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M E M O R A N D U M

TO: Clerks of the Circuit Court
Felony and Misdemeanor Division Supervisors & Staff

FROM: Frank E. Funderburk

DATE: November 30, 2004

SUBJECT: Summary Reporting System (SRS) Technical Memo 04-03
Criminal Disposition Reporting

The purpose of this memo is to provide clarification on the SRS guidelines for reporting criminal case dispositions resulting from pre-trial intervention (PTI) or other deferred prosecution alternatives, including drug court.

Historically, whether reporting felony or misdemeanor division data, these types of dispositions have been reported based upon the date-stamped contract entered into by the defendant and the state attorney. However, it has been brought to our attention that judges in many jurisdictions enter pre-trial intervention orders in advance of these contracts directing the defendants into a program. In response to this information, we are modifying our reporting requirements to accommodate these events. Hence, effective immediately, **PTI and other deferred prosecution dispositions should be reported for SRS based upon the order entered by the court directing the defendant into a program.** Please report the disposition based upon the date the order is time-stamped by the clerk. In the event that there is no order entered, report the disposition based upon the date-stamped contract between the defendant and the state attorney.

For reference, **page 2-9, SRS Manual**, currently provides the following instructions regarding PTI and deferred prosecution disposition reporting in **felony cases**:

**Old
Instruction**

- ✓ *Report the number of defendants placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, including treatment-based drug court programs, **after** an information or indictment was filed.*

PLEASE REPLACE THE AFORE-MENTIONED SECTION WITH THE FOLLOWING:

**New
Instruction**

- ✓ *Report the number of defendants placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, including treatment-based drug court programs, **after** an information or indictment is filed. For SRS purposes, report the disposition based upon the date-stamped order entered by the court directing the defendant into a program. If no order is entered, report the disposition based upon the date-stamped contract between the defendant and the state attorney.*

Page 8-8, SRS Manual, provides the following instructions regarding PTI and deferred prosecution disposition reporting in **misdemeanor cases**:

**Old
Instruction**

- ✓ *Report defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the State Attorney, including treatment-based drug court programs.*

PLEASE REPLACE THE AFORE-MENTIONED SECTION WITH THE FOLLOWING:

**New
Instruction**

- ✓ *Report the number of defendants placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, including treatment-based drug court programs. For SRS purposes, report the disposition based upon the date-stamped order entered by the court directing the defendant into a program. If no order is entered, report the disposition based upon the date-stamped contract between the defendant and the state attorney.*

For counties reporting criminal SRS data via monthly paper reports, these dispositions will continue to be reported in the **Before Trial – Other** disposition category.

For counties reporting criminal SRS data electronically via the Offender Based Transaction System (OBTS), the following instructions apply:

FELONY DIVISION –

(The following excerpt should replace the section titled, *After an Information is Filed*, page 10-11, SRS Manual)

These procedures should be followed when a defendant is placed on pretrial diversion after an information is filed:

- The Prosecutor Phase of the record should be completed;
- The **Prosecutor Filing Date** (page 77) should reflect the date the information is filed;
- The **Prosecutor Final Decision Date** (page 78) should reflect the date the information is filed;
- The **Prosecutor Final Action** (page 79) should reflect N (filed);
- The Court Phase of the record should be completed;
- The **Court Decision Date** (page 98) should reflect the date the pretrial diversion order is filed, or in the event no order is entered, this field should reflect the date the defendant enters into a contract with the state attorney; and
- The **Court Action Taken** (page 99) should reflect H (pretrial diversion).

MISDEMEANOR DIVISION -

(The following excerpt should replace the first section under **COUNTY CRIMINAL**, top of page 10-13, SRS Manual.)

The court phase of the record is used when a defendant is placed on pretrial diversion prior to or after an information is filed. These procedures should be followed:

- The **Court Decision Date** (page 98) should reflect the date the pretrial diversion order is filed, or in the event no order is entered, this field should reflect the date the defendant enters into a contract with the state attorney; and
- The **Court Action Taken** (page 99) should reflect code H (pretrial diversion).

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Please ensure that all staff involved in the reporting of SRS criminal data are aware of these revisions to the disposition reporting requirements. It is recommended that copies of this memorandum be distributed to these staff for inclusion in their SRS Manuals or to be kept as desk reference materials.

Should you or your staff have questions or concerns regarding these instructions, please contact me at (850) 487-0843 or via e-mail at funderbf@flcourts.org. Thank you for your attention to this matter.

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