the State Attorney, Public Defender, and program administrator, or their representatives; and such other persons as the chairman shall deem ap-

propriate. The committee may also include persons representing any other agencies to which persons released to the pretrial intervention program may be referred.

(7) The ²[Department of Offender Rehabilitation] may contract for the services and facilities necessary to operate pretrial intervention programs.

History.—s. 6, ch. 74-112; s. 1, ch. 75-331.

*Note.—The offender substituted for "he" by the editors.

*Note.—Bracketed language substituted for "Commission." See s. 2(6), ch. 75-49.

944.026 Community-based facilities and programs.—

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide, or contract for a statewide system of community-based facilities, services, and programs dealing with the rehabilitation of offenders, which shall include, but shall not necessarily be limited to:

(a) A system of community correctional centers to be located at various places throughout the state as required. The purpose of these centers is to facilitate the reintegration of offenders back into the community by means of participation in various work-release, study-release, or other community rehabilitation programs. However, no facility shall be constructed, leased, or purchased in any county until public hearings have been held in that county. Such public hearings shall be pursuant to uniform rules adopted by the department.

(b) Adult intake and evaluation programs and services where required. It is the intent of this subsection to decentralize the intake and evaluation function of the corrections system so that intake services are located in urban areas of the state. For the purpose of this act the term "intake and evaluation services" may include a physical center, programs and services carried out in municipal or county jails or other areas of local communities, or a combination of the above.

(c) Drug treatment facilities or services providing in part for secure detention as a part of facilities serving major population centers.

(2) The following facilities or services shall be provided or contracted for by the ²[Department of Offender Rehabilitation]:

(a) Residential facilities in Dade, Broward, Palm Beach, Duval, Escambia, Leon, Orange, Brevard, Hillsborough, Pinellas, Sarasota (or Manatee), and Polk Counties, in which probationers, participants in pretrial intervention programs, and others committed to or under the supervision of the ¹[department] may reside while working or attending school. A plan shall be established for the phasing-in of these residential facilities over a period of 5 years from July 1, 1974. The purpose of these facilities and services is to provide the court with an alternative to commitment to other state correctional institutions and to assist in the supervision of probationers.

(b) Pretrial intervention programs in appropriate counties to provide early counseling and supervision services to specified first offenders.

History.—s. 7, ch. 74-112

*Note.—Bracketed language substituted for "commission." See s. 2(6), ch. 75-49.

APPENDIX B

STATE OF FLORIDA
FLORIDA PAROLE AND PROBATION COMMISSION
COUNTY PRE-TRIAL INTERVENTION PROGRAM
DEFERRED PROSECUTION AGREEMENT

NAME _____

ADDRESS _____

It being alledged that you have committed an offense against the State of Florida on or about the _____ day of _____, 19____, to wit: _____ F.S. _____ and it further appearing that after an investigation of the offense and into your background, that at this time the interest of the State of Florida and your interest will best be served by the following procedures:

THEREFORE, on the authority of _____, State Attorney in and for the _____ Judicial Circuit, violation will be deferred for the period of either 90 or 180 days* from this date, provided you abide by the following conditions:

1. One, you shall refrain from violation of any law (Federal, State and Local).
2. You shall work regularly at a lawful occupation and/or participate in other programs established for you under the supervision of the Florida Parole and Probation Commission.
3. You shall immediately inform your Pre-Trial Intervention Supervisor of any change in address, employment or arrest.
4. You shall make yourself available for the services of the PTI Program.
5. You shall truthfully answer all inquiries by your PTI supervisor, allow the supervisor to visit your home, employment, school or elsewhere and carry out any instructions.

The State Attorney may during the period of deferred prosecution, revoke and modify the conditions of your deferred prosecution by:

1. Changing the period of deferred prosecution not to exceed a total of 180 days.
2. To prosecute you for this offense if you violate any of these condition.

If you comply with these conditions during that period of deferred prosecution, no criminal prosecution concerning this charge will be instituted in this county.

By signing this deferred prosecution the defendant _____ withdraws and/or waives his right to a speedy trial under the constitutional laws of Florida and the United States of America in the cause for which prosecution is being deferred.

State Attorney

Date

Deferred Prosecution Agreement

I hereby state that the above has been read to me. I understand the conditions of my deferred prosecution and agree that I will comply with them. They have been read and explained to me, and I fully understand the charges against me.

Defendant

Date

*The period may be increased from 90 to 180 days at the sole discretion of the State Attorney or his assistant. In no case shall the period of deferrment exceed a total of 180 days from the date of this agreement.

FLORIDA DEPARTMENT OF ADMINISTRATION

Intensive Evaluation of the
 Coordinated Pretrial Intervention Program (PTI)
Inter-Agency Relationships - Opinion Questionnaire

Thank you for giving this questionnaire your thoughtful consideration, and for responding with your honest opinion. It is brief and should take but a few minutes for you to complete. Upon completion, please return it immediately by the self-addressed, stamped envelope which is enclosed.

1. How often does your agency/office use the Pretrial Intervention Program (PTI)?

Never _____ Seldom _____
 Occasionally _____ Frequently _____

2. Has your agency/office had any input into the development/operation of the PTI?

Yes _____
 No _____

If yes, please briefly describe the nature of this input. _____

3. Have any formal (written) joint agreements been made between your agency/office and the PTI?

Yes _____
 No _____

If yes, please list said agreements. _____

4. What is your opinion of the entrance or eligibility requirements into the PTI program?

Alright _____ Too exclusive (too many offenders are screened out who should be included) _____
 Too inclusive (too many offenders are included who should be screened out) _____ Other (please explain) _____

5. How has the PTI program affected the workload of your agency/office?

Increased _____
Decreased _____
No Affect _____

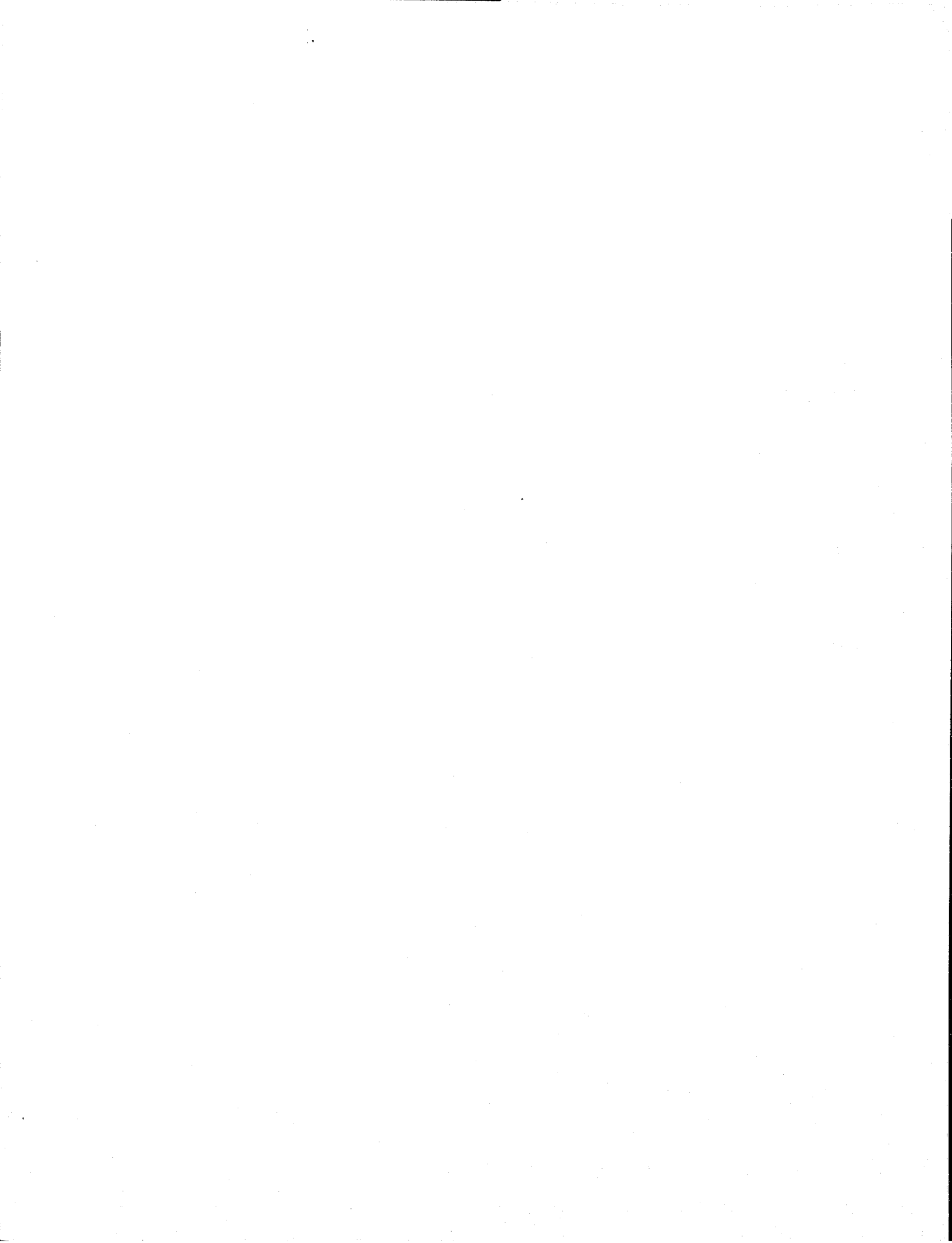
6. How effective has the PTI program been in your area?

Do not know _____
Somewhat effective _____
Not effective _____
Very effective _____

7. How would you describe the working relationship between your agency/
office staff and the PTI staff?

Excellent _____
Good _____
Fair _____
Poor _____

8. How could the PTI program in your area be improved? (Attach additional
pages if necessary)



END