

# State Attorney's Office Diversion Programs

Presented by:

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# The Purpose of Diversion

- The Office of the State Attorney maintains several diversionary programs designed to render speedy justice without involvement in the traditional court system. These programs provide early intervention to prevent further criminal activity.

# SAO Diversion Programs

## ■ 7 Adult Programs

- Citizen's Dispute/Consumer Mediation Programs
- Restitution Enforcement Program
- Felony Pre-Trial Intervention
- Misdemeanor Pre-Trial Intervention
- Pre-Trial Restitution
- Drug Court

## ■ 6 Juvenile Programs

- Juvenile Arbitration I and II Programs
- Intensive Delinquency Diversion Services Program
- Teen Court/Truancy Teen Court Programs
- Truancy Arbitration Program
- Intervention for At-Risk Youth Program
- Juvenile Drug Court

# Adult Diversion

# Citizen's Dispute and Consumer Mediation Programs

- Hearings have mediation as their fundamental purpose.
- These programs seek to resolve disputes before they result in criminal behavior.
- Parties are assisted by a volunteer hearing officer in reaching a mutually satisfactory compromise.
- Agreements are put into writing and signed by both parties.
- In 2007, 1,159 hearings were held and \$24,726.86 in restitution was collected.

# Restitution Enforcement Program

- Purpose of the program is to assist government agencies in the collection of restitution.
- Appropriate cases for REP include public assistance or workmen's compensation fraud, electric meter tampering, housing code violations, health code violations, failure to remit State sales tax, drive-off gas, failure to obtain or renew occupational licenses, rental theft, and other cases from the circuit divisions where restitution recovery is the primary goal
- Cases are arbitrated by trained SAO volunteers
- In 2007, 1,871 hearings were held and \$1,182,675.38 in restitution was paid to victims.
- Defendants paid \$44,295 in fees which assists the SAO with operating costs of the program.
- The program collected \$129,429.43 in restitution for the Jacksonville Housing Authority.

# Tax Collection Enforcement Diversion Program

- A special project of REP is the Tax Collection Enforcement Diversion Program.
- In 2002, the Florida Legislature created the Personal Care Attendant (PCA) Program, F.S. 413.402 as a pilot project. The purpose is to promote gainful employment and independent living for persons with traumatic spinal cord injuries by providing financial assistance to hire personal care attendants. The idea for the program was collaboration between Senator Steve Wise and Jimmy Patrick, a quadriplegic, who worked for our office as the Program Director of REP. Funding for the PCA would come from a percentage of restitution that is collected in cases where businesses fail to remit sales tax to the State.
- In addition to the Fourth Judicial Circuit, four other State Attorneys (counties) agreed to replicate our successful program and be part of this project: Broward, Miami-Dade, Hillsborough, & Palm Beach.
- As of 1/15/08 we had 29 recipients of PCA quarterly payments totaling \$56,645.38 per quarter

Broward	\$ 397,089.18
Miami-Dade	\$ 221,284.43
Duval/Clay/ Nassau	\$ 606,144.78
Hillsborough	\$ 614,317.77
Palm Beach	\$ 47,448.59
MSP for PCA	\$ 110,431.06
Interest	\$ 98,304.99
Other Contributions	\$ 50.00
Balance of PCA Monies	\$ 2,095,070.80

# Felony Pre-Trial Intervention

- Eligible defendants include first offenders, or any person previously convicted of no more than one non-violent misdemeanor, who is charged with a felony of the third degree.
- Offenders sign a deferred prosecution agreement and are placed under supervision with the Department of Corrections for six to twenty-four months.
- The Deferred Prosecution Agreement contains such special conditions as restitution to the victim, community service work hours, education, medical and psychological treatment, etc.
- Upon completion of the program, the charges held in abeyance are dismissed. Failure to complete the program may result in criminal prosecution.
- In 2007, 493 cases were accepted, 25,045 community services hours were completed and \$277,289.75 in restitution was ordered to be paid to victims.

# Misdemeanor Pre-Trial Intervention

- Diversion program for defendants who have no felony convictions and no more than two prior misdemeanor convictions.
- Offenders sign a deferred prosecution agreement for a period of two to six months.
- Sanctions may include community service hours, fees paid to the Victim's Compensation Trust Fund, counseling, or restitution paid to the victim.
- In 2007, 969 cases were accepted into the program, 5,225 community service hours were completed, and \$53,177.25 in restitution was collected for victims.
- Defendants paid \$88,350.00 in fees which assists the SAO with operating costs of the program.

# Pre-Trial Restitution Program

- Designed to reduce the tremendous flow of worthless check cases through the court system.
- Benefits are reduction of the high worthless check caseload and related costs, and a speedier recovery of the victim's losses.
- Hearings are generally conducted by SAO volunteers.
- In 2007, 14,345 hearings were held and \$1,960,083.41 in restitution was collected for victims.
- Defendants paid \$405,534.05 in fees which assists the SAO with operating costs of the program.

# Drug Court

- Therapy intensive drug treatment program.
- Offenders are supervised by Probation Officers with the Department of Corrections.
- Participants must attend drug treatment, undergo regular drug screens, attend weekly NA and AA meetings in the community.
- A key component is judicial over-sight with defendants making regular court appearances to monitor compliance.
- In 2007, 68 cases were accepted and 42 participants graduated from the program.
- For the years 2005-2007, of the 189 offenders who successfully graduated from Drug Court, only 6.9% received a subsequent felony conviction and only 7.4% received a subsequent misdemeanor conviction.

# Juvenile Diversion and Early Intervention

# Juvenile Arbitration I and II

- Program for first-time juvenile offenders charged with misdemeanors or non-violent felonies.
- Charges are dismissed if the juvenile successfully completes the program.
- Hearings are conducted by SAO volunteers.
- Sanctions/services to the juvenile may include community service hours, gender specific classes relating to the juvenile justice system, jail tours, essays, letters of apology, anger management classes, mental health counseling, drug evaluations, and restitution.
- In 2007, 919 hearings were held, 6,392 community service hours were completed, and \$161,880.92 in restitution was collected for victims.

# Intensive Delinquency Diversion Services Program

- The Intensive Delinquency Diversion Services Program is a diversion program for early offending youth who are at high risk for re-offending.
- Administered by the State Attorney's Office through a contract awarded by the Department of Juvenile Justice.
- Youth in the program have a multitude of family, school, drug and other delinquency related risk factors.
- Youth are assigned a case manager for a period of 6-9 months.
- Case managers are required to conduct several weekly visits with youth, parent and youth's school in order to address the youth's needs and to reduce the youth's risk of recidivism .
- Case managers may have a maximum of 20 youth on their case load.
- In 2007, 143 youth were served by this program, 838 hours of community service were completed, \$1,422.66 in restitution for victims was collected, and 14,378 visits were conducted by the case managers.
- In 2006 the recidivism rate for youth successfully completing the IDDS program was 17%.

# Teen Court Program

- Duval County juveniles ages 10-17
- Typically first time misdemeanor offenses
- Referred by SAO or by School Resource Officers (Civil Citation)
- Guilt is a prerequisite for participation
- Court is presided over by adult judges or attorneys
- Trained Teen Attorneys argue the facts of the case
- A Peer Jury decides on appropriate sanctions
  - Community Service
  - Peer Circle (Educational Seminars)
  - Jury Duty
- In 2007, 253 cases were accepted into Teen Court and 4,208 community service hours were completed.

# Truancy Teen Court Program

The Truancy Teen Court Program is a prevention program specifically designed to target middle school aged students who are losing interest or motivation to attend school. Specially trained teenagers fulfill the roles of jurors. The jurors question the truant in regards to their attendance and subsequently determines an appropriate sentence. Court is directed by an adult community leader. The Truant and his/her parent or guardian signs a contract agreeing to carry out the imposed sanctions.

In 2007, 60 cases were accepted into Truancy Teen Court and 322 community service hours were completed.

# Truancy Arbitration Program

- Purpose of the program is to hold parents accountable for the attendance of their children.
- Referrals are received from the Subpoena Program and from Social Workers and Truant Officers.
- Parents receive case management for approximately one full school year.
- Hearings are scheduled for parents and children to attend.
- Interventions such as counseling, tutoring, etc. are arranged to resolve the truancy problem.
- If interventions and case management are unsuccessful, criminal prosecution of the parent may result, but only as a last resort.
- Since 1995, 2,207 hearings have been held.
- 172 parents have been arrested since the inception of the program in 1995.
- The program has been evaluated by the Colorado Foundation for Families and Children and found effective in reducing truancy.

# Intervention for At-Risk Youth

- Prevention/Intervention program for youth participating in the Juvenile Arbitration and Truancy Arbitration Programs.
- Funded by a grant awarded by the Department of Juvenile Justice.
- Provides case management and mental health counseling to youth who are at-risk for entering the juvenile court system due to a multitude of family, school, drug and other delinquency related risk factors.

# Juvenile Drug Court

- Three to 12 month diversion program in which a juvenile defendant participates in drug treatment.
- The program features counseling, frequent drug screens, and case manager supervision.
- A key component is judicial over-sight with defendants making regular court appearances to monitor compliance.
- Residential treatment is available if appropriate, but most cases participate in outpatient therapy.
- In 2007, 51 cases were accepted into the program and 32 juveniles successfully graduated.
- For the years 2005-2007, of the 112 juveniles who successfully graduated from Drug Court, only 3.6% received a subsequent felony conviction and 25.9% received a subsequent misdemeanor conviction.

# Focus On Females

- Class geared towards female juvenile offenders and their parents. Juveniles range in age from 12-18 years old.
- The class focuses on the current issues which affect female juveniles (i.e. theft, drugs, and fighting, and myspace.com). This class makes parents and juveniles aware of how such behaviors are the root causes to criminal activity today.
- Planned Parenthood representative educates girls on how using their bodies improperly can lead to negative consequences. By knowing the truth about sex, young girls can protect their bodies and make the right choices.
- Inmates from the Duval County Jail speak with girls about their own struggles as a juvenile offender and how life has changed since being arrested.
- Each perspective shows the true reality of crime, not just today, but also for the future.

# Program for At-Risk Students

The State Attorney's Office has stepped outside the traditional role of prosecutors and become directly involved in intervention. Many of our efforts are school-based. We created the State Attorney School Outreach Program in 1995 through which an Assistant State Attorney is assigned as a liaison to every middle school in Duval County. Members of my staff regularly speak to students, teachers, and parents throughout our judicial circuit about juvenile issues.

One of the most successful examples of working with our schools is our Program for At-Risk Students (PAS). PAS serves students throughout Jacksonville who have had serious discipline problems. The students attend juvenile delinquency hearings and discuss their behavior with juvenile judges. They also tour the local jail and interact with juveniles incarcerated as adults. The juvenile inmates stress avoiding criminal activity and staying in school. To date, over 5,500 at-risk juveniles have participated in PAS.

A 1996 study by Dr. David Rasmussen, Professor of Economics and Director of Policy Sciences at Florida State University, concluded that **PAS "may have averted as many as 1,500 property crimes,"** between 1993 and 1995. Based on Professor Rasmussen's findings, we can estimate that as many as 10,000 property crimes may have been averted since the inception of the program.

# Other Programs Under Development

- Civil Citations/ Juvenile Domestic Battery Cases
- Mental Health Court
- Prostitution Cases

# Volunteers

- In many cases, the hearings for these programs are conducted by specially trained volunteers who serve as mediators or hearing officers. It would not be possible for the State Attorney's Office to provide this community service without the assistance of volunteers. It is a highly technical and professional position with the volunteer administering work hours, restitution, and referral service in a quasi-judicial atmosphere.
- Volunteer stats for 2007
  - 42 mediators in Duval provided 2,700 hours of service
- Teen Court - 18 adults provided 182 hours of service
  - 22 juveniles provided 873 hours of service
- In addition, volunteers are utilized as mentors and in victim impact panels.
- The State Attorney's Office has more than 150 volunteers circuit-wide.

The Great Seal of the State of Florida is a circular emblem. It features a central figure of a woman in a blue dress, holding a scale of justice and a sword. She stands on a rocky shore with a palm tree and a ship in the background. The seal is surrounded by a yellow border with the text "GREAT SEAL OF THE STATE OF FLORIDA" and "IN GOD WE TRUST" at the bottom. The seal is semi-transparent and serves as a background for the text.

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