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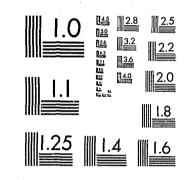
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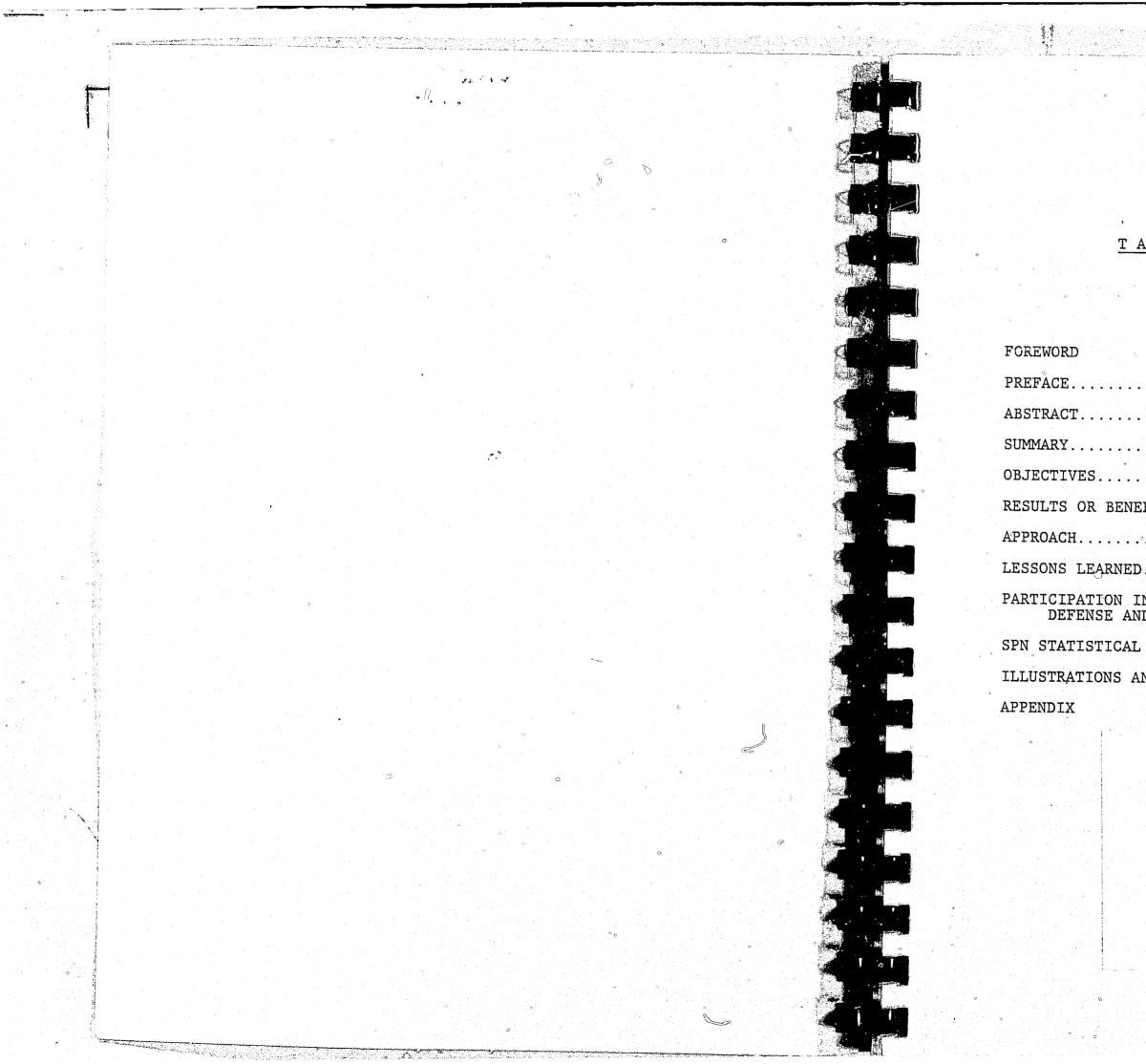
National Institute of Justice United States Department of Justice Washington, D. C. 20531



RED PLEA NEGOTIATIONS

FINAL REPORT

by: Connie M. Burnett Carol A. Warda



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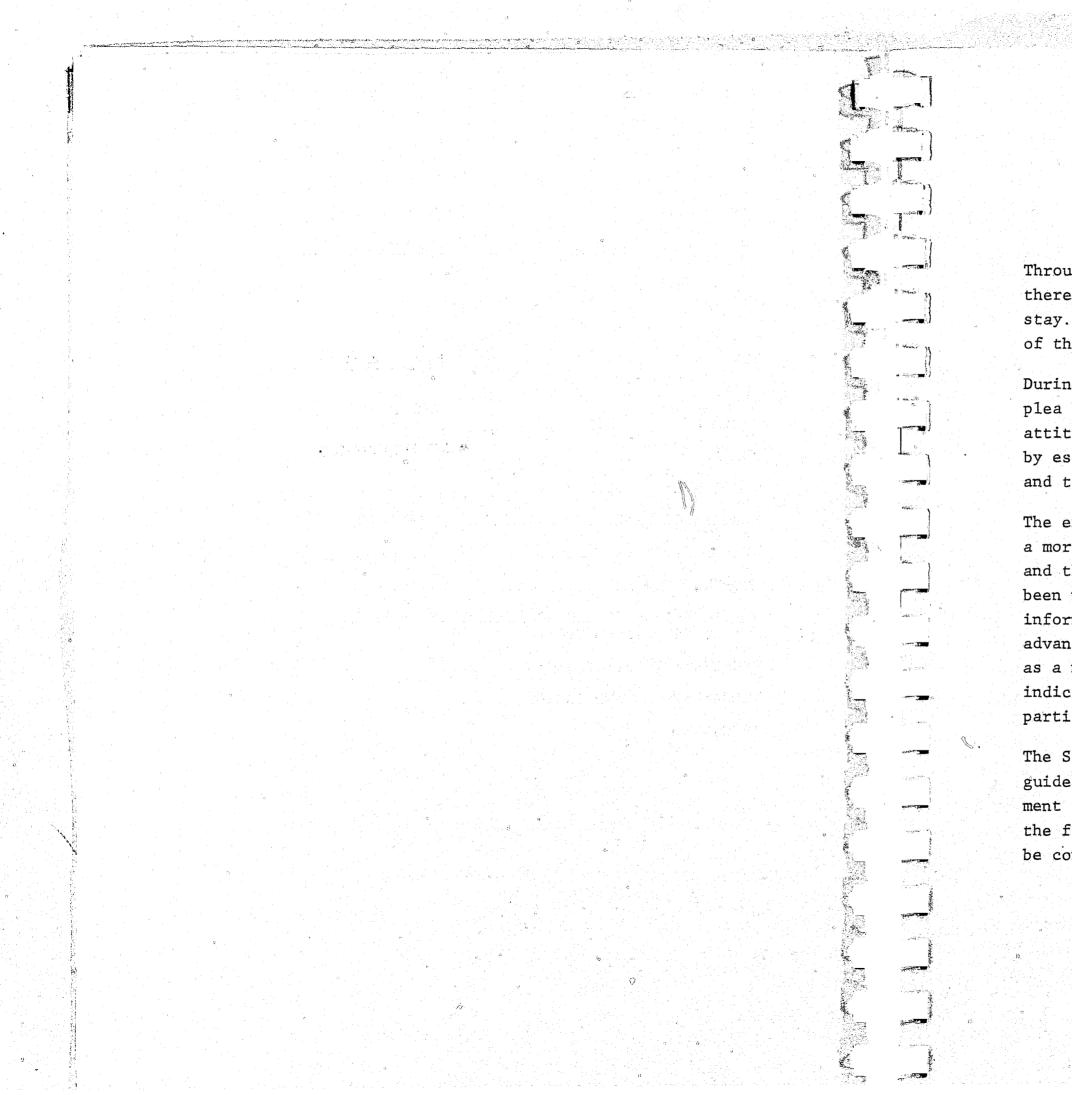
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Throughout the Structured Plea Negotiation Conferences, there was no doubt but that plea bargaining was here to stay. It was only a matter of refining the definition of the process and broadening its scope in application.

During the two-year study, a variety of definitions of plea bargaining surfaced, bringing an equal number of attitudes. The SPN staff sought to remedy the situation by establishing a definition according to the test design and to set rules for its operation to give it structure.

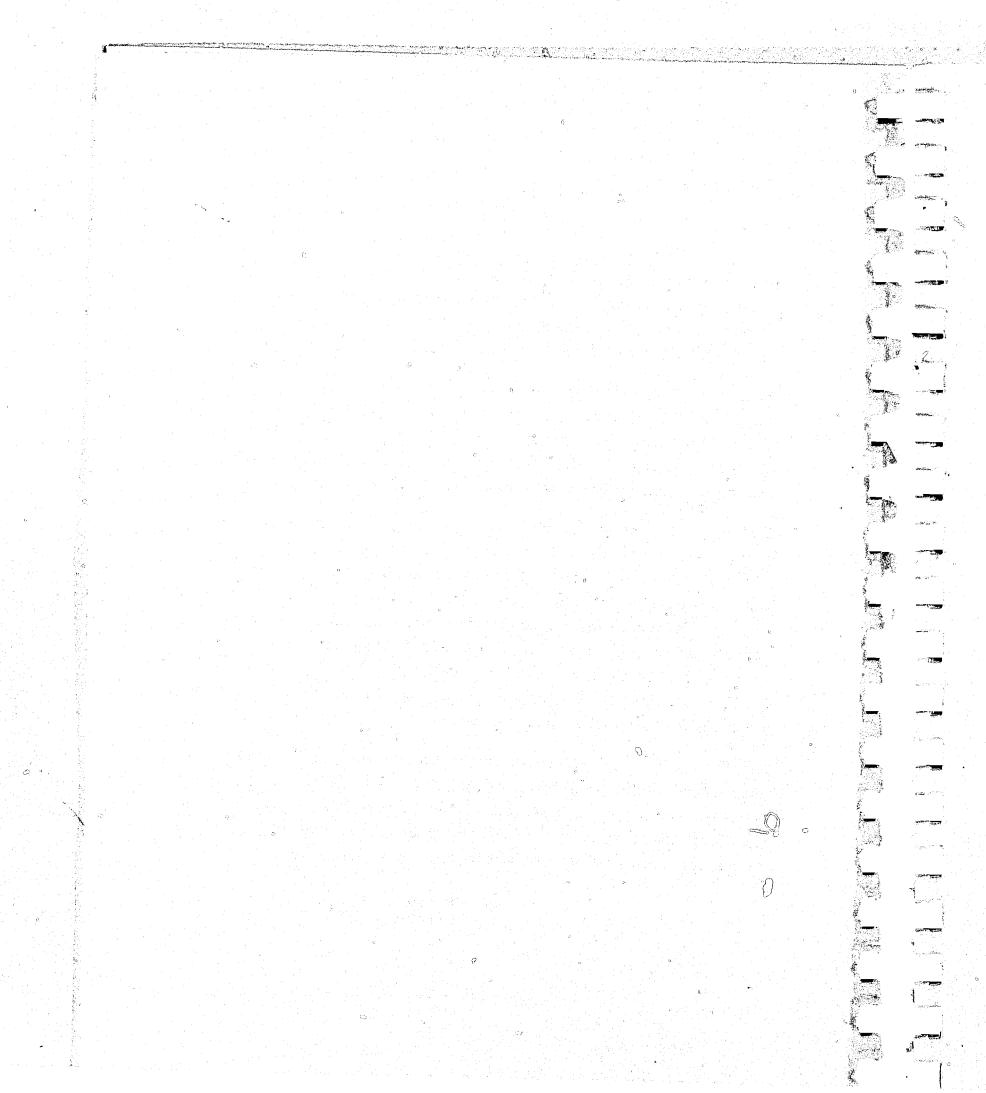
The explicit nature of the conference gave plea bargaining a more equitable method of dealing with defendants, victims and the state. By the end of the test, several points had been noted--that the benefits to be gained from open and informal discussions in conference far outweigh the limited advantages found in the implicit bargaining that has gone on as a matter of course. Response of the public or true victim indicates support of the procedure, exhibited through their participation in the conferences.

The Sixth Judicial Circuit sanctions not only the explicit guidelines established for bargaining purposes as an improvement in the criminal justice system but also acknowledges the fact that, without structured pleas, the courts would be contributing to an overwhelming, crowded docket.

FOREWORD

Harry W. Fogle Circuit Judge

-1-



The Structured Plea Negotiations Project in Clearwater, Florida, sought to implement a set of procedures by which plea bargaining could be conducted in a manner proved equitable to all participants concerned, efficient to the court system by saving time on the trial and motion dockets, and an effective method capable of producing legitimate dispositions.

study.

The Pinellas County Circuit Felony Judges, who gave so much of their time and wisdom to make our efforts in the coordination of the conferences successful were:

We also extend our gratitude to the Offices of James T. Russell, State Attorney and Robert E. Jagger, Public Defender, for their cooperation and support throughout the grant period. Appearing for the State Attorney were James Dodson, Chief Prosecutor, Larry Hart and Larry Sandefer, Assistant State Attorneys, and Robert Walker, SAO liaison for our staff. Appearing for the Public Defender were Richard Robbins, Steve Mezer, Stephanie Willis, Paul Ley, Bonnie Rountree and Tom Michaels.

Our thanks also to the bailiffs who handled the flow of traffic of all participants so diligently and efficiently.

We also wish to thank several departments within the court house: The Clerk of the Court, the court reporters, the Data Processing Unit, specifically Clark McAndrews who with Chuck Fennesy, Michael Masich and Pat Phelps were able to design, maintain and supply

PREFACE

The staff of the Structured Plea Negotiations Project is indebted and grateful to many individuals and agencies for their cooperation, support and encouragement in the administration of this

> Hon. Harry W. Fogle Hon. Philip A. Federico Hon. Thomas E. Penick Hon. James B. Sanderlin

Preface - 2

our project staff with all of the computer programming necessary for tracking the participants selected for conferences. These individuals were the gears that maintained our rate of progress .

Our appreciation is extended to the many other persons, too numerous to mention individually, who assisted the SPN project in this endeavor.

-3-

The sole purpose of the SPN Project in the Sixth Judicial Circuit was to provide the courts with an opportunity to conduct plea negotiations in a structured setting. The project sought to implement a process of plea-negotiations equitable to all parties by notifying all participants and encouraging them to take part during the negotiations, all in an informal atmosphere. The SPN staff outlined the procedures that would encourage efficiency within the criminal justice system, thereby saving valuable time on the court's motion and trial calendar. An effective negotiations system was produced by the conference structure and the procedures that were outlined. As a result, the participants involved viewed the experience as more enlightening and felt, to a greater extent, that justice, as they knew it, had been served.

In order to obtain a total look at the effects of the SPN projects' efforts, a control group was also selected at the same time and studied. This group provided data to be used in comparative and evaluation purposes.

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ABSTRACT

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INTRODUCTION

In June of 1980, the Sixth Judicial Circuit was awarded a grant in the amount of \$167,782 by the National Institute of Justice to study the impact and feasibility of plea negotiations in a structured, but informal, setting.

The test design set forth three goals that would be evaluated in determining the success of the project. Ultimately, the test sought to measure the:

The study included two groups--a test and a control. Both groups were selected similarly--through random selection process.

Once selected for either group, the case was identified by the case number assigned and became "tagged" through the criminal justice information system. The CRT unit provided us with a method to accurately measure the progress of the conferences regularly and a screen to visually monitor all tagged cases.

A total of 1082 cases were originally selected for a test conference. Of this figure, 569 conferences were actually held. The selection for the test group was followed by a court order directed to the respective defendants and attorneys, informing them of a set pre-trial conference. The defendants and their attorneys had the option of accepting or rejecting the date. While substantiated reasons were not required, the SPN staff were usually

EXECUTIVE SUMMARY

1. Equity of dispositions offered at conferences to all participants;

2. Efficiency of such conferences on the court and motion calendars;

3. Effectiveness of the participants' perception of a fair and just resolution through their involvement.

-5-

Executive Summary - 2

informed of an attorney's desire to pursue PTI or scheduling problems with their client. All in all, the SPN staff gradually saw familiar attorney faces at conference time as the project progressed. The SPN staff encountered very little determinable resistance in participation from the private sector. The public defender's office, overall, consistently attended pre-trial conferences.

The control group, which totalled 810, was monitored solely through the CJIS, with the aid of the CRT unit. No direct contact was made by our SPN staff. Identification of key participants was accomplished by reading the actual case file in the records of the Clerk of the Court by staff members.

This information was supplied to INSLAW in Washington, D. C. for further research and comparison studies. Those cases chosen for the control group went about the business of seeking final dispositions by whatever avenues their attorneys chose to pursue, including, but not limited to, their own method of plea negotiation.

Of the 570 conferences held, a total of 441 cases were settled (77%) by a negotiated plea. The remaining 129 cases did not accept the offer made at conference and pursued other methods of reaching a mutually acceptable final disposition, including a jury trial. A total of 21 defendants chose trial. These trials resulted in verdicts of 10 guilty as charged, 3 guilty of lesser but included charges and 8 not gi lty. Of the 570 cases, there was only one instance where a defendant withdrew the guilty plea he had entered at conference and asked for a jury trial and was subsequently acquitted.

The average length of time between the random selection and the conference date was 14 days. This is one area we were able to compare to the control group in an attempt to assess the saving of time on the court calendar. The average length of time a control case required for final disposition normally extended to 51.9 days.

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Executive Summary - 3

The conferences were structured with various "safeguards" that reinforced the project's goal of efficiency. In order to make structured pleas an efficient operation, it was imperative that these rules be understood by all participants. The very first and probably most important premise was the assumption of guilt. The intention of the conference was to find an amicable solution to the actual charge. If there was any doubt that the defendant was wrongly accused, the entire conference was cancelled and the defendant was legally advised by the judge to seek a jury trial. This premise served several purposes, one being that the design of the study attempted to avoid any appearance of coercion of a defendant to plead guilty to charges to which he or she claimed innocence. This is also in keeping with the Pinellas County State Attorney's office policy regarding charge bargaining. The layman's term "pleading straight up" was the emphasis of the negotiations.

The SPN staff found this rule to be satisfactory to almost all participants. This rule, more than any other attempts to make plea bargaining more palatable to the public and especially to the particular victim. Its purpose is threefold: 1. Portrays an actual record of the defendant's charge at arrest or indictment.

Another rule that further reinforced the structure of the conference was the expectation that all discovery be completed, or at least not conducted, during the course of the conference itself. Admittedly, this was one role that was difficult to enforce because of lay staff's unfamiliarity with the rules of discovery. However, we found the majority of attorneys straightforward and direct in their approach. On occasion,

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2. Provides the courts with more control should the defendant not fulfill the conditions of the negotiated sentence.

3. Improves the public image of plea bargaining by refusing to sacrifice equity towards all concerned for expediency.

Executive Summary - 4

we relied on the judge to bring this rule to the attention of the participants. This rule also supported the expediency of the conference.

With the issue of guilt resolved and all motions for discovery settled, the business of negotiating a sentence could be discussed. The SPN staff found that this segment actually required less than 15 minutes, consistently.

Equipped with stop watches, the SPN staff recorded, in content, only topics of discussion among the participants in 10 second intervals. Consistently, we found the conferences began with:

- 1. The State describing the facts of the case. (As they are prepared to show)
- 2. The Defense either elaborating with other facts or merely stipulating.
- 3. The Judge querying both sides on their idea of a fair disposition.

In instances where the defendant and victim were present, the defendant, more often than not, limited his or her statements to a criminal history, if there was one. Occasionally, the defendant would offer an explanation of his or her role in the charge. Victims, overwhelmingly, limited their statements to the subject of restitution and/or rehabilitation of the defendant. Even in cases where serious bodily injury had occurred, we found victims who did not wish for the defendant to serve state prison time.

Because the conferences allowed for the defendant to make statements that could not be used against him or her should he or she decide to reject the offer for a jury trial, a more accurate picture was available on which to base an equitable disposition. The SPN staff also found that dispositions offered at conference were designed to fit the defendant's charge, rather than merely the penalty for the specific count. This was especially noticed by the conditions imposed by the court when sentencing was ordered. Specific needs of the

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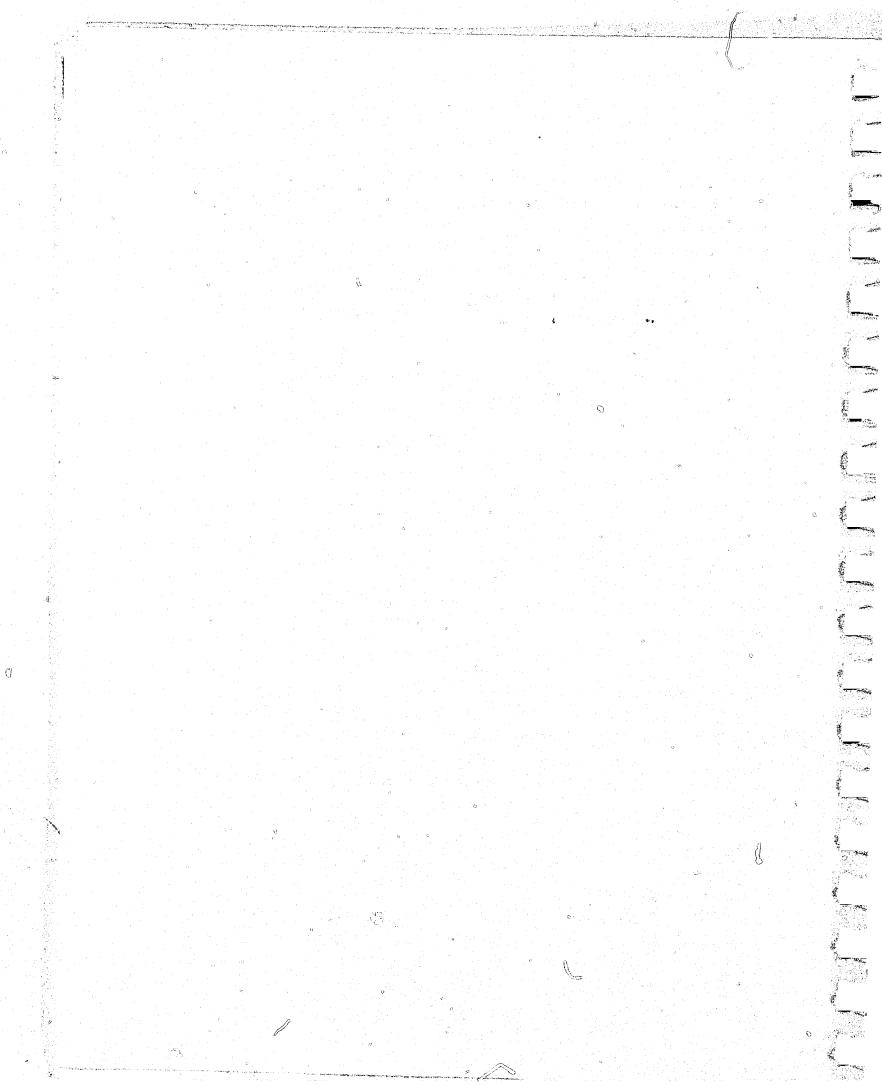
Executive Summary - 5

defendant, as well as the victim, were appraised by the court. If, for example, a defendant revealed a drug or alchohol problem related to his or her criminal behavior, conditions requiring participation in a rehabilitation program were incorporated in the sentence. If a victim indicated a need for restitution, payment of medical bills or a fear of the defendant, corresponding conditions were also meted out in an attempt to make the victim "whole."

The SPN staff also found that a relationship between victim and defendant very often existed (even if indirect) before the actual crime was committed. This, of course, is a significant factor in influencing a victim's desire for rehabilitation for the defendant, with little or no desire for retribution.

The SPN staff found that, time after time, the very structured setting of the pre-trial conferences provided an opportunity for the participants to see each other in more than merely the roles of state, defense, court, defendant and witness for the prosecution. This finding is apparent through the topics of discussion, participation of the respective individuals and the "tailor-made" disposition and conditions to the plea.

In SPN conferences, the courts attempted to resolve these issues in an equitable manner to all concerned. It was with the guideline of the project that respective participants were able to acquire a more enlightened view of plea negotiations, reach a fair disposition and expedite their particular case through the negotiations.



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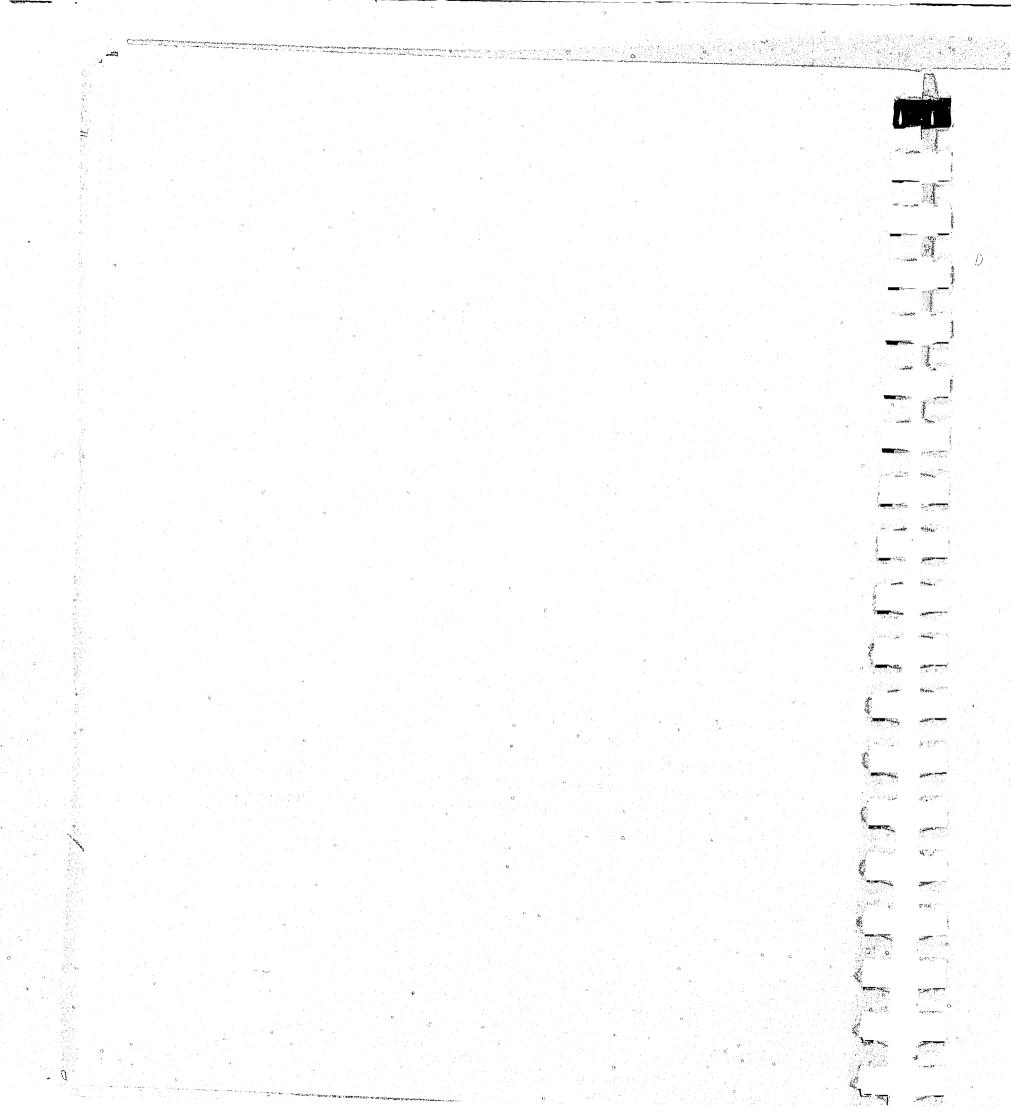
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SIXTH JUDICIAL CIRCUIT

North County

Clearwater, Florida

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OBJECTIVES

This final report is composed of the year-long efforts of the Structured Pleas Negotiations Staff (SPN) to implement the test design of structured pleas in the Sixth Judicial Circuit, (North County) Clearwater, Florida.

The design intended to study the feasibility and impact of structured negotiations by reaching three specific goals, these goals being equity, effectiveness and efficiency. Each goal had its own method in reaching a measurable objective toward the particular goal.

Equity, the fairness of structured pleas, was measured by the conferences's ability to produce plea agreements that were consistent in nature, as a result of the more explicit and open process under judicial review.

Though this proved to be the most time consuming of all the goals, it actually was the most important. The victim's participation and the judge's constant review of the entire negotiation process substantially contributed to the image of plea bargaining as a viable and fair judicial process. The final dispositions that resulted were produced in fairness to all participants involved.

The effectiveness of the project was measured in the participant's perception of justice and legitimacy, through their direct involvement in the actual conferences.

From the onset, all participants were encouraged to attend and indicate a fair disposition to the courts before sentencing. Defendants, as well as victims, were allowed to bring others to the conference who could contribute significantly to their position.

Objectives-2

The efficiency of the conferences was measured by the timliness of the plea. Through the conferences particular structure, pleas were entered routinely, immediately after negotiations. Though the test design did allow for time-consuming P.S.I. reports which delayed the entry of the plea until the day of trial, the majority of defense attorneys indicated their decision at conference. This not only permitted the defendant's to enter the pleas pre-P.S.I., but also allowed the State Prosecutor to call off witnesses and avoid the motions or trial calendars.

It was observed by the SPN staff that the conferences encountered the many criticisms and suspicions generally reserved for the clandestine and self-serving plea bargaining. However, these negative prejudices were eventually replaced with confident support and participation in the project. This was particularly noticed as time progressed and the same defense attorneys continued to accept participation in a conference for their clients. This is not to imply that they consistently accepted the offers after negotiations but simply that recognition of structured plea bargaining under judicial review had made a favorable, if not preferable, mode of negotiations in this circuit.

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The Structured Pleas Negotiation test design expected to determine the feasibility and impact of plea bargaining under controlled conditions in an informal but judicial setting. Its success was to be determined by the acquisition or surpassing of measurable objectives in the goals established.

The test conferences were expected to be a viable and equitable alternative to the currently practiced mode of plea bargaining. It was not the intention of the SPN to replace or deter anyone from seeking a trial by jury. However, in instances where guilt was not the issue but the type of sentence to be imposed was the focal point on both sides, the test conference consistently proved to be an excellent avenue for judicial disposition.

Under the controlled conditions both sides were able to participate in the negotiations and contribute their opinion on a fair sentence. The anticipated problems of victim and defendant confrontation never occurred.

Of the 570 conferences held (wherein cases included charges ranging from petty retail theft to 2nd degree murder) we experienced only three occasions when participants chose to be heard at separate times during the negotiation process.

The SPN staff found little difficulty in following the basic test design for implementation. Throughout the project, the staff found continuous support, cooperation and even constructive criticism during the test period.

Because of the nature of our study, the SPN staff depended upon several criminal justice agencies for its successful operation.

RESULTS OR BENEFITS EXPECTED AND ACHIEVED

Results or Benefits Expected and Achieved-2

Each agency--the Judges, Clerk of the Court, State Attorney's Office, Public Defender's Office and Bailiff's Staff contributed to our education in the system of the Sixth Judicial Circuit.

In the area of the lay participants, there was one aspect we were not able to conduct, as identified in the test design. According to the design, the identification and initial contact of the victim was essential. However, the State Attorney's office policy is such that a "true" victim is identified only as a "witness for the prosecution" in the CJI System and during their investigations. It became increasingly difficult to determine whom the correct "victim" was in a particular case. Early in the conference stage, the SPN staff resolved to depend solely on the State Attorney's office to supply victim identification and the initial contact for test cases. For control cases, the SPN staff attempted to identify victims by reading actual case files and arrest reports. The control victims, however, were not informed of the SPN staff studies, they being monitored only through the CJIS on the CRT unit.

The favorable effect that the SPN project produced on the Sixth Judicial Circuit promised that structured plea bargaining will continue, albeit with some alterations. The Sixth Judicial Circuit is combining the north and south county circuit felony case load in one central criminal justice complex. This will have some obvious advantages in processing cases. One of the hurdles that will be eliminated will be the problem of consolidating multiple charges against a defendant.

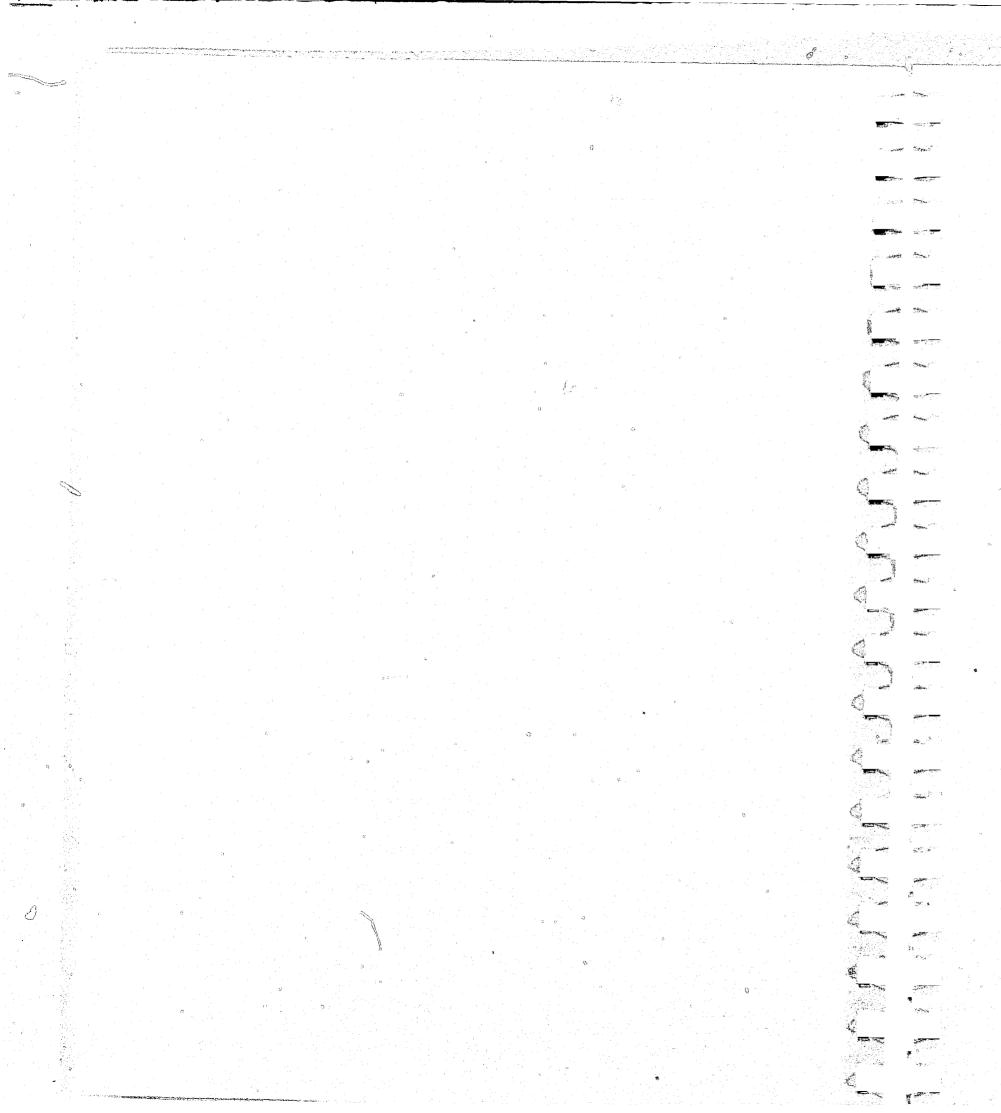
It is the Sixth Judicial Circuit's intention to keep plea negotiations as an equitable and expeditious method of resolving dispositions for those cases where guilt is not an issue. SPN has gained enough recognition for its value to the system so that pre-trial conference dates are presently assigned to all circuit felony cases before trial dates are assigned. If, at that time, a just disposition is not agreed upon, a trial date is set and negotiations are stopped.

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Results or Benefits Expected and Achieved-3

The achievements that the SPN project attempted to accomplish were reached within degrees of success. Implementation steps of case selection, participant notification and attendance, discovery and motions completion and entry of pleas were all observed. The two areas where the SPN staff observed a need for closer observation were in victim notification and timeliness of the negotiated plea. Perhaps a more detailed guideline in victim identification and notification of the conference is in order if victim participation is to be weighed in the disposition offer. Timeliness of the negotiated plea will probably be resolved with the approaching pre-trial schedule at the new criminal justice complex.



APPROACH

The SPN staff began an implementation process in July, 1980 that followed the basic test design developed by the National Institute of Law Enforcement and Criminal Justice and other LEAA and Department of Justice program offices. Deviations from the design were brought about in order to make the project workable in our particular circuit. Perhaps the greatest deviation was the selection target. Cases were determined by boundaries limiting prosecution within the circuit recognized by the courts as north and south county cases. Random case selections from the entire Sixth Circuit, encompassing two counties, would have been virtually impossible.

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- handle the latter two case types.

The Criminal Justice Information System (CJIS) proved to be a valuable service on which we came to depend. Through the CRT monitoring unit, the staff was well equipped to follow a selected defendant throughout his or her involvement with the criminal justice system. It also provided us with "hard copy printouts" information to be studied periodically and made part of his or her file. Daily visual monitoring of a case was possible though the CRT screen.

The original test design called for random selection of 400 control and 400 test cases. Case selection was taken directly from the weekly arraignment calendars. Because of set office policy within the State Attorney's office, there were types of cases that were eliminated before actual case selection began. These particular cases were: "all capitol crimes, welfare fraud and bad check charges. Our particular court system routinely sets aside one day a week to

A designated staff member would randomly select test or control cases and assign each one a conference date. Upon selection of the test case. a routine computer check of the defendant's identification number aided in cutting down cuplicate selections. The defendant's case would be "tagged" on a CRT memory bank and was able to provide the staff with various types or related information.

Approach-2

The identification of a selected test case would result in a court order indicating time and place then forwarded to the defense attorney. It was the intention of the test design to leave participation in the project on a voluntary basis. Therefore, if a defense attorney did not wish to participate or encountered a conflict with the conference date, the attorney could indicate this and the court order would be cancelled.

Upon cancellation of the court order, the case became a reject and continued to be monitored through the CRT unit. The categories eliminated the possibility of a biased sample. The SPN staff was still able to collect data from the selected group that had cancelled a test conference. Those cases that remained in a test category were identified as such and the list was then forwarded to the State Attorney's office. This information was provided so that the State would be aware of the approaching conference schedules. This also provided them with an opportunity to conduct a search of the defendant's identification in a F.B.I. or Juvenile Rap Sheet. This information, or lack of it, carried a great deal of weight at final disposition.

The office of the State Attorney would identify and/or select their victim for each particular conference. It was their office that notified the victim. After contact from the State Attorney's office, the names, addresses and phone numbers were made available to the SPN staff. The staff then utilized this information to serve as a "back up" in confirming the victim's participation in the conference.

Conferences were scheduled fifteen minutes apart on Friday mornings and were held in the Judge's chambers. Only those participants directly involved with that particular conference were permitted to attend. In addition to the participating members, a bailiff, a court reporter and a clerk of the court attended for the purpose of facilitating the change of plea.

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Approach-3

SPN staff was not considered an active participant but rather merely observers and recorders of the range of topics. An average conference required approximately fifteen minutes for all parties to participate. Although the staff did notice an increase in length of conference when a different judge became moderator, an increase in participant attendance coincided.

The usual course of topics ranged from the statement of facts according to the state and defense, a criminal history(or lack of it) in regard to the defendant, as well as age, family status and employment. At this time, a discussion of problems such as psychiatric, drug or alchohol were also mentioned. Occasionally, at this point, either the judge or the victim questioned the defendant, requesting an explanation for the criminal act. The judge always asked a participating victim for an opinion regarding sentencing and conditions. A law enforcement officer took the place of a victim if there was no true victim. Questionnaires were handed out to all cooperative participants and were sent to INSLAW for further research.

We encountered no problems with victims and defendants. Neither did we encounter problems with participants dissatisfied with the final disposition offer. Overall, active participants left the conference with a sense of accomplishment.

Of the 570 conferences held, an average of 77 % withdrew their previous pleas of "not guilty" and entered either a "nolo contendre" or a "guilty" plea. Of this number, only in three of the test cases did a victim express a desire for the defendant to receive a state prison sentence. Overwhelmingly, victims consistently voiced a concern for rehabilitation and restitution as a condition on a sentence. The SPN staff also noted that, in the majority of cases, a victim/defendant relationship existed before the arrest. This may attribute to the previously mentioned observation of the victim's interest in rehabilitation over incarceration.

Approach-4

The SPN staff was able to determine the number of actual test cases that entered pleas based on pre-trial negotiations but no attempt was made to follow the "reject" cases, other than via computer printouts. Speaking solely of those cases that actually attended a conference under certain standards, efficiency of conferences could be measured and compared against the control group. The greatest factor responsible for saving valuable court time was perhaps the standards set for the negotiations--complete discovery, no change in trial date if agreement is not reached and no further discussion if any of the active participants wish to end the conference.

In its efforts for effectiveness, the SPN staff became increasingly aware of the satisfaction and/or curiosity of the victims and other participants in the conferences, believed due to the opportunity to express an opinion and participate in the final disposition of the case.

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LESSONS LEARNED

Perhaps the greatest impression made by the SPN conferences was the importance of the coordination efforts.

Without this cooperation from the various participants, i.e., judges, defendants, public defender, state attorney, victims, the program would not have been possible. This coordination effort showed that the pre-trial conference depends on several to operate but can stand on its own as a separate entity. Because of its nature, it is imperative that all inter-dependent participants approach the conference with a sense of trust and with the hope of reaching a mutually-satisfactory disposition.

While acceptance of the offer of disposition should always be the choice of the defendant, (we do not propose to do away with the right to a trial by a jury of peers) a mandatory pretrial settlement conference could only benefit all the participants involved.

of plea negotiations.

Pre-trials could be set immediately after arraignment. This would allow enough time for the law enforcement agency and the State Attorney's office to conduct a preliminary investigation into the facts. Identification of lay participants (victims especially) should be available at this point. Contact of the victim, regarding appearance at pre-trials, could be handled by the law enforcement agency originally responsible for filing the felony charge or as part of the functions conducted by

a pre-trial staff. It is imperative that the victim understand the potential of the SPN conference and encouraged to attend. While victims cannot overrule a disposition offer, he or she can bring to the courts attention verification of loss, physical harm and special needs that have arisen since the alleged crime. This opportunity to be heard is perhaps one of the areas most læking in present day plea bargaining. To take advantage of this opportunity will only serve to create a better public image

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DEFENSE, AND JUDGE

All participants involved in the SPN project held, with few exceptions, to the roles designated and set forth in the test design. In a few instances, the SPN staff was aware of obvious discussion of case outside of conference--either before and/or after the structured conference. The presence of significant intervening events resulting in this was difficult to determine.

Prosecutors involved in the pretrial program came to conference with sufficient authority to negotiate a settlement and bind the State to an agreement. Failure to complete discovery was noticed as a reason for no discussion in several cases selected for conference. The prosecution was first to speak regarding case, outlining the facts, (according to the filed information) defendants prior arrest record, severity of crime and sentence offer. Victims and/or witnesses were given a chance to speak at this time. The defense was then given a chance to speak and to give a counteroffer, if any. Defendants wishing to address the judge on their own behalf were given an opportunity to speak at this time. The judge weighed both sides and would give his sentence recommendation.

During the SPN project, the judge acted solely as a moderator and facilitator, provided information on likely sentences for a guilty plea and kept discussion within scope of case. All judges, in considering likely sentences, felt it important to receive views from all lay participants. The weight these views carried varied with the different judges. None believed that any one factor was more important than the total scope of the case. The defendant's prior arrest record was seen by the SPN staff as the contributing factor in the severity of sentence from the judge's standpoint. The defendant's personal/social/ family background was consistently considered in the judge's sentence recommendation. The judge contributed substantially

PARTICIPATION IN SPN CONFERENCE BY PROSECUTOR.

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Participation in SPN Conference by Prosecutor, Defense and Judge - 2

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less frequently than did prosecutor or defense attorney. The opposite was found to be true in the Dade County study of plea negotiations.

Defense attorneys participating in structured negotiation process, by the very fact of their relation to their client, used conference as a vehicle for assessing the strength of their case. Because of the shortage of time set aside for the conferences, the defendant's plea was not always entered immediately. In most case, the defendant would enter his plea on the designated trial date.

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SPN	STATISTICAL	SUMMARY
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CLEARWATER

DATE IMPLEMENTATION BEGAN: November 7, 1980

TOTAL NUMBER ELIGIBLE CASES: 1611

. Number selected test: 1082

. Number selected control: 458

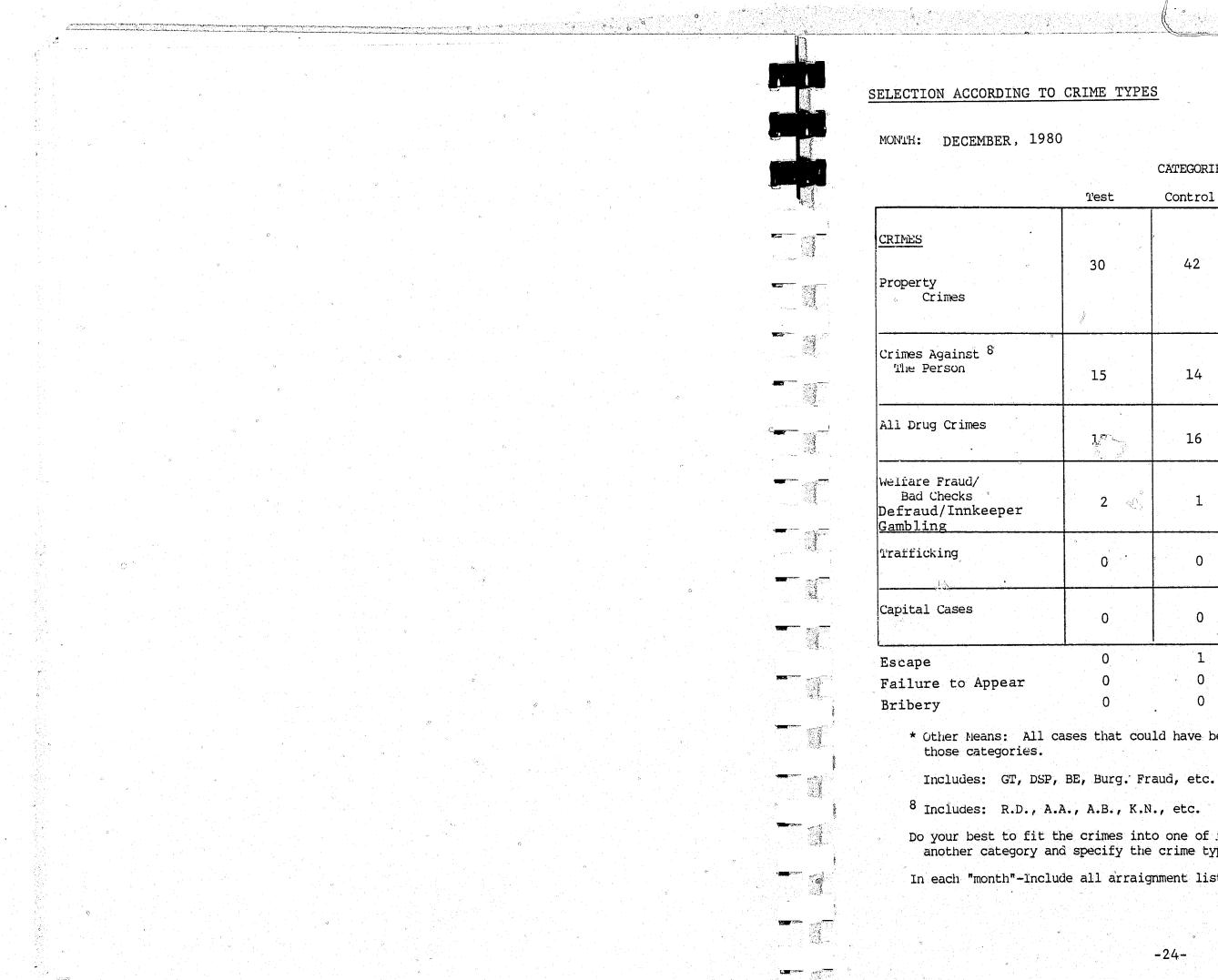
512 Number aborted: (This figure reflects number aborted before conference, i.e. PTI, early plea, etc.)

Number Conferences Held: 570

	Held-Victims Present:	51	20%
	Held-Police Officer Present:	22	9%
	Held-Defendant Present:	72	28%
-	Held-Offer Produced:	570	
-	Held-Offer Accepted:	441	
-	Held-No Conf. Plea	129	· · · · · · · · · · · · · · · · · · ·
-	Held-Went to Trial:	21	

Re: Went to Trial:

	Guilty:	10
	Not Guilty:	8
-	Other:	3*



* Other Means: All cases that could have been test or control, but not assigned to

and .

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

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l'est	Control	Excluded	Other*	Capias
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E, Burg. Fraud, etc.

, A.B., K.N., etc.

crimes into one of these categories. If you can't create specify the crime type.

all arraignment lists for that month.

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, Burg. Fraud, etc.

A.B., K.N., etc.

crimes into one of these categories. If you can't create specify the crime type.

all arraignment lists for that month.

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	All Drug Cri	rimes	11	12	0	ⁿ 12	1
e	Welfare Frau Bad Check	aud/ cks/Forgery	2	0	28	5 ,	0
		g	4	0	0	1	, 0
	Capital Case	ses	0	0	0	0	0
	Perjury		0	1	0	0	0
	Conspiracy	cy g w/Evidence	0	1	0	0 1	0
	Escape * Other	r Neans: All case e categories.	0 es that cou	l ld have been	0 test or control	1 , but not ass	0 igned to
0	Includ	udes: GT, DSP, BI	E, Burg. Fra	aud, etc.			
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		र स्ट्रे ड् ड् स्ट्रल्व	All Drug Crimes	21
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		•	Welfare Fraud/ Bad Checks/Bookmaking	
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n en	2 2		Trafficking	
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21	14	0	9	1
21	17	0	. 4	1
2	2	41	2	0
1	4	0	0	0
0	0	1	0	0
0 0	0 1	0 0	1 0	0

could have been test or control, but not assigned to Fraud, etc.

K.N., etc.

into one of these categories. If you can't create the crime type.

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raignment lists for that month.

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6						н ()								a a a a a a a a a a a a a a a a a a a				
		an an Arrange References															Helfare Fraud/ Bad Checks/Forgery	,
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es that could have been test or control, but not assigned to

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E, Burg. Fraud, etc.

, A.B., K.N., etc.

crimes into one of these categories. If you can't create specify the crime type.

all arraignment lists for that month.

21 0 MONTH: JUNE, 1981 CRIMES Property Crimes ъ. Crimes Against 8 The Person All Lirug Crimes Welfare Fraud/ Bad Checks/Forgery/ Bookmaking -Louis and Frafficking -----444 Capital Cases Conspiracy Escape Accessory after/Fact 1000 Prac/Medicine w/o Lic. 1000 63 المنقل those categories. Includes: GT, DSP, BE, Burg. Fraud, etc. i Martine ⁸ Includes: R.D., A.A., A.B., K.N., etc. The second 2017 - T

Test	Control	Excluded	Other*	Capias
27	30	0	32	4
14	12	0	16	2
17	18	0	19	5
2	0	38	2	0
1	3	0	0	0
0	0	0	1	0
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* Other Means: All cases that could have been test or control, but not assigned to

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

-30-

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е		MONTH: JUNE, 1981	
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		N	Tel
		Property	27
		Crimes	and a second s
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		Crimes Against ⁸ The Person	
			14
		and the second se	
		All Drug Crimes	
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		Welfare Fraud/	
		Bad Checks/Forgery/ Bookmaking	2
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		Trafficking	1
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		Escape	0
		Accessory after/Fact	0
		Prac/Medicine w/o Lic.	9
		* Other Means: All cas	ses that could
2		those categories.	
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		8 Includes: R.D., A.A.	, A.B., K.N.,
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Test	Control	Excluded	Other*	Capias		
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17	18	0	19	5 "		
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that could have been test or control, but not assigned to

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Burg. Fraud, etc.

A.B., K.N., etc.

crimes into one of these categories. If you can't create becify the crime type.

11 arraignment lists for that month.

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	-200 -200 -200 -200 -200 -200 -200 -200	Crimes Against ⁸ The Person
		All Drug Crimes
		Welfare Fraud/ Bad Checks
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		Capital Cases
	יק 🔭	iiiiiii_
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		Includes: GT, DSP, BE
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Test	Control	Excluded	Other*	Capias
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28	29	0	2	1
39	35	0	8	1
•		n 1		
3	2	26	7	0
9				
0	0	0	0	0
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es that could have been test or control, but not assigned

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E, Burg. Fraud, etc.

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crimes into one of these categories. If you can't create, specify the crime type.

all arraignment lists for that month,

CATEGORIES

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ويعديدة المحمد مي ا							
		MONTH: AUGUST, 1981	 				
	- tar.		•	CATEGORIES	•		
		F	Test	Control	Excluded	Other*	Capias
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- Andrews	2 	Property Crimes	42	27	0	16	4
	interes y						
		Crimes Against ⁸		******		- 	
		'ille Person	26	14	0	2	2
	Real Control					: 	
		All Drug Crimes	29	12	Q	4	2
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2		Weitare Fraud/ Bad Checks			в •		
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	1	Fratficking		•		^	0
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			0	0	0	0	0
	and the second sec	Escape	1	0	0	3	0
		FTA Intercept. Oral Com.	0	2 0	0	0	0
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		* Other Means: All cathore categories.	ises that co	ould have been	test or control	, but not as	signed to
		Includes: GT, DSP,	BE, Burg. H	Fraud, etc.			
	1997 - ¹ 967 - 1	⁸ Includes: R.D., A.P					
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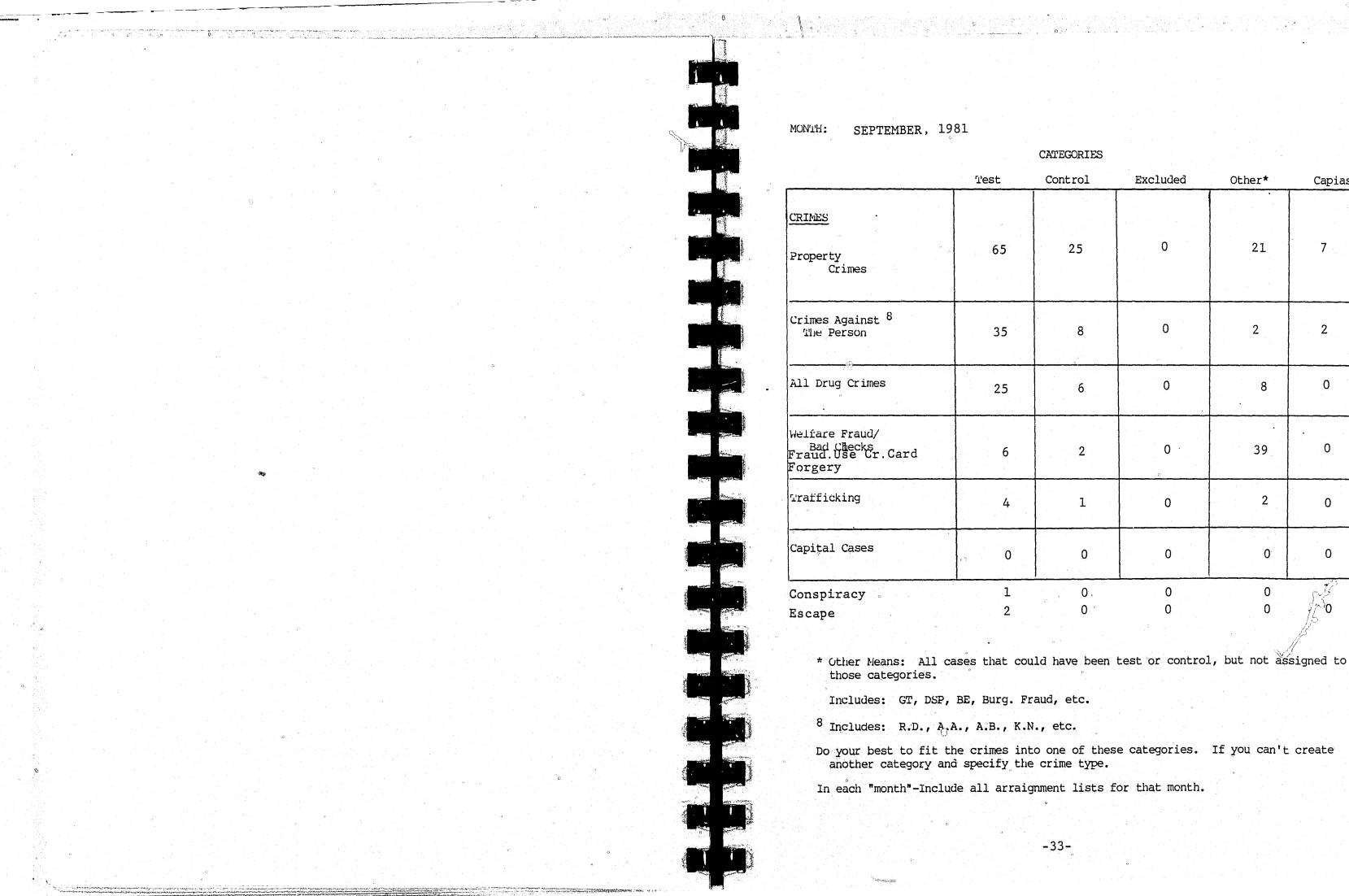
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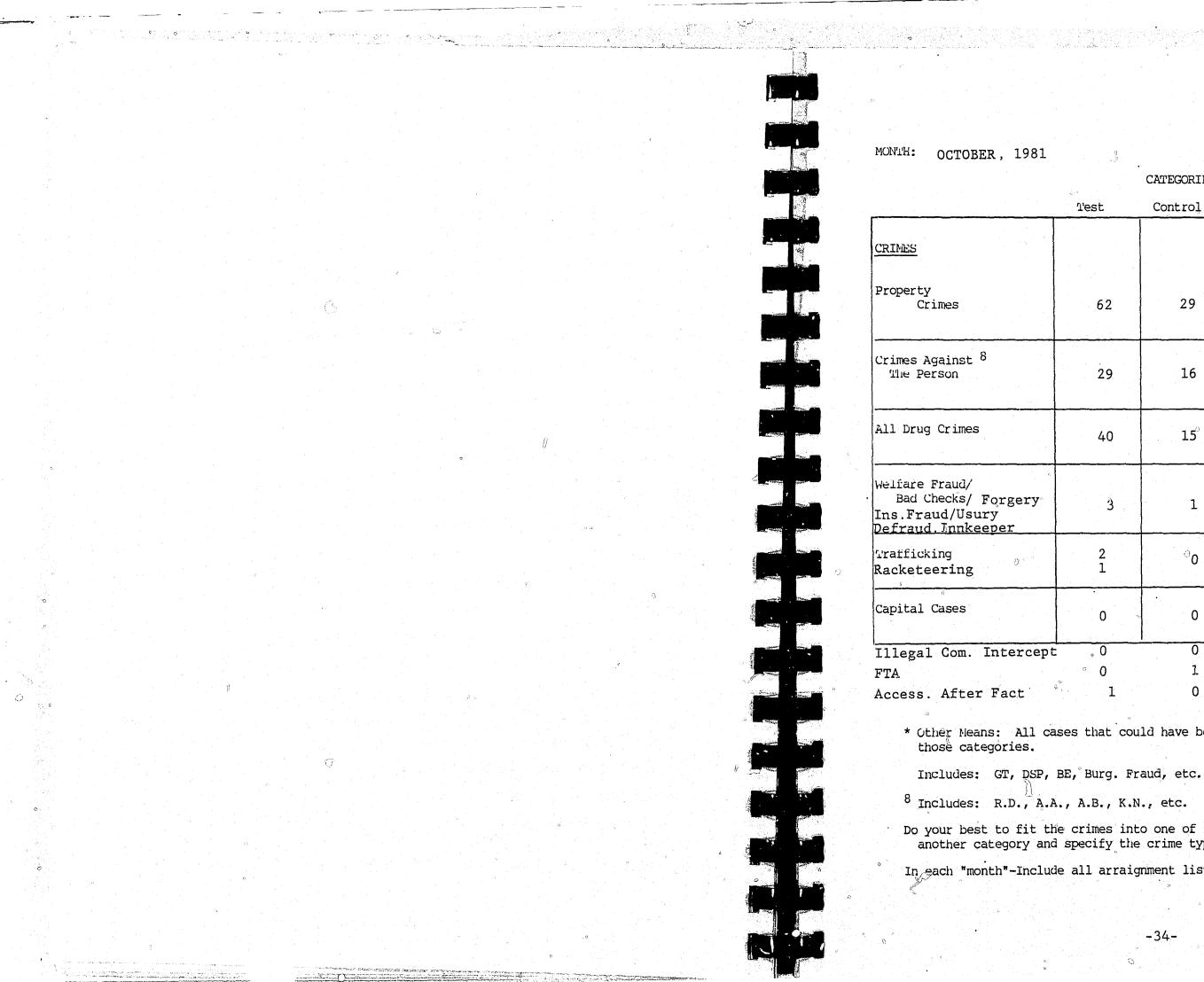


Test	Control	Excluded	Other*	Capias
65	25	0	21	7
35	8	0	2	2
25	б	0	8	0
6	2	0	39	0
4	1	0	2	0
, 0	0	0	0	0
1 2	0 0	0 0	0 0	

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

In each "month"-Include all arraignment lists for that month.

-33-



3.4					
Test	Control.	Excluded	Other*	Capias	
62	29	0	20	4	
29	16	0	10	1	
40	15	0	18	0	
3	1	33	7	0	
2 1	ି ୦ •	0	3	0	
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<u>0</u>	0	0	1	0	
a 0	1		0	0	
1	0	0	0	0.	

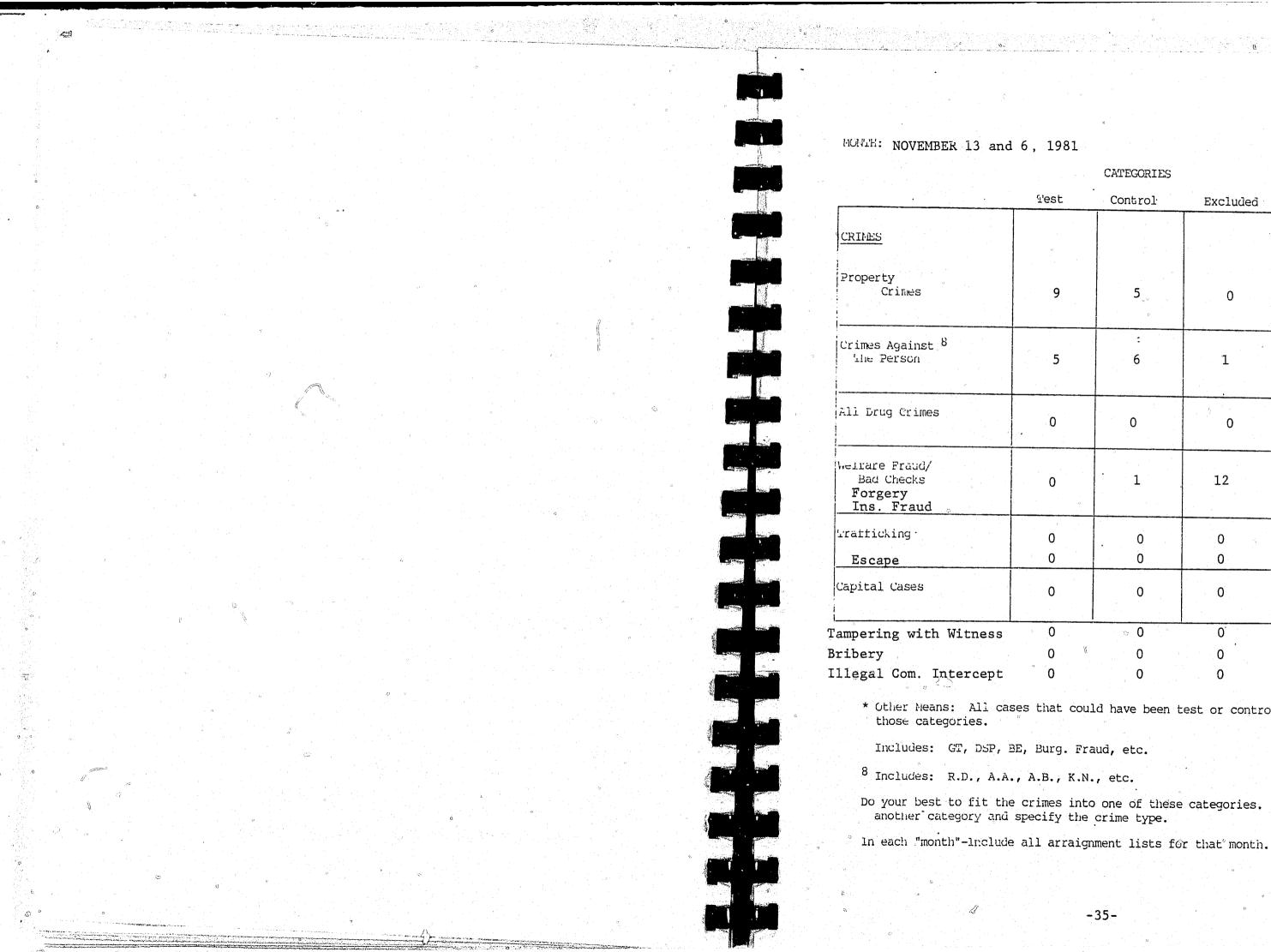
* Other Means: All cases that could have been test or control, but not assigned to

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.

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In gach "month"-Include all arraignment lists for that month.

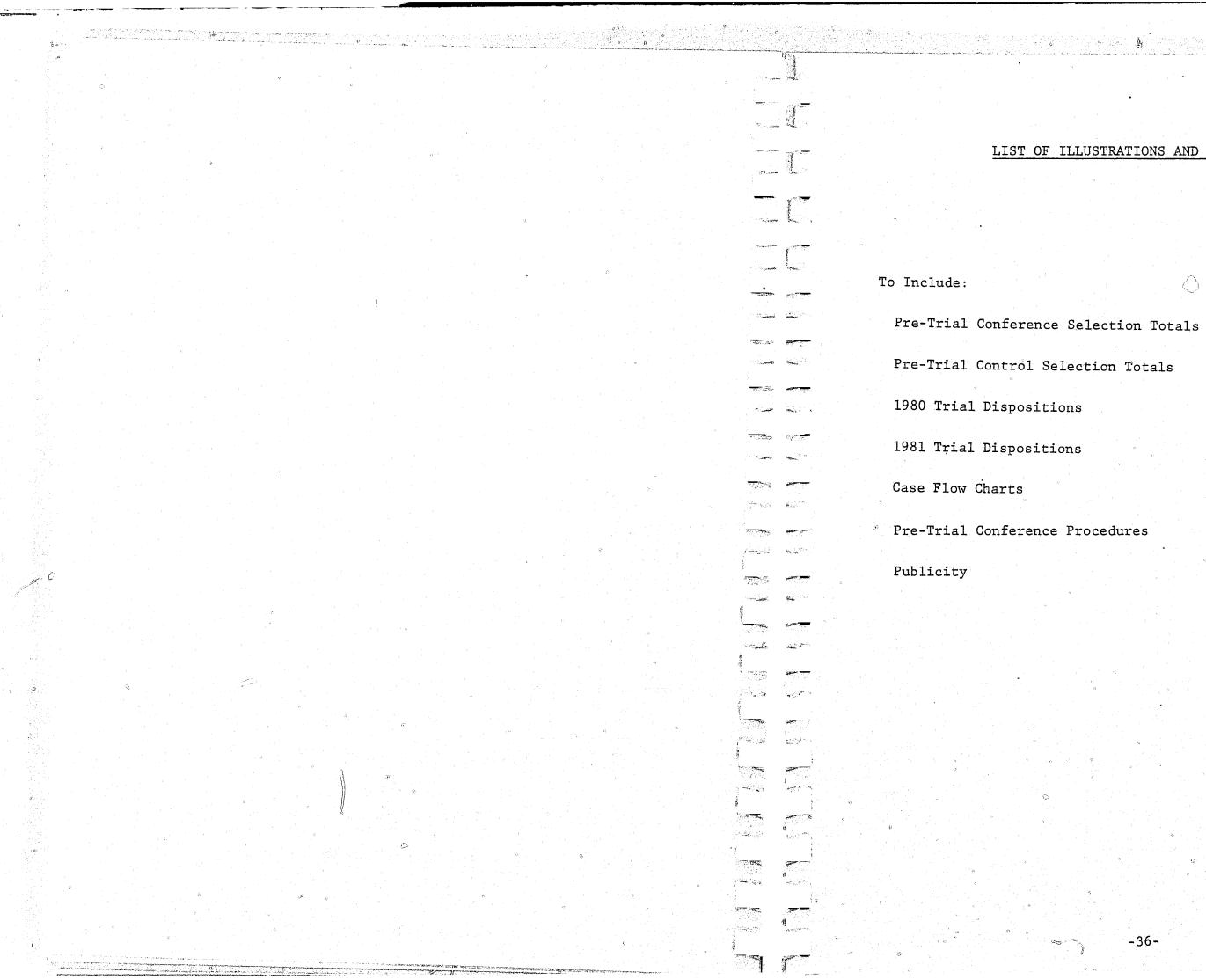
-34-



Test Control Excluded Other* Capias 9 5 0 75 1 9 5 0 75 1 5 6 1 30 1 0 0 0 38 1 0 1 12 4 0 0 0 0 1 0 0 0 0 2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 1 0 0 0 0 1 0 0 0 0 1 0 0 0 0 1 0					1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
9 5 0 75 1 5 6 1 30 1 5 6 1 30 1 0 0 0 38 1 0 1 12 4 0 0 0 0 2 0 0 0 0 0 1 0 ⁺ 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 1 0 ⁺ 0 ⁺	1'est	Control	Excluded	Other*	Capias
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$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	0	0		38	1
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	0	1	12	4	0
0 0 0 1 0 0 1 0 1 0					
0 1 0	0	0	0	0	0
	0	0	0	1	0

* Other Means: All cases that could have been test or control, but not assigned to

Do your best to fit the crimes into one of these categories. If you can't create another category and specify the crime type.



LIST OF ILLUSTRATIONS AND TABLES

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9. 9. T	1. 1																	6/12/81	27	13	12	1		280
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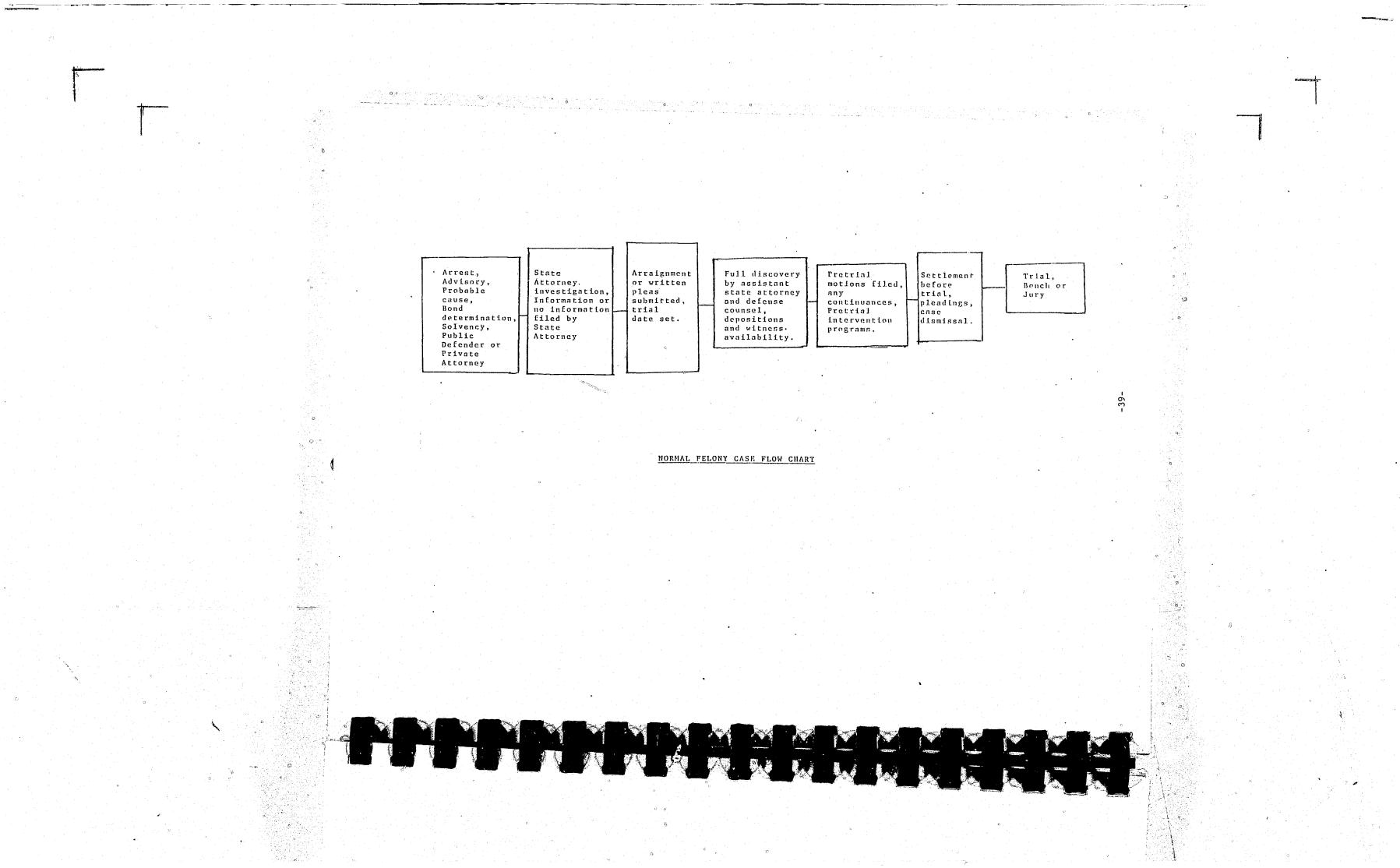
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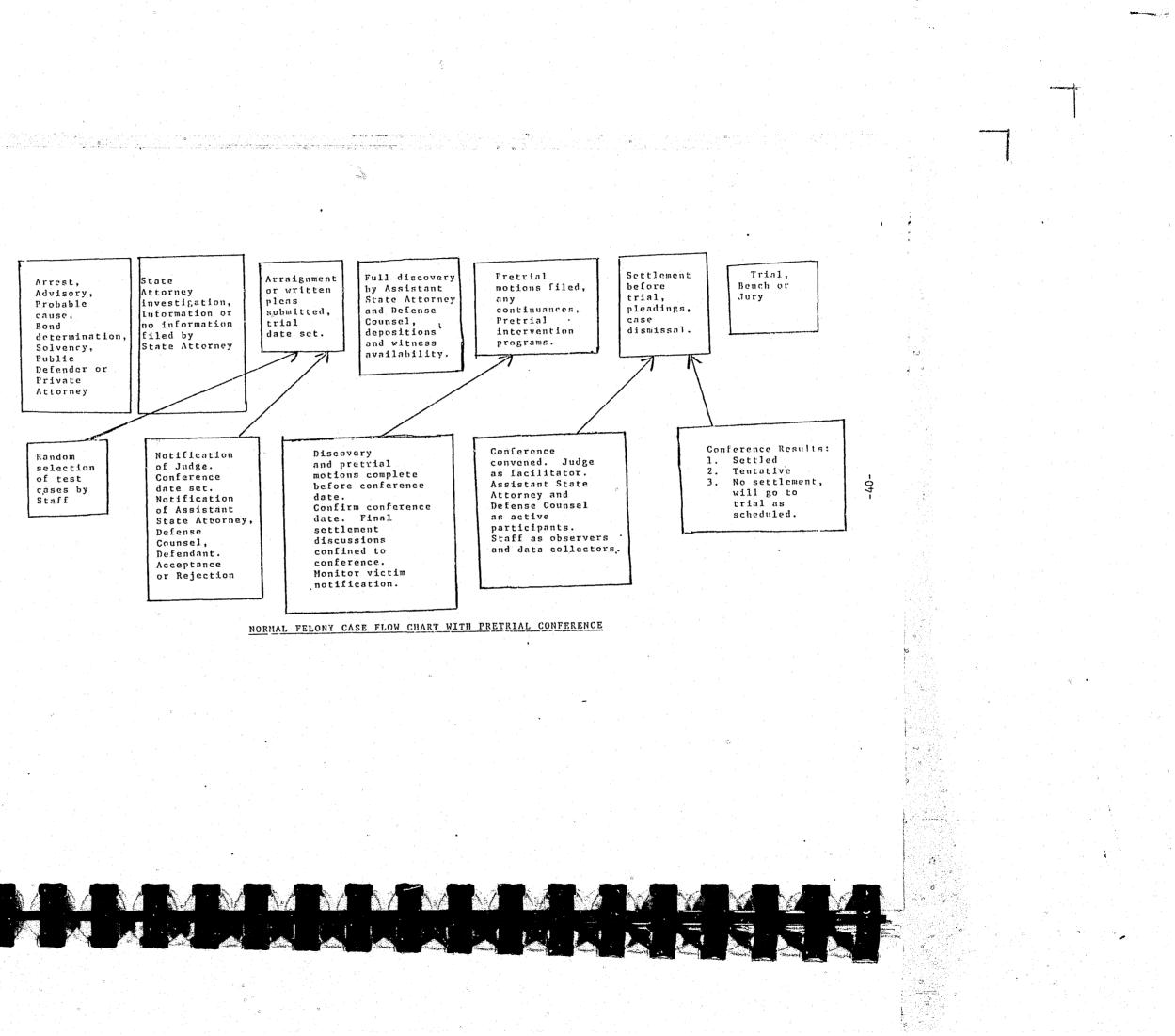
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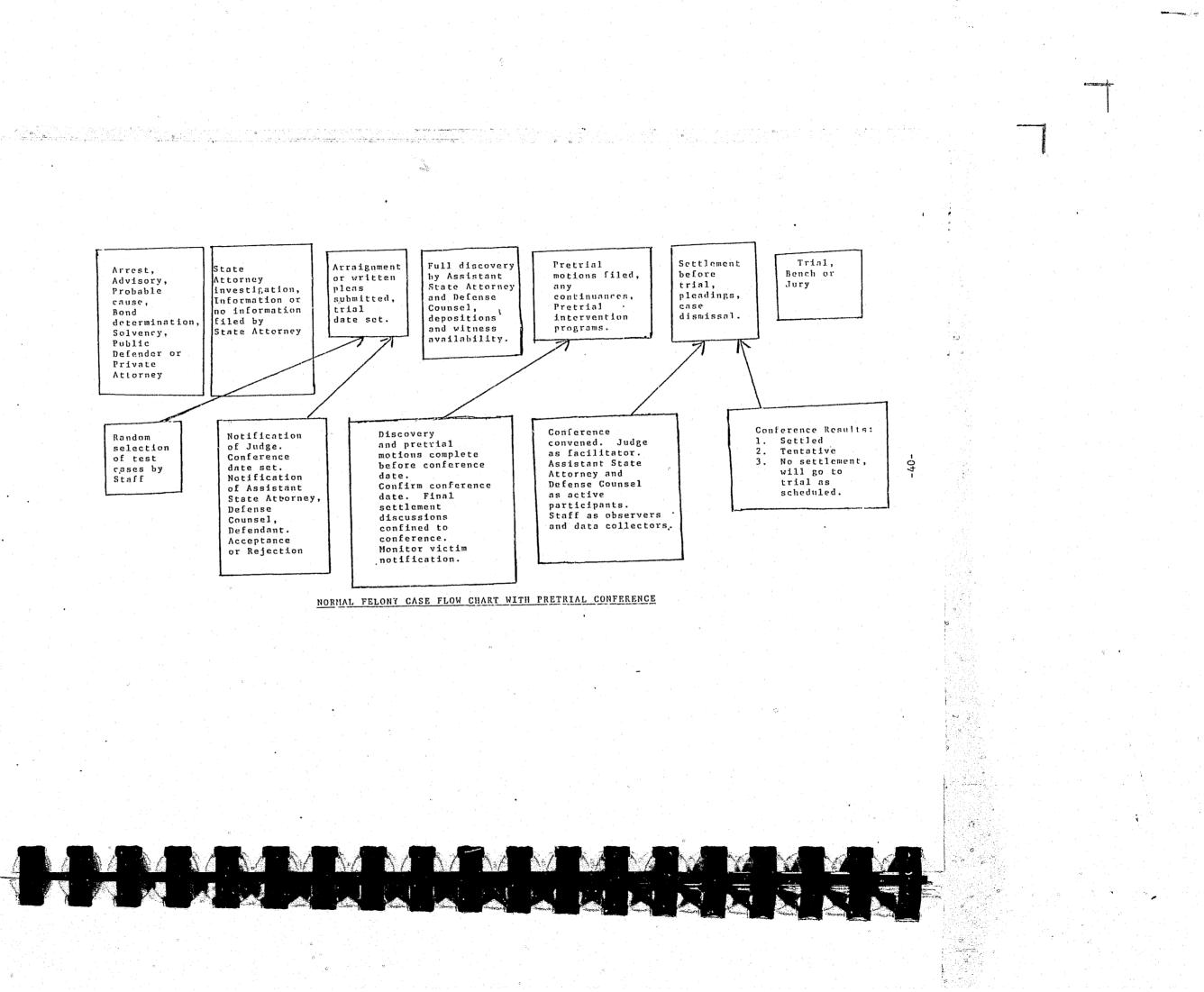
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ARRAIGNMENT	WEEK ONE	WEEK TWO & THREE	WEEK FOUR	WEEK FIVE
*Case selected	*discovery begins	*Discovery continues	*Check with Defense to determine if	*Conferen held in Judge's
*Conference date selected	*Defense	*Monitor case from this poin, on, ie. motions, etc. on	there are any problems	chambers
	decides on inclusion in program	computer	*Notify victim	*Pleas he and sent
*Notice by Court Order to State			if SAO has not done so	that mor
Attorney Office and Defense Attorney (private or	*Determine if Defendant is incarcerated or out on		*Copies of police report and rap	*SAO shou have not victim.
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ALL FINAL PLEA DISCUSSIONS MUST AWAIT CONFERENCE DATE.

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ANY PROBLEMS OR CANCELLATIONS MUST BE RELAYED TO THE PROGRAM STAFF OF THE PRETRIAL SETTLEMENT PROJECT FIVE (5) WORKING DAYS BEFORE SCHEDULED CONFERENCE.

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WEEK SEVEN

*If no settlement then trial will proceed as scheduled

*No settlement discussions after conference has adjourned unless there are significant intervening events

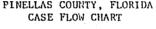
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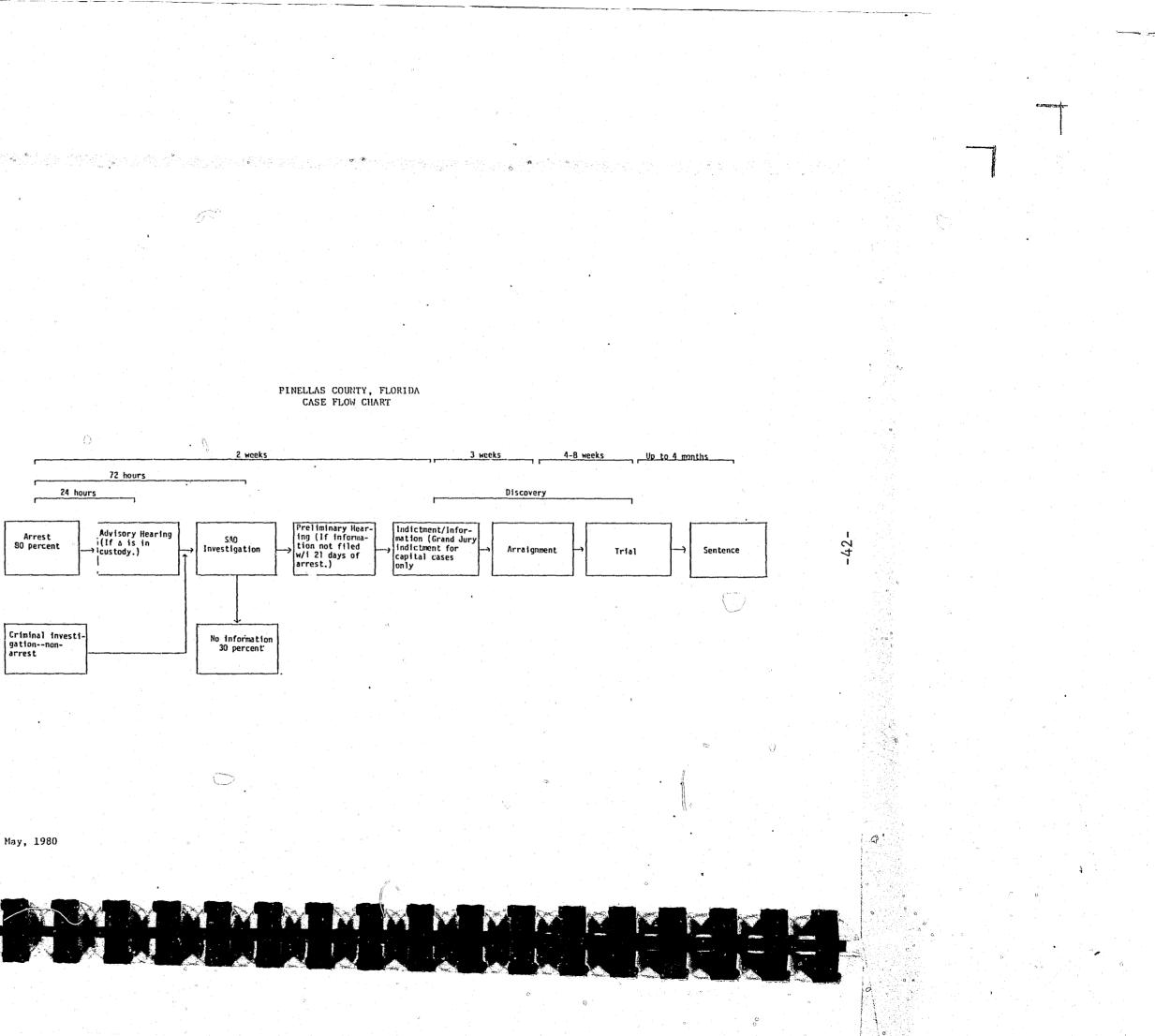
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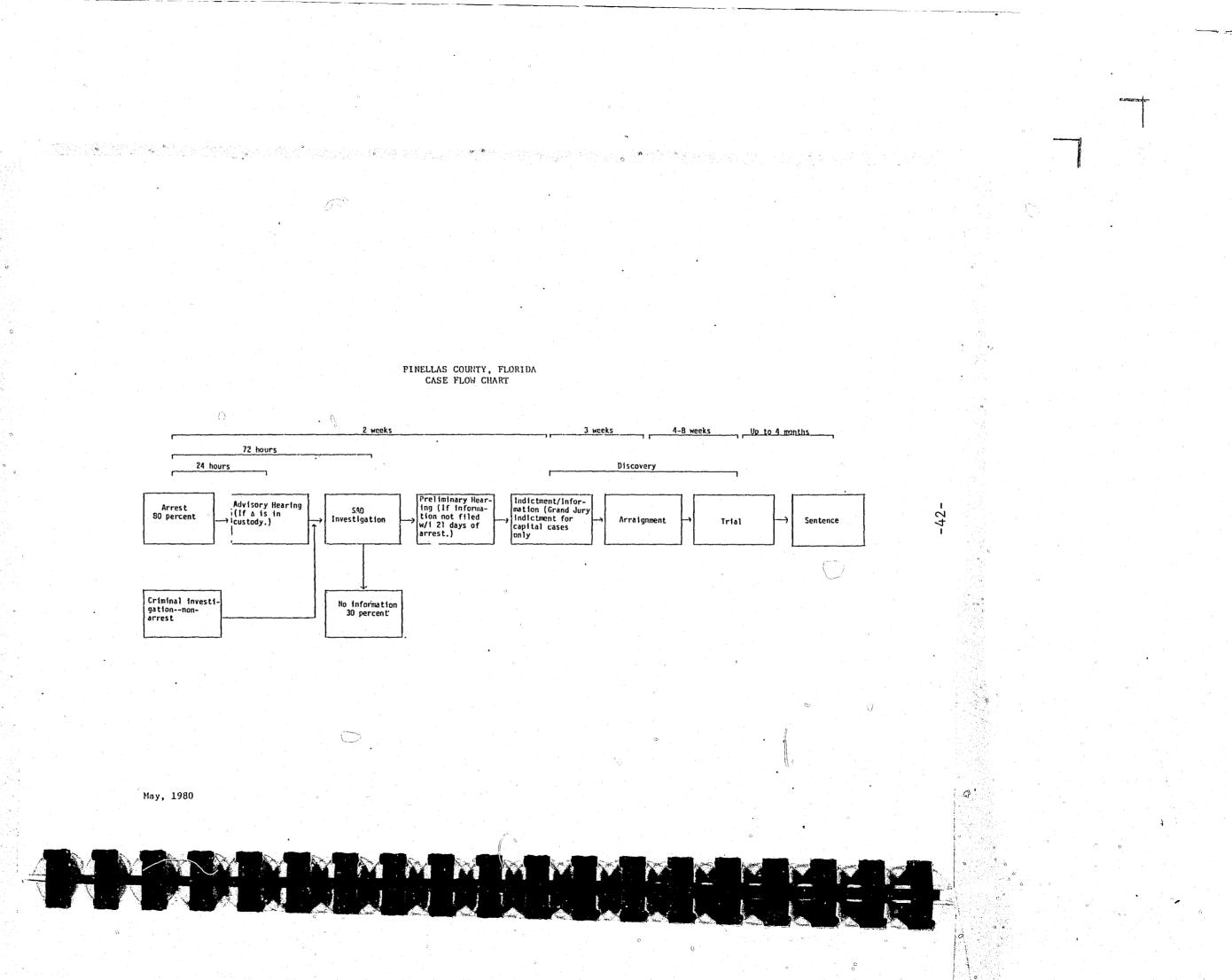
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PRETRIAL CONFERENCE

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PROCEDURES

PINELLAS COUNTY CIRCUIT

COURT-PRETRIAL SETTLEMENT PROJECT

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October 16, 1980

There are two judges assigned to the criminal division of Pinellas County Circuit Court in Clearwater. They are: the trial judges with one appointed the Chief Criminal Administrative Judge every six months. They change every six months when they rotate according to the decisions of the Chief Judge of the Circuit. The criminal court calendar is divided into an A and B calendar, one for each judge, and they alternate calendars according to an even-odd day of the month. For example, the Chief Administrative Judge would take the A trial calendar on the odd numbered days of the month and the B calendar on the even days of the month. The other criminal judge would have the same schedule only reversed, taking the A calendar on even days and B calendar on odd numbered days. On Fridays, trials are set only if they are definitely going to plead, with the A calendar, after pleas are taken, to hear motions and arraignments and the B calendar for violation of probation

hearings.

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The trial dates are generally assigned at a written plea session on Thursday morning, at which time the criminal administrator and representatives from the Public Defender's and State Attorney's office are present. Defendants who do not submit written pleas through their attorney are required to show up for the arraignment the following Friday morning. At the written plea session, the judge and criminal administrator (in charge of calendaring the

PINELLAS COUNTY CIRCUIT COURT - CRIMINAL DIVISION

CLEARWATER, FLORIDA

PINELLAS COUNTY CIRCUIT COURT - CRIMINAL CLEARWATER, FLORID.

criminal section) set the dates with requested dates considered from the State Attorney and Public Defender's office.

Trials are, on the average, set about six weeks from the arraignment date. Trials for those in custody at the time of arraignment or written pleas are generally set before those that are released on bond or through the ROR program.

Once a trial date is set either at written pleas or arraignment, all subsequent, relevant proceedings to trials are scheduled by the criminal administrator. This would include all motion hearings, sentencings after PSI's and all change of pleas which the criminal administrator is in charge of recording.

The trial calendars are called every day at 8:30 a.m. except on Fridays, which are generally left open. Motions to suppress are done the morning of trial, as well as change of pleas.

The motion calendar is called every afternoon at 1:15 p.m., at which time the judge hears all motions for upcoming trials.

At 8:30 a.m. on Friday the arraignment calendar is called for those who did not submit a written plea the previous day.

When the trial calendar is called at 8:30, or the motion calendar at 1:15, sentencings can be done at this time, either because of a change of plea of because the criminal administrator has scheduled them at this time.

The basic sequence is explained as follows:

1. 8:30 (Monday thru Thursday) - Both (A) and (B) trial calendars are called.

2. 1:15 (Monday thru Friday) - Motion calendar called, alternates on even-odd days.

held in office of criminal administrative judge. an even-odd day basis. know there will be a plea entered.

PINELLAS COUNTY CIRCUIT COURT - CRIMINAL CLEARWATER, FLORIDA

3. Thursday (10:00 approximately) - Written plea session

4. Friday (8:30) - Calendar (A) - Motions and arraignments. Calendar (B) - Violation of probation hearings, set up again on

Trials are set for Fridays only if the judges and attorneys

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PRETRIAL CONFERENCE

A BASIC FRAMEWORK

of test cases Judge of inclusion as test case tion of the following: ey's office sel ust approve participation) tive date for conference (Wednesday . - 12:00 a.m.) five (5) working days notice otifies victim filed before conference ted before conference discussion should be confined to conference rges are pending at the time of selection, made to consolidate them for discussion at mmated in Judge's chambers (8) days before trial date, if possible tator, moderator y and Assistant State Attorney are active ower to make binding agreements as limited participants ers only will be kept listing the following: S

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2. Final disposition

- 3. Terms of agreement
- 4. Any other salient facts

III. POST-CONFERENCE

A. Written notification of Defendant's decision to all parties if conference is adjourned and not reconvened

PRETRIAL CONFERENCE A BASIC FRAMEWORK

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Mar. 1

March 1

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- B. Plea negotiations prohibited after conference unless there are significant intervening events
- C. Trial date will be retained if no conference agreement is reached
- D. Victim will be notified of results whether they attended conference or not
- E. Defendant's plea should be immediately entered when agreement is reached

RANDOM SELECTION OF TEST AND CONTROL CASES

The process of arraignment and the setting of trial dates is handled at a written plea session on Thursday mornings in the office of the Criminal Administrative Judge. Any cases in which no written plea is submitted is arrainged and has a trial date set on Friday mornings arraignment calendar. From these assignments we make our selections as to whether a case will be test or control. All the cases on the judges calendars are eligible for selection, with the exclusion of capital, bad check, and welfare fraud cases. We break the remaining eligibles into five crime type categories, including burglary, drug, robbery, aggravated assault or battery, and a catch-all category. In all of the crime types we are now selecting every case to be either a test or a control, the determination made by the calendar they are on. On the average, there are 40 to 60 cases per week that are selected and then placed into their respective categories, test or control, and then according to the crime type. Frequently it will take a number of Thursday written plea sessions to fill a particular weeks calendar. Cases selected are generally set for trial 6 to 8 weeks later. If we wished to select cases for a January 9th conference, for example, we would pick cases set for trial the nineteenth through the 22nd of January, with those dates coming from arraignment c lendars in October or November. Through this method we hope to have 12 to 15 conferences per week, therefore providing more than the minimum of 400 conferences for the program to study.

CIRCUIT CRIMINAL SET-UP

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The daily process of circuit criminal trials and calendaring had involved basically two judges and two daily calendars. One of the judges being designated the Criminal Administrator in charge of criminal calendaring. The two calendars, A and B, were rotated daily on an even-odd designation basis. In other words, the Criminal Administrative Judge handled the A calendar on odd days of the month, the B calendar on even days of the month and the other judge had exactly the opposite. There was a C calendar, but that was only for career criminal cases and was considered an addendum to the B calendar. Each judge called his own trial calendar each morning, as well as hearing any change of plea or doing any sentencings that were needed.

The new system uses the same A & B method of calendaring the cases, but the calling of trial calendars is quite different. Each morning, instead of each judge calling his trial calendar for that day, the A courtroom judge for that day calls all the cases on both the A and B calendar. He also hears any change of pleas for that particular morning. If a case called is ready for trial, he then sends it to the judge in courtroom B, who has been doing sentencings until that time.

C calendar is thrown in with A & B calendar as well. Additionally, one week out of the month there is another criminal judge, and another calendar, the D calendar which is called in the A courtroom along with the others. The practical difference from the previous way is that even though cases are set on each judges respective calendars beforehand, they are not necessarily tried by the same judge when the trial comes to pass. Also, only one judge calls the trial calendars each day while the other waits for the first case to go to trial.

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ROLE OF GENERAL STAFF

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notifying Prosecutor, Defense Counsel and

five (3) days notice

otifies victim by letter

cation of victim notification

ions filed before conference

mpleted before co erence

a negotiations outside of conference

involvement/contact re: plea prior to conference in custody, Prosecutor will arrange attendance

charges are pending at the time of selection, I be made to consolidate them for discussion at

onference topics: f case nt's prior record nt's personal/social/family information mpact of victim (or society) services/treatment received by Defendant ly available programs ant's cooperation with law enforcement

ROLE OF GENERAL STAFF

		8.	Statutory sentencing requirements (mandatory, allowable ranges)			CONT	FERENCE
		9.	Reduction in number of charges	9			State conferen
•		10.	Reduction in severity of charges	fr- ti			
		11.	Previous trial dispositions in similar cases		· · ·	в. }	Advise Defenda
	Β.	Pred	lictions as to outcome at trial:	- mar the			 Participat Need not m
		1.	Possibility of damaging evidence - more severe sentence				 Conference
		2.	Possibility of mitigating evidence - less severe sentence				4. May termin
		3.	Possibility of no difference in sentence		· ·	C.	Judge functior
		4.	Possibility of maximum sentence	يە رىخ خەمىرى دە 1			May provide in
	•	5.	Possibility of acquittal			•	is entered
	с.		al written record shall be permitted consisting of list participants, final disposition, terms of agreement, and	يونلغ مجور من	2 2		1. Possibilit
			ar information agreed to by parties and Judge				2. Possibilit sentence
23 ⁶⁴ 0	. D.		erence should not be in open court to assure openness candor among all parties	Frank In	• 		3. Possibili
III.	POS	T-CON	IFERENCE	i in in the second s			4. Possibili
			cedure for written notification of Defendant's decision all parties if conference is adjourned and not				5. Possibili
1			onvened. (letter)			E.	Will keep pre
			a negotiations prohibited after the conference <u>unless</u> re are significant intervening events	- 	*		Avoid appeara
	c.	Defe	endant's plea should be immediately entered when agreement	Trading of		G.	
			reached		÷.	H.	to allow writ
	D.		tim shall be notified of result whether attended conference not. (letter)		antin antina a		parties
	Ε.	Tria	al date should not be posponed if no conference agreement			I.	
			reached				1. Facts of
				A REPORT OF			2. Defendant
					*		3. Defendant
				Trans 1			4. Crime imp
		· · · ·		يون مون هيري خو			

ROLE OF JUDGE

ce purpose ant of rights: tion is not admission of guilt nake statement statement is inadmissable at trial nate conference at any time ns as facilitator, moderator nformation on likely sentences if guilty plea ty of damaging evidence - more severe sentence ty of mitigating evidence - less severe ty of no difference in sentence ty of maximum sentence ty of acquittal etrial discovery within proper limits ance of coercion ng his version of agreement ljourn conference and either to reconvene or ten notification of Defendant's decision to ference topics: case s prior record t's personal/social/family information pact on victim (or society)

ROLE OF JUDGE	
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	5.	Social services/treatment received by Defendant			ROLE OF THE PROSECUTOR
	6.	Currently available programs			
	7.	Defendant's cooperation with law enforcement		I. PR	RE-CONFERENCE
	8.	Statutory sentencing requirements (mandatory, allowable ranges)	-	Α.	Previously decided range of options re: sentence negotiating
	9.	Reduction in number of charges		B	. Can bind State to agreement - has authori
	10.	Reduction in severity of charges			settlement
	11.	Previous trial dispositions in similar cases		C	 Final agreement may be subject to Chief P approval
J.	No	final settlement actions taken outside of conference	- worder Organ	D	. Realistic assessment of witness' availabi
K.		judicial involvement/contact re: plea prior to ference		E	. May not discuss case with Defendant in al Counsel
L.		a negotiations prohibited after the conference <u>unless</u> are are significant intervening events		F	. Notification of Victim
M.	•	al date should not be postponed if no conference agreement			1. Standardized notification proceedure
		reached	E		 Notification five (5) full working data conference
N.	Rol	e of Defendant:			Concellation five (5) full working days
	1.	Role at conference subject to Defendant's wishes and Defense Attorney's assessment of utility and impact		G	conference
	2.	Is entitled to Defense Counsel's direct involvement		H	 Pretrial motions filed before conference
		in all matters			 Discovery completed before conference (p criminal record)
	3.	Is present for his own knowledge and opportunity to make Judge and others aware of his individual circumstances and needs			J. No final settlement actions taken outsid
	4.	Approves any agreement offered and may terminate	•		K. If Defendant is in custody, Prosecutor w to be present
		conference			L. If multiple charges are pending at the t
0.	. Rol	Le of Victim:			efforts will be made to consolidate them conference
	1.	May attend at own option	e dine terret	TT	CONFERENCE
	2.	May offer information and opinions			A. Candidate conference topics:
	3.	May not dictate outcome or veto same		· · ·	1. Facts of case
	4.	May meet separately with parties, except Defendant, in cases where separation is warranted, as in issues of			 Pacts of cusc Defendant's prior record
		identification		•	 Defendant's prior record Defendant's personal/social/family
	5.	Police may attend at own option in cases of victimless crime, without authority to dictate or veto outcome			 Defendant's personal social family Crime impact on victim (or society)
		orrace architer to arctate or vero outcome			4. Crime impact on victim (or society)

1

ROLE OF THE PROSECUTOR

ed range of options re: charge and ing agreement - has authority to negotiate ay be subject to Chief Prosecutor's ment of witness' availability at trial case with Defendant in absence of Defense /ictim notification proceedure five (5) full working days prior to scheduled e (5) full working days prior to scheduled filed before conference ted before conference (police report and ent actions taken outside of conference in custody, Prosecutor will arrange for Defendant rges are pending at the time of selection, made to consolidate them for discussion at cence topics: se prior record personal/social/family information

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			in a second s		
		ROLE OF THE PROSECUTOR			
	•				
		5. Social services/treatment recieved by Defendant		2	Is entitled
		5. Social Services/ creatment recreved by berendant	Store .	2.	in all mat
		6. Currently available programs		3.	Is present
		7. Defendant's cooperation with law enforcement	and a second		make Judge
		8. Statutory sentencing requirements (mandatory, allowable	and the second se		stances an
		ranges)		4.	Approves a conference
	а Т	9. Reduction in number of charges			
		10. Reduction in severity of charges	and a second and a second a se		
		11. Previous trial dispositions in similar cases			•
		12. Predictions as to outcome at trial:	N years the		
		a. possibility of damaging evidence - more severe			
•		sentence b. possibility of mitigating evidence - less severe	and a second		
		sentence	متعقال المتعادية		
		c. possibility of no difference in sentenced. possibility of maximum sentence	and a second		
		e. possibility of acquittal			
	в.	Plea negotiations prohibited after the conference unless	an a		
		there are significant intervening events			
	. C.	Trial date should not be postponed if no conference agreement			•
	•	is reached			
	D.	Victim shall be notified of result whether attended conference	Brands (* 1997) V.		
		or not		•	
	Έ.	Role of Victim:	and the second s		
		1. May attend at own option	Santon (1374)		\$
		2. May offer information and opinions			
			an an garanta an an ann an an an an an an an an an a		
		3. May <u>not</u> dictate outcome or veto same			
		4. May meet separately with parties, except Defendant, in cases where separation is warranted, as in issues of	an second and the sec		
		identification	the second se		
		5. Police may attend at own option in cases of victimless crime, without authority to dictate or veto outcome	2000 - 100 -		
	्म	Role of Defendant:			
		Б	an chille and the second se		•
		 Role at conference subject to Defendant's wishes and Defense Attorney's assessment of utility and impact 			

ROLE OF THE PROSECUTOR

ed to Defense Counsel's direct involvement tters

t for his own knowledge and opportunity to e and others aware of his individual circumnd needs

any agreement offered and may terminate

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			в.	Cancellation f
			с.	Pretrial motion
1.	"Orine o		D.	Discovery comp
T a come	1 		E.	No final settle
a An <mark>teriora</mark> Anteriora			F.	If Defendant in attendance
		- -	G.	If multiple cha efforts will be conference.
		II.	CON	FERENCE
مينيوني وهي ^ي			Α.	May inquire of convicted after
			в.	Presents all fa fair treatment
	م میرون مربقه		c.	Incorporates an Defendant's si
			D.	appropriate Advises Defend
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	57000 e			1. Judge shou for Defend
	principal .		F.	Obtains Defend
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and and				1. Facts of c
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ROLE OF DEFENSE COUNSEL

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estigated case, advised Defendant of options, Defendant to negotiate

ive (5) full working days prior to scheduled

ns filed before conference

leted before conference

ement actions taken outside of conference

n release status, Defense Counsel will arrange

arges are pending at the time of selection, e made to consolidate them for discussion at

Judge's probable sentence, if Defendant is er trial

actors favorable to Defendant and ensures at conference

ny diversion (other) programs suitable to tuation in his settlement proposal, if

lant of alternatives and his opinion on each dge to adjourn conference to confer with

ild honor such requests and set specific time er to report Defendant's decision

lants approval to any final agreement

erence topics:

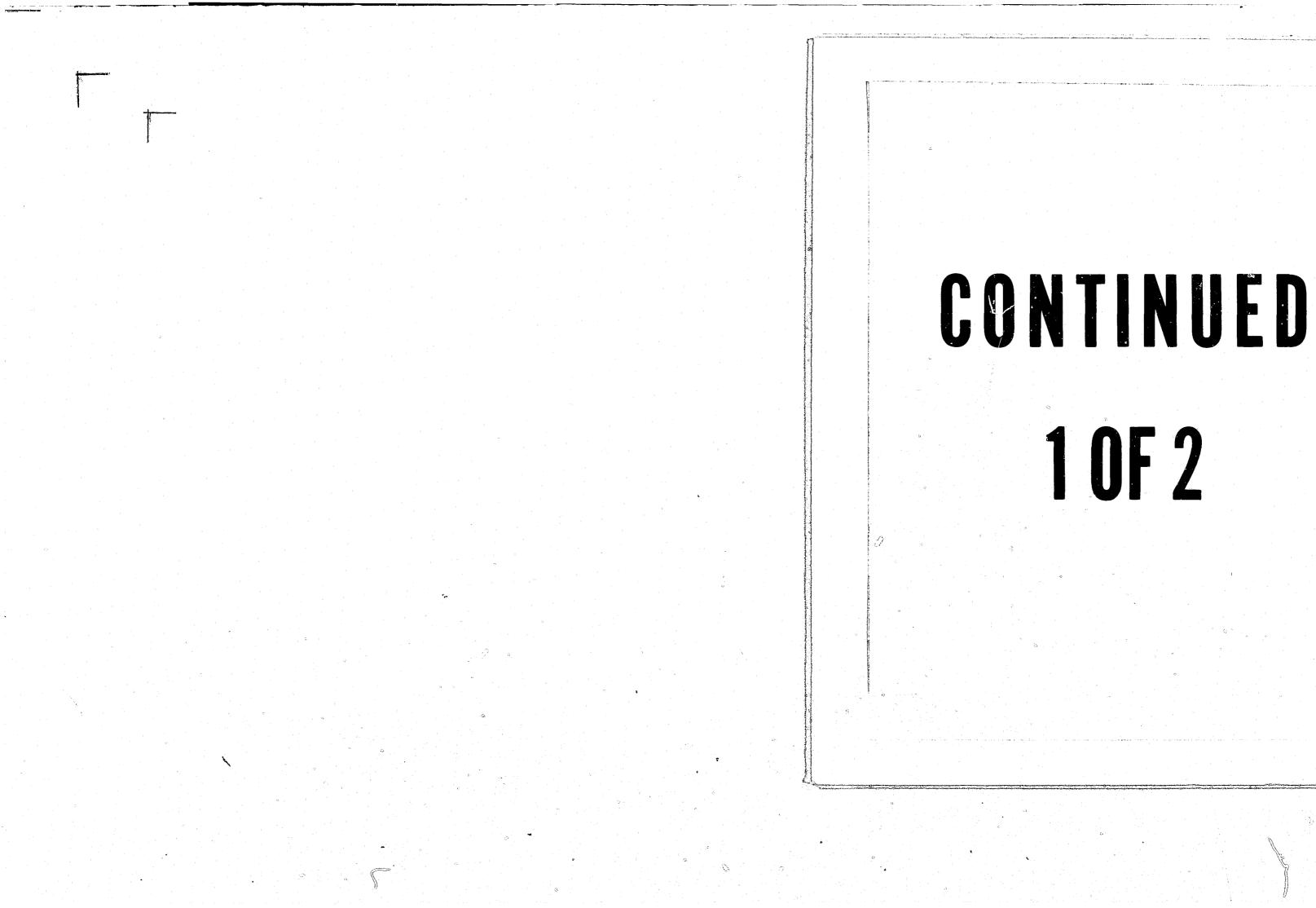
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's prior record

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vices/treatment received by Defendant



ROLE OF DEFENSE COUNSE

	6.	Currently available programs
	7.	Defendant's cooperation with law enforcement
	8.	Statutory sentencing requirements (mandatory, allowable ranges)
	9.	Reduction in number of charges
	10.	Reduction in severity of charges
	11.	Previous trial dispositions in similar cases
	12.	Predictions as to outcome at trial:
		 a. possibility of damaging evidence - more severe sentence
		b. possibility of mitigating evidence - less severe sentence
		c. possibility of no difference in sentenced. possibility of maximum sentencee. possibility of acquittal
H.		a negotiations prohibited after the conference <u>unless</u> there significant intervening events
I.		endant's plea should be immediately entered when agreement reached
J.		al date should not be postponed if no conference agreement reached
K.	Role	e of Defendant:
	1.	Role at conference subject to Defendant's wishes and Defense Attorney's assessment of utility and impact
	2.	Is entitled to Defense Counsel's direct involvement in all matters
	3.	Is present for his own knowledge and opportunity to make Judge and others aware of his individual circumstances
	4.	Approves any agreement offered and may terminate conference
L.	Role	e of Victim:
	1.	May attend at own option
	2.	May offer information and opinions

. C. 19 2.3

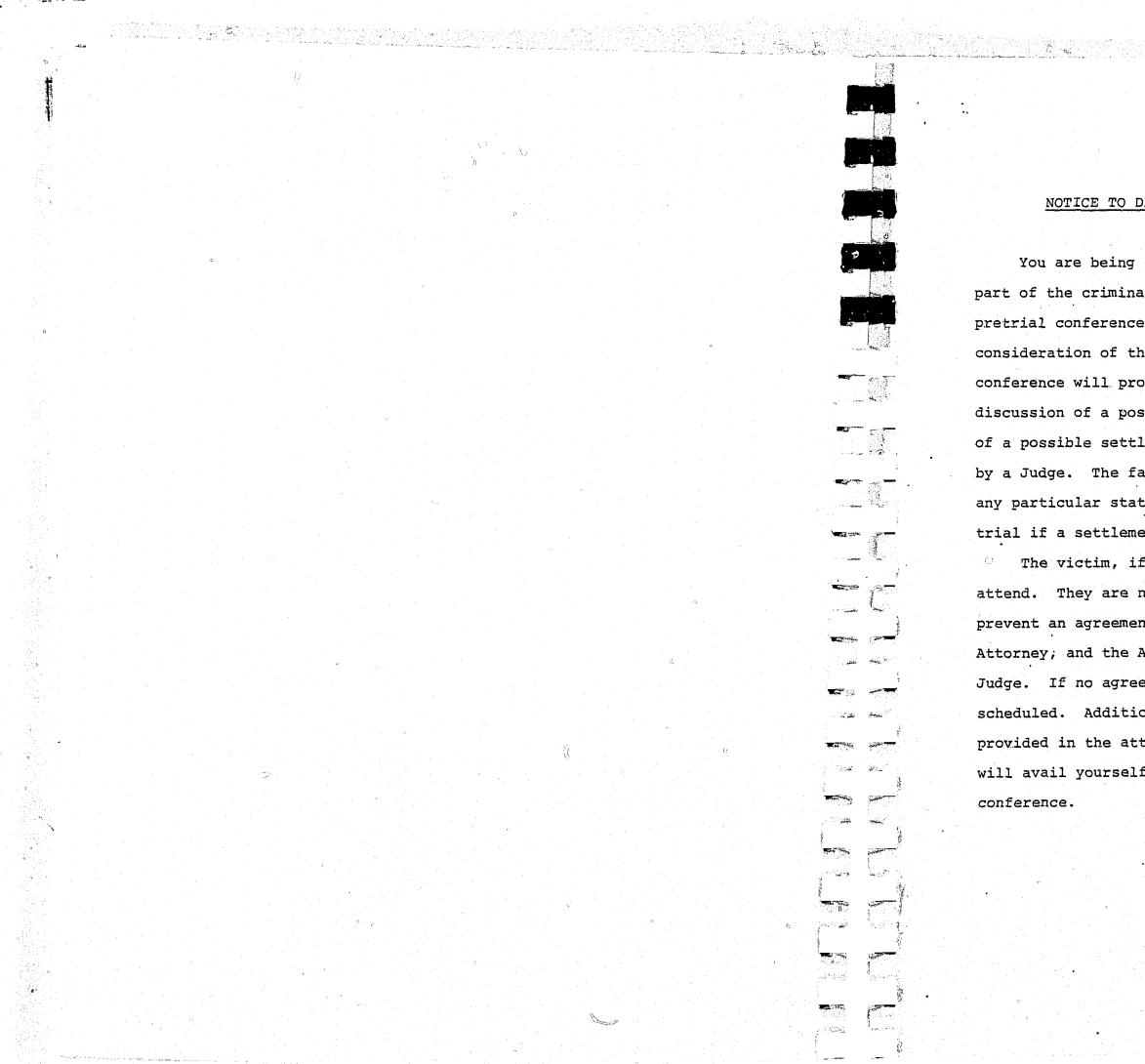
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May meet separately with parties, except Defendant, in cases where separation is warranted, as in issues of identification

5. Police may attend at own option in cases of victimless crime, without authority to dictate or veto outcome

ROLE OF DENFENSE COUNSEL

3. May not dictate outcome or veto same

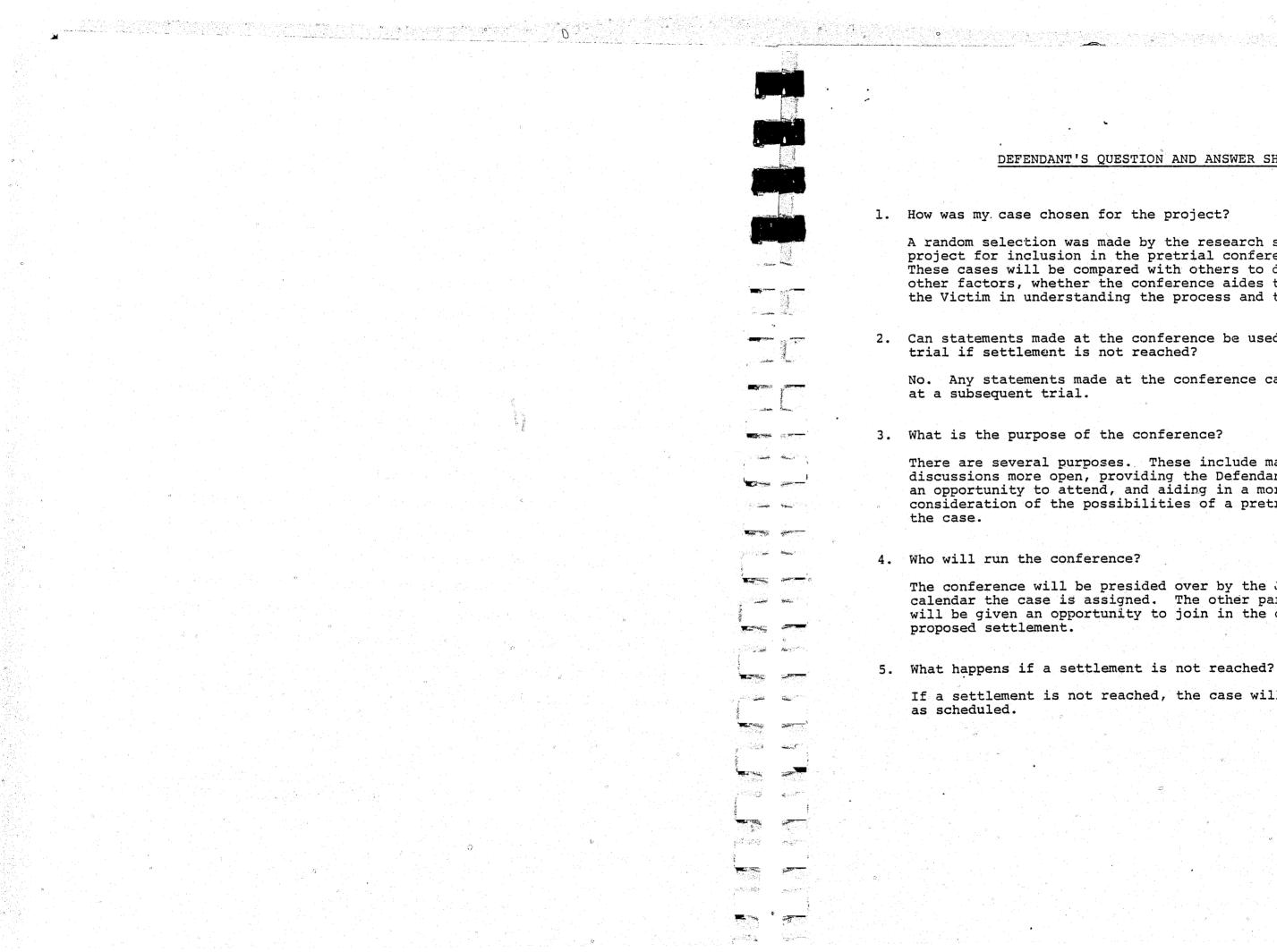


NOTICE TO DEFENDANTS REGARDING PRETRIAL CONFERENCE

You are being offered a chance to participate in a study of a part of the criminal justice system in Pinellas County. This study of pretrial conferences is being done to aid in the prompt and orderly consideration of the settlement of criminal cases before trial. This conference will provide you with an opportunity to participate in the discussion of a possible settlement of your case. All final discussions of a possible settlement will take place in a conference presided over by a Judge. The fact that you participated in the conference or made any particular statement at the conference may not be used in a later trial if a settlement is not reached.

The victim, if there is one in your case, will be invited to attend. They are not required to attend and they will not be able to prevent an agreement which has been reached by you, your Defense Attorney; and the Assistant State Attorney, with the approval of the Judge. If no agreement is reached, the case will go to trial as scheduled. Additional information about the pretrial conference is provided in the attached question and answer sheet. We hope that you will avail yourself of the opportunity to participate in the pretrial

PHILIP A. FEDERICO - CIRCUIT JUDGE



DEFENDANT'S QUESTION AND ANSWER SHEET

A random selection was made by the research staff of the project for inclusion in the pretrial conference proceedure. These cases will be compared with others to determine, among other factors, whether the conference aides the Defendant and the Victim in understanding the process and the disposition.

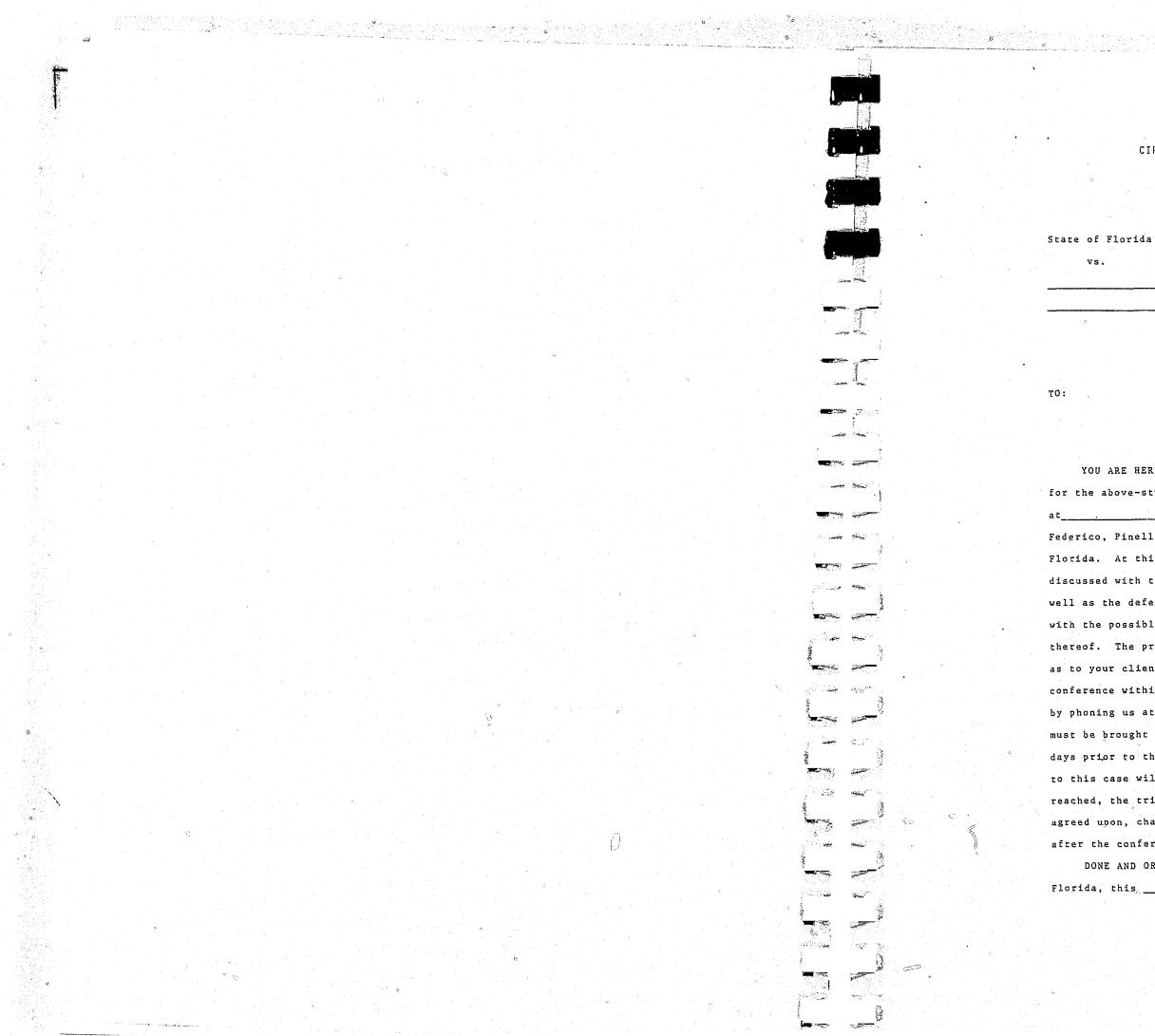
2. Can statements made at the conference be used at a subsequent trial if settlement is not reached?

No. Any statements made at the conference can not be introduced

There are several purposes. These include making settlement discussions more open, providing the Defendant and Victim an opportunity to attend, and aiding in a more orderly consideration of the possibilities of a pretrial settlement of

The conference will be presided over by the Judge to whose calendar the case is assigned. The other parties in attendance will be given an opportunity to join in the discussion of any

If a settlement is not reached, the case will go to trial.



CIRCUIT COURT, PINELLAS COUNTY, FLORIDA CRIMINAL DIVISION

CASE NO.

CHARGE

TRIAL DATE

-San shiring tangga sh

NOTICE OF PRETRIAL CONFERENCE

YOU ARE HEREBY notified that a Pretrial Conference will be held for the above-styled case on _____

, before the Honorable Philip A. Federico, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida. At this conference, the disposition of the case will be discussed with the Assistant State Attorney assigned to the case as well as the defendant and counsel. This conference will deal strictly with the possible disposition of the case, and all pertinent facts thereof. The program staff of the Pretrial Conference must be notified as to your client's intentions regarding participation in the conference within one week, either by returning the attached sheet or by phoning us at 448-3866 or 448-3867. Any problems or cancellations must be brought to the attention of the program staff five (5) working days prior to the conference. All final plea negotiations pertinent to this case will occur at this conference, and if no disposition is reached, the trial will commence as scheduled. If a disposition is agreed upon, change of plea and sentencing will be done immediately 1. 4 after the conference.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, day of

Enlip a. Federico

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ropriate box below and return this form or number within one week. Your prompt response program staff in our organization of the

We will not participate

Signature

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propriate box below and return this form or a number within one week. Your prompt response a program staff in our organization of the

We will not participate

Signature

JAMES T. RUSSELL STATE ATTORNEY IN REPLYING PLEASE REFER TO: at (813) 448-2221. will know which case you are interested in.



COURT HOUSE CLEARWATER, FLORIDA 33516

TELEPHONE 448-2221

OFFICE OF STATE ATTORNEY

SIXTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR PINELLAS AND PASCO COUNTIES

This letter is to advise you that in the case of , charged with

, there will be a Pretrial Conference held on , in the Pinellas County , 19 , at Courthouse, 315 Court Street, Clearwater, Florida. This conference will be an informal discussion of the case in the presiding Judge's chambers, and your input into the case might prove invaluable to the Judge and attorneys involved. There is the possibility that the Defendant may plead guilty at this conference, and if so, sentencing could possibly be done right after the conference. You are encouraged to attend as a means of expressing your viewpoint on the case, especially if the Defendant decides to plead quilty and is sentenced.

Any questions you may have concerning your involvement in this conference can be directed to Assistant State Attorney

If you plan to attend the conference, please report fifteen minutes prior to the scheduled conference time to the front desk of the State Attorney's Office, Room 416, 315 Court Street, Clearwater, Florida for further instructions. Please bring this letter with you so our office

> JAMES T. RUSSELL, State Attorney Sixth Judicial Circuit of Florida

0 **c**

BY

Assistant State Attorney



INTRACONFERENCE DATA COLLECTION FORM

1.	Case no.	6 7 8	o 10	7.	List participants by name
	Conference no.	11 ⁻ 12′ 13			l - Present during all 2 - Present during part 3 - Available, but not 8 - Not present
3.	Coder's initials		16 17		(a) Judge
4.	Date of conference (INI DD YY)				(b) Defense attorney
1		19 20 21	22 23		(c) Defendant
5.	Location of conference 1 - Judge's chambers or office		24		(d) Victim(s)
	2 - Conference room 3 - Courtroom				(e) Prosecutor
б.	8 - Other, specify: Diagram of seating arrangement:				(f) Police
	Draw in basic room furnishings, e.g., table Place each of the participants on the diag codes indicated for each. No need to draw	ram using th	e		(g) Others (specify title
	(J) Judge		(J)25		
	(A) Defense attorney		[[]]]	8. ठ	Code clothing of each part Code 8, if person listed w
	(D) Defendant			а в н	1. Judicial robes
	(V) Victim		(V) 28	CODED	2. Formal business (tradit
	(P) Prosecutor (C) Police		29	BY	suit and the for men, m colors seasonally appro and women)
•	<pre>(0) Others, specify:</pre>		$\begin{array}{c} 23 \\ (C) \\ 30 \\ (0) \\ 31 \\ (0) \\ 32 \end{array}$	INSLAW	 <u>Informal business</u> (some like than category 1, e jackets, tie without a suit without tie for me jacket)
		······································	••••••••••••••••••••••••••••••••••••••		4. <u>Casual</u> (leisure clothes
	┝╋╪┥┥╍┝╍┾╼┿╼┽┥╵╽╶┟┑┧╸╽╴╢╴║╺┥┨╻╎┠╍╎╺┾ ┝╋┯┿╈┥╄╇╍┝┽┙╵┥╼┿┲┿┲╵╵╢╴╎╴╎╴╎╴╎╴╎╴	╺┪╍┧╴┝╴╽╶╢╺╽╵┝╸ ╺╋╍┟╍┠╸╽╶╢┅┽╸┝╍			5. <u>Very casual</u> (jeans, run
÷.	┝┿╬┿╬┿╬╌┿┿┿╬╌┿╡╼┝┿╞╖╡╎╎╎╎╸┝╶╢╴ ┝┿┿┿┿┿┿┿┙┙╵╎╎╵╸┝┧╴╢	╪╌┾╍┾╍┼╸┝╺┟╺┟╸ ┥┥┥┥┝╺╋╍┿╍╄╸┝			6. <u>Hork</u> (laborer or servic
	┝╪╪╪┿╡╪┿╌╻╪╼╞╪╴╎╴╎╷╎╷╎╷╎╷╎╎╎╶╶╌╴┥╎╵╴┾╪╼┝	╺╄╺╞╌┠╼╠╴┫╴┨╺ ╺┾╾╆╶╎╶╽╴╽╴╽			7. <u>Penal</u> (jail clothing)
					8. Individual was not pres
 		المتحديدة ومحمد	Q		0

nts by name. For each category (a-g) code either

during all of conference during part of conference , but not present (e.g., in next room)

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e(s)				- 39
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warm offer and hoped

of each participant to closest category. on listed was not present.

<u>es</u>	Judge
ess (traditional business for men, matching suit in	40 Defense attorney
nally appropriate for men	Defendant 41
iness (somewhat less business	Victim 42
tegory 1, e.g., sports without a jacket or suit.	Prosecutor 43
tie for men, dress with	Police
ure clothes, not jeans)	Other (specify) $\frac{45}{46}$
(jeans, running clothes)	Other (specify) $\frac{46}{47}$
r or service uniform)	47
r or service unitorm)	

as not present

 1 Was full agreement reached at the conference: 1 - Yes 2 - No (if no, skip to question 3) 2. Negotiated settlement result: Describe exactly what was agreed to. Include any charge, count, sentence or condition information. 46' 50 50 51 52 53 54' 51 55' 55' CON 56' 55' CON 56' 55' CON 56' 55' CON 56' 55' CON 57 Was partial agreement reached? 1 - Yes 2 - No (a) Mention that a greater sentence would proat trial (b) Mention of a meater delay in the case i (c) Reminding defendant of criminal history (d) Emphasis on how serious a crime defendant or society if case qoes to trial (f) Judge, defense attorney or prosecutor sh anger with defendant or defendant's criment or disagreement is for defendant (a) Beendant advised that he/she could be h sentence, e.g., settlement is for defendant (a) Beendant advised that he/she could be h sentence, e.g., settlement? (b) No opportunity is allowed for defendant (c) Reminding defendant to arree to the settlement? (d) No opportunity is allowed for defendant (e) Mention that agreement or reason for lack of any agreement, if no partial agreement. (f) Judge, defense attorney or prosecutor sh anger with defendant to arree to the settlement? (f) Subject of the following reasons account for the lack of full or any agreement (fill in as many as apply to case) (f) Market agreement (fill in as many as apply to case) (f) Heresc course 		the second se	арана с. от т	3 1	
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Skip to 6, if full agreement was reached (yes, on question 1). 65 56 anger with defendant or defendant's or many signed for the following reasons for lack of any agreement. If no partial agreement. 1 - Yes 57 57 2 - No 56 56 4. Uescribe partial agreement or reason for lack of any agreement. If no partial agreement. 56 56 56 56 50 56 56 56 57 56 56 56 50 56 56 56 57 56 56 56 57 56 57 50 50 50 58 56 50 50 50 50 50 50 50 50 50 50 60 61 50 50 50 50 50 50 61 56 50 50 62 53 50 50 64 65 60 61 62 63 50 50 7 7 7 50 </td <td></td> <td></td> <td>CO</td> <td>ω</td> <td>(e) Mentioning expense of trial and inconvenience to</td>			CO	ω	(e) Mentioning expense of trial and inconvenience to
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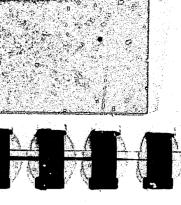
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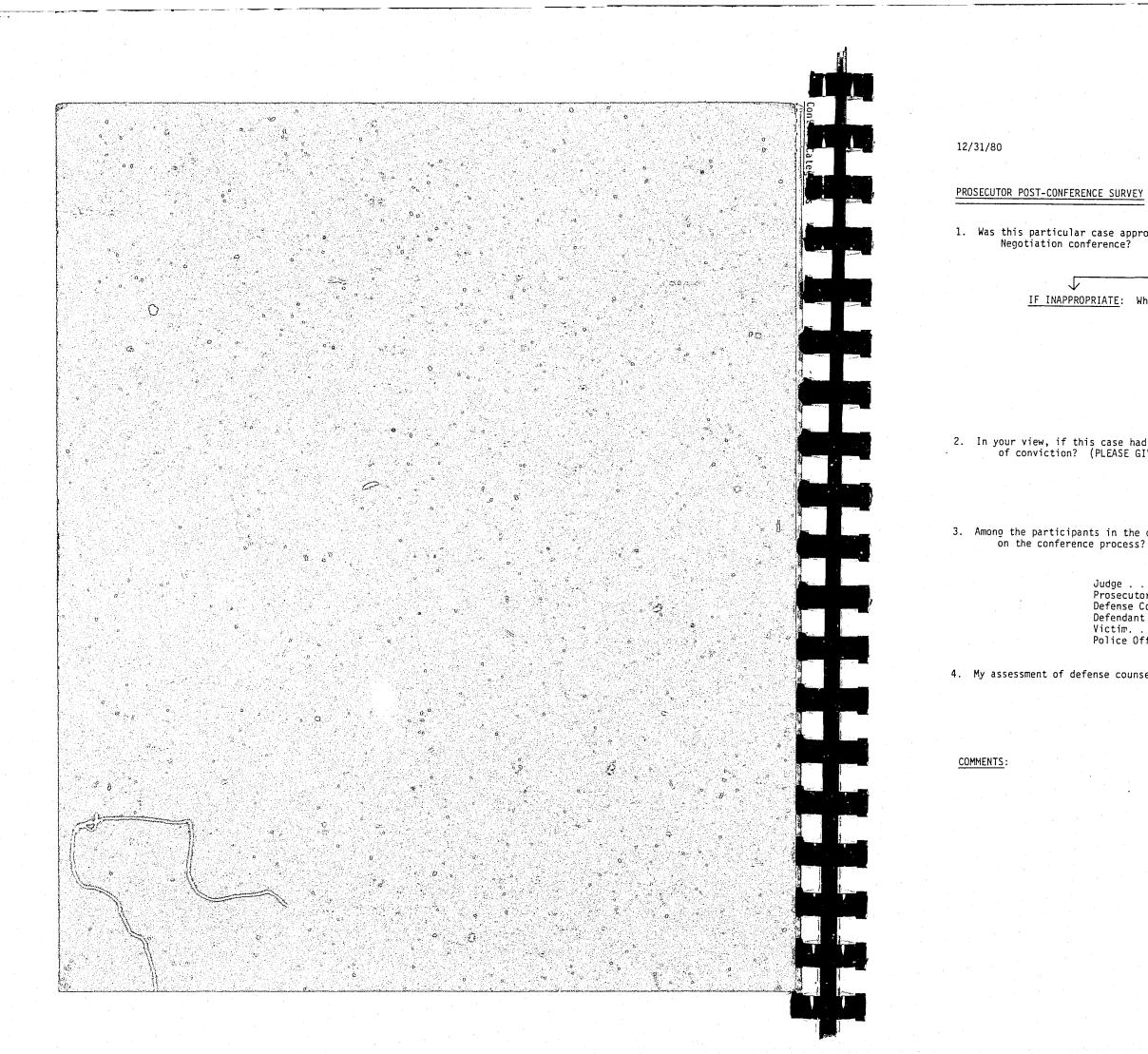
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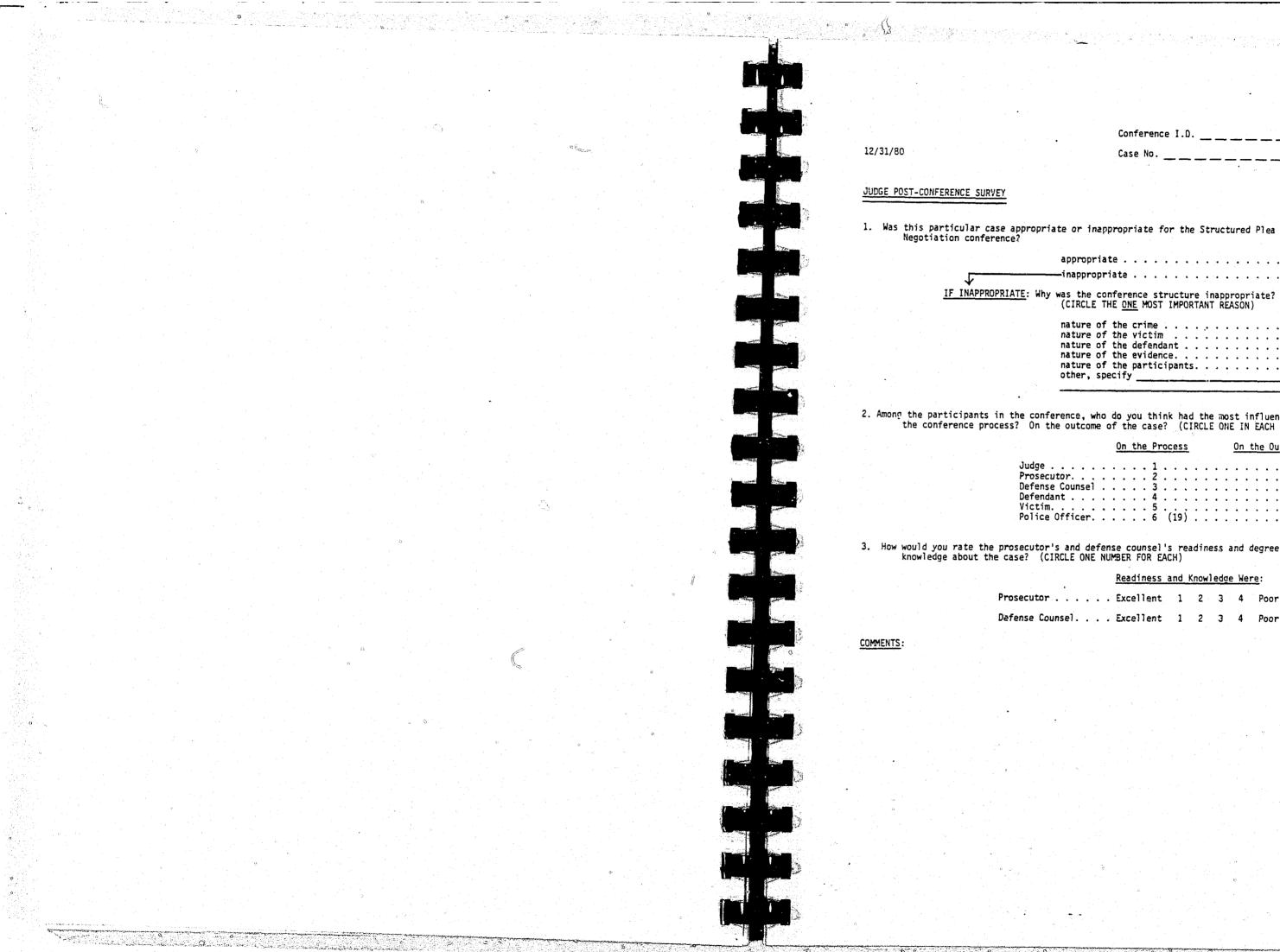
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- 18



Conference I.D 4_	(1-6)
Case No	(7-16)

r case appropriate or inappropriate for the Structured Plea nference?	
appropriate	(17)
OPRIATE: Why was the conference structure inappropriate? (CIRCLE THE <u>ONE</u> MOST IMPORTANT REASON)	
nature of the crime 1 nature of the victim 2 nature of the defendant 3 nature of the evidence 4 nature of the participants 5 other, specify 6	(18)
nis case had gone (or goes) to trial, what would be the chance (PLEASE GIVE AN ESTIMATE FOR EACH)	
	(19-21)
to a lesser charge	(22-24)
ants in the conference, who do you think had the most influence ace process? On the outcome of the case? (CIRCLE ONE IN EACH COLUMN)	
On the Process On the Outcome	
Judge 1 1 1 Prosecutor 2 2 2 Defense Counsel 3 3 3 Defendant 4 4 4 Victim 5 5 5 Police Officer 6 (25) 6 (26)	
fense counsel's representation was that it was:	
excellent	(27)



	appropriate	71
		,
<u>TE</u> :	Why was the conference structure inappropriate? (CIRCLE THE ONE MOST IMPORTANT REASON)	
	nature of the crime	
	nature of the victim	
	nature of the defendant	
	nature of the evidence	
	nature of the participants 5	
	other, specify 6 (18	0
		1

Among the participants in the conference, who do you think had the most influence on the conference process? On the outcome of the case? (CIRCLE ONE IN EACH COLUMN)

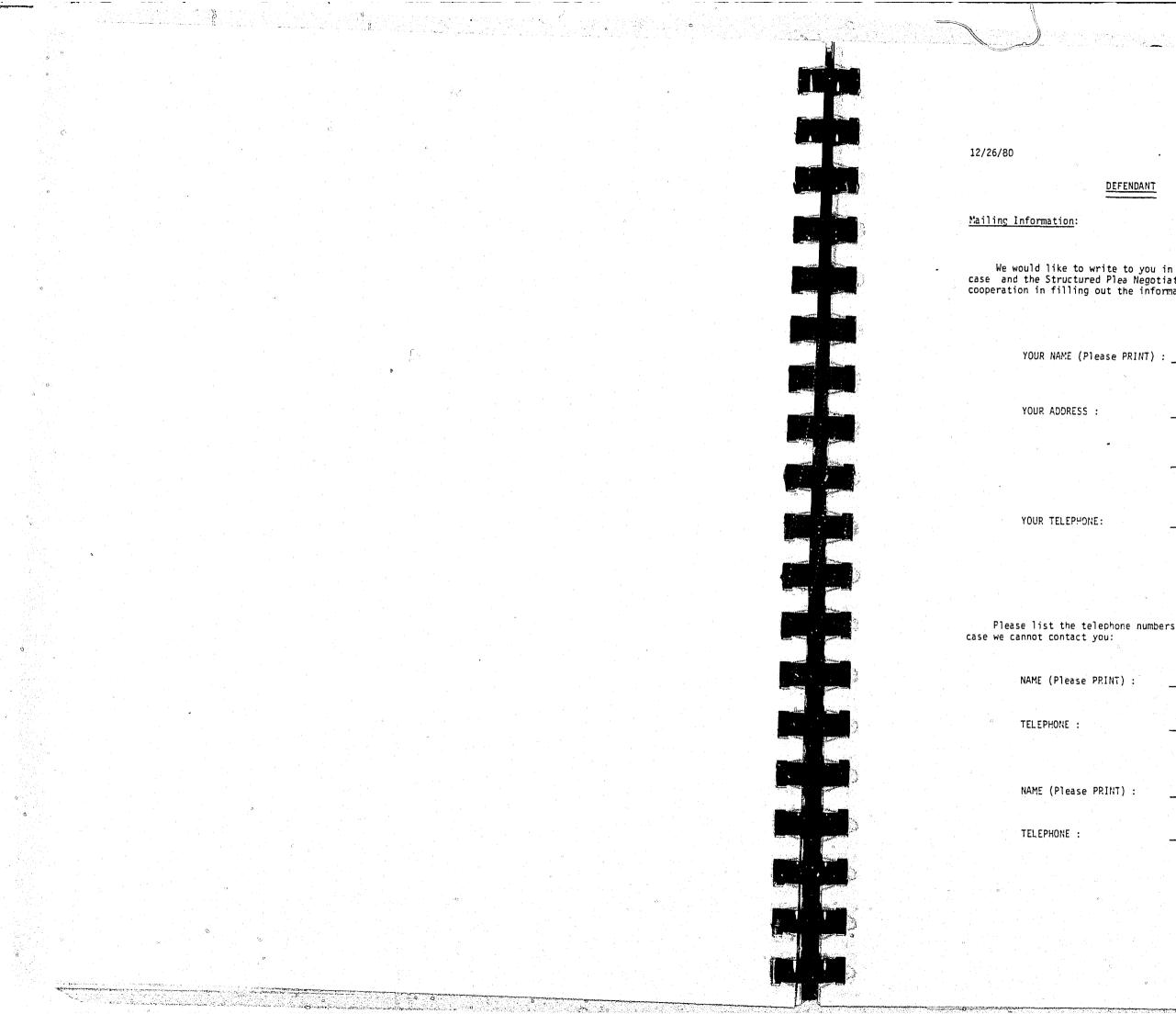
· · · · ·			9)n	t	he	Pı	roc	ces	5			<u>0</u> 1	1	th	e (Du	tco	те
Judge Prosecutor Defense Counse Defendant Victim Police Officer	i	• • •				•	2 3 4 5		•	•			•			•		2 3 4 5	(20)

How would you rate the prosecutor's and defense counsel's readiness and degree of knowledge about the case? (CIRCLE ONE NUMBER FOR EACH)

	Readiness	and	Know]	edge	We	re:	
ecutor	Excellent	1	2	3	4	Poor	(21)
nse Counsel	Excellent	1	2	3	4	Poor	(22)

Ø

•



Co	nfer	enc	e N	lo.	 _	 	
Case	No.				 	 	

DEFENDANT

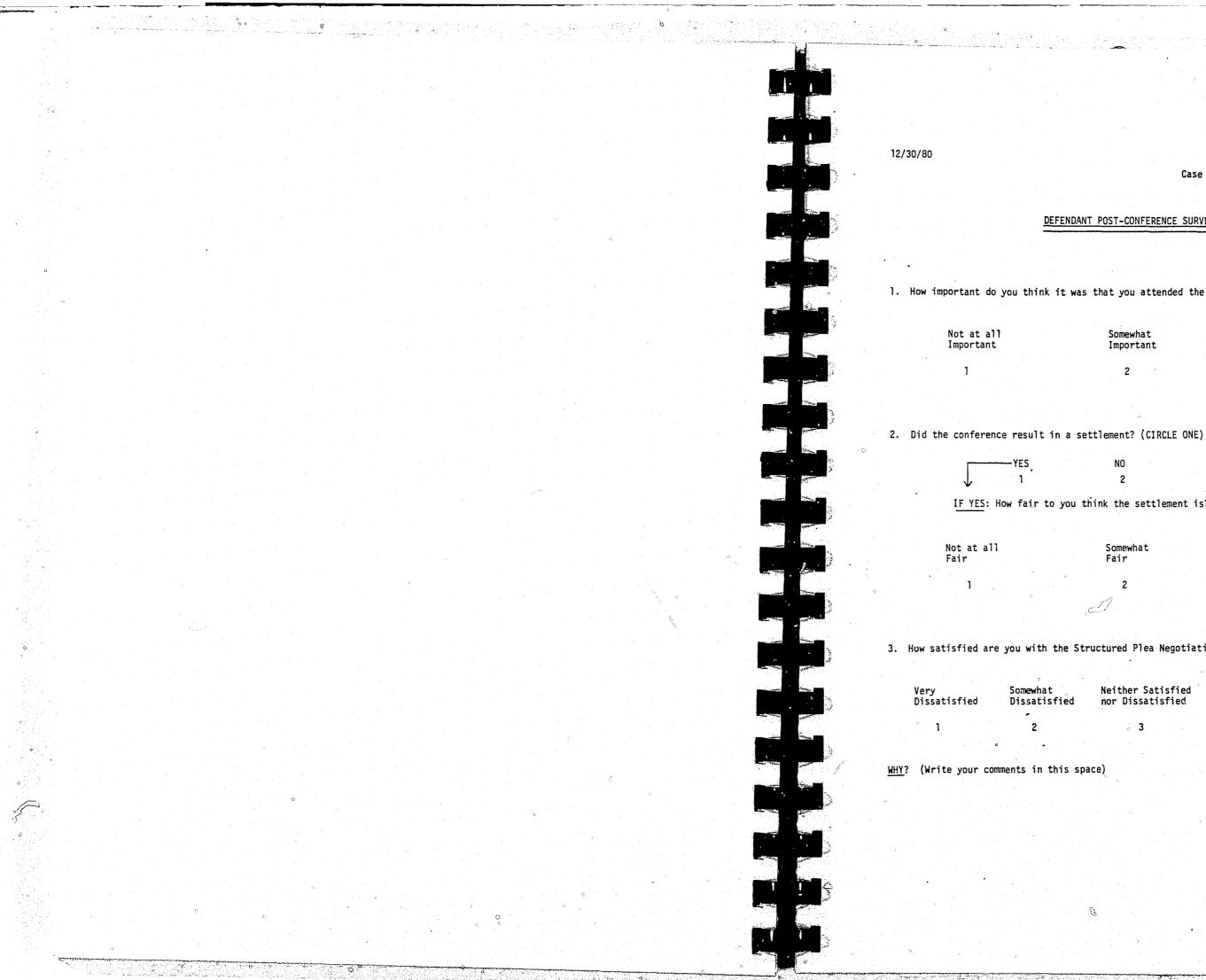
We would like to write to you in a couple of weeks to ask a few questions about your case and the Structured Plea Negotiation conference. We very much appreciate your cooperation in filling out the information below.

city state	zi

Please list the telephone numbers of two persons who know how to reach you in case we cannot contact you:

area code number

area code number



Conference I.D. ____1 (1-6) Case No. _____ (7-16)

<>

DEFENDANT POST-CONFERENCE SURVEY

1. How important do you think it was that you attended the conference? (CIRCLE ONE)

Somewhat Important	Very Important	
2	3	(17)

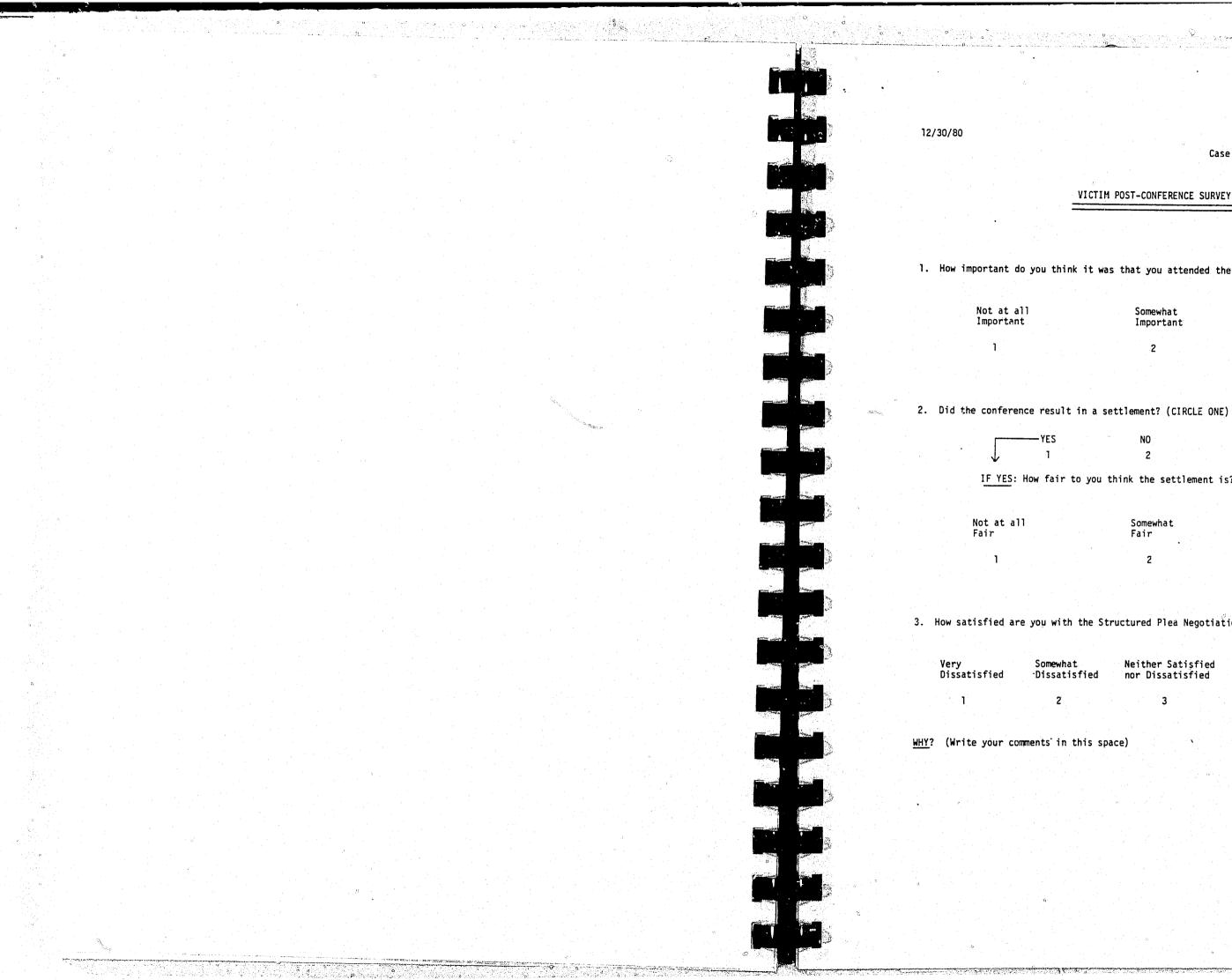
NO	N		
2			(18)

IF YES: How fair to you think the settlement is? (CIRCLE ONE)

Somewhat Fair	Very Fair		
2	3	(1)	9)
57			

3. How satisfied are you with the Structured Plea Negotiation Conference procedure? (CIRCLE ONE)

t sfied	Neither Satisfied nor Dissatisfied	Somewhat Satisfied	Very Satisfied	
	3	4	5	(20)



Conference I.D. <u>21459</u> 2 (1-6) Case No. _____ (7-16)

VICTIM POST-CONFERENCE SURVEY

1. How important do you think it was that you attended the conference? (CIRCLE ONE)

Somewhat Important	Very Important	
2	3	(17)

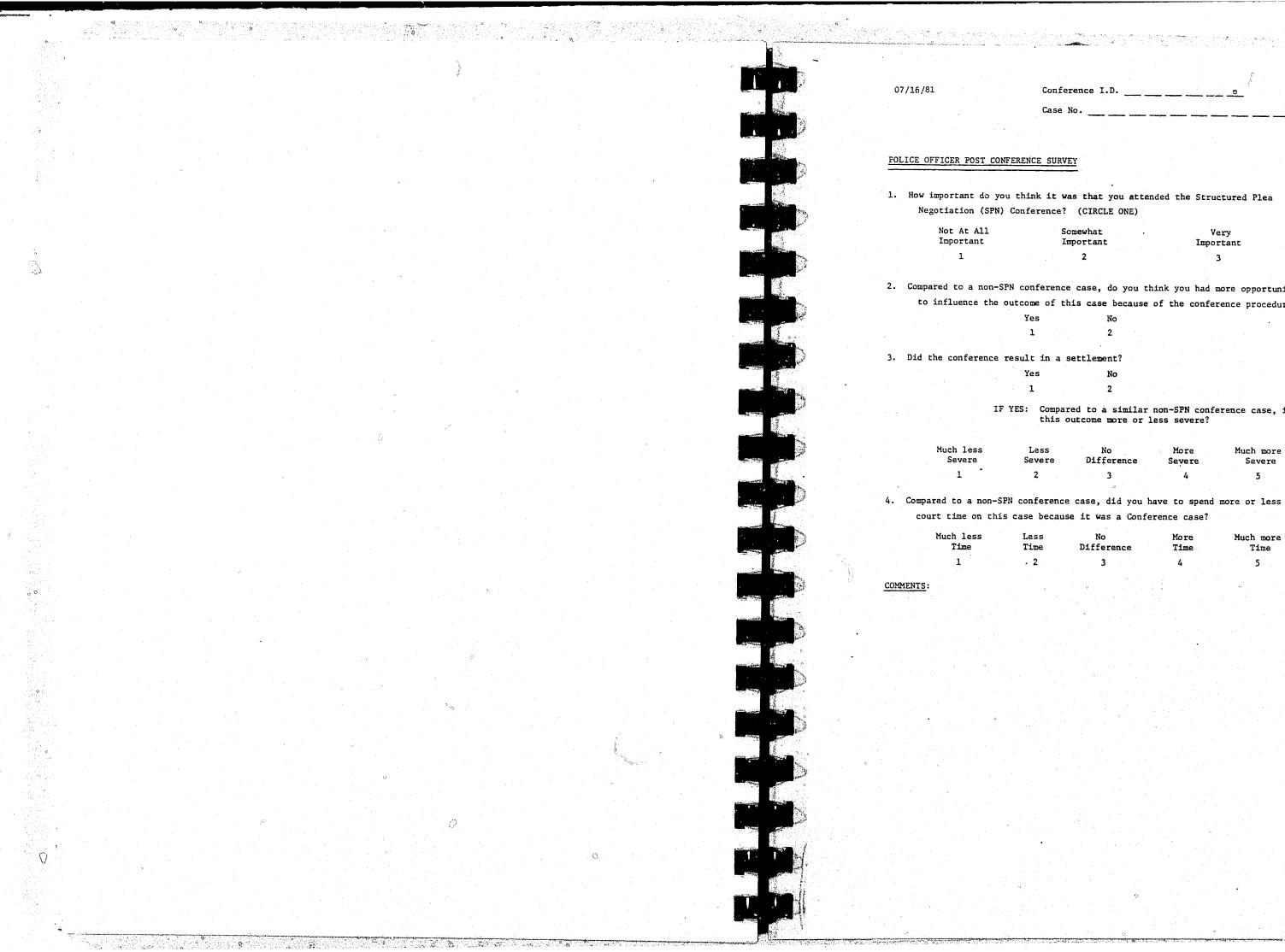
	NO		· · · ·		
	~				(18)
	2				(10)

IF YES: How fair to you think the settlement is? (CIRCLE ONE)

Somewhat Fair		. Very Fair		
2	•	3	•	(19)

3. How satisfied are you with the Structured Plea Negotiation Conference procedure? (CIRCLE ONE)

ewhat satisfied	Neither Satisfied nor Dissatisfied	Somewhat Satisfied	Very Satisfied	
2	3	4	5	(20)



			, <i>f</i>		
Conference	I.D	 		(1-6)	
Case No		 		(7-16)	

1.38 1.45 3

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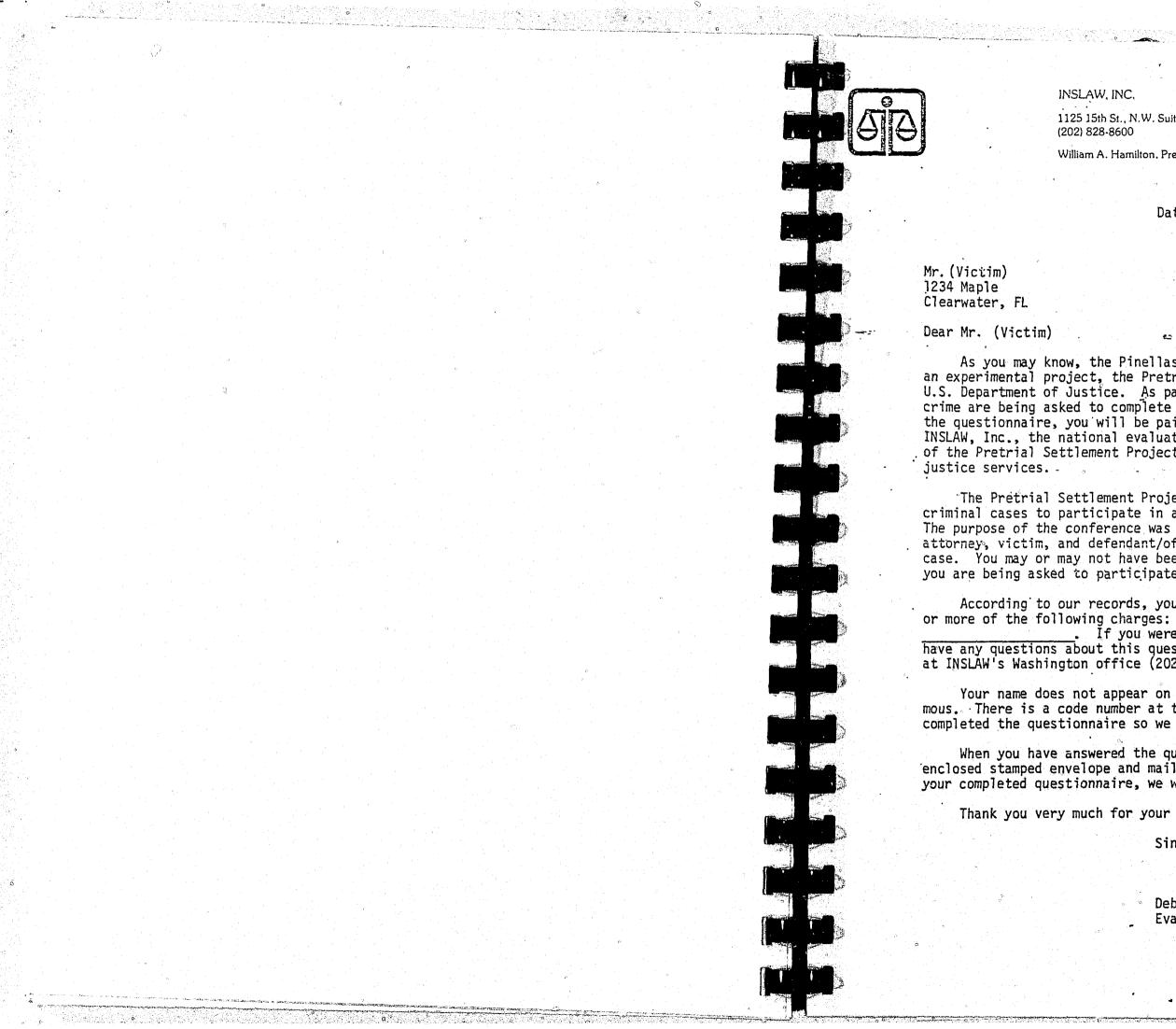
1. How important do you think it was that you attended the Structured Plea Negotiation (SPN) Conference? (CIRCLE ONE)

	pmewhat mportant	Very Importa		
· · · ·	2	3		(17)
conference	e case, do you tl	link you had more	e opportunity	
come of th	is case because	of the conference	ce procedure?	
Yes	No			
1	2			(18)
sult in a s	settlement?			
Yes	No			
1	2			(19)
	ed to a similar putcome more or 1		ace case, is	(20)
Less Severe	No Difference	More Severe	Much more Severe	

Severe	Difference	Severe	Severe	
2	3	4	5	(21)
	a ¹			

court time on this case because it was a Conference case?

Less	No	More	Much more	
Time	Difference	Time	Time	
• 2	3	4	5	(22)



INSLAW, INC.

1125 15th St., N.W. Suite 600 Washington, D.C. 20005 (202) 828-8600

William A. Hamilton, President

Date

As you may know, the Pinellas County Circuit Court is participating in an experimental project, the Pretrial Settlement Project, sponsored by the U.S. Department of Justice. As part of the project, a group of victims of crime are being asked to complete the enclosed questionnaire. If you complete the questionnaire, you will be paid \$5.00. Your answers will be used by INSLAW, Inc., the national evaluators of the project, to measure the value of the Pretrial Settlement Project and to suggest ways to improve criminal

The Pretrial Settlement Project scientifically selected a group of criminal cases to participate in a structured_plea negotiation conference. The purpose of the conference was to assemble the judge, prosecutor, defense attorney, victim, and defendant/offender to discuss a resolution of the case. You may or may not have been selected to attend a conference, but you are being asked to participate in this survey.

According to our records, you were the victim of a crime involving one

If you were not the victim of such a crime, or if you have any questions about this questionnaire, please call J.C.Smith collect at INSLAW's Washington office (202) 828-8682.

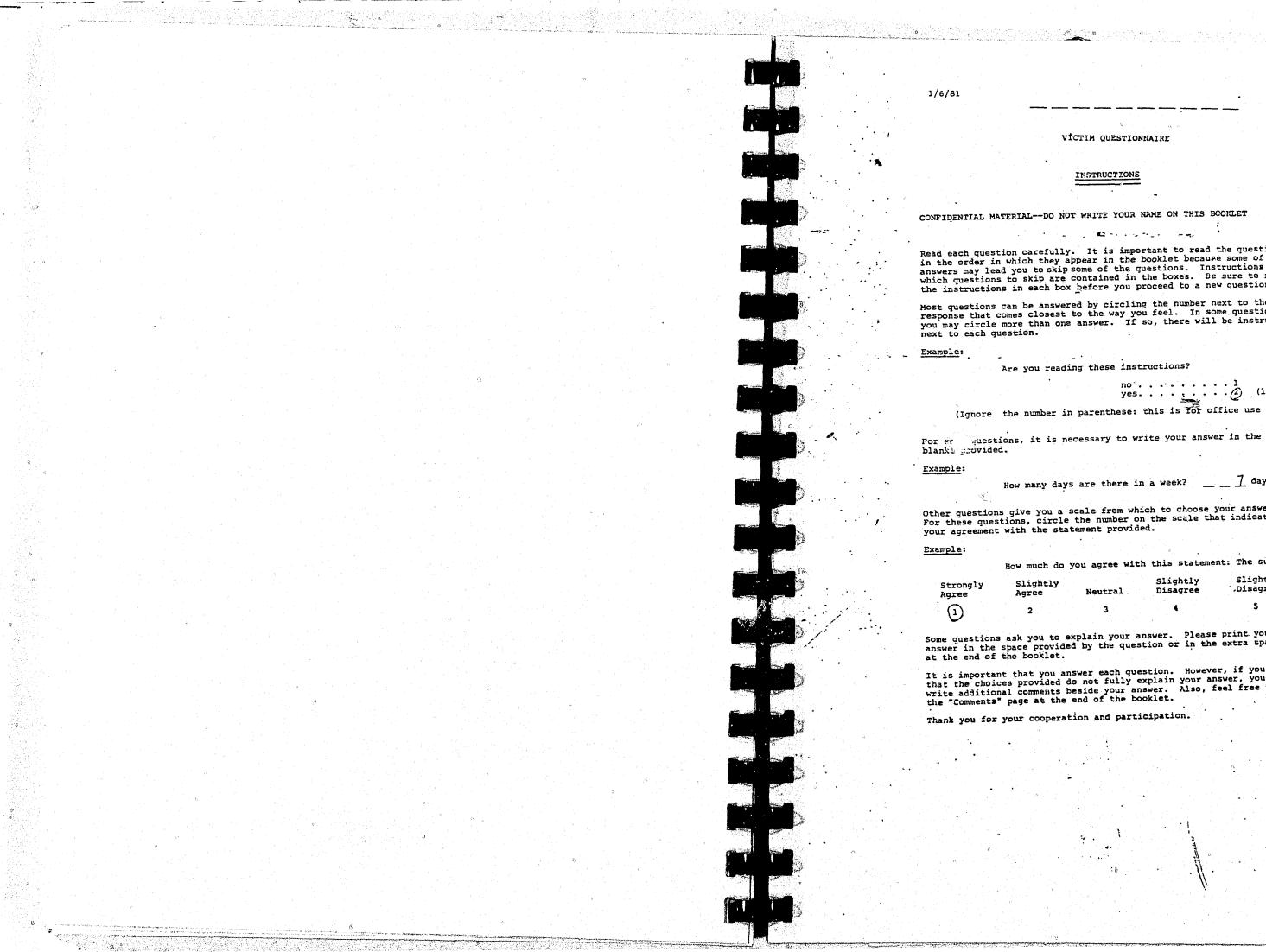
Your name does not appear on the questionnaire. All answers are anonymous. There is a code number at the top of the booklet that tells us who completed the questionnaire so we can pay respondents.

When you have answered the questionnaire, place the booklet into the enclosed stamped envelope and mail it back to us. As soon as we receive your completed questionnaire, we will send you \$5.00.

Thank you very much for your cooperation and participation.

Sincerely,

Deborah Buchner, Ph.D. Evaluation Director



(1-10)

VICTIM QUESTIONNAIRE

INSTRUCTIONS

CONFIDENTIAL MATERIAL--DO NOT WRITE YOUR NAME ON THIS BOOKLET

Read each question carefully. It is important to read the questions in the order in which they appear in the booklet because some of your answers may lead you to skip some of the questions. Instructions about which questions to skip are contained in the boxes. Be sure to read the instructions in each box before you proceed to a new question.

Most questions can be answered by circling the number next to the response that comes closest to the way you feel. In some questions you may circle more than one answer. If so, there will be instructions next to each question.

Are you reading these instructions?

no⁵......

(Ignore the number in parenthese: this is for office use only.)

<u>]</u> days (13-15) How many days are there in a week?

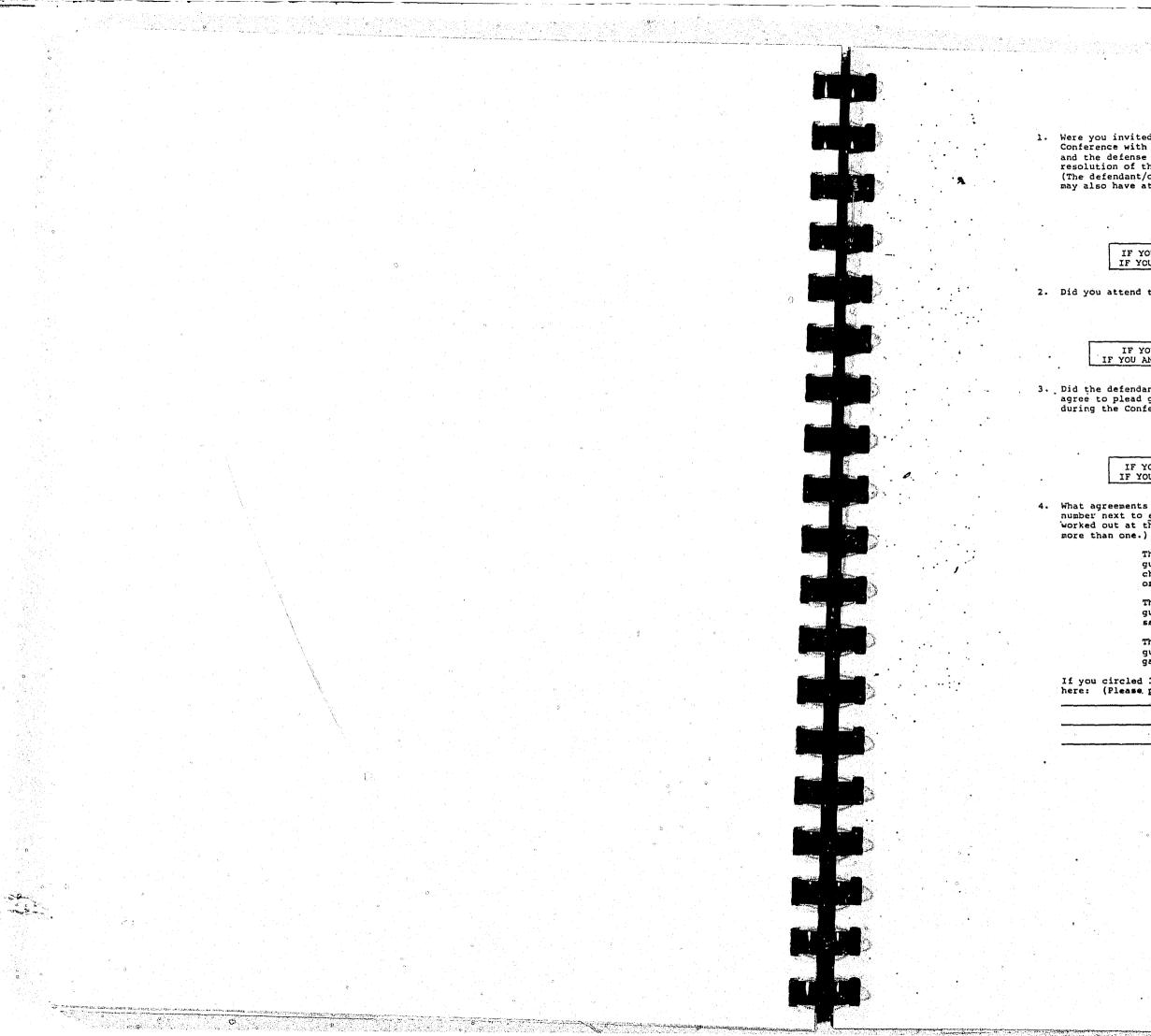
Other questions give you a scale from which to choose your answer. For these questions, circle the number on the scale that indicates your agreement with the statement provided.

How much do you agree with this statement: The sun is hot.

Slightly	Neutral	Slightly	Slightly
Agree		Disagree	Disagree
			5 (16)

Some questions ask you to explain your answer. Please print your answer in the space provided by the question or in the extra space at the end of the booklet.

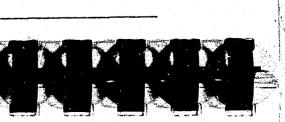
It is important that you answer each question. However, if you feel that the choices provided do not fully explain your answer, you may write additional comments beside your answer. Also, feel free to use the "Comments" page at the end of the booklet.



 Were you invited to attend a Structured Plea Negotiation Conference with the judge, prosecuting attorney and the defense attorney in order to discuss the resolution of the case for which you were a victim? (The defendant/offender and the arresting police officer may also have attended this Conference.) No.....1 Yes..... (11) IF YOU ANSWERED NO, SKIP TO QUESTION 13 IF YOU ANSWERED YES, GO-ON TO QUESTION 2 2. Did you attend this Conference? No.....1 ----Yes..... (12) IF YOU ANSWERED NO, SKIP TO GUESTION 12 IF YOU ANSWERED YES, 30 ON TO QUESTION 3 BELOW 3. Did the defendant/offender (or his/her attorney) agree to plead guilty as part of a bargain made during the Conference? No.....1 Yep.....2 (13) IF YOU ANSWERED NO, SKIP TO QUESTION 6 IF YOU ANSWERED YES, GO ON TO QUESTION 4 4. What agreements were reached? (Circle the number next to each agreement below that was worked out at the Conference. You may circle If you circled 3 above, please describe the other gain here: (Please print)

9							
	5.	How fair do you think this bargain is:			1	9.	How important do you believe it wa
3		very fair1				9	the Conference? not at all important
		Bomewhat fair2					·
		not at all fair3	(17)				somewhat important.
		Why?			•		very important
	•				•	10.	Which do you think is the better a a criminal case, a Structured Plea or a trial?
		NOW, SKIP TO QUESTION 7			•		Structured Plea Neg Conference
							A trial
	6.	Why was a guilty plea not agreed upon during the Conference? (Circle the number next to the most important reason.)				11.	What effect has your participatio Plea Negotiation Conference had o court system? Do you now view th
		The defense attorney needed to talk with the defendant/offenderl			* . · ·		Better than you tho
a -		The defendant wanted to go to trial2					Worse than you thou
		The prosecuting attorney did not want		i [†]			, or
		to bargain	•			•	Has it had no effect
ц.		Some other reason4	(18)		•		NOW SKIP TO QU
3 6		'If you indicated "some other reason," please describe the reason here: (Please print)				12.	•Why did you not attend the Confer (You may circle more than one.)
							Could not take time
							Did not want to go
1						14	Forgot about the Co
	7.	How satisfied are you with the Structured Plea Negotiation Conference procedure?				ht.	Did not have the me
		very dissatisfiedl				•	Did not have the to to attend
		somewhat dissatisfied2	•				Could not leave my
		neither satisfied or dissatisfied3					Did not think my a
		somewhat satisfied4			•		make a difference.
		very satisfied5	(19)	•	•		Was afraid to meet offender
		Why?			4		Unhappy with treat or prosecutors
							Some other reason.
				¢ . ·			If you indicated "some other rea
	8.	Now much influence do you believe you had on what happened during the Conference?		•			the reason here: (Please print)
9		no influence at all	•				
		some influence	•				
		a great deal of influence3	(20)				
		and and a second se		1000 C	The second second	SPACE A	
0	and the second second		and the second	$\mathbb{M}_{\mathbb{N}}$	\mathcal{N}	Ą	M N M M

it was that you attended	•
rtantl	
ant2 '	
•••••••	(21)
ter method for handling Plea Negotiation Conference,	
Negotiation	
2	(22)
ation in the Structured ad on your opinion of the w the court system to be:	
thought1	
thought2	
•	
fiect on your opinion3	(23)
O QUESTION 13	
onference? e.)	
time from work1	(24)
o go1	(25)
he Conference1	(26)
he money to attendl	(27)
he transportation	(28)
e my childrenl	(29)
my attendance would nce1	(30)
mcet the defendant/	(31)
reatment by police and/	(32)
160n1	(33)
reason," please specify int)	-
······································	



" C	o you know h	ow your case turned out?			16. W
	-	No, and I don't care1			y b
	· · ·	No, but I would like to know2			
		Yes, 1 know3	(34))	
	TE YOU	ANSWERED NO (1 or 2) SKIP TO QUESTION 16			The co
	<u></u>		-		slow a of tim
yo	u answered Ye	15; What happened?			
		The case was dismissed1			Guilty not pu
		One or more defendants/offenders pled guilty2	•		by the
		One or more defendants/offenders were convicted at trial			count good a expec
		One or more delendants/offenders were acquitted/found not guilty attrial4			In ge fair
		Some other outcome5	(25)		The c about
	If you indic the outcome	ated "some other outcome," please specify here: (Please print)		•	nceds
			*		17.
•					
				•	
				, · ·	
4.	Were one or sent to jai	more defendants/offenders convicted and l or prison as a result of this case?		•	•
1.	Were one or sent to jai	more defendants/offenders convicted and l or prison as a result of this case? Nol		•	
1.	Were one or sent to jai	l or prison as a result of child called	(36)	•	1
4.	sent to jai	l of prison as a result of this current Nol No	(36)	•	1
	sent to jai	No	(36)		1
	sent to jai How satisfi	l of prison as a result of this current Nol No	(36)		ł
	sent to jai How satisfi	ed are you with the outcome of	(36)		ţ
	sent to jai How satisfi	ed are you with the outcome of very dissatisfied1	(36)		ł
	sent to jai How satisfi	ed are you with the outcome of very dissatisfied1 somewhat dissatisfied2	(36)		ŀ
	sent to jai How satisfi	ed are you with the outcome of very dissatisfied1 somewhat dissatisfied2 neither satisfied or dissatisfied3	(36)		
	sent to jai How satisfi your case?	ed are you with the outcome of very dissatisfied2 neither satisfied or dissatisfied3 somewhat satisfied4			
4.	sent to jai How satisfi	ed are you with the outcome of very dissatisfied2 neither satisfied or dissatisfied3 somewhat satisfied4			

- A CARACTER

We are interested in learning about your attitudes toward the criminal justice system. Please indicate your degree of agreement with each statement below by circling the number in the appropriate column. Strongly Slightly Agree Agree 1 2 • Statement court system is too and wastes a lot . 2 1 me ty defendants are punished enough 2 1 a courts courts in this try do about as a job as one can 2 1 eneral, judges make 2 decisions court system cares at the victim's 2 1 . For the following questions, plas negotiation is defined as a defendant's agreeing to plead guilty in exchange for some concession by the state, such as a lesser charge or a reduced sentence. Please circle the number for the response that best indicates your agreement or disagreement with each statement below. If you do not have an opinion for a statement, circle 3, "Do Not Know." Agree Plea negotiations save time and money 1 Plea negotiations help' defendants to get off with too light a sentence 1 Plea negotiations are a good 1 way to decide a case Plea negotiations should be avoided so that most cases go to trial 1 Plea negotiations result in fair decisions 1



Neutral 3	Slightly Disagree 4	Strongly Disagree 5	
3	4	5	(38)
3	. 4	5	(3°)
3	4	5	(40)
3	4	5	(41)
3	4	5	(42)

	1	•
Disagree	Do Not Know	
2 •	3	(43)
2	3	(44)
2	3	(45)
2	3	(46)
2	, 3	(47)

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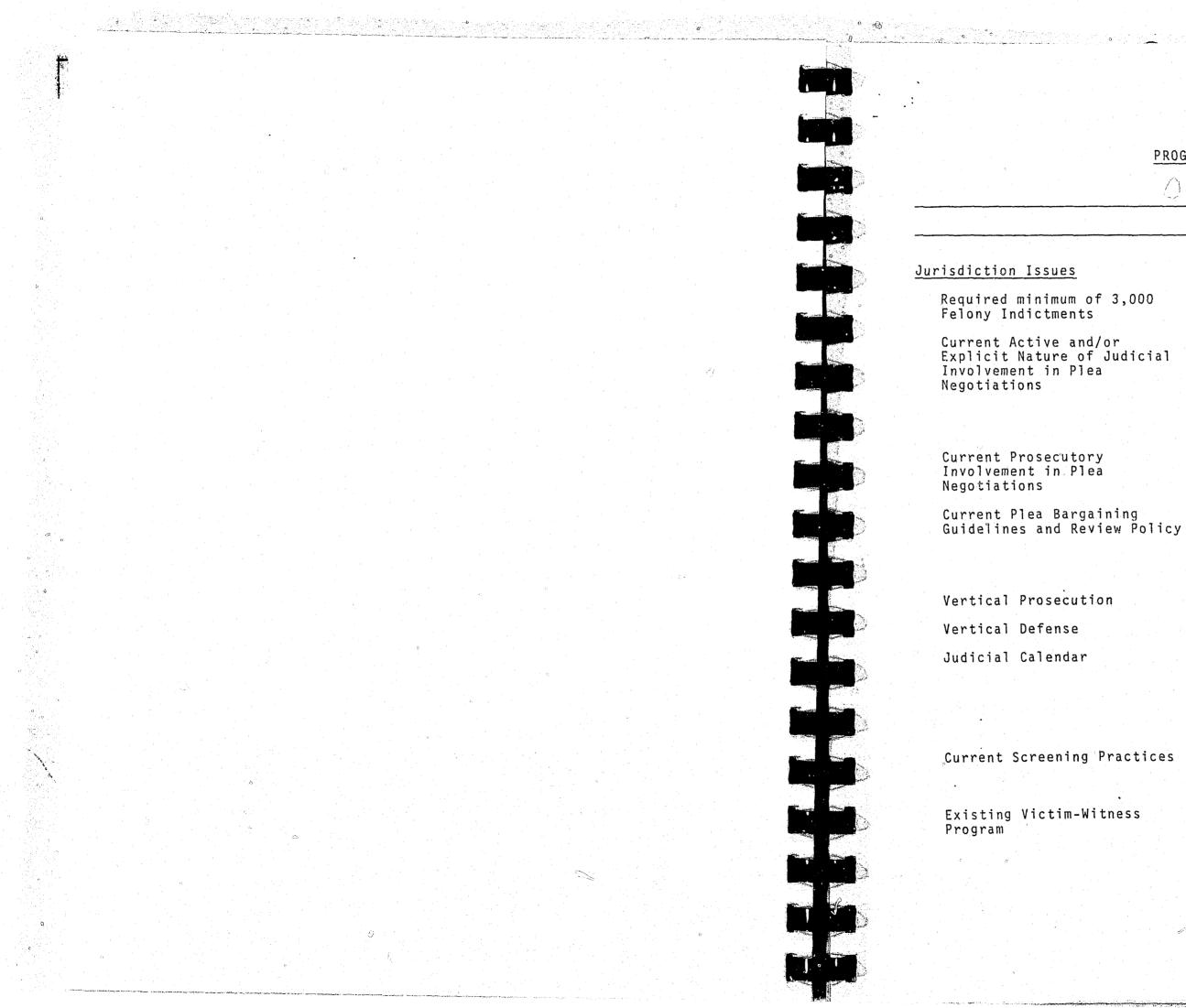
		-5			Backg	round Charact	teristics
18.	Would you say that your experience in the current case has made you more likely or less likely to cooperate in the future with the cou	irte		•		The following the group of	g questions a persons who
	or the police, or has it had no effect?			1	Are y	ου αι	
	Has made me more likely to coope	erate1	(48)			1	
	llas made me less likely to coope	erate2		•			
.*	llas had no effect				What	is your main	racial or e
19.	Now many times did you go to each of the follo places to discuss or observe matters related case?	owing to your				•	
	police station	•• times	(49-50)				
•	prosecutor's office	••times	(51-52)		What	is the high have complet	est level of ed?
	court house				1		
	other, plcase specify				•		•
				y.		ан сайтай сайтай. 18 село сайтай сайта	۲. ۲

kground Characteri	BLICE		
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you ai			
	•	Male1 Female2	(57)
		Fémale	
at is your main ra	cial or ethnic	'group?	1
at 16 your main is		black MORTO	•
		White/Caucasian	(58)
	•		
at is the highest	level of educa	tion that	
ou have completed?	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -		
		Bth grade or less1 Some high school	
•		Completed high school4	
	•	Completed a college degree5	(59)
•	۴.	· / · · · ·	
hat was your total	family income come from all s	last year, before ources; wages,	
axes. Include inc	sions, social	security.	
elfare, alimony, (child support.	Under \$5000	ŗ,
		Acono_\$9999	
•	•	\$10,000-\$19,999	(60)
•		tan.000 or above	(60)
te you currently:	1		
pie you corress		Working full time1	
		Working part time	
	1	Retired	
	$= \int_{-\infty}^{\infty} \frac{1}{2\pi i \epsilon} \left[\frac{1}{2\pi i \epsilon} + \frac{1}{2\pi i \epsilon} \right]^{-1} d\epsilon$	pinchlad/cannot WOIK	(61)
		Other	••
If other, pl	ease specify		
		years	(62-63)
What was your age	at your last r	birthugy.	
	·	POOPERATION	
	THANK YOU VER	Y MUCH FOR YOUR COOPERATION	
			•
•			
	and and a second se		

	THANK	YOU	VERY	HUC
t				



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PROGRAM CHART

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Clearwater	C 1	è a	rwa	te	r
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available. (Copy of program attached)

Approximately 5,160 Depending upon individual judge, varies a great deal. Active Judicial involvement in sentence bargaining. There is explicit agreement between judge and defense on the terms of the sentence. Limited charge bargaining. Prosecutor makes implicit sentence recommendations. Official policy of no charge bargaining. However, charge reduction may occur prior to arraignment. Review by Chief of Clearwater Trial Division. Whenever possible Whenever possible Each judge handles motions and ~ trials for each case assigned to him. Criminal Division Administrator schedules trials. Central scheduling allows record keeping of continuances. Screening occurs at information level by means of no-information decisions or nolle prosequi. Investigative process brings victim into SAO early in the case. Statute requires notification of victim re: sentence. Crime compensation programs are also

Time Frame

Current Time from Arrest to Trial

Current Time from Point of Random Assignment to Disposition

Selection Issues

Initial Court Appearance (Point of Random Assignment to Test or Control)

Exclusion or Inclusion of Capital Offenses

Randomization of Judges to Test or Control

Random Assignment of Cases to Judges and of Cases to Test or Control

Pre-Conference Issues

• .

6.

Notification and Information Procedures

Defense and Prosecution

Victim

Defendant

4 – 8 weeks

60 - 90 days

Randomization will occur at arraignment on the information

Clearwater

2.

Exclusion of Capital Cases, Welfare Fraud Cases and Bad Check Cases.

Chief Judge assigns judges. Will assign one of criminal calendars and judge to the Test group. The remaining judge and calendar will be the Control group.

Split the calendars, A will be Test and B Control or vice versa. Randomization of cases from each test and control judges calendar.

Information on the program and conference time provided by program staff.

By program staff upon selection

By prosecutor's office. Program staff follows up on prosecutor's notification, if necessary which will be done by form letter.

By prosecutor if defendant in jail. By defense if defendant on bail. Pre-Conference Issu

Cancellation/Po Conference

Pressure to Avo

Extra Conferen

Police Role and at Conference

Police report A at Conference

Trial Preparati Conference

Admissibility a Defendant State Conference

Record of Confe Proceedings

If Conference Does Not Settle, will Conference Judge also be Trial Judge Clearwater

ues (cont.)	
ostponement of	Five (5) working days notice required.
oid Conference	Unknown ·
nce Negotiations	No final settlement actions taken outside of conference. Currently there is a statutory reciprocal discovery. Program should not interfere with this practice.
nd Attendance	Limited by discretion of prosecutor. Police attendance encouraged only in victimless crime or when he himself is the victim.
Availability	Furnished by the State Attorney's Office
tion before	Current vertical proseuction presents no problem.
at Trial of tements at	Not admissible
ference	Formal written record maintained with a list of participants, final disposition, terms of agreement, other information agreed upon.
Does Not Conference	Possibly, does not have to be.

3.

* * R the same browser, and Partie PROSECUTOR'S OFFICE Population of J District Attorn Number of Prose Number of Felon Annually Structure Division of Lat Geographic Jur Bail Agencies S Process Types

SITE ORGANIZATION

	Clearwater
Ē	
Jurisdiction	Clearwater (1977) 76,492
ney ecutors	James T. Russell, State Attorney, 6th Judicial Circuit 12 - 16 ASA in Clearwater Trial Division who handle both felony and misdemeanors. Two will be assigned to handle pretrial conference cases.
nies Filed	Approximately 5,160 informations and indictments. 3,123 in 1979 and 1,599 in the first six (6) months of 1980.
	Defined organizational structure
	Vertical Prosecution after advisory hearing. Try to adhere to this policy as much as possible, but sometimes it is impossible to do so.
	Trial Division Chief (Paul Meissner) assigns ASA activities.
bor	Limited specialization. Prosecutor rotates through all activities.
isdiction	All criminal prosecution in Clearwater and surrounding county for study purposes Sixth Judicial Circuit Pinellas and Pasco County. No special bail agency
	Bail may be set at booking according to pre-set bail schedule which corresponds to different offenses.
	Advisory hearing occurs within 24 hours at which time bail may be set or changed. Judge decides if probable cause for the arrest exists.

Clearwater

2.

Screening Prior to Indictment or Information

Process

Personnel

% Rejected

Preliminary Hearing Use And Adversary Nature

Grand Jury

Arraignment

Trials

Time Structure

SAO has investigation after advisory and if sufficient evidence exists, then information is filed.

Asst. State Att., secretary, arresting officer, witnesses

Approximately 30% by SAO division Chief.

Non-adversary advisory hearing held within 24 hours of arrest to determine probable cause for holding defendant in custody.

Adversary preliminary hearing may be held if the information is not filed within 21 days -- occurs in less than 15% of cases.

Used only for capital offenses or for especially sensitive offenses, ie. political or otherwise, because of the fact that SA is an elected office. When, needed as a buffer on sensitive cases.

Arraignment on Information issued by SAO. Judge determines probable cause for information. 97% of arraignments are done in the form of written pleas on Thursday mornings. Arraignments are done on Friday for cases where no writte plea is submitted.

1979: 3123 informations filed, 6 by indictment. Held in 3% of arraigned cases. 1979 - 93 trials. In Clearwater first six (6) months of 1980 1599 informations filed, 4 by indictment. Trials held in 2% of cases; 32 trials.

Felony Speedy Trials Rule - 180 days unless waivered by defendant.

Investigative Reso

Personnel

Law Enforcement

Role

Size of Agency

COURT ORGANIZATION

Official Name

	Clearwater
Continuance Practices	Judges have a long standing policy of no continuances.
Discovery	Receprocal statutory discovery begins after information filed. Rules of Court - 3.220, pages 306 - 312.
estigative Resources	
Personnel	SAO investigations begin within 72 hour of arrest. Material witness must be interviewed under oath.
Enforcement	
Role	
No. of Agencies Bringing Cases	See attached sheet
Size of Agency	See attached sheet
Accuracy of Prior Record Information	See attached sheet
T ORGANIZATION	
)fficial Name	6th Judicial Circuit
egal Jurisdiction	All felonies in Clearwater, after information is filed, for study purpose
lumber of Felony Filings	3123 in 1979, 1599 in first six (6) months of 1980
lumber of Judges	11 total, 2 sit on criminal bench for six months period in which only criminal cases are heard. One of the two is the Criminal Administrator.

3.

		s in grann standard and standard	
	4.		
			·
	Clearwater		
Specialization/Case Mix	Judge assignments to different divisio are made every 6 months by the Chief Judge. There is no case mix. After rotation another judge handles cases that my have begun earlier.	ns <u> </u>	DEFENSE ORGANIZATION Types/Authorizatio
Calendar	Cases assigned and trial date set at arraignment on information by a Circui Court Judge who is also the Criminal Administrator.	t	Method of Payment
Spin-Offs	97% set at written pleas on Thursday. Those not set are called for arraignme on that following Friday.	en t	Number of Attorney
Shopping	Shopping is difficult. ASA requests trial date to accommodate his schedule. Criminal Administrator then chooses date judges alternate between courtrooms.		Caseload When Appointed
Judicial Authority to Accept Lesser Charge Plea	Judge may not accept lesser charge ple without ASA approval. Judge can only bargain on the sentences, not changes without ASA approval.	eas	
Sentencing	Sentencing is focus of guilty plea negotiations. Some judges will give maximum caps on sentences beforehand, others will not and defendant must plead straight up or go to trial.		
	Prosecutor recommends either prison term, probation, or remains silent on aggravation.	**************************************	
	Parole Commission may add time within maximum caps. Actual time served not known at sentencing.		
% Receiving Probation	Unknown		

1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -

Clearwater

5.

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Public Defender assigned all indigent cases -- 60% of total criminal cases.

Partially insolvent defendants are given private appointed attorney.

Private appointed attorneys receive payment from defendant according to what defendant can pay. Balance is paid by state according to a low (\$10 - \$20) hourly rate.

Approximately 11 attorneys 4 misdemeanor 6 felony

Approximately 1300

Appointed at advisory hearing for those not on bond.

Appointed at arraignment on information for those who had no advisory hearing.

					a'	
POLICE AGENCIES						
Town	Population	Arrests per 100,000	% Change from 1978	Accuracy of Prior Record Info.		
Clearwater	82,905	5767 arrests 5968 per 100,000	+29.6%	NCIC - FCIC	•	
Largo	58,761	1453 arrests 2472 per 100,000	+5.0%	NCIC - FCIC		•
Dunedin	29,406	1533 arrests 5213 per 100,000	+11.1%	NCIC - FCIC		
Indian Rocks Beach	3,763	261 arrests 6936 per 100,000	+31.8%			
Indian Shores	1,699	114 arrests 6709 per 100,000	+46.2%			
Belleair	3,663	101 arrests 2757 per 100,000	+304.0%	andra an Andra andra and		
Belleair Beach	1,827	22 arrests 1204 per 100,000	-38.9%			
Belleair Bluffs	2,970	42 arrests 1414 per 100,000	+68.0%			
Tarpon Springs	13,020	193 arrests 1482 per 100,000	-3.0%	NCIC - FCIC		
Pinellas County Unincorporated Sheriffs Dept.	212,470	9,470 arrests 4457 per 100,000	+14.4%	NCIC - FCIC		
6th Judicial Circuit	887,330	32,186 arrests 3627 per 100,000	+7.7%	NCIC - FCIC	· /5 · · ·	
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September 2, 1981: LAWYER SAYS DEFENDANT WAS INSANE WHEN HE SHOT BLUDGEONED VICTIM, by John Harwood

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August 29, 1981: FORMER FIRE CHIEF'S TRIAL IS POSTPONED

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December 4, 1980: FEDERAL STUDY OF PLEA BARGAINING STARTS IN CLEARWATER COURTS

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