

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

SCOTT TILLMAN and WILLIAM)
LENNEAR, et al.,)

Plaintiffs,)

vs.)

CLAUDE MILLER, et al.,)

Defendants.)

Case No. 83-199-CIV-ORL-22

SCOTT TILLMAN and WILLIAM)
LENNEAR, et al.,)

Plaintiffs,)

vs.)

CLAUDE MILLER, et al.,)

Defendants.)

Case No. 83-285-CIV-ORL-22

LARRY EUGENE BROWN, JR.,)

Plaintiff,)

vs.)

JERRY W. HICKS, et al.,)

Defendants.)

Case No. 88-281-CIV-ORL-22

JOINT STATUS REPORT

The parties, by and through undersigned counsel, pursuant to the Order of March 9, 2011 (D.E. 92), do hereby submit the following Joint Status Report:

Summary of Recent History

On August 11, 2004, Attorneys representing the Plaintiff class filed a Motion to Show Cause against the Defendants. In the process for preparing for a hearing on the Show Cause Order, the parties engaged in discussions to address the multiple issues that contribute to jail overcrowding which are generally outside the control of either the County Commission or the Sheriff.

The parties came to an agreement for the County to retain the services of a retired Florida County Judge, Judge Charles Edelstein, to travel to Brevard County to study the operation of the criminal justice system. During the early part of 2008, Judge Edelstein met with the various elected officials (County Commissioners, Sheriff, State Attorney, Public Defender, Clerk of the Court, and various members of the Judiciary) in order to identify what various factors contribute to jail overcrowding. He issued his report in July of 2008. Exhibit A, The Executive Summary and Key Recommendations. Subsequent to Judge Edelstein completing his report regarding his factual determinations and ultimate conclusions, the parties conducted Mediation on August 12, 2008 to which the elected officials were invited to participate. This mediation was facilitated by U.S. District Court Judge Gregory Presnell. It is doubtful this mediation would have had the participation from the various entities/officials comprising the criminal justice system and the success it had without Judge Presnell's leadership.

As a result of that Mediation, several Workgroups were established with the goal to address many of the issues which contribute to jail overcrowding, to be innovative in coming up with procedures or programs which would assist in ensuring that the jail beds are being taken up by those who need to be there.

The Workgroups are as follows:

Pre-Trial Workgroup
Sentencing Workgroup
Information Systems Workgroup
Case-Flow Workgroup

Each work group has representatives from each of the elected officials.

- The Case-Flow Workgroup was comprised of the elected officials.
- The Sentencing and the Information Systems Workgroups are the ones which continue to meet on a regular basis.

There were a number of recommendations from Judge Edelstein's report. Two of them included a recommendation that the County retain a jail population management coordinator and the second was for the judiciary to consider participating in training relating to best practices with respect case load management.

The purpose of the jail management population coordinator position was to have a person who would work with the various elected officials to coordinate efficiencies within the criminal justice system, to assist in managing jail population, to assist in persuading various officials regarding various actions, to develop measurements and statistics of what is happening in case loads and jail population. This individual also works with the various workgroups, and several other advisory groups that relate to jail operations including the Public Safety Coordinating Council (established by Florida Statute § 951.26). Effective March 2010, the County Manager, Howard Tipton, hired Isabel Kennedy from a number of applicants to fill this position. She has just completed her first annual report, a copy of which is attached. Exhibit B.

Regarding the best practices training regarding caseload management, Judge Edelstein was instrumental in identifying a program through the American University, Justice Programs Office, Criminal Courts Technical Assistance Project to provide such training. This training is

currently scheduled for September 16, 2011. Several staff members from American University made an advance visit to Brevard County on February 28, 2010 and spoke with various judges currently sitting on the criminal bench, staff from the State Attorney's Office, and staff from the Public Defender's Office in preparation for the training session.

Status of the Brevard County Detention Center (Jail)

In the beginning of 2004, the Sheriff and the County embarked on planning which would allow for the addition of added beds. Since that time, in 4 separate construction phases, the County has constructed and completed upgrades to its laundry and electrical facilities, added three Sprung Structures capable of housing 100 inmates each (4 were built; however, only 3 are currently occupied), a medical/forensics facility for inmates (346 beds), and is currently completing an expanded kitchen facility.

The optimum amount of inmates that can be housed in the Brevard County Jail Complex with a physical bed count of 1701 (rated design) is 1446 (operational capacity) after factoring 15% for classification purposes. Exhibit C.

The Jail staff continues to forward daily jail population statistics to the County Manager, the Jail Population Management Coordinator, the undersigned Deputy County Attorney (and others). During the year of 2009, the County experienced a general downturn in jail population as did many other counties. For a period of time, the jail population was in the 1400's (dipping into the 1300's on occasion). The current general trend for 2010 to date seems to be in the 1500's and 1600's.

Attached is a copy of a graph which generally reflects the average jail population and the total felony caseload pending trial from January 2009 to December 2010. The two numbers generally 'track' each other. Exhibit D.

The parties remain optimistic that reaching the operational capacity remains doable. Accordingly, Defendants have requested that the Jail Population Management Coordinator submit to the Court within the next two (2) months, an update on the status of each of Judge Edelstein's recommendations, and that the Court allow for the implementation of the recommendations the parties anticipate will result from the American University's Criminal Courts Technical Assistance Project team's training and recommendations.

The parties respectfully request that the Court schedule a status conference.

Respectfully submitted,

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Exhibit A

Executive Summary and Key Recommendations

The Brevard County Jail has been under a consent decree issued by a Federal Magistrate over 20 years ago. Rather than pursue expensive litigation, the parties-- Brevard County, the Brevard County Sheriff, and the Plaintiffs--agreed to the hiring of a consultant to conduct a study of overcrowding of the jail and to issue a report with recommendations for improvement. The consultant, a Senior Florida Judge with considerable experience in jail crowding studies nationally, was retained in January 2008.

A jail with empty beds is a rare sight. While each community determines its jail capacity through political processes including the ballot, perceived community pressure on the judges plays a major part in filling all available jail beds.

Major Factors in Overcrowding of the Jail

1. The pretrial portion of the Brevard County Criminal Justice System is not releasing enough inmates period, and those who are released could be getting out of jail sooner.
2. Most inmates booked on violation of probation cases with new charges are held without bond until the cases against them are resolved. The time from arrest to resolution is often substantial.
3. Some (recently fewer) inmates booked on technical violations of probation - such as failure to pay fines, costs, and fees, failure to properly report to the probation officer, or failure to attend a program - are detained until the matter is resolved.
4. Inmates who were released and subsequently failed to appear in court are being arrested and held in jail until the case is closed. The time from arrest on the warrant to case termination can be substantial.
5. The single most important factor is the failure to promptly resolve the cases of those who are detained until final resolution of their case.

Key Recommendations

1. System wide

The Court, Prosecution, Defense, County Commission and County Management Leadership, Law Enforcement, Department of Corrections, Clerk and Other Relevant Justice Agencies Should Make Permanent Commitments to Work Co-operatively to Reduce Jail Overcrowding.

- These agencies, acting in concert, should evaluate existing local justice system

committees/councils and other such bodies and consider reorganizing them.

- The agency leadership should, individually and in concert, promptly review this report's recommendations, identify those to be implemented, prioritize them and create detailed plans for their implementation with clear firm time lines.

- The implementation plan should consider phasing in some of the changes using carefully designed and executed pilot projects.

- These agencies must work co-operatively to fund, build support and maintain a Brevard County Criminal and Juvenile Management Information System. This system could be designed to augment information systems currently in place.

- Despite declining resources, in-service education and training should not be reduced but rather re-targeted to stress greater efficiency without diluting effectiveness.

- Concentrated efforts to secure pretrial release of inmates classified as medium security risks using house arrest, intensive supervision, and other efforts, will quickly help relieve overcrowding of this segment of the jail population.

2. The Judiciary

The Court and Each of the Judges Should Commit to Taking the Leadership in Reducing Jail Overcrowding.

- Judges with criminal jurisdiction should meet regularly with their peers to review the state of the criminal docket and means to improve the speed and quality of justice. Meetings should be countywide and from time to time, circuit wide.

- Each judge should commit to complying with the time standards mandated by the Florida Rules of Judicial Administration while maintaining the Court's high standards of fairness and integrity.

- The differentiated case management (DCM) system, described at pages 22-27, should be adopted with at least three separate tracks, a fast track for those detained until the disposition of the case, a second track for the most serious cases such as murder, sex battery and robbery with a firearm. Initially, all other cases would compose the third track.

- The court should lead a thorough and full review of current pretrial practices especially for inmates remaining in custody after the initial appearance hearing. Violations of probation and failures to appear require particular examination.

3. The Prosecution and Defense

Within the Limits of the Adversarial System the Prosecution and Defense Should Work Together to Meet the Demands of the Florida Legislature as Exemplified by State Senator Victor Christ Call to Prioritize Scarce Resources.

- Both the prosecution and defense should commit to support the court in its efforts to comply with mandated time standards.
- Both the prosecution and defense should reassign experienced personnel to "front end load" the case flow. Assignments for representation at initial appearance hearings and early resolution calendars should mix experienced and fledgling lawyers.
- In order to resolve more cases earlier, the prosecution and defense should seek to maintain and improve the spirit of collegiality between their respective offices in the entire circuit.
- Since the prosecution is responsible for determining which cases are filed, the prosecution should work even more closely with law enforcement in prioritizing filing decisions.
- In light of increasing caseload and decreasing resources, filing criteria may need further refinement and even closer monitoring of the ultimate outcome of the decision to file.
- The Public Defender's Office should not accept cases when to do so conflicts with its ability to meet minimal constitutional standards.
- The Public Defender should consider declining representation, either wholly or in part, in cases in which the state has waived incarceration and the accused is not in custody.
- Given declining resources, the Public Defender should encourage trial counsel to make greater and more consistent use of the jail's closed circuit television system to interview clients, especially after the first interview.

4. The Department of Corrections, Parole and Probation

The Department of Corrections should take steps to respond to the increasing costs, fines and other conditions imposed as the consequence of conviction, a declining economy, lower real income for many clients, and reduced justice system resources.

- Current efforts to handle technical violations of probation administratively should be enhanced.
- Instances of probationers who are accused of committing new offenses of significantly less seriousness than the original charge should be considered for violation of probation proceedings without taking the probationer into custody.
- The Department should lead an impact study of the consequences of the increased fines, fees, costs and other levies associated with a conviction. The study results should be distributed to all relevant policy makers.
- Probationers should not be set up for failure by confronting conditions of probation they cannot meet.

A Perfect Storm

The Perfect Storm is the title of a book that describes a rare confluence of weather systems ending in disaster for the captain and crew of the fishing boat Andrea Gail. Though the term is perhaps overused, after interviewing most of the leadership and many middle and upper level personnel of the Brevard County Justice System and leaders of the Brevard County government, it fits.

Like the confluence of weather systems, many of the factors in the coming perfect storm are beyond the direct control by Brevard County citizens and government. Cut backs in the space program are projected to have a billion dollar plus impact annually on the local economy. Despite many valiant efforts by government and business, massive federal budget deficits are driving pressure to reduce the space program. Tourism, another vital part of Brevard County's economy, is subject to changes in general economic conditions and now energy prices, which seem out of control.

In the past few years, the tax base supporting state funding has eroded and left the state to rely on sales tax for the bulk of its funding. This tax is one of the most volatile forms of taxation, and large and persistent dips in revenue can create uncertainty and immediate and drastic cut backs in government services from law enforcement to state aid for education. When the Florida Department of Law Enforcement is forced to cut back its DNA crime lab, adding months to turn around time on local law enforcement requests for DNA analysis, and a hiring freeze is in the offing for the Florida Highway Patrol, the situation is serious.

Local sales and bed taxes are subject to similar volatility. The property tax, the main stay of education and local government services, is less sensitive to economic conditions. But declining home values mean declining assessments, and unless the

Exhibit B

Jail Population Management Report

INTRODUCTION

Like most jails, the inmate population of the Brevard County Jail is the product of many variables, such as the type and number of arrests, Court-case management, legislation, and treatment resources. When the jail becomes crowded and approaches its maximum capacity, every aspect of the criminal justice system should be explored for the impact it is having on the increased population. For this reason, Jail Population Management has used this first year to develop professional relationships with criminal justice and mental health professionals, become familiar with routine Court proceedings and resources, and become involved with existing workgroups, such as the Public Safety Coordinating Council, the Sentencing Alternatives Workgroup, and the Information Systems Workgroup.

Job duties for the Jail Population Management Coordinator (JPMC) include the oversight and management of the inmate population of the Brevard County Jail, monitoring the Brevard County criminal justice system in order to identify factors leading to jail overcrowding, making recommendations as they become evident, and coordinating initiatives that lead to solutions. The Brevard County Manager, Howard Tipton, best describes this position as, “an advocate for an efficient system” of criminal justice. The mission is clear: Pursue effective, long-term solutions that successfully address jail overcrowding concerns and encourage acceptable and sustainable inmate classification populations.

March 1, 2011 marks the first anniversary of this position. Therefore, it seems fitting an annual report be submitted at this time that defines the strengths and weaknesses in the Brevard County criminal justice system, objectives and goals for jail population management, and initiatives taken to address the issues and inefficiencies that were highlighted throughout the year.

STRENGTHS

Brevard County is fortunate to have a sound and approachable Judiciary that provides the leadership necessary to maintain a well-managed criminal justice system. This valuable guidance is enhanced by a number of distinguished public officials who understand the importance of their involvement in this system of justice. It is this conscientious support that provides the groundwork for improvement. Strengths and achievements include:

- Judicial involvement: Administrative Order 10-28-B was signed by Chief Judge Preston Silvernail on September 1, 2010 and provides the means to reassign and consolidate cases.
- A diligent Judiciary that promotes effective case management, for example:
 - Requests for continuances are expected to be well justified.

Jail Population Management Report

- The Court will often ask the State to announce plea offers in Court.
- Creative sentencing techniques, especially in cases where probation has been violated:
 - If defendants request to have their probation fees waived, judges have been known to allow the fees to be waived with conditions that build defendants' self-esteem, such as when a defendant does not have their high school education and can prove they are in pursuit of a GED, fees may be waived.
 - In cases where defendants admit to minor, technical violations, and they can prove that they have been maintaining employment and keeping up with their responsibilities, judges have been known to add on approximately six months more of probation to their sentence, keeping the defendant out of jail and on course to become a productive citizen in the community.
- Critical case management training:
 - The American University is scheduled to provide comprehensive, systemic training to Brevard judges and attorneys on September 16, 2011.
- Legislative impact: Legislators were emailed letters in opposition of 2010 HB 445 and SB 782 – neither bill passed.
- Seeking Best-Practices among local government agencies: A tour of the Orange County Jail's courtroom facilities was organized and well attended by public officials.
- Collaboration among Public Officials and the criminal agencies they represent:
 - Public officials respond and cooperate when it is necessary to meet and address issues.
 - The Public Safety Coordinating Council meetings are very well attended by all criminal justice and mental health agencies, every two months.
 - The Sentencing Alternatives Workgroup consistently holds quarterly meetings.
 - An assistant state attorney and public defender have been added to the early resolution program.
 - The criminal justice professionals involved in Wednesday Pleas maintain this effective program by working well together and meeting, as necessary, to discuss concerns.
 - Working relationships exist between the criminal justice and mental health communities that are based on mutual respect.
- Attentive BCJ Administrators to their critical and uncompromising role in public safety

Jail Population Management Report

- An effective Jail Oversight Program:
 - A valuable resource, Jail Oversight Coordinator Marea Staples is positioned in the jail and has the ability to:
 - Directly communicate with inmates
 - Bring appropriate cases to the attention of the oversight judge
 - Manage the Wednesday Plea docket
- Information sharing:
 - The Information Systems Workgroup quarterly meetings are well attended and represented by the major criminal justice agencies.
 - The Sheriff's Office has begun sending inmate population data to the Clerk's Office who is now able to indicate in eFACTS if a defendant is in custody.
 - The Sheriff's Office is working with the Clerk's Office to develop an automated method of calculating credit for time served, which is currently being done manually by Court clerks.
 - Efforts are underway to enhance data sharing and minimize entry duplication.
 - An updated list of inmates in custody more than 300 days with felony cases pending is distributed monthly to judges, prosecutors, and public defenders by the JPMC.
 - The jail's daily inmate population is monitored:
 - Comparisons between 2010 and 2011 are tracked and distributed to the County Manager and the Public Safety Coordinating Council (see attachment to email).
- Conducting studies and analysis:
 - Case tracking provides insight into the specific reasons behind delays.
 - 60% of pending cases from March, 2010, where the defendant had been in custody more than one year, have been resolved (see attachment to email for the most recent report).
 - A study of Seminole County's custody docket sounding was conducted (see attachment to email).
 - VOP case resolution comparisons were done among Brevard's felony Judges (see attachment to email).

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- Statistics on Wednesday Pleas were done for 2010 and will be done for 2011 (see attachment to email).
- Inmates were surveyed on being transported to Court and attorney communication.
- Organized a training on Developmental Disabilities and the Criminal Justice System by:
 - Katherine DeBriere, Equal Justice Works Fellow – Florida Institutional Legal Services
 - Winnie Gayler, M'Ed. – The Advocacy Center for Persons with Disabilities
- A determined approach to consistently provide comprehensive reentry resources:
 - The Brevard County Jail Reentry Manual has been published.
 - Brevard applied for the DCF Mental Health and Substance Abuse Implementation Grant.
 - Organized efforts to bring a Department of Labor Grant into the community.
 - An open-minded Department of Corrections that has revisited their zero-tolerance policy to include a more comprehensive perspective on reentry
- Judicial Corrections Services, Inc. has transitioned in to provide County probation and pretrial release services. They bring computer software that will enhance efficiency in this area.

WEAKNESSES

Naturally, the perspective of the JPMC is meant to be both objective and constructive. As an observer, the JPMC tries not to jump to conclusions. Instead, when inefficiencies are revealed, more is done to explore these issues, address barriers of efficiency, and monitor the response. The following obstacles are having an impact on the Jail's inmate population:

- Efforts to balance Florida's 2011 state budget could generate legislation that indirectly impacts the jail's inmate population.
- Some current legislation, such as the Anti-Murder Act, is causing the delayed release of inmates who might otherwise be able to post bond.
- Generally speaking, some attorneys are unprepared for Court, which reduces efficiency.
- Brevard County inmates are not routinely transported to Court for docket sounding - eliminating numerous opportunities to resolve criminal cases.
- Meaningful arrests: Approximately 20% of felony arrest cases are not being formally filed by the State.
- Some Brevard County Jail inmates transported to the Moore Justice Center for Court are not meeting with their attorneys after arriving at the MJC, nor are they appearing before the Judge.

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- Addressing public safety in Division 4 of the County's criminal court system is indirectly causing a delay in the release of misdemeanants whose cases are assigned to this division.

OBJECTIVES

As previously stated, the mission for jail population management is to pursue effective, long-term solutions that successfully address concerns associated with an overcrowded jail. To accomplish this, the following goals have been set:

- Maintain an acceptable jail inmate population consistently throughout the entire calendar year.
- Reduce recidivism through effective reentry.
- Maintain healthy working relationships among all criminal justice and mental health professionals.
- Achieve meaningful Court appearances through a true sense of predictability that encourages attorneys to be prepared for Court and discourages incessant continuances.
- Consistently achieve a monthly pending case load of 300, or less, for each felony division.
- Maintain effective Early Resolution and Wednesday Plea programs that consistently, and at minimum, produce a 35% - 40% rate of resolutions.
- Promote information sharing and the significant minimization of duplicated data entry among criminal justice agencies.
- Support effective and comprehensive case management training for criminal justice professionals.

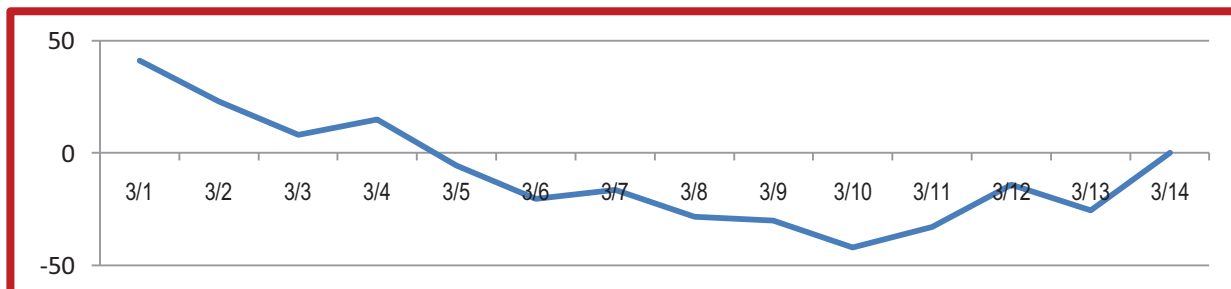
INITIATIVES

To accomplish these objectives the JPMC uses a systematic approach of identifying points of interest, exploring related issues, and establishing initiatives that address concerns. The following jail population management strategies are in place or are being kept in mind for future consideration.

- Improved efficiency will be reflected in an acceptable jail inmate population:
 - Court proceedings, criminal cases, and the jail's daily inmate population will continue to be monitored to ensure that Court appearances are meaningful and productive.
 - The JPMC will continue to support effective principles promoted by the Judiciary.
 - Example: Some Courts expect assistant state attorneys to make plea offers to the defense in advance of a defendant's first docket sounding, allowing the defense sufficient time for communicating the offer to the defendant.
 - The daily inmate population will continue to be compared with the prior year. The following chart is the most recent monthly comparison.

Jail Population Management Report

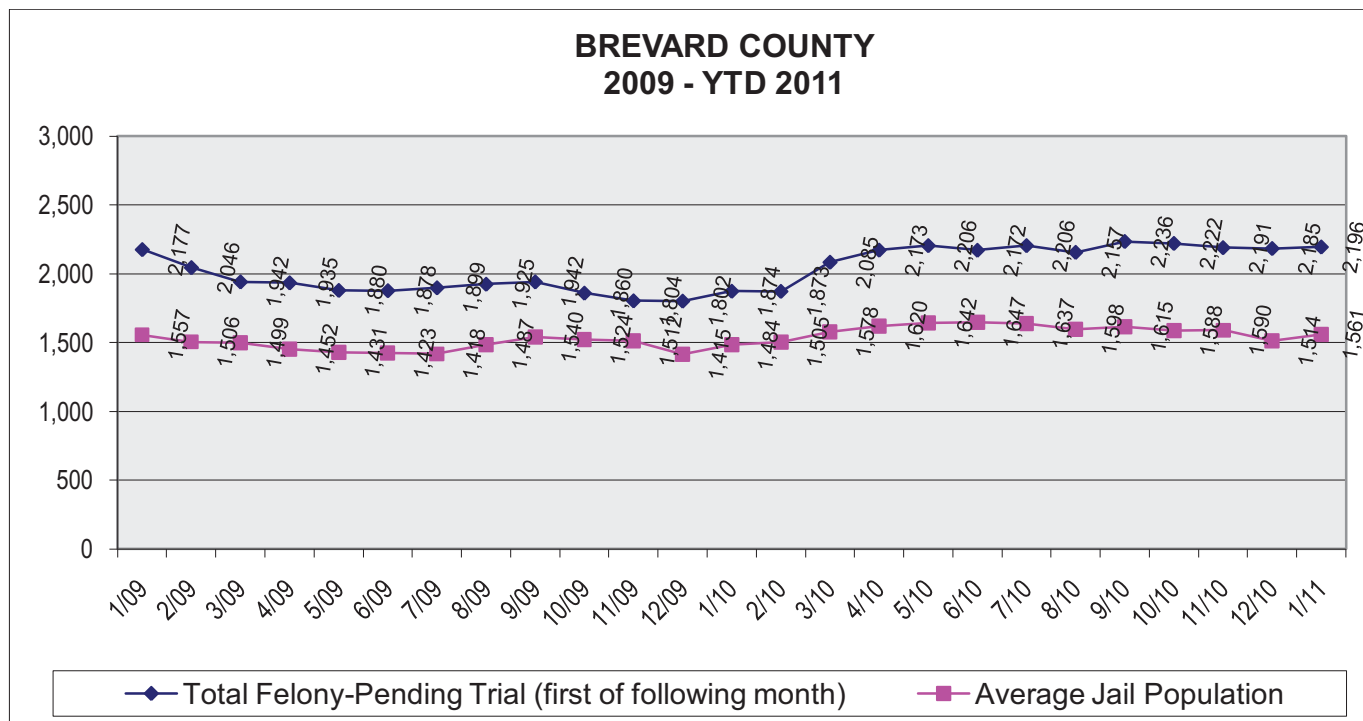
	Date	2011 High	2011 Low	Difference		Avg. Diff.	Date	2010 High	2010 Low
T	3/1/2011	1556	1550	40	42	41	3/1/2010	1516	1508
W	3/2/2011	1555	1544	24	22	23	3/2/2010	1531	1522
Th	3/3/2011	1556	1544	6	10	8	3/3/2010	1550	1534
F	3/4/2011	1564	1553	13	17	15	3/4/2010	1551	1536
Sa	3/5/2011	1569	1552	-22	11	-5.5	3/5/2010	1591	1541
Su	3/6/2011	1568	1545	-15	-26	-20.5	3/6/2010	1583	1571
M	3/7/2011	1562	1540	-16	-17	-16.5	3/7/2010	1578	1557
T	3/8/2011	1560	1546	-32	-25	-28.5	3/8/2010	1592	1571
W	3/9/2011	1557	1547	-33	-27	-30	3/9/2010	1590	1574
Th	3/10/2011	1556	1543	-48	-36	-42	3/10/2010	1604	1579
F	3/11/2011	1558	1540	-30	-36	-33	3/11/2010	1588	1576
Sa	3/12/2011	1581	1559	-19	-9	-14	3/12/2010	1600	1568
Su	3/13/2011	1585	1558	-15	-36	-25.5	3/13/2010	1600	1594
M	3/14/2011						3/14/2010	1612	1593
T	3/15/2011						3/15/2010	1611	1597
W	3/16/2011						3/16/2010	1602	1574
Th	3/17/2011						3/17/2010	1604	1594
F	3/18/2011						3/18/2010	1594	1580
Sa	3/19/2011						3/19/2010	1591	1568
Su	3/20/2011						3/20/2010	1600	1588
M	3/21/2011						3/21/2010	1602	1588
T	3/22/2011						3/22/2010	1595	1580
W	3/23/2011						3/23/2010	1587	1576
Th	3/24/2011						3/24/2010	1593	1588
F	3/25/2011						3/25/2010	1585	1579
Sa	3/26/2011						3/26/2010	1597	1572
Su	3/27/2011						3/27/2010	1610	1596
M	3/28/2011						3/28/2010	1609	1573
T	3/29/2011						3/29/2010	1570	1564
W	3/30/2011						3/30/2010	1575	1570
Th	3/31/2011						3/31/2010	1576	1568
March, 2011 ADP:		1555.7					March, 2010 ADP:		1578.5
				Overall Average of the Difference for February:		-9.9			



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The above graph shows how the jail's inmate population began to fall on March 5, 2011 below what it was last year, at this time.

- With the assistance of the Jail Oversight Coordinator, the effectiveness of transporting inmates to the Courthouse will continue to be monitored, as inmates are surveyed concerning the communication between them and their attorney.
- Address recidivism with a comprehensive reentry approach
 - Work with State and County probation officers to monitor the prompt placement of probationers sentenced to substance abuse treatment.
 - The Brevard County Reentry Resource Manual will be updated every year.
 - Support law enforcement's efforts to mentor those being released from custody.
 - Jail Population Management will continue to seek grants that address reentry and involve the criminal justice and mental health communities in the implementation of these mentoring programs.
- Work with the Court system to encourage maintaining an average pending case load for each felony division that stays at 300 cases or less.
 - A correlation between the inmate population and the number of felony cases pending has been uncovered by the Office of the State Attorney, as indicated in the following graph:



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- The office of the State Attorney provides monthly statistics on felony cases pending by judge. This information is used to monitor the average pending case load of each of these divisions; therefore, it provides an excellent resource for measuring performance.
- Monitor the effectiveness of the Wednesday Pleas and Early Resolution programs:
 - JPMC has been, and will continue to, keep statistics on the Wednesday Pleas program.
 - The office of the State Attorney provides statistics on the effectiveness of the Early Resolution program which fluctuates between 30% to 35%.
- As part of a long-term solution to the constant threat of seeing Brevard's jail reach maximum capacity, consideration is being given to the building of a new courtroom facility at the BCJ, where Court officials can routinely focus on inmates' cases. However, due to the significant budget constraints currently being experienced in Brevard County, it is unclear when this option will move forward.

CONCLUSION

In Judge Charles Edelstein's July, 2008 report, he states that the "single most important factor" causing inmate overcrowding at the Brevard County Jail, "is the failure to promptly resolve the cases of those who are detained until final resolution of their case". Among his recommendations, he suggested that criminal justice officials work together to address overcrowding issues, the prosecution and defense should assign experienced attorneys to the early resolution programs, including Wednesday Pleas, and even though resources are limited, comprehensive case management training that includes the judiciary's, prosecutor's, and defense attorney's participation should be provided. All this and more has been addressed in this first annual report; however, it is important to remember that lasting changes only come when existing cultures and methods of operation are transformed.

While there have been times in the past when the Brevard County Jail's inmate population reached unacceptable levels, criminal justice officials in this county understand the consequences of an overcrowded jail and they have proven that they can work together to address these challenges. A look into the more recent past will show that the ADP for February, 2011, which was 1561, when compared to the ADP in February, 2009, which was 1557, had a slight fluctuation in the inmate population of just four inmates in this two-year span. This track record demonstrates that Brevard County is not only capable of responding to the challenges of jail overcrowding; but, it does so with a concerted effort that produces successful and long-lasting solutions.

Judge Robert Wohn - Defendants in Custody more than 300 Days

Inmate	Court Case Number	Initial Appearance Date	Number of Days in Custody as of 3/08/11	Case Type	Number of times set for Docket Sounding	Number of times set for Calendar Call	Number of times set for Trial	Court Continuance	Defense Continuance	State Continuance	Next Court Date
Abraham, Dwight	<u>05-2009-CF-059383-CXXX-XX</u>	10/5/2009	519	Robb w/FA or DW; Burg of dwel was armed; Agg Batt	1	9	4		7		CC 3/9/11
Allen, Sue Ann	<u>05-2009-CF-041476-AXXX-XX</u>	7/8/2009	609	Burg of occ conv; False Imprisonment; Felony PT - Court ordered Comp Eval	2	10	7	3	2		Hearing 4/4/11
Block, Rakeem Dwayne	<u>05-2009-CF-046710-CXXX-XX</u>	8/20/2009	565	2nd Deg. Murder During comm of a felony; Robb w/a DW	5	8	2	2	5		CC 3/9/11
Briner, Steven M.	<u>05-2009-CF-032003-AXXX-XX</u>	5/8/2009	670	1st Deg Prem Murder; Armed Burg; GT	12				7		DS 5/9/11
Champion, Luis Daniel	<u>05-2009-CF-023122-AXXX-XX</u>	3/13/2009	725	Robbery w/FA; Poss Conc FA-CF; GT; Agg assault	1	13	11	5	2		Plea 4/5/11
Davis, Jarret Tyson	<u>05-2010-CF-022042-AXXX-XX</u>	2/26/2010	375	Armed Burg of struc - PBL; GT of a FA	4	3		1	4		CC 3/9/11
Doberck, Brian William	<u>05-2010-CF-023801-AXXX-XX</u>	3/22/2010	352	Agg Child Abuse by Agg Battery	5	5	1	1	5		DS 4/4/11
Dorsey, Elliott Maurice	<u>05-2009-CF-066120-BXXX-XX</u>	11/14/2009	479	Agg Battery w/FA - 2cts; Poss FA by Conv Fel	2	9	3	2	5		CC 3/9/11
Edwards, Elishia Helene	<u>05-2009-CF-055103-AXXX-XX</u>	4/6/2010	337	Traff in stolen prop - 3cts; False verification ownership to pawnbroker - 3cts; GT	3	4			3		Sentencing 4/5/11
Edwards, Elishia Helene	<u>05-2010-CF-027627-AXXX-XX</u>	4/6/2010	337	Traff in stolen prop - 3cts; False verification ownership to pawnbroker - 3cts; GT	3	1			3		Sentencing 4/5/11
Edwards, Elishia Helene	<u>05-2010-CF-028155-AXXX-XX</u>	4/17/2010	337	Traff in stolen prop - 3cts; False verification ownership to pawnbroker - 3cts; GT	3	2			1		Sentencing 4/5/11
Ellis, John C.	<u>05-2008-CF-064105-BXXX-XX</u>	11/14/2008	845	1st Deg Felony murder; Home invasion; Robbery	8	4			3		CC 3/9/11

Judge Robert Wohn - Defendants in Custody more than 300 Days

Elmore, Vincent N.	05-2009-CF-027159- AXXX-XX	4/7/2009	702	Robbery w/a FA - 2 cts.; Aggravated assault	7	9	2	1	5	1	DS 4/4/11
Elmore, Vincent N.	05-2009-CF-027289- AXXX-XX	4/11/2009	702	Robbery w/a FA	7	9	2	1	5	1	DS 4/4/11
Elmore, Vincent N.	05-2009-CF-027519- AXXX-XX	4/16/09	702	Robbery w/a FA; Aggravated assault	5	9	2	1	5	1	DS 4/4/11
Elmore, Vincent N.	05-2009-CF-027603- AXXX-XX	4/18/2009	702	Attemptd Robbery w/a FA	7	9	2	1	5	1	DS 4/4/11
Elmore, Vincent N.	05-2009-CF-024823- BXXX-XX	4/7/2009	702	Robbery w/a FA; Aggravated assault	8	9	2	1	5	1	DS 4/4/11
Elmore, Vincent N.	05-2009-CF-024822- BXXX-XX	4/7/2009	702	Robbery w/a FA - 2 cts.; Aggravated assault	8	9	2	1	5	1	DS 4/4/11
English, Michael Kenneth	05-2009-CF-070146- AXXX-XX	12/26/2009	438	Sale of Cocaine within 1000 FT of Public Park; Poss of Cocaine	4	5	1		3		Plea 4/5/11
Farnam, Matthew	05-2009-CF-043255- BXXX-XX	7/15/2009	602	Robbery w/Weapon; Agg Battery; + 2 VOCCNOP	2	8	6	4	1		CC 3/9/11
Folch, Michael Edward	05-2004-CF-051273- AXXX-XX	9/6/2009	550	Poss - Hydrocodone Lorlab; Battery: FTA - CASES TRANSFERD TO JUDGE WOHN ON 8/11/10	7	15	11	4	6		CC 3/9/11
Folch, Michael Edward	05-2005-CF-031077- AXXX-XX	9/6/2009	550	Home Invasion Robbery - Life Felony	7	15	11	4	6		CC 3/9/11
Folch, Michael Edward	05-2006-CF-028346- AXXX-XX	9/6/2009	550	DWLSR - 3rd offense; DUI	8	15	6	4	3		CC 3/9/11
Folch, Michael Edward	05-2007-CF-051583- AXXX-XX	9/6/2009	550	DWLSR; FTA	16	13	7	4	9	1	CC 3/9/11
Fulton, Elijah Johnnie	05-2009-CF-051806- BXXX-XX	11/5/2009	488	Sale of Cocaine < 28 Gs	8	4	1		4		CC 4/13/11
Gardner, Albert G.	05-2009-CF-027989- AXXX-XX	4/26/2009	681	Agg Assault w/a DW; ON 2/1/10 Court ruled def incompetent; On 1/26/11 Court ruled def is now compt for trial	9	1					CC 4/13/11
George, Aubrey Dean	05-2009-CF-072705- AXXX-XX	12/21/2009	447	Robb w/FA; Poss FA by CF	6	4	1	1	6		CC 3/9/11

Judge Robert Wohn - Defendants in Custody more than 300 Days

Lara, Jesus Benigno	<u>05-2010-CF-020886-XXXX-XX</u>	1/29/2010	404	2nd Deg. Murder	2	6	5	4	1	Sentencing 4/5/11
Lilja, Michael G.	<u>05-2007-CF-058859-XXXX-XX</u>	7/28/2007	1320	2nd Deg. Murder	10	14	3	2	4	DS 4/4/11
Mathews, David Lee Jr.	<u>05-2009-CF-023247-XXXX-XX</u>	9/5/2009	550	2nd Deg Murder Reclassified	6	5	2	3		CC 4/13/11
Mathews, David Lee Jr.	<u>05-2009-CF-023248-XXXX-XX</u>	9/5/2009	550	Aggrav Assault - Disch FA	10	2		6		CC 4/13/11
Mathews, David Lee Jr.	<u>05-2009-CF-023249-XXXX-XX</u>	9/5/2009	550	Poss < 28 Gs Cocaine; Poss < 20 Gs Cannabis	11	1		5		CC 4/13/11
Mathews, David Lee Jr.	<u>05-2009-CF-023250-XXXX-XX</u>	9/5/2009	550	Poss < 28 Gs Cocaine	9	1		5		CC 4/13/11
McCoy, Vincent F.	<u>05-2010-CF-027733-XXXX-XX</u>	4/8/2010	335	Sexual Offenses	3	5	1	1	3	CC 3/9/11
Oliver, Terence T.	<u>05-2009-CF-043923-XXXX-XX</u>	7/30/2009	587	1st Deg Prem Murder w/FA- 2cts; Armed Burg; Poss FA by Conv Fel	8	1		3		CC 4/13/11
Robinson, Akeem J.	<u>05-2010-CF-022375-XXXX-XX</u>	3/7/2010	367	1st Deg Prem Murder	6			6		
Ross, Daniel H.	<u>05-2009-CF-024929-XXXX-XX</u>	4/3/2009	705	Agg Child Abuse-great BH; 8/25/09 Court ruled def incompetent; 8/6/10 Court ruled DEF IS NOW COMPETENT to proceed to trial	6			3		DS 4/4/11
Ross, Daniel H.	<u>05-2009-CF-032486-XXXX-XX</u>	5/3/2009	705	Battery by Person detained in prison or jail	9			2		DS 4/4/11
Rowland, Kevin M.	<u>05-2007-CF-061428-XXXX-XX</u>	11/23/2008	845	Drug case/VOP; VOP Court Accepted Plea contingent upon def's truthful testimony at codef's trial	4	3		1	2	CC 3/9/11
Rowland, Kevin M.	<u>05-2008-CF-064105-XXXX-XX</u>	11/14/2008	845	1st Deg Felony Murder; Home Invasion, Court Accepted Plea contingent upon def's truthful testimony at codef's trial	4	3		1	2	CC 3/9/11

Judge Robert Wohn - Defendants in Custody more than 300 Days

Smith, Michael Thomas	<u>05-2009-CF-046710- BXXX-XX</u>	8/20/2009	565	2nd Deg Murder during comm of a fel; Robb w/DW	5	6			5		CC 3/9/11
Smith, Michael Thomas	<u>05-2009-CF-069697- AXXX-XX</u>	12/8/2009	565	Introd/Poss Contraband in Detention Facility	1	7			5		CC 3/9/11
Stalls, Christopher W.	<u>05-2009-CF-053383- DXXX-XX</u>	10/6/2009	519	Robb w/FA or DW; Burg of dwel was armed; Agg Batt	6	2	1		4		CC 3/9/11
Suro, Dennis R.	<u>05-2009-CF-053383- AXXX-XX</u>	10/21/2009	503	Robb w/FA; Armed Burg w/FA; Agg Batt w/DW; Battery	5	3	1		2		CC 3/9/11
Thompson, Sashane D	<u>05-2009-CF-046710- EXXX-XX</u>	8/23/2009	563	2nd Deg Murder during comm of a felony; Robb w/DW	3	8	2	2	3		CC 3/9/11
White, Vince Allen	<u>05-2008-CF-011468- AXXX-XX</u>	10/16/2009	510	Drug Case; VOP							CC 4/13/11
White, Vince Allen	<u>05-2008-CF-023755- AXXX-XX</u>	10/16/2009	510	Flee/Eluding; VOP							CC 4/13/11
White, Vince Allen	<u>05-2009-CF-060494- AXXX-XX</u>	10/14/2009	510	1st Deg Prem Murder	7	2			4		CC 4/13/11
Williams, Andrew L.	<u>05-2010-CF-023674- AXXX-XX</u>	5/2/2010	311	False Imp - 2 cts; Flee/Elud; Poss < 28 Cocaine; GTMV; DWLSR; Poss Cannab	5	1			4		CC 3/9/11
Wilson, Coredeareo D.	<u>05-2009-CF-052121- BXXX-XX</u>	8/21/2009	565	Robbery w/FA or DW - 2/2/11 New conflict counsel assigned to Def	6	9	6	4	2		DS 4/4/11
Wiseman, Susan V.	<u>05-2010-CF-024184- AXXX-XX</u>	4/4/2010	339	Robbery w/Deadly Wpn; Agg Battery; GT	8				7		DS 4/4/11

ANALYSIS OF FELONY VIOLATION OF PROBATION CASES

JUDGE	BURGER		DUGAN		EARP		GRIESBAUM		HARRIS		WOHN	
	12/06/10 - 12/15/2010		11/08/10 - 11/16/2010		11/01/10 - 11/10/2010		11/15/10 - 11/18/2010		10/25/10 - 11/2/2010		11/18/10 - 11/22/2010	
VOP ARRAIGNMENTS	Defendants	Cases	Defendants	Cases	Defendants	Cases	Defendants	Cases	Defendants	Cases	Defendants	Cases
Total on Docket	45	50	46	57	42	64	31	33	54	63	45	62
Total Resolved	14	17	15	20	15	27	16	16	19	21	17	25
	31%	34%	33%	35%	36%	42%	52%	48%	35%	33%	38%	40%
Number of Inmates	21	24	32	38	22	41	21	23	25	32	19	31
Resolved cases - Inmates only	12	17	14	19	11	23	11	11	9	11	9	15
	57%	71%	44%	50%	50%	56%	52%	48%	36%	34%	47%	48%
Scheduled for Arraignment or Status Hearing	24	26	3	3	8	11	8	10	20	23	7	7
	53%	52%	7%	5%	19%	17%	26%	30%	37%	37%	16%	11%
Scheduled for VOP Hearing	7	7	28	34	18	25	7	7	13	17	20	29
	16%	14%	61%	60%	43%	39%	23%	21%	24%	27%	44%	47%
Failed to Appear	0	0	0	0	1	1	0	0	2	2	1	1

ANALYSIS OF FELONY VIOLATION OF PROBATION CASES

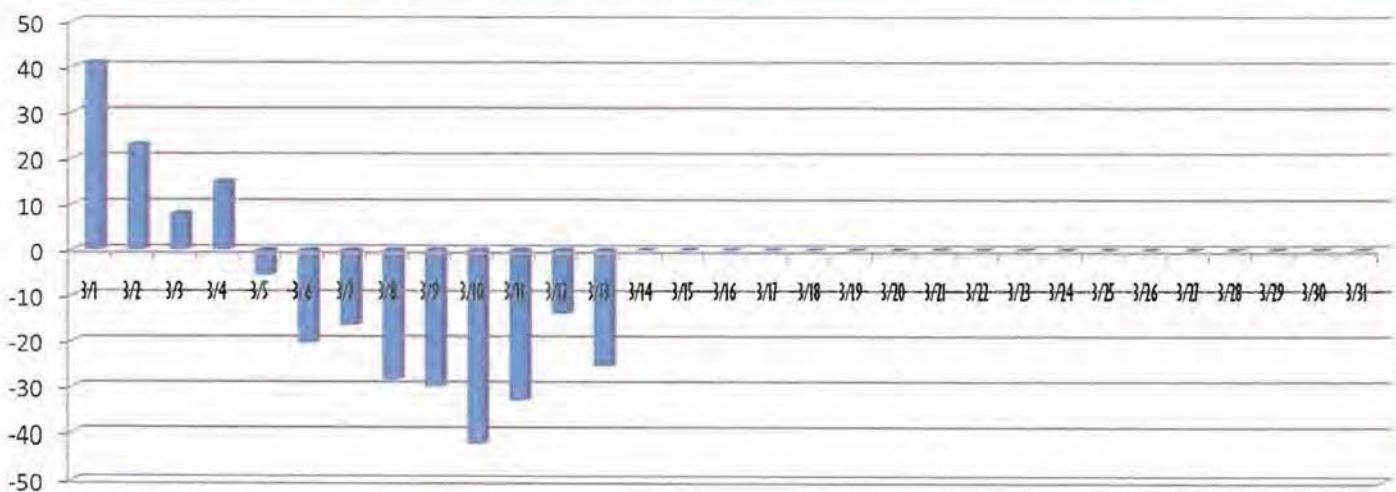
JUDGE	BURGER		DUGAN		EARP		GRIESBAUM		HARRIS		WOHN	
	12/06/10 - 12/15/2010		11/08/10 - 11/16/2010		11/01/10 - 11/10/2010		11/15/10 - 11/18/2010		10/25/10 - 11/2/2010		11/18/10 - 11/22/2010	
Dates of Data Collection	Defendants	Cases	Defendants	Cases	Defendants	Cases	Defendants	Cases	Defendants	Cases	Defendants	Cases
VOP HEARINGS												
Total on Docket	15	22	33	45	37	55	15	18	41	67	25	33
Total Resolved	4	11	27	38	26	40	9	10	23	30	17	20
	27%	50%	82%	84%	70%	73%	60%	56%	56%	45%	68%	61%
Number of Inmates	9	16	12	21	18	33	7	10	16	33	8	11
Resolved cases - Inmates only	4	11	11	20	14	27	3	4	8	13	6	9
	44%	69%	92%	95%	78%	82%	43%	40%	50%	39%	75%	82%
VOP Hearing Rescheduled	10	10	5	6	7	10	3	4	16	30	8	13
	67%	45%	15%	13%	19%	18%	20%	22%	39%	45%	32%	39%
Scheduled for VOP Arraignment	1	1	0	0	4	5	3	4	1	4	0	0
	7%	5%	0%	0%	11%	9%	20%	22%	2%	6%	0%	0%
Failed to Appear	0	0	1	1	0	0	0	0	1	3	0	0

ANALYSIS OF FELONY VIOLATION OF PROBATION CASES

JUDGE	BURGER	DUGAN	EARP	GRIESBAUM	HARRIS	WOHN
	12/06/10 - 12/15/2010	11/08/10 - 11/16/2010	11/01/10 - 11/10/2010	11/15/10 - 11/18/2010	10/25/10 - 11/2/2010	11/18/10 - 11/22/2010
Dates of Data Collection	Defendants					
	Cases					
VOP STATUS HEARINGS						
Total on Docket	69	84				
Total Resolved	23	25				
	33%	30%				
Number of Inmates	20	27				
Resolved cases - Inmates only	9	10				
	45%	37%				
VOP Status Hearing Rescheduled	25	33				
	36%	39%				
Scheduled for VOP Hearing	11	15				
	16%	18%				
Scheduled for VOP Arraignment	6	7				
	9%	8%				
Failed to Appear	4	4				
Total Cases Resolved	41	53	41	25	42	34
Inmate Cases Resolved	25	38	25	14	17	15
			58	26	51	45
		39	50	15	24	24

Brevard County Jail Daily Inmate Population Comparison Between March, 2011 and March, 2010

	Date	2011 High	Low	Difference		Avg. Diff.	Date	2010 High	Low
T	3/1/2011	1556	1550	40	42	41	3/1/2010	1516	1508
W	3/2/2011	1555	1544	24	22	23	3/2/2010	1531	1522
Th	3/3/2011	1556	1544	6	10	8	3/3/2010	1550	1534
F	3/4/2011	1564	1553	13	17	15	3/4/2010	1551	1536
Sa	3/5/2011	1569	1552	-22	11	-5.5	3/5/2010	1591	1541
Su	3/6/2011	1568	1545	-15	-26	-20.5	3/6/2010	1583	1571
M	3/7/2011	1562	1540	-16	-17	-16.5	3/7/2010	1578	1557
T	3/8/2011	1560	1546	-32	-25	-28.5	3/8/2010	1592	1571
W	3/9/2011	1557	1547	-33	-27	-30	3/9/2010	1590	1574
Th	3/10/2011	1556	1543	-48	-36	-42	3/10/2010	1604	1579
F	3/11/2011	1558	1540	-30	-36	-33	3/11/2010	1588	1576
Sa	3/12/2011	1581	1559	-19	-9	-14	3/12/2010	1600	1568
Su	3/13/2011	1585	1558	-15	-36	-25.5	3/13/2010	1600	1594
M	3/14/2011						3/14/2010	1612	1593
T	3/15/2011						3/15/2010	1611	1597
W	3/16/2011						3/16/2010	1602	1574
Th	3/17/2011						3/17/2010	1604	1594
F	3/18/2011						3/18/2010	1594	1580
Sa	3/19/2011						3/19/2010	1591	1568
Su	3/20/2011						3/20/2010	1600	1588
M	3/21/2011						3/21/2010	1602	1588
T	3/22/2011						3/22/2010	1595	1580
W	3/23/2011						3/23/2010	1587	1576
Th	3/24/2011						3/24/2010	1593	1588
F	3/25/2011						3/25/2010	1585	1579
Sa	3/26/2011						3/26/2010	1597	1572
Su	3/27/2011						3/27/2010	1610	1596
M	3/28/2011						3/28/2010	1609	1573
T	3/29/2011						3/29/2010	1570	1564
W	3/30/2011						3/30/2010	1575	1570
Th	3/31/2011						3/31/2010	1576	1568
March, 2011 ADP:		1555.7					March, 2010 ADP:		1578.5
Overall Average of the Difference for Feb:						-9.9			



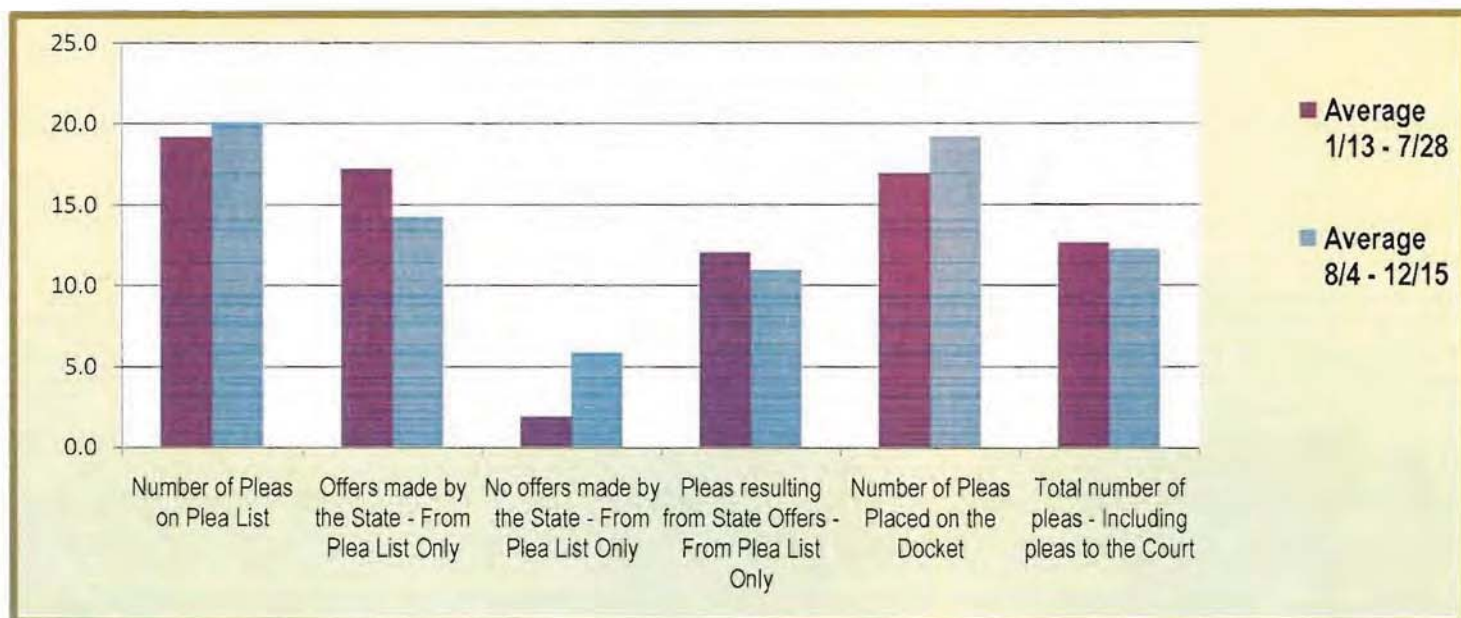
WEDNESDAY PLEAS FOR 2010

Date	Number of Pleas on Plea List	Offers made by the State - From Plea List Only	Percentage	No offers made by the State - From Plea List Only	Percentage	Pleas resulting from State Offers - From Plea List Only	Percentage	Number of Pleas Placed on the Docket	Total number of pleas - Including pleas to the Court
1/13/2010	14	14	100%	0	0%	8	57%	14	9
1/20/2010	13	10	77%	3	23%	9	90%	13	11
2/3/2010	14	11	79%	3	21%	8	73%	14	13
2/10/2010	13	8	62%	5	38%	5	63%	13	5
2/24/2010	14	9	64%	5	36%	9	100%	9	9
3/3/2010	7	7	100%	0	0%	4	57%	11	5
3/10/2010	15	15	100%	0	0%	11	73%	14	11
3/17/2010	14	11	79%	3	21%	6	55%	7	6
3/24/2010	17	14	82%	3	18%	10	71%	13	11
3/31/2010	25	24	96%	1	4%	21	88%	26	22
4/7/2010	20	20	100%	0	0%	14	70%	22	15
4/21/2010	34	32	94%	2	6%	17	53%	27	17
4/28/2010	15	9	60%	6	40%	7	78%	12	8
5/5/2010	14	14	100%	0	0%	9	64%	11	9
5/12/2010	25	24	96%	1	4%	15	63%	18	15
5/19/2010	23	21	91%	2	9%	13	62%	20	13
6/2/2010	25	23	92%	2	8%	18	78%	22	17
6/9/2010	17	16	94%	1	6%	7	44%	17	7
6/16/2010	21	20	95%	1	5%	12	60%	18	12
6/23/2010	26	26	100%	0	0%	22	85%	28	24
7/7/2010	17	15	88%	2	12%	11	73%	14	11
7/14/2010	34	31	91%	3	9%	25	81%	30	25
7/28/2010	24	23	96%	1	4%	16	70%	17	16

WEDNESDAY PLEAS FOR 2010

Date	Number of Pleas on Plea List	Offers made by the State - From Plea List Only	Percentage	No offers made by the State - From Plea List Only	Percentage	Pleas resulting from State Offers - From Plea List Only	Percentage	Number of Pleas Placed on the Docket	Total number of pleas - Including pleas to the Court
8/4/2010	30	23	77%	7	23%	16	70%	25	17
8/11/2010	24	21	88%	3	13%	16	76%	21	16
8/18/2010	19	18	95%	1	5%	17	94%	17	17
8/25/2010	25	15	60%	10	40%	10	67%	18	10
9/1/2010	22	11	50%	11	50%	9	82%	20	9
9/8/2010	21	12	57%	9	43%	10	83%	18	9
9/22/2010	24	17	71%	7	29%	16	94%	25	20
9/29/2010	27	25	93%	2	7%	18	72%	22	18
10/13/2010	18	13	72%	5	28%	9	69%	25	12
10/20/2010	12	6	50%	6	50%	5	83%	23	14
10/27/2010	28	21	75%	7	25%	12	57%	25	12
11/3/2010	8	6	75%	2	25%	6	100%	11	7
11/10/2010	10	7	70%	3	30%	3	43%	14	7
11/17/2010	10	7	70%	3	30%	5	71%	10	5
11/24/2010	21	13	62%	8	38%	10	77%	18	10
12/8/2010	21	13	62%	8	38%	11	85%	17	11
12/15/2010	21	14	67%	7	33%	13	93%	17	14
	Number of Pleas on Plea List	Offers made by the State - From Plea List Only	Percentage	No offers made by the State - From Plea List Only	Percentage	Pleas resulting from State Offers - From Plea List Only	Percentage	Number of Pleas Placed on the Docket	Total number of pleas - Including pleas to the Court
Average 1/13 - 7/28	19.2	17.3	89%	1.9	11%	12.0	70%	17.0	12.7
Average 8/4 - 12/15	20.1	14.2	70%	5.8	30%	10.9	77%	19.2	12.2

WEDNESDAY PLEAS FOR 2010



Custody Docket Sounding – Seminole County, Florida

Docket sounding is a monthly court event that allows a judge to address the status of each of the cases on his/her docket. The attorneys will announce in court whether or not they are ready for trial. If an attorney is not ready for trial and has good cause, they can request and be granted a continuance by the Court. Docket sounding is also an opportunity for the attorneys to let the Court know that the case is expected to be resolved with a negotiated plea and can, therefore, ask the Court if it would be willing to accept the plea that day or, if necessary, set the plea for another date.

In Seminole County, the circuit criminal judges divide their docket sounding court event into two segments: Non-custody cases are heard in the morning at the Criminal Justice Center and custody cases are heard in the afternoon in the main courtroom at the jail (John E. Polk Correctional Facility). Occasionally, defense attorneys will ask the judge to address a custody case during the morning segment instead of the afternoon session and waive their client's appearance.

The rotation of the court schedules among the four circuit judges is identical in that there are two weeks of trials followed by two weeks of hearings. Docket sounding is regularly scheduled for the Wednesday following the final trial week, Pretrial Conferences (PTC) are regularly scheduled for the Thursday prior to the first trial week, and each docket sounding date is on a four-week rotation.

On May 26, 2010, with the consent of the Brevard County Manager, the jail population management coordinator (JPMC) began attending custody docket sounding in Seminole County. The JPMC's goal for this exercise was to observe custody docket sounding for each of the four circuit judges in Seminole County and gather information on the following:

- The visible communication between the defense attorney and the inmate
- The percentage of custody cases being resolved with a plea
- The percentage of custody cases being set for trial
- The percentage of custody cases being continued, and
- An overall, objective, analysis of this judicial process

Visible Communication

Custody docket sounding is regularly scheduled to begin at 1:30 pm; however, defendants are brought into the courtroom of the jail much earlier (around 1:00 pm) and the reason is obvious. Beginning sometime around 1:10 pm, defense attorneys, both private and public defenders, arrive and use this valuable time to meet with their clients right there in the courtroom's gallery. Defendants are very respectful and orderly and the communication between attorneys and their client/clients appears to be constructive. The little that can be heard of the discussions between defendants and their attorneys indicates that defendants are getting an appreciation of what the attorney can do to assist them with their case. It is important to note that discussions between a defense attorney and their client are confidential; for that reason, their privacy is respected and not intended to be detailed in this report. For the purpose of this report, any reference to attorney/client discussions will be general in nature, as they are only intended to provide a sense of the productive communication between those involved.

During this time, defense attorneys not only go over paperwork (such as score sheets) and have defendants sign documents (such as plea agreements), they can sometimes be heard saying to their client, "Would you like some time to think about it?" If the defendant responds in the affirmative, the defense attorney appears to give the defendant time to think about whatever they discussed and follow up a short-time later, probably to find out from the defendant how they wish to proceed for court, that day.

Statistical Narratives

On May 26, 2010, Judge Eaton's custody docket sounding was covered by visiting, Judge Mize. Court began at 1:45 pm and ended at 2:20 pm. Private attorneys began arriving at 1:14 pm and the assistant public defenders arrived at 1:17 pm. Discussions between defense attorneys and their clients appeared to be productive, as defendants were sometimes given documents to read and sign. Even though there were approximately 20 inmates who were originally scheduled for this custody docket sounding date, only twelve remained to be addressed in the afternoon segment (indicating that approximately eight cases were addressed in the morning session and the status of those is unknown). Of the twelve inmates addressed at this custody docket sounding, three had cases (25%) continued to the next docket sounding date of

June 23rd, five (42%) were set for PTC seven days later on June 3rd, and four (33%) were resolved with a plea. The four pleas were done right then and there at docket sounding and the attorneys setting cases for PTC announced that if they were unable to resolve their cases with a plea at PTC, they would be ready for trial.

On June 9, 2010, Judge McIntosh held custody docket sounding at the Seminole County Jail courtroom. Court began at 1:45 pm and lasted approximately 90 minutes. Inmates were brought into the courtroom prior to 1:10 pm, which is when the first private attorney arrived and immediately began meeting with her client. Shortly thereafter, a second private attorney arrived and spent a considerable amount of time in discussion with the defendant – this conversation ended with the defendant reading and signing a document given to him by the attorney. At 1:24 pm two assistant public defenders arrived and immediately began meeting with their clients. Forty defendants were originally scheduled for custody docket sounding; however, 16 of those 40 were addressed during the morning session at the Justice Center. From the remaining 24 defendants, only five (21%) were continued to a subsequent docket sounding date – four were continued to July 21st and one to August 18th. Eleven cases (46%) were scheduled for PTC, on June 17th; however, seven of those (64%) were announced as a plea, indicating that the defendant probably wanted some time to think over the plea offer. Two defendants were scheduled for a subsequent plea date and six pleaded that same day (33%), which brings the total number of custody-docket-sounding cases resolved or scheduled for resolution to 15 (62.5%).

On June 16, 2010, Judge Nelson held custody docket sounding at the Seminole County Jail Courtroom. Due to the morning session not ending until 12:45 pm, the afternoon session at the jail did not begin until 2:30 pm. Thirteen inmates were scheduled for custody docket sounding, 12 males and one female. Twelve of the thirteen inmates were represented by the Public Defender's Office. The two assistant public defenders present for court arrived at 2:00 pm and began meeting with their clients as soon as they were brought into the courtroom at 2:05 pm. The assistant public defenders appeared to have all their files and paperwork ready, as they went from client to client to discuss each case. Of the thirteen cases set for custody docket sounding on this date, five (38%) cases were continued to the next docket sounding on

July 14th, six (46%) were set for PTC on June 24th, and two (15%) defendants pleaded right then and there at docket sounding.

On June 30, 2010, Judge Alva held custody docket sounding. Court began on time and ended an hour later, around 2:30 pm. Defense attorneys arrived early, around 1:10 pm, and appeared to have had plenty of time to meet with their clients and prepare for court. There were a total of 28 defendants set for docket sounding on this date; however, six cases were addressed in the morning's session. Out of the 22 defendants (two females and 20 males) remaining for custody docket sounding, seven (32%) were continued, 12 (54%) were set for PTC and, out of those, five announced that they would be a plea at PTC. Three (14%) defendant's pleaded that same day, which if combined with the five who announced they would be a plea at PTC, 36% of the cases can be said to have been, or are scheduled to be, resolved.

Analysis

What is remarkable about this particular judicial process is the ease with which this system allows defense attorneys the opportunity to efficiently communicate with all their clients and prepare for court. Cases having private counsel were addressed first and this allowed the assistant public defenders a few more minutes to wrap up conversations with their clients. Everything ran very smoothly, as everyone knew exactly what they needed to do and they did it without delay.

Offices situated outside the courtroom provide the attorneys and the judge an area where they can meet prior to court. Some Seminole County prosecutors claim that the only reason custody docket sounding is done at the jail is to reduce the security risk of transporting the inmates to the Justice Center – the jail is located directly adjacent to the Seminole County Justice Center and in Brevard the jail is 22 miles from the Moore Justice Center. Other prosecutors did admit, however, that even though no one really likes having to go to the jail for court proceedings, they cannot deny the benefits of having inmates present for docket sounding, as this process efficiently provides defense attorneys a means to communicate with more inmates at one time, leading to more negotiated pleas and resulting in a reasonable case load.

Exhibit C



Brevard County Sheriff's Office

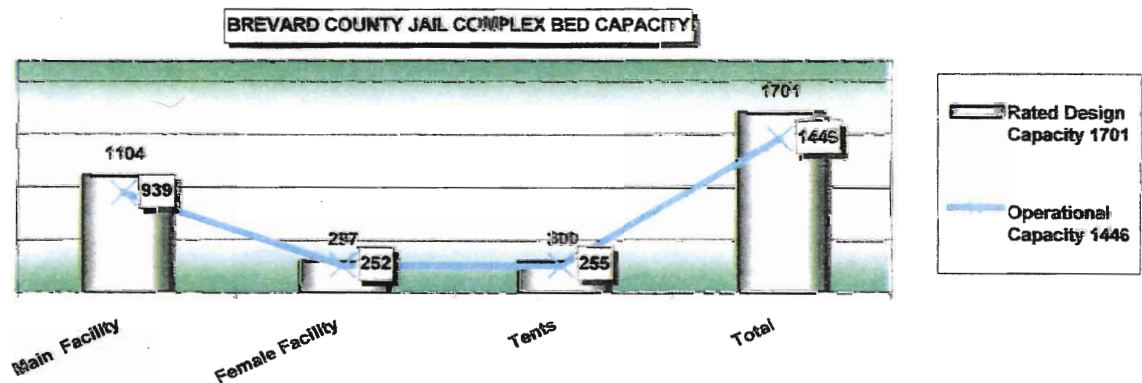
Titusville, Florida

Memorandum

Date: April 27, 2009
To: Commander Jeter
From: Classification
Re: Bed Capacity

The optimum amount of inmates that can be housed in the Brevard County Jail Complex with a physical bed count of 1701 (Rated Design) is 1446 (Operational Capacity) after factoring 15% for classification purposes. Using the National Institute of Corrections (N.I.C.) classification factor¹, the 1446 inmate spaces in the Brevard County Jail Complex is calculated by taking the 1,701 beds at the jail and subtracting the 15% classification factor of 255 beds for a total of 1,446 inmate spaces. For example, Alachua County² and Broward County³ use the same N.I.C. standard using a 15%-20% classification factor.

The classification factor is designed to place inmates of like custody levels into appropriate housing. Using this evaluation process ensures that the Florida Model Jail Standards for housing are followed.



Overcrowding occurs when jail population exceeds operational capacity. Compromising the jail's classification capabilities is likely to compromise the safety and well-being of the inmates, staff and public. The National Institute of Corrections supports the use of a 15%-20% classification factor as an industry standard in jail facilities to determine operational capacity. Using this classification factor ensures compliance with the Florida Model Jail Standard as well as maintains security and decreases potential liability. (See Bibliography)

J.R. "Jack" Parker, Sheriff

5/19/2009

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Bibliography

- 1 Martin, Mark and Katsampes, Paul, U.S. Department of Justice National Institute of Corrections, "Sheriff's Guide to Effective Jail Operations, Jan. 2007, NIC Accession No. 021925.
- 2 Walpole, K.C., "Jail and Barometers," <http://www.alachuasheriff.org>.
- 3 U.S. Department of Justice National Institute of Corrections, "Jail and Justice System Assessment Broward County Florida," Feb. 13-16, 2007, NIC TA 07-J1032.

Exhibit D

BREVARD COUNTY 2009 - YTD 2011

