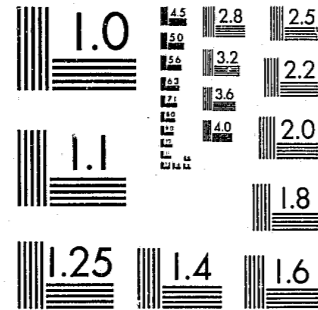


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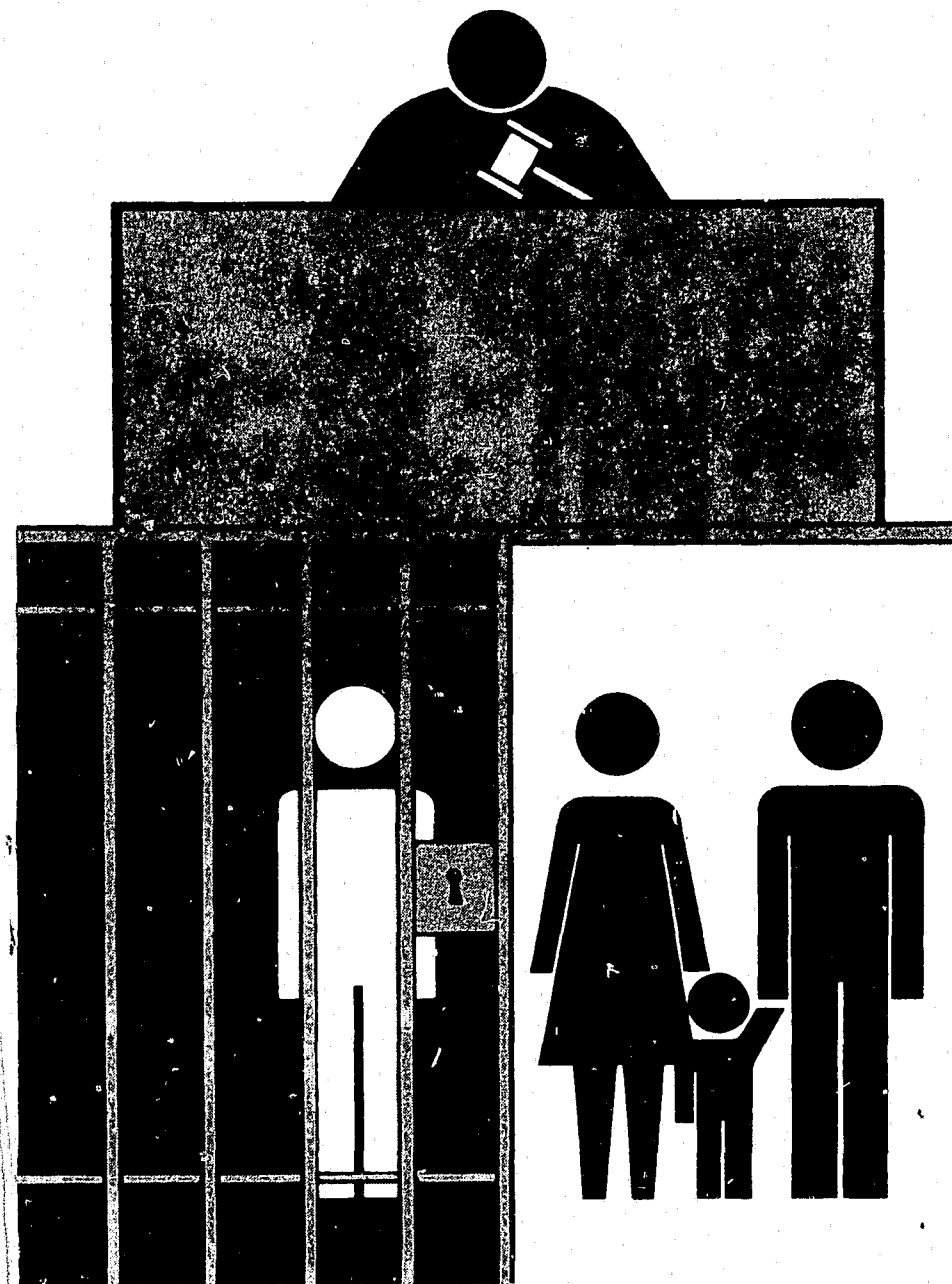
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**GUIDELINES FOR  
DEVELOPING AND  
IMPLEMENTING  
LOCAL ADULT  
MISDEMEANANT  
PROBATION  
PROGRAMS  
IN FLORIDA**



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IN FLORIDA**

Staff Writer  
Dennis Liebert  
Corrections Planner

~~X~~  
The Florida Bureau of  
Criminal Justice  
Planning and Assistance  
Division of State Planning  
Department of Administration

December 1977

DSP-BCJ-2-78

## ACKNOWLEDGEMENTS

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Much appreciation goes to the Corrections Task Force and the directors of existing misdemeanor probation departments for their input.

## Introduction

Probation is an integral part of the criminal justice system. Use of probation and other community-based correctional programs has expanded during the past decade throughout the United States.

The concept underlying probation is discussed in a publication of the American Bar Association:

The basic idea underlying a sentence to probation is very simple. Sentencing is in large part concerned with avoiding future crimes by helping the defendant learn to live productively in the community which he has offended against. Probation proceeds on the theory that the best way to pursue this goal is to orient the criminal sanction toward the community setting in those cases where it is compatible with the other objectives of sentencing. Other things being equal, the odds are that a given defendant will learn how to live successfully in the general community if he is dealt with in that community rather than shipped off to the artificial and atypical environment of an institution of confinement. Banishment from society, in a word, is not the way to integrate someone into society. Yet imprisonment involves just such banishment — albeit for a temporary sojourn in most cases.\*

Probation is used as a sentence for both misdemeanants and felons. The National Advisory Commission on Criminal Justice Standards and Goals stated that "misdemeanant offenders have the same problems as felony offenders, and the probation services made available to them should be governed by the same standards, policies, and practices applying to felony probationers." The Commission pointed out that although misdemeanants represent a larger

\**Sentencing and Probation*, National College of the State Judiciary, American Bar Association, 1973, p. 258.

percentage of the total cases processed by the courts in the United States than do felons and juvenile delinquents combined, fewer resources are available for dealing with them.

"The failure to provide probation staff, funds, and resources to misdemeanants results in the needless jailing of these offenders and, in too many cases, their eventual graduation to the ranks of felony offenders."\*

\**Corrections*, National Advisory Commission on Criminal Justice Standards and Goals, January 23, 1973, p. 335.

## Adult Misdemeanant Probation in Florida

Prior to the Passage of Amendments to Florida 948.01, by the Florida Legislature in 1975, which prohibited the Florida Parole and Probation Commission (FPPC) from providing probation services to misdemeanants from the county court, the Commission had an average monthly caseload of 20,500 adult misdemeanants.\* The Department of Offender Rehabilitation (DOR), which in 1976 took over the field staff of the FPPC, does not now supervise any misdemeanants sentenced from county courts with the exception of two counties that contract with the DOR to provide supervision. DOR can provide probation services to misdemeanants from the circuit court if ordered to by the judge.†

### Emergence of Local Programs

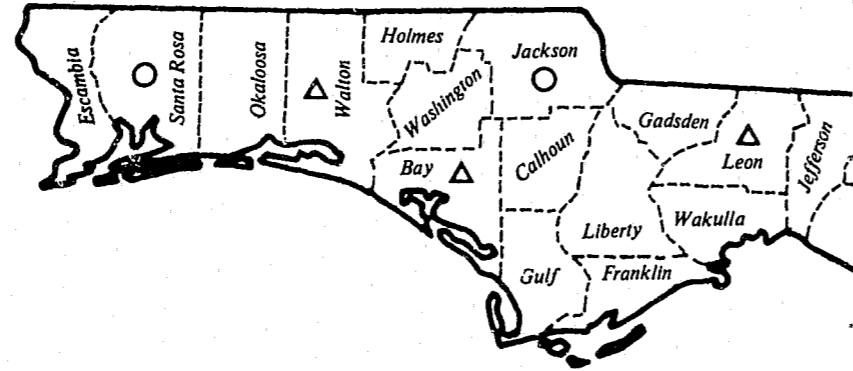
A number of Florida counties‡ have since taken steps to fill the gap left because the state no longer provides misdemeanant services. To date, the following activities have been undertaken:

\*June 1974-May 1975, Florida Probation and Parole Commission, Statistical Briefing Package, 1975.

†Circuit court has jurisdiction over felony cases. The only misdemeanant cases in circuit court are those that have been reduced from felonies.

‡To this point, local probation departments have been run by the counties; they could be run by cities or other types of municipalities.

Figure  
LOCATION OF LOCAL MISDEMEANANT  
AS OF

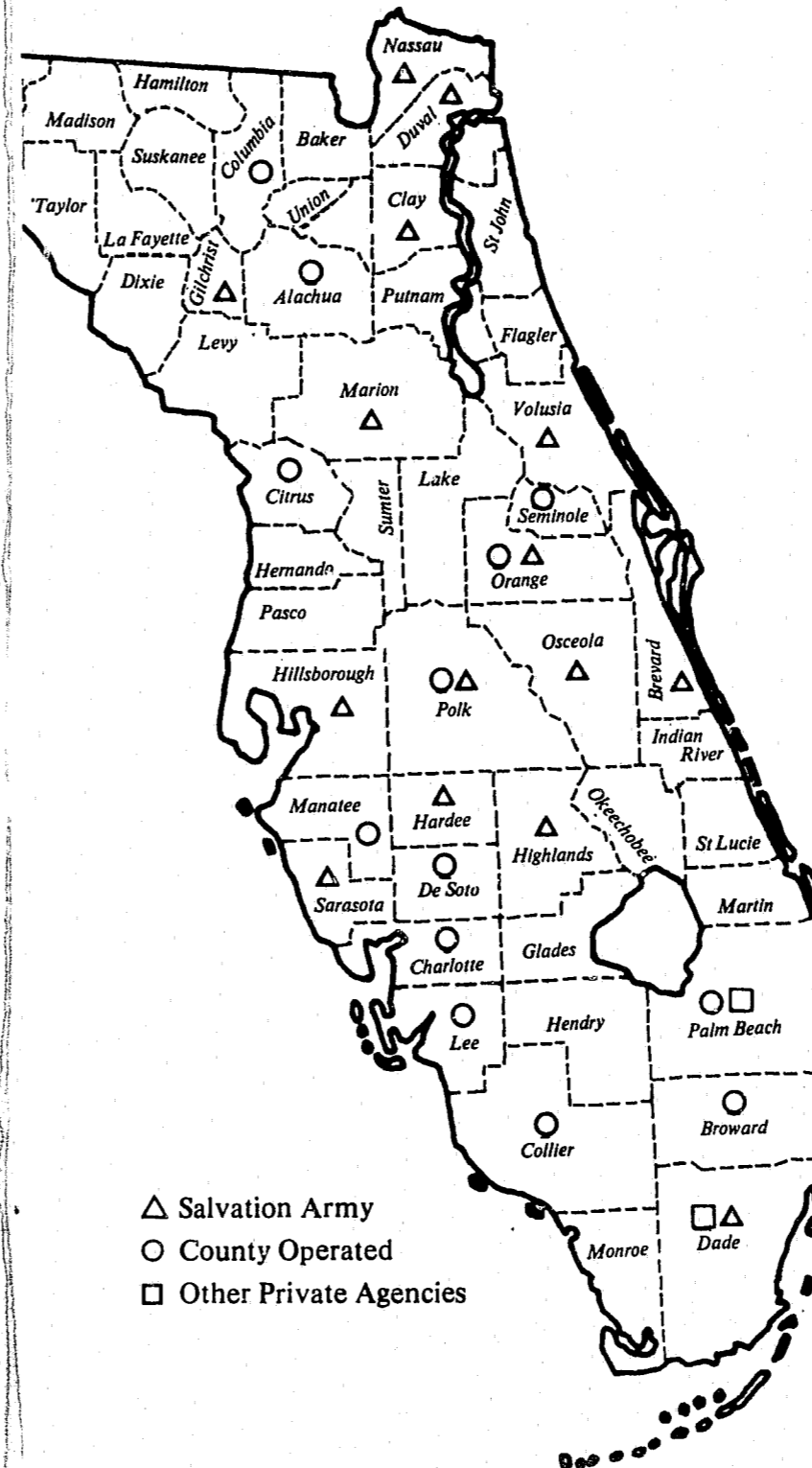


- Fifteen Florida counties have established county probation departments. Two of these departments operate under contract with the State Department of Offender Rehabilitation (one of these departments is currently being phased out).
- Eighteen Florida counties have the Salvation Army providing services to misdemeanants. Two of these counties also have county probation departments.
- Dade County uses the services of a privately run organization established prior to the 1975 legislative decision and a Salvation Army program.
- Palm Beach County uses the services of a private non-profit organization and a county program.

The map in Figure 1 illustrates the distribution of services to misdemeanor probationers in Florida counties. The information and recommendations in this pamphlet are largely drawn from the experiences of those 15 Florida counties that have established misdemeanor probation departments, and various aspects of the programs will be elaborated on below.

1

PROBATION PROGRAMS IN FLORIDA  
OCTOBER 1977



## Services Being Provided

A variety of activities are being undertaken by the local misdemeanor probation programs, such as:

- *Presentence investigations* — Most departments perform presentence investigations to provide adequate background information for judges to make appropriate sentencing decisions. The National Advisory Commission on Criminal Justice Standards and Goals recommends that presentence reports be prepared in all cases where the sentence potentially involves incarceration. They recommend, however, that in cases where less than five years incarceration was possible (e.g., misdemeanor cases) a short investigation form be prepared in lieu of a complete presentence report.\* Florida Statute 921.23 leaves the ordering of a presentence report in misdemeanor cases to the discretion of the court. Florida Court Standard 4.08 calls for the courts to develop standards for when a presentence report should be required.†
- *Counseling* — The most traditional probation function is the provision of counseling to probationers. Most currently operating Florida probation departments are providing counseling to their clients both in the office and in the field. Counseling can be provided in such diverse areas as psychological counseling, marital counseling, and job counseling. One probation department is using Alcoholics Anonymous volunteers to provide counseling to probationers with alcohol-related problems. One Florida county uses volunteers who each lead a small (8-15) group of probationers using guided group interaction techniques. This activity, which has the active support of a local university, has

\**Corrections*, National Advisory Commission on Criminal Justice Standards and Goals, January 23, 1973, p.184.

†Bureau of Criminal Justice Planning and Assistance, *Standards and Goals for Florida's Criminal Justice System*, BCJPA, Tallahassee, Florida, 1976, pp. 313-314.

proven to be relatively successful. The independently validated one-year recidivism rate for program participants has been determined to be 15 percent.

- *Fee and restitution collection* — Most Florida misdemeanor probation departments have the responsibility of collecting fees and arranging for victim restitution that have been required as a condition of probation.
- *Coordination of community service* — In cases where a probationer is required to perform some community service as a condition of his probation, the probation department usually assumes the responsibility for making the necessary arrangements and ensuring that the probationer completes the required service.
- *Job referral and social service referral* — Probation officers, in conjunction with counseling, often assist probationers in locating jobs and making referrals to other social services as needed, such as welfare, food stamps, and Medicaid.
- *Community Resource Management Team* — A new emerging concept in misdemeanor probation involves the probation officer leaving his traditional counseling role and becoming a broker for already existing community services. Seventeen probation and parole agencies across the United States (none are yet operating in Florida) are currently operating under the Community Resource Management Team (CRMT) model. In the CRMT approach, probation officers are specialists in several social services, such as employment, drug and alcohol abuse, welfare assistance, and so on. The officer's responsibility is to refer the probationers to appropriate service agencies within the community and to monitor and evaluate the services

provided. This model is especially beneficial in misdemeanor probation where caseloads are typically so high that a probation officer is unable to provide a satisfactory level of service to a probationer by himself and thus must depend on community resources.\*

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\*For further information on the CRMT approach, see H. Ted Rubin, "New Directions in Misdemeanor Probation," *Judicature*, V. 60 (9), April 1977, pp. 435-441.

### **Advantages and Disadvantages of Setting Up a Misdemeanant Probation Department**

There are clear advantages and disadvantages that should be considered by any locality prior to the establishment of a misdemeanor probation department.

#### **Advantages**

The principal reasons in favor of establishing a local misdemeanor program are:

- Probation can provide an offender with the social services he/she needs. Examples of such services are counseling, referral to a drug or alcohol program, and job development.
- An offender who is released in the community on probation can be monitored to ensure that his criminal activity is not resumed.
- An offender on probation will be able to hold a steady job and pay taxes. Thus, the offender's family may be kept out of public assistance programs, a result not likely if he/she is incarcerated.
- A probationer may be able to pay for his/her own supervision.
- The offender as a condition of probation can pay restitution to the victim of the crime or provide community service.
- Cost estimates indicate that probation costs a little more than one-tenth the cost per case of incarceration.\* Thus, if probation is used as an alternative to incarceration, substantial cost savings may be possible.
- Probation departments can supply judges with presentence investigations, allowing judges to make informed decisions in sentencing.

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\**Corrections*, National Advisory Commission on Criminal Justice Standards and Goals, January 23, 1973, p. 315.



### Disadvantages

Primary disadvantages to establishing a local misdemeanor probation department include:

- Start-up costs usually have to be met out of the county's budget. Despite the potential for eventual savings accruing from decreased incarceration costs and probationer fees, it may still be difficult to obtain the funding necessary to establish the program.
- Due to the less serious nature of their crimes, some communities may not view misdemeanants as a threat to their safety. Citizens may prefer to have judges fine misdemeanants rather than place them on probation.
- Despite the fact that probation is widely used, some people consider it to be "lenient," preferring that all convicted offenders be incarcerated.
- Because the state previously provided probation services to misdemeanants, some county officials view it as a proper function of the state that should not be supported with local funds.

### Other Considerations

Much can be learned from the experiences of counties that have already established misdemeanor probation programs. The following issues and problems were raised by these counties:

- *Personnel and training* — A number of counties have had trouble locating qualified personnel to staff their programs at the salaries they are able to pay. Lack of training programs has been a special problem for a number of counties, with on-the-job training being all that is currently available. Several counties are hopeful that as more counties became involved in misdemeanor probation activities, cooperative efforts could be undertaken to establish multicounty training programs.

- *Collection of fees from probationers* — Several counties have found fee collection to be an onerous and time-consuming responsibility. One county probation officer believes that the collection of fees as a revenue generation device is of more interest to county administration than the rehabilitation service to probationers. This points out the critical importance of strong support for the program by the county judges and the commissioners with an emphasis on the service, rather than the proceeds.
- *Unpredictability of caseloads* — Several probation officers in small counties say that their caseloads vary widely from month to month making planning difficult and preventing them at peak times from providing necessary services. Unpredictable caseloads will probably remain a problem, especially where a few probation officers carry the entire load.
- *Promise of self-supporting programs* — Misdemeanant probation programs have proven to be capable of self-support in several Florida counties to date. However, a program should not be started because of the possibility of it paying for itself, but rather because the services are needed in the community.
- *Lack of coordination and standardized procedures* — Because there are 3 separate programs operating in the state, there is a lack of coordination among counties and a lack of standardized procedures for misdemeanor probation. Once again, this is a problem that should be alleviated as more counties establish programs. Many program administrators are willing to help other counties in establishing their programs and sharing information on both their successes and failures.



## How to Set Up Misdemeanant Probation Programs

A number of questions face the locality that desires to establish a misdemeanor probation program. They are as follows:

- Does the area need a program?
- Who should bear the responsibility for setting up the program?
- How many probation officers and other employees will be required?
- How much will the program cost and what are potential funding sources?

### Establishing the Need

Several factors are significant in determining the need for a local misdemeanor probation program:

- The number of misdemeanants in the past placed on probation and supervised by the Parole and Probation Commission.
- Population and crime rate trends over the past five years to enable projections of future trends.
- Arrest and conviction rates of misdemeanants.
- Current sentenced jail population that could be placed on probation if such a program existed.
- Current county sentencing practices.
- Survey of attitudes by judges on the use of probation as a sentencing alternative.

### Responsibility for Setting Up Program

Key persons in establishing a misdemeanor probation program will be the county commissioners and county judges. Even in cases where other agencies take the initiative in setting up the program, the support of the county commissioners and county judges has proven to be essential to ensure program success.

Lead roles in establishing currently operating misdemeanor probation programs were played by the following groups\* in the State of Florida:

- Judges were responsible for establishing the program in eight counties.
- County commissioners were the leaders in eight counties.
- The Florida Department of Offender Rehabilitation was instrumental in the establishment of three programs.
- The Court Administrator played the primary role in two counties.
- One program was established by the Junior League.

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\*In some counties more than one group shared responsibilities.

### Staffing Requirements

An issue of key concern will clearly be staffing requirements for the program. These will be somewhat difficult to determine. Evidence from the counties in Florida with programs in operation indicates that the number of staff are not principally dependent on either the population in the county or the number of misdemeanor convictions. Rather they are largely determined by the following two factors:

- *The judge(s)' attitudes towards the appropriateness of probation as a sentence in misdemeanor cases* — Some relatively small counties have a higher number of probation officers than do some large counties because the judges in those counties make heavier use of probation. If statistics are available for the period prior to July 1975 they can be used to estimate the level of activity that can be expected. However, it is likely that there has been some turnover in judgeships since that time. The attitude of the judge(s) in the county will clearly be a key factor in determining what the caseload of misdemeanor probation cases can be expected to be.
- *The size of caseload that will be necessary to provide the desired services* — Caseload figures in counties with programs in operation vary from 40 cases to 230 cases per probation officer. Clearly the service levels vary with these caseloads as an officer with 40 cases assigned to him/her will be able to provide a considerably higher level of service than one with 230 cases. Thus, those establishing the program will have to assess the level of services that they wish to provide. This together with the judge's estimate of the number of cases that will be put on probation will be needed to determine the staffing levels required. The Department of Administration standard for supervising misdemeanants is 135 for one officer. According to this standard a second officer should be added when the

caseload doubles. A county may wish to add another officer sooner in order to allow more time for administrative fluctuations. Table 1 illustrates the staffing levels of counties with programs in operation. This table should be used as guidance only, because, as discussed, above many variables will impact on staffing required.

Volunteers are another source of potential staff. Five Florida counties make use of volunteers in the following capacities:

- One county has ten Alcoholics Anonymous members serving as volunteers in assisting misdemeanants with alcohol problems.
- One county has a volunteer assigned to provide clerical assistance.
- One county has a VISTA volunteer assisting misdemeanants find jobs.
- One county is initiating a program where retired criminal justice personnel (e.g., judges, lawyers) will be used in a release-on-own-recognizance program. This program, though a pretrial probation service, will be administered out of the department.
- The most extensive use of volunteers is by one county with 23 persons skilled in guided group interaction who serve as group leaders for a group of misdemeanants. The persons are paid a minimal stipend, which is far less than their skills would bring on the open market.

### Program Costs and Funding Sources

Table 2 illustrates a sample budget based on a staffing of one probation officer and one secretary. The budget can be expanded, depending on the number of staff that will be required. The budget assumes that space will be provided free of charge in the County Courthouse. If this is not possible, the persons setting up the program will have to find other space, the cost of which will depend on local prevail-

Table  
STAFFING LEVELS  
IN MISDEMEANANT

County	1976 County Population†
1. Desoto	17,935
2. Columbia	28,664
3. Citrus	35,627
4. Charlotte	42,278
5. Jackson	39,178
6. Santa Rosa	49,368
7. Collier	64,761
8. Manatee	126,160
9. Alachua	131,552
10. Seminole	138,775
11. Lee	163,978
12. Polk	275,078§
13. Orange	420,552§
14. Palm Beach County Court Probation Pride Halfway House Inc.††	488,044
15. Broward	884,872
16. Dade††	1,449,300§

\*BCJPA Survey, unpublished, 1977 augmented by telephone conversations with county probation administrators.

†Florida Estimates of Population, July 1, 1976, Florida Department of Administration.

‡Includes CETA personnel; some are part-time.

1  
AND CASELOADS  
PROBATION PROGRAMS\*

Number of Probation Officers and Administrators‡	Number of Other Employees‡	Average Caseload Per Probation Officer
1	1	230
2	1	60
2	0	Unknown
2	1	115
1	2	130
1	1	75
3	0	186
7	3	125
1	1/2	80
2	1	65
1	1	70
2	1	80
2	4	90
3	1	40
5	0	202
9	2	186
5**	23	8-15 persons**

§County also has Salvation Army Program.

\*\*Five office staff plus 23 volunteer group leaders that work with groups of from 8-15 probationers.

††Private, non-profit organization.

**Table 2**  
**SAMPLE BUDGET FOR MISDEMEANANT**  
**PROBATION PROGRAM**

Probation officer salary	\$10,250
Secretary salary	6,000
Benefits (20% of salaries)	3,250
Office supplies	1,000
Travel expenses	1,500
Office space	0*
Equipment	1,000
Communications	500
Total	\$23,500

\*Space will probably be available in the County Courthouse.

ing rental rates. Travel costs will be dependent on the amount of field supervision that will be undertaken and the land area of the county (i.e., in a large county, a probation officer will have to travel further to conduct field supervision). Table 3 shows the amount of funds budgeted by the 15 county and two private programs for FY 1978.

Based on data extracted from Tables 1 and 3, the sample budget in Table 2 would be adequate for a county population of approximately 80,400. The one officer would have a caseload of approximately 120. This was derived by examining all counties having misdemeanor probation departments with budgets of under \$23,500 and having one probation officer. The above figures are the averages from those counties.

Once again, it must be cautioned that the population of the county does not necessarily dictate the size of the caseloads. The judges' attitude towards probation as a sentencing alternative is a determining factor.

Misdemeanant probation programs will receive support through client fees. Florida statute 945.30 states that a judge may charge an offender between \$10 and \$50 per month to cover the cost of his supervision. This requirement can be waived, however,

depending on personal circumstances; obviously it will be difficult to collect the fee in some cases.

Florida statute 945.30 further provides for DOR to offer a maximum payment of \$6 per month for each probationer who is contributing \$10 per month to the court, or the approved public or private entity providing him with supervision or rehabilitation. There is a \$360,000 appropriation to carry out this provision. Each misdemeanor probation program must enter into a contract with DOR to be eligible for the money.

The best guidance as to potential funding sources is provided by those counties that currently operate programs. Principal funding sources for these programs are described in the following listing:

- Four programs are totally supported through client fees.
- Six programs are funded out of the county budget.
- Three programs principally use employees funded through the CETA program.
- Two programs are operating with Federal grants.

In those counties where programs are not funded directly from client fees, any client fees and the additional \$6 per month that are collected go into the county budget or to the Salvation Army, if they are providing the service. Thus, the expense to the county is not as great as might be indicated by the budget.

In addition, costs of incarceration may decrease if probation is used as an alternative sentence to jail. The BCJPA estimates that it costs from \$10 to \$15 per day to keep a person incarcerated in a county jail while it only costs from \$.50 to \$1.00 per day to supervise a person on probation. (Additionally, a probationer can help pay the costs of his/her supervision.) Thus, if the inmate population decreases, the costs of operating the county jail may decrease, if such decreases in the number of inmates were sufficient to result in reductions of jail staff.

Table  
**FY 1978 BUDGETS FOR COUNTY**

County	Personnel*	Supplies	Office Facilities
1. Desoto	\$ 7,500	\$ 300	
2. Columbia†			
3. Citrus	15,000		
4. Charlotte	32,779	700	\$ 325
5. Jackson	19,000‡	500	
6. Santa Rosa	11,740	200	
7. Collier	25,886	700	
8. Manatee	65,093	1,500	5,850
9. Alachua	18,610	\$	\$
10. Seminole	40,870‡	300	2,520
11. Lee	15,952	900	
12. Polk	‡		
13. Orange	67,000‡		
14. Palm Beach County Court Probation Pride Halfway House Inc.‡‡	40,700‡		
	56,000	3,500	3,600
15. Broward	153,562	900	
16. Dade‡‡	62,000‡	1,200	18,000

Note: Several of the above budgets were still being negotiated and may have changed when actually adopted by the county governments.

\*Including fringe benefits.

†Program being terminated.

‡CETA personnel not included.

**3  
MISDEMEANANT PROBATION**

Travel	Equipment	Telephone	Other	Total
				\$ 7,800
\$2,200				17,200
1,000	\$1,214	\$ 125	\$ 200	36,343
1,200		400	300	21,400
1,500	250	500		14,190
4,500	350	200	110	31,746
3,360	4,582	1,794	800	82,979
\$	300	\$	\$	18,910
1,800	400	300		46,190
1,500	250	550	200	19,352**
				20,000
			8,000††	75,000
4,580	300		12,920††	58,500
1,700	1,500	2,400	2,300	71,000
600	1,850	900		157,812
			26,800	108,000

§The programs pro-rata share of these costs included in court budget.

\*\*FY 1977 budget.

††Unallocated direct expenses for supplies, administrative overhead, etc.

‡‡Private, non-profit organization.

## **Summary**

When Florida Statute 948.01 prohibited the provision of probation services for adult misdemeanants by the Florida Parole and Probation Commission and later the Department of Offender Rehabilitation, except in certain instances, a rehabilitative alternative to incarceration was lost to local judges. Since 1975 the Salvation Army and County Probation departments have stepped forth to fill the service gap created by the law.

The 35 programs are different in terms of philosophy, organization, and style of operations. These differences are a function of the individuals that created the programs and those that administer them, and the local needs. In order to try to standardize operating procedures and transfer policies, the directors of these programs formed the Florida Association of County Probation Offices.

Corrections standard 7.03 of the BCJPA states that "Florida should develop additional manpower and resources to assure that the courts may use probation for persons convicted of misdemeanors in all cases for which this disposition may be appropriate."\*

This document has been prepared as an aid to those counties that may need such services and that may need some information on how other counties are providing them. The BCJPA hopes that this pamphlet will help them fashion suitable programs for misdemeanor offenders. If further information is needed, please contact Dennis Liebert of the BCJPA at (904) 488-2140.

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\*BCJPA Standards and Goals (op cit.), p. 550.

## **FLORIDA COUNTY PROBATION OFFICES**

### **Alachua County**

Ms. Terry Rawlinson  
419 East University Avenue  
Gainesville, Florida 32601  
(904) 373-5181, ext. 23 & 25

### **Broward County**

Mr. Robert D. Hill, Supervisor  
Broward County Probation Office  
Room 535, Broward County Courthouse  
201 S.E. 6th Street  
Ft. Lauderdale, Florida 33301  
(305) 765-5021

### **Charlotte County**

Mr. Leo J. Harbeson, Probation Officer  
Probation Department, Room 245  
Charlotte County Courthouse  
Punta Gorda, Florida 33950  
(813) 639-8045

### **Citrus County**

Mr. Dick Marchand  
Director of Probation  
Citrus County, County Courthouse  
Inverness, Florida 32650  
(904) 726-8500

### **Collier County**

Ms. Ann Morgan  
Administrator, Collier County Probation Office  
Collier County Courthouse  
Bldg. A, Naples, Florida 33942

### **Columbia County**

Mr. Charles Maxwell, Supervisor  
Department of Offender Rehabilitation  
Post Office Box 807  
Lake City, Florida 00000  
(904) 752-4572

### **Dade County**

Ms. Ruth Wedden, Director  
Advocate Programs, Inc. (private)  
Metro Justice Building, R. 806  
1351 N.W. 12th Street  
Miami, Florida 33125  
(305) 324-0550

### **De Soto County**

Mr. Steven F. McAllister  
Desoto County Probation Department  
Post Office Box 1184  
Arcadia, Florida 33821  
(813) 494-4602

### **Jackson County**

Mr. Steven L. Anderson  
County Probation Officer  
Post Office Box 957  
Marianna, Florida 32446  
(904) 526-3845

### **Lee County**

Mr. Daniel K. Gentry  
Probation Supervisor  
Lee County Probation Department  
Room 115, Lee County Courthouse  
Ft. Myers, Florida 33901  
(813) 335-2426

### **Manatee County**

Mr. George E. Moore, Director  
Manatee County Probation Department  
606-6 Star Street  
Palmetto, Florida 33561  
(813) 722-6644

### **Orange County**

Mr. Joe Powell, Project Director  
Office of Court Alternatives  
1 North Orange Avenue, Suite 606  
Orlando, Florida 32801  
(305) 420-3695



**Palm Beach County**

Mr. Robert C. Wells, Project Coordinator  
County Court Probation  
301 North Olive Avenue  
West Palm Beach, Florida 33401  
(305) 837-2404

Pride Halfway House Inc.  
Fred Rasmussen, Director  
311 Hibiscus Street  
West Palm Beach, Florida 33401  
(305) 832-1674

**Polk County**

Mr. Pete Newell  
Post Office Box 928  
Hall of Justice Building  
Bartow, Florida 33830  
(813) 533-8696

**Santa Rosa County**

Mr. Edward E. Newgent  
County Courthouse  
Room 107  
Milton, Florida 32570  
(904) 623-0178

**Seminole County**

Mr. Shaun Seaman  
Department of Offender Rehabilitation  
115 North Dakota Avenue  
Sanford, Florida 32771  
(305) 322-7579

**Salvation Army**

Mr. Jordan E. Rothbart, Director  
Post Office Box 52209  
Jacksonville, Florida 32201  
(904) 354-8451

**END**