

**FLORIDA UNIFORM CASELOAD  
REPORTING SYSTEMS  
USED BY THE FLORIDA SUPREME  
COURT, STATE ATTORNEYS, AND  
PUBLIC DEFENDERS**

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**Operational Audit**

For the Period  
July 1, 2007, Through December 31, 2008



STATE OF FLORIDA  
AUDITOR GENERAL  
DAVID W. MARTIN, CPA

## **FLORIDA SUPREME COURT JUSTICES, CLERKS OF THE COURT, STATE ATTORNEYS, AND PUBLIC DEFENDERS**

The Florida Uniform Caseload Reporting System is used by the Florida Supreme Court, the Florida Office of the State Courts Administrator, the Clerks of the Court, and the Public Defenders and State Attorneys for the 20 judicial circuits within the State of Florida. The Supreme Court justices and the ten State Attorneys and Public Defenders selected for testing who served during the period July 1, 2007, through December 31, 2008, and were included in the scope of the audit are listed below:

### **Florida Supreme Court**

### **Position**

Peggy A. Quince from June 27, 2008	Chief Justice
R. Fred Lewis to June 26, 2008	Chief Justice
Barbara J. Pariente	Justice
Charles T. Canady from September 8, 2008	Justice
Ricky Polston from October 2, 2008	Justice
Charles T. Wells	Justice
Harry Lee Anstead	Justice
Raoul G. Cantero to September 6, 2008	Justice
Kenneth B. Bell to October 2, 2008	Justice

### **State Attorneys**

### **Public Defenders**

### **Clerks of the Court**

William Eddins, 1 <sup>st</sup> Circuit	Jack Behr to January 5, 2009 James Owens from January 6, 2009 1 <sup>st</sup> Circuit	J. K. "Buddy" Irby, Alachua County
William N. Meggs, 2 <sup>nd</sup> Circuit	Nancy Daniels, 2 <sup>nd</sup> Circuit	Scott Ellis, Brevard County
Angela B. Corey, 4 <sup>th</sup> Circuit	Matt Shirk, 4 <sup>th</sup> Circuit	Dwight E. Brock, Collier County
Brad King, 5 <sup>th</sup> Circuit	Howard H. Babb, Jr., 5 <sup>th</sup> Circuit	James B. Fuller, Duval County
Bernie McCabe, 6 <sup>th</sup> Circuit	Bob Dillinger, 6 <sup>th</sup> Circuit	Ernie Magaha, Escambia County
R.J. Larizza, 7 <sup>th</sup> Circuit	James S. Purdy, 7 <sup>th</sup> Circuit	Bob Inzer, Leon County
William P. Cervone, 8 <sup>th</sup> Circuit	C. Richard Parker, 8 <sup>th</sup> Circuit	David R. Ellspermann, Marion Co.
Lawson L. Lamar, 9 <sup>th</sup> Circuit	Robert Wesley, 9 <sup>th</sup> Circuit	Lydia Gardner, Orange County
Norman R. Wolfinger, 18 <sup>th</sup> Circuit	James Russo, 18 <sup>th</sup> Circuit	Ken Burke, Pinellas County
Stephen B. Russell, 20 <sup>th</sup> Circuit	Kathleen A. Smith, 20 <sup>th</sup> Circuit	Diane M. Matousek, Volusia Co.

The audit team leader was Michael Nichols and the audit was supervised by Hardee Ratliff, CPA. Please address inquiries regarding this report to Marilyn D. Rosetti, CPA, Audit Manager, by e-mail at [marilynrosetti@aud.state.fl.us](mailto:marilynrosetti@aud.state.fl.us) or by telephone at (850) 487-9031.

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## FLORIDA UNIFORM CASELOAD REPORTING SYSTEMS USED BY THE FLORIDA SUPREME COURT, STATE ATTORNEYS, AND PUBLIC DEFENDERS

### SUMMARY

Section 25.075(3), Florida Statutes, requires the Auditor General to audit the reports made to the Supreme Court in accordance with the uniform case reporting system established by the Supreme Court. The summary of our findings for the period July 1, 2007, through December 31, 2008, is as follows:

**Finding No. 1:** The varied systems used by the Clerks of the Court, State Attorneys, and Public Defenders did not allow for comparability, and were duplicative and inefficient.

**Finding No. 2:** Annual and monthly caseload reports were not submitted timely by the Duval and Orange County Clerks.

**Finding No. 3:** Case information on file was not always included in the performance measure reports.

**Finding No. 4:** Supporting documentation for performance measure reports was not maintained accurately and, in some instances, not maintained at all.

**Finding No. 5:** Florida State Courts System Summary Reporting System (SRS) reporting data was not accurately presented in all respects.

**Finding No. 6:** The Orange County Clerk, in some instances, reported certain caseload data twice by reporting information in two different categories.

**Finding No. 7:** The 4th Judicial Circuit State Attorney utilized procedures that inadvertently overstated the reported number of cases filed and the number of cases closed.

**Finding No. 8:** The 72-hour initial contact performance measure was calculated and reported using varied means by the various circuits and verification of the reported statistics was not, in all cases, possible.

**Finding No. 9:** The speedy trial performance measure data was not consistently reported by the various circuits and, in some instances, appeared to be contrary to instructions contained in the reporting manual. Also, the accuracy of reported data statistics was not verifiable in all cases.

### BACKGROUND

#### State Courts System Caseload Reporting

Section 25.075, Florida Statutes,<sup>1</sup> requires that the Supreme Court develop a uniform caseload reporting system, including a uniform means of reporting categories of cases, time required in the disposition of cases, and the manner of disposition of cases. This section also requires that we audit the reports made to the Supreme Court in accordance with the uniform system established by the Supreme Court. The Supreme Court established the Summary Reporting System (SRS) to meet this requirement of law.

The SRS utilizes caseload statistics submitted by the Clerks of the Court (Clerks) to produce summary reports of the workloads of judges. The Supreme Court's instructions and requirements for reporting caseload statistics are contained in the *Florida State Courts System Summary Reporting System Manual* (SRS Manual). Pursuant to Article V, Section 9 of the State Constitution, the SRS was designed to provide the Office of the State Courts Administrator (OSCA) with the data necessary to assist the Supreme Court in meeting its responsibility for determining the need for

<sup>1</sup> All references to Florida Statutes are to the 2008 statutes unless otherwise noted.

an increase or decrease in the number of judges required to consider and dispose of cases filed before the district courts of appeal, circuit courts, and county courts.

### **State Attorney and Public Defender Caseload Reporting**

The State Attorneys and Public Defenders report caseload data as a part of the performance based budgeting initiative established by the Legislature in Chapter 216, Florida Statutes. Performance measures have been developed by the State Attorneys and Public Defenders and approved by the Legislature. The State Attorneys and Public Defenders use various case reporting systems to capture the performance based data. For the State Attorneys, prescribed reporting formats with detailed instructions have been developed through the Florida Prosecuting Attorneys Association. This information is compiled by each judicial circuit and reported on an annual basis. At fiscal year end, a Statewide report is prepared by the 5th Judicial Circuit State Attorney personnel and submitted to the Justice Administrative Commission and the Legislature. The Public Defenders have also developed a reporting system for the compiling of information by each judicial circuit and reporting of that information to the Florida Public Defenders Association where a Statewide report is also prepared and submitted to the Justice Administrative Commission and the Legislature.

Pursuant to Sections 27.25(5) and 27.53(3), Florida Statutes, respectively, appropriations for the offices of State Attorneys and Public Defenders shall be determined by a funding formula based on population and such other factors as may be deemed appropriate. The performance measures may be one such factor used in the funding formula.

## **FINDINGS AND RECOMMENDATIONS**

### **Statewide Issues**

#### **Finding No. 1: SRS and State Attorney/Public Defender Reporting Process**

There are essentially three separate systems currently being maintained for the collection and reporting of caseload data generated by the court system. As statutorily mandated (Section 25.075, Florida Statutes), the Supreme Court has developed a uniform caseload reporting system. Additionally, the State Attorneys and Public Defenders have reported caseload data in varying forms for years, most recently as part of a performance based budgeting initiative (Chapter 216, Florida Statutes), requiring the reporting of performance measure data which includes caseload data.

As also noted in our report No. 03-114, the maintenance of separate caseload reporting systems by three entities (Supreme Court, State Attorneys, and Public Defenders), which are, to some degree, capturing and reporting the same data appears to be costly, duplicative, and inefficient. While our review has identified certain weaknesses, it may be more efficient from a Statewide perspective to explore the possibility of creating one system that can be used by all three parties.

A comparison of the existing reporting forms used by the Supreme Court in the maintenance of its system to the reporting forms used by the State Attorneys for their system shows that the forms prescribe numerous categories and subcategories of caseload reporting. While this data is useful, comparability between the two systems is hampered by differing categories and classifications of caseload activities reported. For example, the SRS captures information relative to the circuit criminal category by counts (charges) while the State Attorney reporting system captures this information by cases.

While we recognize the differing uses for the data by the Supreme Court, State Attorneys, and Public Defenders, development of a more efficient and effective single system which would satisfy the individual needs of all three users should be possible.

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**Recommendation:** The Supreme Court, State Attorneys, and Public Defenders should work with the Legislature, judges, and other users of the data to explore the possibility of jointly developing one Statewide system that would provide timely, accurate, and reliable data in a more efficient and effective manner.

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**Finding No. 2: Timeliness of Reports**

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The SRS Manual requires each county Clerk to submit monthly SRS reports to OSCA by the 15th day of the succeeding month. Reports submitted are generally a combination of paper reports for civil, juvenile, probate, and domestic relations divisions and electronic reports for the criminal division. Criminal division reports, when submitted electronically, are submitted through the Offender Based Transaction System (OBTS).

For the period July 1, 2007, through December 31, 2008, we reviewed the monthly submission of SRS reports for ten Clerks. We noted that the SRS reports were often submitted late by the Duval and Orange County Clerks as shown in Table 1.

**Table 1**

County Clerk	No. of Untimely Reports	No. of Days Late
Duval	13 of 18	5 to 33
Orange	10 of 18	5 to 23

The data reported and included in the SRS is used in the certification of need for additional judges, the formulation of budgets, the preparation of legislative fiscal notes, the impact assessment of proposed legislation or court rules, and as an information resource for all courts, criminal justice agencies, news media, and the general public. It is important that the information be collected in a timely manner. OSCA has made progress in obtaining the reports in a more timely manner as compared to the results we noted in our report No. 03-114. OSCA personnel noted that they were providing assistance to the county Clerks, but that it is the responsibility of the Clerks' offices to submit SRS reports on time.

OSCA has increased the amount of training provided to the counties and continues its targeted auditing approach, which uses statistical analysis and review to select counties to be audited and OSCA personnel also noted that the enforcement provisions provided for in Section 25.075(2), Florida Statutes, do not address the untimely filing of reports nor do they associate a penalty with failure to report.

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**Recommendation:** OSCA, in consultation with the Clerks offices, should continue its efforts to ensure that the Clerks submit their SRS reports within the time frames provided for in the SRS Manual.

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**Finding No. 3: Completeness of Reports**

The completeness of the monthly caseload statistical reports generated by the Clerks and the Public Defenders, and the annual workload reports provided by the State Attorneys, are dependent on the accuracy of the data recorded in the various records maintenance systems, the reliability of the programming within these systems, and the accountability for maintaining up-to-date records.

In our review of the completeness of these statistical reports, we selected 15 cases each for the ten Clerks, ten State Attorneys, and ten Public Defenders selected for testing. Our audit disclosed that, in general, controls were operating effectively to ensure that all required information was appropriately included in the reports; however, there were exceptions in four offices where cases were not reported as shown in Table 2 below.

**Table 2**

Entity	Total Cases Reviewed	Number of Cases Not Reported	Error Rate
Leon County Clerk of the Courts	15	3	20%
Duval County Clerk of the Courts	15	3	20%
2 <sup>nd</sup> Judicial Circuit State Attorney	15	3	20%
6 <sup>th</sup> Judicial Circuit Public Defender	15	1	6.7%

Personnel at the Duval County Clerk and the 6th Judicial Circuit Public Defender indicated that the cases were not included in the reports due to implementation errors in the automated systems used by these two entities to compile the reports. The Leon County Clerk indicated that the reporting errors were data entry related and had been corrected. The 2nd Circuit State Attorney stated that the cases were not included on the reports because hard copy case files that are deemed closed were not always provided to data intake personnel in a timely manner.

**Recommendation:** The Clerks, State Attorneys, and Public Defenders should enhance procedures with regard to the oversight and review of data entry and case file maintenance. The implementation of information technology controls that ensure the completeness of case file information would strengthen reliability of computer-generated reports.

**Finding No. 4: Documentation Supporting Performance Measure Reports**

Documentation to support totals reported on the performance measure reports for several State Attorneys and Public Defenders was either not retained or did not agree with the totals reported.

For the 2nd Judicial Circuit State Attorney and the 1st and 6th Judicial Circuit Public Defenders, adequate supporting documentation, such as a detailed listing of case numbers that comprised the totals reported, was not retained at the time the reports were initially prepared and submitted. While these three offices were able to reproduce documentation that generally agreed with the totals reported, it often took several attempts at retrieving the needed data before acceptable results were obtained. Had documentation supporting the totals reported been generated at the time the reports were completed and submitted, it would have negated the need to spend time and resources months later to reproduce and provide the needed detailed listings of case numbers that comprised the totals reported.

In several other instances, documentation to support the amounts reported by various State Attorneys and Public Defenders was maintained; however, the amounts shown on the provided detailed listings did not agree with the amounts reported as noted in Table 3 below.

Table 3

Entity	Category	January 2008			September 2008		
		Per Report	Per Detail	Difference	Per Report	Per Detail	Difference
1 <sup>st</sup> P.D.	Cases Closed	1,742	1,812	70	1,711	1,775	64
1 <sup>st</sup> P.D.	Clients to be Interviewed	712	684	12	879	781	(98)
6 <sup>th</sup> P.D.	Cases Closed (Circuit)	1,865	1,888	(23)	1,788	1,797	(9)
6 <sup>th</sup> P.D.	Cases Closed (County)	1,766	1,873	(107)	1,437	1,503	(66)
6 <sup>th</sup> P.D.	Cases Closed (Juvenile)	288	322	(34)	248	259	(11)
9 <sup>th</sup> P.D.	Cases Closed	3,612	3,254	358	3,478	3,538	(60)
9 <sup>th</sup> P.D.	Clients to be Interviewed	4,572	4,333	239	3,194	2,952	242
18 <sup>th</sup> S.A.	Felony Dispositions - Other	311	307	4	258	252	6
18 <sup>th</sup> S.A.	Misdemeanor Dispositions – Plea	1,080	1,072	8	1,169	1,152	17
18 <sup>th</sup> S.A.	Misdemeanor Dispositions – Nontrial	116	110	6	96	92	4
18 <sup>th</sup> S.A.	Misdemeanor Dispositions – Other	352	340	12	357	285	72
18 <sup>th</sup> S.A.	Misdemeanor Filings	1,198	1,201	(3)	1,334	1,318	16
20 <sup>th</sup> S.A.	Misdemeanor Filings	5,968	5,431	537	-	-	-
20 <sup>th</sup> S.A.	Worthless Check Diversion	1,132	281	851	-	-	-

**Recommendation:** For future reports, the entities mentioned above should take steps to ensure that the detailed documentation supporting the total cases reported is retained and available for audit and that the data is accurately summarized and classified for reporting purposes. Consideration should also be given to implementing procedures which would include verification of the data submitted to the Florida Prosecuting Attorneys Association and the Florida Public Defender Association, as applicable.

### Florida Supreme Court

Based on size, location, and prior audit experience, we selected ten judicial circuits (and within each circuit, one county) for testing the reporting of SRS caseload data. Our audit included a review of the procedures utilized by the clerks and OSCA to ensure the accuracy and completeness of the selected SRS data reported by the respective clerks to OSCA. Our tests disclosed that established procedures for collecting and reporting SRS data were generally adequate. However, we did note areas where improvements could be made to further ensure the reliability of SRS data, as discussed in the following findings.

#### Finding No. 5: Processing and Reporting of SRS Statistical Data

A review of the compilation process performed by OSCA personnel on the data submitted by the clerks and subsequently included in the annual report of caseload data produced by OSCA, the *Trial Court Statistical Reference Guide*



(Guide) disclosed several discrepancies in which the data reported in the annual report did not agree with the supporting documentation (i.e., monthly reports) submitted by the one clerk tested.

Utilizing the monthly SRS report submissions by the Duval County Clerk for the period July 1, 2007, through June 30, 2008, we recalculated the annual totals to be included in the Guide and noted several discrepancies:

- The “Contracts” category under Section II, Part B, for Dispositions was underreported by 13 cases and 30 cases reported in the “Domestic Violence” category of Section II, Part A, should have been reported under the “Dissolution of Marriage” category.
- The amount reported for “Contracts” category under Section II, Part B, for Filings was 10,623 cases; however, the supporting documentation totaled 11,317 cases, a difference of 694 cases.

The Guide is accessible to both pertinent judicial and law enforcement officials and the general public. Underreported data may lead to an improper allocation of assets and funds during budgetary planning for trial courts. Subsequent to our audit inquiry, OSCA personnel indicated they have initiated corrective procedures, including amended data for the Guide.

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**Recommendation:** OSCA should ensure that the procedures implemented provide for accurate reporting of the information (i.e., monthly reports) filed by the Clerks.

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**Finding No. 6: SRS Data Reporting Errors**

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Our review of case files to determine whether data was accurately reported by clerks on the SRS forms submitted to OSCA disclosed that, in general, the cases were reported accurately. However, for the Orange County Clerk, the Juvenile Delinquency and the Juvenile Dependency cases reported in Section IV, Parts I and II, respectively, each demonstrated duplicative reporting components.

The Orange County Clerk uses a case maintenance system to compile the statistical caseload data for monthly SRS reporting. Juvenile delinquency cases recorded in the case management system for the months included in our testing (January and September 2008) had inadvertently been reported in both the juvenile delinquency and circuit court categories. This resulted in a double count of all juvenile delinquency cases on the monthly SRS reports we reviewed. The over-reported cases totaled 1,262 cases for January 2008 and 1,082 cases for September 2008.

With regard to juvenile dependency cases, the SRS Manual mandates that in cases involving multiple parents, multiple children, or multiple dispositions, only one disposition should be reported, that which comes first. The SRS Manual also provides that for a juvenile dependency case with multiple petitions, the case is to be considered reopened only if the subsequent petitions were submitted after the first disposition. Our tests noted that subsequent juvenile dependency case dispositions had been incorrectly reported as re-opened cases, contrary to the SRS Manual. This occurred when each parent’s case was disposed of individually. The Clerk correctly reported the case as disposed upon the first disposition that occurs; however, subsequent dispositions were incorrectly reported as re-opened cases. OSCA and the Clerk’s office personnel indicated this was a situation they were aware of and were working to resolve the matter.

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**Recommendation:** The Orange County Clerk and OSCA should continue their efforts to resolve this reporting issue as a means of ensuring that all reporting requirements are appropriately adhered to by the Clerk.

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*In her written response, the Clerk made reference to discussion between her office and OSCA concerning this issue and made several references to the “on-site auditor.” The on-site auditor referenced by the Clerk is an employee of OSCA not the Auditor General’s office.*

#### State Attorneys

Based on size, location, and prior audit experience, we selected ten circuits (and within each circuit, one county) for testing the reporting performance measure data. Our tests disclosed that established procedures for collecting and reporting performance measure data were generally adequate. However, we did note areas where improvements could be made to further ensure the reliability of SRS data, as discussed in the following findings.

#### **Finding No. 7: Record Identifier Assignment and Retention**

The Florida Prosecuting Attorneys Association’s annual workload reports provide for the 20 judicial circuits to report the State Attorneys’ disposition statistics. In general, these statistics were reported accurately and within the guidelines contained in the State Attorney Case Definitions, Documentation, and Instruction for Caseload, Outcome, and Output Reporting.

Our review of the 4<sup>th</sup> Judicial Circuit State Attorney’s annual workload report revealed 279 cases were over-reported in September 2008. The reporting category “Misdemeanor Dispositions,” with subcategory “Other,” reported 2,180 cases; however, 279 of these cases were never actually opened and were inappropriately included in the count. The 4<sup>th</sup> Judicial Circuit State Attorney had generated case numbers either in accordance with its emergency planning procedures or in anticipation of warrants to be served. These 279 cases were incorrectly closed as dispositions when they were being removed from the system. Consequently, these cases resulted in an overstatement of cases in this reporting category.

In addition, the 4<sup>th</sup> Judicial Circuit State Attorney’s caseload report filed for the 2007-08 fiscal year disclosed an uncharacteristic amount of activity in December 2007. Based on the SRS reports submitted during the audit period, the range for “Juvenile Dispositions” in the “Other” subcategory, was 300 to 500 cases per month; however, in December 2007, the reported number of cases was 6,290. Discussion with the State Attorney’s staff indicated that the large increase was the result of a shift to a new reporting system. Implementation of the new system required case file data from the previous system to be transferred to the new system and, in doing so, 5,964 cases, that were originally opened between 1980 and 1982 but had not yet been disposed of in the original system, were incorrectly transferred to the new system and improperly included in the 6,290 cases reported. These 5,964 cases were subsequently administratively closed and deleted from the new system.

**Recommendation:** The 4<sup>th</sup> Judicial Circuit State Attorney’s Office, in coordination with the Florida Prosecuting Attorneys Association, should review the reporting measure requirements and establish guidelines for the proper and accurate recording and reporting of such measures. Additionally, reports generated should be reviewed for reasonableness prior to submission. An amended report for the 2007-08 fiscal year should be generated and submitted to the Florida Prosecuting Attorneys Association for review.

#### Public Defenders

Public Defenders use various case reporting systems to capture performance based data. Based on size, location, and prior audit experience, we selected ten circuits (and within each circuit, one county) for testing the reporting performance measure data. Our tests disclosed that established procedures for collecting and reporting performance

measure data were generally adequate. However, we did note areas where improvements could be made to further ensure the reliability of SRS data, as discussed in the following findings.

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**Finding No. 8: 72 – Hour Initial Contact Performance Measure**

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Our review of case files to determine whether data was accurately reported by the Public Defenders' Offices on the Florida Public Defender Association (FPDA) Monthly Workload Reports indicated that the cases were generally reported accurately. The instructions for the PB2 Baseline Data (performance measure) reports provide for reporting the percentage of initial client contacts made within 72 hours of initial appointment or notification of initial appointment, excluding holidays and weekends. We noted areas where improvements could be made to further ensure the reliability of data, as discussed below.

- The 4th Judicial Circuit Public Defender did not conduct the initial interview within the 72 hours for 7 of 30 cases tested. In addition, the 4th Judicial Circuit Public Defender had adopted a policy that certain cases did not require an interview such as cases where the clients had their own private attorney, cases involving violations of parole, and cases that have been transferred to another judicial circuit and therefore should not be included in the totals reported related to the 72-hour contact requirement. However, we could find no exceptions to the requirement to interview clients in the FPDA's instructions. We noted 11 such cases that, under this policy, did not require initial interviews that were counted as having an initial interview within the 72-hour time period.
- The 5th Judicial Circuit Public Defender used a process where a letter was mailed to the county jail to contact the client. For reporting purposes, the date of the letter was compared to the date of notification of appointment to determine whether the 72-hour time period was met. However, there was no assurance that the date of the letter was the date that the client received the letter. Consequently, we could not determine for the 30 cases tested whether the 72-hour contact period was met.
- The 8th Judicial Circuit Public Defender's procedures required the intake officer at the jail to assign an attorney from the Public Defender's office to inmates and document this assignment on a daily count sheet by placing a notation next to the client's name. The Public Defender would count the notations and report that number as the number of initial contacts within the 72-hour period. However, this process does not provide adequate documentation to evidence that the Public Defender made an initial contact with the client. Consequently, we were unable to determine whether the 72-hour contact requirement was met for the 30 items tested.
- The 9th Judicial Circuit Public Defender's policy required that an assistant public defender was to be present at all first appearance and detention hearings and that the initial contact would be made at this hearing. However, while an assistant public defender may have been present at these hearings, there was no documentation, such as a signature by an assistant public defender and a date, to evidence actual initial contact within the 72-hour period. Absent any such documentation, we were unable to determine whether the required initial contact was made within the 72-hour period for 24 cases tested.
- The 18th Judicial Circuit Public Defender's procedures to document the initial contact with the client was to require the client to complete a client information sheet in the presence of an assistant public defender. This form was to be maintained in the case file. Of the 30 cases tested, we noted 18 instances where the form was not in the case file and two instances where the form was in the file but the forms did not include a signature or date. Absent a signature or date, we were unable to determine whether the 72-hour contact requirement was met.

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**Recommendation:** Public Defenders, in cooperation with the FPDA, should review this performance measure and issue clear instructions as to how it is to be applied and reported so that it is measured and reported consistently in all 20 judicial circuits.

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**Finding No. 9: Speedy Trial Performance Measure**


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Each Public Defender reports, as part of his or her Monthly Workload Report, compliance with the Speedy Trial Rule with regard to clients. The Speedy Trial Rule reporting requirement, as described in the Florida Rules of Criminal Procedure, Section 3.191, calls for juvenile and misdemeanor cases to be brought to trial within 90 days of arrest, and felony cases within 175 days of arrest.

We identified four public defender offices (1st, 2nd, 4th, and 18th) of ten reviewed that were not adequately tracking compliance with the speedy trial requirement and were not properly reporting this information in the reports filed with the FPDA as discussed below:

- The 1st Judicial Circuit Public Defender reported that all closed cases had met the requirement if there were no cases reported in the “Penalty Phase Trial” category of the Monthly Workload Report. The “Penalty Phase Trial” category refers to cases that have had testimony or evidence introduced to the court, following a guilty verdict, when attempting to make a life or death recommendation to the court. It is the policy of the 1st Judicial Circuit Public Defender to count cases as not having met the speedy trial rule, only when they have been assigned to this reporting category. However, this methodology does not consider when any of the Public Defender’s cases’ trials were initiated.
- The 2nd Judicial Circuit Public Defender stated that data associated with the number of cases closed within the speedy trial timeframe was not being tracked by public defender personnel due to limited resources. Public Defender personnel further stated that instead of tracking data in the caseload reporting system, they relied on notification from the assistant public defender assigned the case to determine whether the speedy trial requirement was met. All closed cases were reported as meeting the requirement if the assistant public defender did not explicitly express otherwise.
- The 4th Judicial Circuit Public Defender reported that all closed cases were closed within the speedy trial time frame unless the applicable Clerk of the Court for a case reported otherwise on the court calendar.
- The 18th Judicial Circuit Public Defender reported cases that had exceeded the speedy trial timeframes but had met the requirements of Florida Rules of Criminal Procedure, Section 3.191(p), which requires that after the expiration of the prescribed time period and pursuant to an order from the court, the defendant be brought to trial within 10 days, as having met the speedy trial requirements.

As a result of not adequately tracking compliance with the speedy trial reporting requirement, inconsistent reporting of data has occurred.

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**Recommendation: Public Defenders, in cooperation with the FPDA, should review this performance measure and issue clear instructions as to how it is to be applied and reported so that it is measured and reported consistently in all 20 judicial circuits.**

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**PRIOR AUDIT FOLLOW-UP**


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Except as discussed in the preceding paragraphs, corrective actions have been implemented for findings included in report No. 03-114.

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**SCOPE, OBJECTIVES, AND METHODOLOGY**


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The Auditor General conducts operational audits of governmental entities to provide the Legislature, Florida’s citizens, public entity management, and other stakeholders unbiased, timely, and relevant information for use in promoting government accountability and stewardship and improving government operations.

We conducted this operational audit in accordance with applicable generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This operational audit focused on activities related to the uniform caseload reporting system of the Supreme Court and the caseload reporting systems used by the State Attorneys and Public Defenders. The overall objectives of the audit were:

- To evaluate the effectiveness of established internal controls in achieving management's control objectives in the categories of compliance with controlling laws, administrative rules, and other guidelines; the economic and efficient administration of the caseload reporting functions assigned to the Florida Supreme Court, state attorneys, and public defenders; the relevance and reliability of records and reports; and the safeguarding of assets.
- To evaluate management's performance in achieving compliance with controlling laws, administrative rules, and other guidelines; the economic and efficient administration of the caseload reporting functions assigned to the Florida Supreme Court, State Attorneys, and Public Defenders; the relevance and reliability of records and reports; and the safeguarding of assets.
- To determine whether management had corrected, or was in the process of correcting, all applicable deficiencies disclosed in report No. 03-114.

Also, pursuant to Section 11.45(7)(h), Florida Statutes, our audit may identify statutory and fiscal changes to be recommended to the Legislature.

Our audit included examinations of various transactions, as well as events and conditions occurring during the period July 1, 2007, through December 31, 2008. In conducting our audit, we:

- Interviewed selected Supreme Court (including Clerk personnel), State Attorney, and Public Defender personnel.
- Obtained an understanding of internal controls and tested processes and procedures related to areas within the scope of the audit, including, as appropriate, a walk-through of relevant internal controls through observation and examination of supporting documentation and records.
- Tested the SRS Reporting System developed by the Supreme Court to determine compliance with the requirements contained in the SRS Reporting Manual.
- Tested the various caseload reporting systems used by the 10 State Attorneys selected for testing to determine compliance with the applicable requirements for reporting caseload data.
- Tested the various caseload reporting systems used by the 10 Public Defenders selected for testing to determine compliance with the applicable requirements for reporting caseload data.
- Reviewed applicable monthly/annual caseload reports filed by the Clerks with the Supreme Court for completeness and timeliness.
- Reviewed applicable monthly/annual caseload reports filed by the 10 State Attorneys and 10 Public Defenders selected for testing for completeness and timeliness.
- Evaluated the Supreme Court, State Attorney, and Public Defender actions taken to correct the deficiencies disclosed in report No. 03-114.
- Performed various other auditing procedures as necessary to accomplish the objectives of the audit.

Specific information describing the work conducted to address audit objectives is also included in the individual findings.

**AUTHORITY**

Section 25.075(3), Florida Statutes, requires the Auditor General to conduct audits of the uniform caseload reporting system established by the Supreme Court. Pursuant to the provisions of Section 25.075(3), and 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our audit.



David W. Martin, CPA  
Auditor General

**MANAGEMENT'S RESPONSE**

Responses to the findings in this report were received from the Florida Supreme Court, the Florida Public Defender Association, Inc. and several of the offices of the state attorneys, public defenders and the Clerks of the Courts. These written responses are included in the report as Exhibit A.

EXHIBIT A  
MANAGEMENTS' RESPONSES



## Supreme Court of Florida

500 South Duval Street  
Tallahassee, Florida 32399-1925

PEGGY A. QUINCE  
CHIEF JUSTICE  
BARBARA J. PARIENTE  
R. FRED LEWIS  
CHARLES T. CANADY  
RICKY L. POLSTON  
JORGE LABARGA  
JAMES E.C. PERRY  
JUSTICES

THOMAS D. HALL  
CLERK OF COURT

KEVIN WHITE  
ACTING MARSHAL

November 9, 2009

Mr. David W. Martin, CPA  
Auditor General, State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

**Re: Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys, and Public Defenders For the Period July 1, 2007 through December 31, 2008**

Dear Mr. Martin:

I am responding to your letter dated October 14, 2009 in which you present a list of preliminary and tentative findings to the audit identified above. I will be responding to the findings and recommendations directly related to the Florida Supreme Court's Uniform Caseload System commonly referred to as the Summary Reporting System or SRS. I offer no comment on the state attorney and public defender caseload systems and performance measurements.

**Finding No. 1:** SRS and State Attorney/Public Defender Reporting Process

**Auditor General Recommendation:** The Supreme Court, State Attorneys, and Public Defenders should work with the Legislature, judges, and other users of the data to explore the possibility of jointly developing one Statewide system that



would provide timely, accurate, and reliable data in a more efficient and effective manner.

**Supreme Court Response:** The Supreme Court through the Office of the State Courts Administrator (OSCA) is prepared to work with the Legislature, state attorneys, public defenders, and others to effectuate a comprehensive uniform caseload reporting system. However, it is our recollection that similar recommendations in the past have been met with concerns from the state attorneys and public defenders as to the capture of their entire workload and related matters.

The OSCA has a proven record of success in collaborating with other agencies on technology driven issues. Specifically, I refer you to the Offender Based Transaction System (OBTS) which is a joint effort between the OSCA and the Florida Department of Law Enforcement (FDLE) which captures automated criminal transaction data and the Judicial Inquiry System (JIS) which was a multi-agency automation effort that enables judges to make electronic inquiries as to the criminal histories of defendants. Both systems are highly effective and demonstrate that cross-agency efforts, if implemented properly, can be very successful.

#### **Finding No. 2: Timeliness of Reports**

**Auditor General Recommendation:** OSCA, in conjunction with the Clerks offices, should continue its efforts to ensure that the Clerks submit their SRS reports within the time frames provided for in the SRS Manual.

**Supreme Court Response:** As noted in the audit, the OSCA has increased its training efforts with the clerks of court and targeted auditing approach for SRS reporting. The OSCA also has a rigorous internal data quality control process which provides for regular communication with counties that are delinquent with their monthly SRS reports including telephone calls and correspondence.

Further, given the importance of this data to the Supreme Court and Legislature, the SRS audit team is one of the few entities that have received an exemption to the strict travel freeze that has been in effect for the last 24 months due to the budget crisis. We concur with the audit finding and are fully committed to ensuring that the submission of SRS data by the clerks remains timely.



**Finding No. 3: Completeness of Reports**

**Auditor General Recommendation:** The Clerks, State Attorneys, and Public Defenders should enhance procedures with regard to the oversight and review of data entry and case file maintenance. The implementation of information technology controls that ensure the completeness of case file information would strengthen reliability of computer-generated reports.

**Supreme Court Response:** We concur with the Auditor General recommendation.

**Finding No. 5: Processing and Reporting of SRS Statistical Data**

**Auditor General Recommendation:** OSCA should ensure that the procedures implemented provide for accurate reporting of the information (i.e., monthly reports) filed by the Clerks.

**Supreme Court Response:** The OSCA continually strives to keep all data as accurate and current as possible as it is used to evaluate judicial workload, funding formulas, and legislative bill analyses. The discrepancies between the Statistical Reference Guide and files maintained by the Duval County Clerk of Court are attributed to data entry errors committed by the OSCA. The OSCA has reviewed its data entry process and refined procedures for generating statistics for future Statistical Reference Guides.

**Finding No. 6: SRS Data Reporting Errors**

**Auditor General Recommendation:** The Orange County Clerk and OSCA should continue their efforts to resolve this reporting issue as a means of ensuring that all reporting requirements are appropriately adhered to by the Clerk.

**Supreme Court Response:** We concur with the recommendation. The OSCA is aware of the SRS juvenile data reporting discrepancy for Orange County and is working with the county to correct the data.

Auditor General Letter  
November 9, 2009  
Page Four

Thank you for the opportunity to respond to the audit findings. The Supreme Court and the OSCA take great pride in ensuring that the SRS data used by the Court and Legislature for so many different efforts is as accurate and reliable as possible. Questions about this response should be directed to Lisa Goodner, State Courts Administrator. Ms. Goodner may be reached at 850.922.5081.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peggy A. Quince".

Peggy A. Quince

PAQ/LG/gjy

xc: Lisa Goodner

**WILLIAM N. MEGGS**  
STATE ATTORNEY



LEON COUNTY COURTHOUSE  
301 S. MONROE STREET  
**TALLAHASSEE, FLORIDA 32399-2550**  
TELEPHONE (850) 606-6000

OFFICE OF  
**STATE ATTORNEY**  
SECOND JUDICIAL CIRCUIT OF FLORIDA

November 13, 2009

Mr. David W. Martin, CPA  
Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Re: Florida Uniform Caseload Reporting Systems Audit

Dear Mr. Martin,

Please accept this letter as our response to the tentative findings and recommendations made in connection with your audit of our caseload reporting system.

There is a finding and recommendation with statewide application to the State Attorneys and two findings and recommendations specifically related to the Second Judicial Circuit State Attorney. State Attorney Bill Cervone of the 8<sup>th</sup> Judicial Circuit will respond on behalf of the twenty elected State Attorneys concerning Finding No. 1. His response is incorporated herein by reference. Our response hereafter concerns two specific findings with respect to our circuit.

Finding No. 3 suggests we under-reported cases because closed hard copy case files were not available for verification of data. Our understanding is that we were not able to produce closed case files needed to verify case dispositions. This is so in that some case files had met or exceeded their record retention requirements and were subsequently destroyed. Unfortunately, given the volume of cases processed by our office, we cannot rule out that case files will not be available in the future under the same circumstances. In the future as appropriations become available we plan to institute a document imaging system such that case files can be retained indefinitely.

Finding No. 4 highlighted the need for supporting detail or documentation and the need for the accurate summarization and reporting of case data. We agree with this finding. We have procedures in place to ensure that detailed documentation

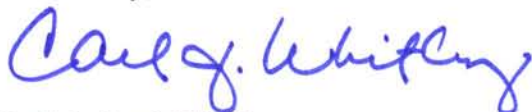
Auditor General  
Page Two

is retained and available for audit purposes. Our analyst retains all the documentation, i.e. computer generated reports, used to develop the annual performance measures report. Because these reports are generated from an active case management database, some discrepancies arise. These usually occur when secretaries go into the system and change a disposition or disposition date after a month end closing. We have made our staff aware of the problems this causes and have required them to wait until they are certain of a disposition or disposition date before entering either in the case management system. This should mitigate occasional reporting error.

A second recommendation in connection with Finding No. 4 involves verification of data submitted to the Florida Prosecuting Attorneys Association (FPAA). We make considerable efforts to ensure the accuracy of data submitted to the FPAA, particularly at the time the data is compiled and presented. As you know this is once each year. We are comfortable the data substantially and within some tolerance for error reflects our workload. It is incumbent upon each State Attorney office to ensure the accuracy of data submitted. It is not possible for the FPAA to perform such examinations or make such assurances. The FPAA's function in this regard is to simply "roll up" the collected data.

We thank you for your work on behalf of the people of the State of Florida. We are especially grateful for your very professional and thorough staff.

Yours truly,



Carl J. (Joe) Whitley  
Executive Director

CJW



## STATE ATTORNEY

Fourth Judicial Circuit of Florida  
220 E. Bay Street, Courthouse Annex  
Jacksonville, Florida 32202-2982  
Tel: (904) 630-2400  
Fax: (904) 630-1848

ANGELA B. COREY  
STATE ATTORNEY

J. DANIEL McCARTHY  
CHIEF ASSISTANT

November 10, 2009

David W. Martin  
Auditor General, State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. Martin:

Earlier this year, your office conducted an audit of the Fourth Judicial Circuit's reporting practices to the Florida Uniform Caseload Reporting System. I am pleased to respond to the preliminary and tentative findings and recommendations submitted to my office.

For Findings and Recommendations / Statewide Issues, Finding Number 1 - You recommend a joint effort toward the development of one system for statewide reporting for the various agencies that participate in the Caseload Reporting System. The State Attorneys heartily support a unified system of reporting. However, there are critical reporting differences that would need to be addressed for each respective agency and the independent needs of each would have to be accounted for in the development of such a system. Uniformity of processes between the agencies involved would be essential to the success of such an endeavor.

Under State Attorneys - Finding Number 7 - During the review, your auditors located 279 cases over-reported by this Circuit in September, 2008. The cases in question were emergency files never used for a case and were closed with disposition codes that included them in the caseload reporting. This entire process, including the opening of emergency files, has been systematically reviewed and discontinued.

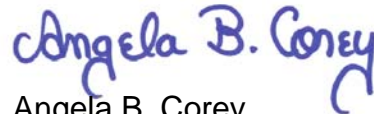
Also, in December, 2007 your auditors found that 6,290 juvenile dispositions were reported. This amount was atypical considering the range for previous months was 300 to 500 cases. These dispositions represented cases that were a part of 5,964 that were open between 1980 and 1982. When the office instituted a new case management system in 2003, these cases converted over but remained in the system as open cases. In an effort to dispose of open, but inactive cases, the decision was made to administratively close them. In doing so, they were incorrectly reported in the



caseload reporting system. This method of closing files is no longer a practice of this office.

As the newly elected State Attorney for the Fourth Judicial Circuit, I thank you for the thorough and comprehensive audit conducted by your staff. We will review the recommendations made and determine the feasibility of implementing them and appreciate both your suggestions and the professionalism exhibited by the staff of the Auditor General's Office during this process.

Sincerely,

A handwritten signature in blue ink that reads "Angela B. Corey". The signature is written in a cursive, flowing style.

Angela B. Corey  
State Attorney  
Fourth Judicial Circuit of Florida

ABC/jeb



***BRAD KING, STATE ATTORNEY***  
*Fifth Judicial Circuit of Florida*  
*Serving Marion, Lake, Citrus, Sumter, Hernando Counties*

October 22, 2009

Mr. David W. Martin  
Auditor General  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

As reported in 2002 when similar audit findings and recommendations were made, the State Attorneys do not oppose a single reporting system that would capture all data from the Clerks, State Attorneys, and Public Defenders. The needs of each agency, however, are dissimilar and unique in many significant aspects and those differences would have to be accounted for in developing a single system, both in design and cost.

The State Attorneys handle far more cases than do either the Clerks or the Public Defenders. The additional matters include criminal complaints that may never result in the filing of formal charges such as the Clerks would be required to see, and criminal complaints that, while formal charges may result, are ultimately handled by private attorneys or pro se, meaning that there is no Public Defender involvement. The State Attorneys also handle a large number of civil or quasi-civil matters that would not involve the Public Defenders and a variety of inquiries that vary from circuit to circuit if not county to county, all of which would need to be accounted for apart from the functioning of the Clerks or Public Defenders.

Additionally, for historical and other reasons there are fundamental reporting differences between the Clerks, State Attorneys and Public Defenders. The Courts, for example, track criminal cases by count whereas the State Attorneys track by case. In some instances, for example, cases may be consolidated or counts within a case dismissed without affecting the overall case. Any state wide system to track cases would require a common set of definitions as to what is being counted. The system would need to be flexible enough to accommodate the differences in data being submitted to the Clerks, State Attorneys and Public Defenders since cases are all derived from other agencies, mostly law enforcement, that would not be subject to those definitions.



Page Two  
Auditor General  
Audit Response

Over the years there have been efforts to arrive at even a simple consensus on definitions and those efforts have proven difficult and largely unsuccessful. This is primarily so because of the vast differences between the 67 counties in the state and their vastly different needs and resources. The expense of converting existing systems that have been developed locally and that successfully serve existing local needs also cannot be understated as to both fiscal and personnel resources.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suz Geeraerts', is written over a light gray rectangular background.

Suz Geeraerts  
Executive Director



**OFFICE OF THE STATE ATTORNEY**  
**SIXTH JUDICIAL CIRCUIT OF FLORIDA**  
**PASCO AND PINELLAS COUNTIES**

***BERNIE MCCABE***

*State Attorney*

November 10, 2009

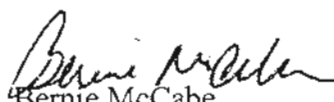
Mr. David W. Martin, CPA  
Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. Martin:

We are in receipt of the preliminary and tentative audit findings and recommendations entitled: *Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys, and Public Defenders For the Period July 1, 2007, through December 31, 2008*, dated October 14, 2009.

We found your auditors to be thorough and professional. We were pleased they found no exceptions to report from our office.

Sincerely,

  
Bernie McCabe  
State Attorney

BMc/DKN/ljr



JEANNE M. SINGER  
CHIEF ASSISTANT STATE ATTORNEY

120 WEST UNIVERSITY AVENUE  
GAINESVILLE, FLORIDA 32601

DAVID REMER  
EXECUTIVE DIRECTOR

**WILLIAM P. CERVONE**  
**STATE ATTORNEY**  
EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
SERVING  
ALACHUA, BAKER, BRADFORD, GILCHRIST, LEVY  
AND UNION COUNTIES

TELEPHONE (352) 374 – 3670

PLEASE REPLY TO:

October 20, 2009

David W. Martin, CPA  
Auditor General  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

RE: Audit of the Florida Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys, and Public Defenders.

Dear Mr. Martin:

Enclosed are my written comments in response to your preliminary audit findings concerning the State Attorneys of Florida.

**Finding No. 1: SRS and State Attorney/Public Defender Reporting Process**

As reported in 2002 when similar audit findings and recommendations were made, the State Attorneys do not oppose a single reporting system that would capture all data from the Clerks, State Attorneys, and Public Defenders. The needs of each agency, however, are dissimilar and unique in many significant aspects and those differences would have to be accounted for in developing a single system, both in design and cost.

The State Attorneys handle far more cases than do either the Clerks or the Public Defenders. The additional matters include criminal complaints that may never result in the filing of formal charges such as the Clerks would be required to see, and criminal complaints that, while formal charges may result, are ultimately handled by private attorneys or pro se, meaning that there is no Public Defender involvement. The State Attorneys also handle a large number of civil or quasi-civil matters that would not involve the Public Defenders and a variety of inquiries that vary from circuit to circuit if not county to county, all of which would need to be accounted for apart from the functioning of the Clerks or Public Defenders. Finally, in order to be meaningful much less accurate, provision would have to be made to capture data related to cases handled by conflict counsel appointed to substitute for the public defender, most notably for the five offices included in the regional conflict counsel system.

Additionally, for historical and other reasons there are fundamental reporting differences between the Clerks, State Attorneys and Public Defenders. The Courts, for example, track criminal cases by count whereas the State Attorneys track by case. In some instances, for example, cases may be consolidated or counts within a case dismissed without affecting the overall case. Any state wide system to track cases would require a common set of definitions as to what is being counted. The system would need to be flexible enough to accommodate the differences in data being submitted to the Clerks, State Attorneys and Public Defenders since cases are all derived from other agencies, mostly law enforcement, that would not be subject to those definitions.

Over the years there have been efforts to arrive at even a simple consensus on definitions and those efforts have proven difficult and largely unsuccessful. This is primarily so because of the vast differences between the 67 counties in the state and their vastly different needs and resources. The expense of converting existing systems that have been developed locally and that successfully serve existing local needs also cannot be under-stated as to both fiscal and personnel resources.

Respectfully,

A handwritten signature in blue ink, appearing to read 'W. Cervone', with a stylized, cursive script.

William P. Cervone  
State Attorney

Viera Office  
2725 Judge Fran Jamieson Way  
Bldg. D  
Viera, FL 32940  
(321) 617-7510

Titusville Office  
400 South Street  
Titusville, FL 32780  
(321) 264-6933

Melbourne Office  
51 South Nieman Avenue  
Melbourne, FL 32901  
(321) 952-4617

**OFFICE OF THE STATE ATTORNEY**  
**EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA**  
**BREVARD AND SEMINOLE COUNTIES**  
**NORMAN R. WOLFINGER**

**STATE ATTORNEY**



Seminole County Office  
P.O. Box 8006 • 101 Bush Blvd.  
Sanford, FL 32772-8006  
(407) 665-6000

Seminole Juvenile Center  
190 Bush Blvd.  
Sanford, FL 32773  
(407) 665-5454

**Reply to:**

Viera

November 6, 2009

Mr. David W. Martin, CPA  
Auditor General  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. Martin

This is in response to your preliminary and tentative audit findings and recommendations for The Uniform Caseload Reporting Systems Used by the Florida Supreme Court, State Attorneys, and Public Defenders and Other Management Practices for the Period July 1, 2007, through June 30, 2008 pursuant to section 11.45(4) (d) Florida Statutes. As always, we appreciate the recommendations and constructive comments provided by your staff. I wish to thank Ms. Robyn Bishop from your staff for the professional way in which she conducted the audit in our office.

The Florida Prosecuting Attorney's Association has addressed the statewide issue for Finding #1 as a joint response.

**Finding #1: SRS and State Attorney/Public Defender Reporting Process.**

As reported in 2002 when similar audit findings and recommendations were made, the State Attorneys do not oppose a single reporting system that would capture all data from the Clerks, State Attorneys, and Public Defenders. The needs of each agency, however, are dissimilar and unique in many significant aspects and those differences would have to be accounted for in developing a single system, both in design and cost.

The State Attorneys handle far more cases than do either the Clerks or the Public Defenders. The additional matters include criminal complaints that may never result in the filing of formal charges such as the Clerks would be required to see, and criminal complaints that, while formal charges may result, are ultimately handled by private attorneys or pro se, meaning that there is no Public Defender involvement. The State Attorneys also handle a large number of civil or quasi-civil matters that would not involve the Public Defenders and a variety of inquiries that vary from circuit to circuit if not county to county, all of which would need to be accounted for apart from the functioning of the Clerks or Public Defenders.

Additionally, for historical and other reasons there are fundamental reporting differences between the Clerks, State Attorneys and Public Defenders. The Courts, for example, track criminal cases by count whereas the State Attorneys track by case. In some instances, or example, cases may be consolidated or counts within a case dismissed without affecting the overall case. Any state wide system to track cases would necessarily require a common set of definitions regarding what is being counted that was agreed upon by all participants and that was flexible enough to accommodate the differences in data being submitted to the Clerks, State Attorneys and Public Defenders since that cases is ultimately all derived from other agencies, mostly law enforcement, that would not be subject to those definitions.

Over the years there have been efforts to arrive at even a simple consensus on definitions and those efforts have proven difficult and largely unsuccessful. This is so primarily because of the vast differences between the 67 counties in the state and their vastly different needs and resources. The expense of converting existing systems that have been developed locally and that successfully serve existing local needs also cannot be under-stated. This is so as to both financial and time management resources.

#### **Finding No. 4: Documentation Supporting Performance Measure Reports**

As indicating to the auditor during her audit of this circuit the totals for the LRPP reports and audits may be a few numbers off vary slightly as the data was pulled initially for the LRPP and was again pulled from our report writer tool attached to our STAC case tracking system as the data is requested in the audit.

Reasons for this include, some cases may have been dropped from a felony to a misdemeanor, or upgraded from a misdemeanor to a felony which would change the class type. In audits we sometimes find that an incorrect code was entered incorrectly and should have actually been in another category so this change is made also. This change could affect a few of the monthly totals from the LRPP.

The variance/discrepancies found in the LRPP reports and audits are a result of the dates the numbers were pulled.

Cases are received from law enforcement charged as a misdemeanor or felony but after review by an Assistant State Attorney be upgraded or downgraded. The figures were accurate when pulled in August 2008. However, if a case was received as a felony and downgraded to a misdemeanor, any data pulled after the change would have the case reflected as a misdemeanor rather than a felony.

Additionally the office continually audits data for accuracy. Any data that is found to have any incorrect coding is changed. These changes could affect the numbers on LRPP reports.

Mr. David W. Martin, CPA  
November 6, 2009  
Page Three

This finding for the 18th Circuit has been resolved for future LRPP reporting. When the LRPP monthly totals are pulled and the numbers are documented in the LRPP spreadsheet, the cases represented in each one of the categories will be available for an audit. The information that will be included: date case referred to office, defendant's name, type of case, and case number assigned. The data will be maintained in a spreadsheet format (Excel) and also saved as a PDF file.

If I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Norman R. Wolfinger". The signature is written in a cursive, flowing style.

NORMAN R. WOLFINGER  
STATE ATTORNEY



REPRESENTING:

CHARLOTTE

COLLIER

GLADES

HENDRY

LEE



OFFICE OF THE STATE ATTORNEY

Twentieth Judicial Circuit of Florida

P.O. Box 399

Fort Myers, FL 33902-0399

Telephone (239) 533-1000

FAX (239) 533-1150

Website: [www.sao.cjis20.org](http://www.sao.cjis20.org)

Stephen B. Russell  
State Attorney

November 9, 2009

Mr. David W. Martin  
Office of Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Re: Response for Caseload Audit for the Period July 1, 2007 through December 31, 2008

Dear Mr. Martin,

We are providing this letter in response to the preliminary audit findings of the Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorney and the Public Defender's Office for the period of July 1, 2007 through December 31, 2008. Please be aware that I speak only as the State Attorney of the Twentieth Judicial Circuit, not on behalf of all Twenty State Attorneys of Florida.

***Preliminary and Tentative Finding Number 1: The SRS and State Attorney/Public Defenders reporting process:***

In the 2002 audit, similar findings and recommendations were made. I do not oppose a single reporting system that would capture all data from the Clerks, State Attorneys, and Public Defenders. The needs of each agency, however, are dissimilar and unique in many significant aspects. Therefore, those differences would have to be accounted for in developing a single system, both in design and cost. A single system would eliminate much of the duplicate entry and inefficiencies that are created by having multiple systems.

The State Attorneys handle a far greater spectrum of cases than do either the Clerks or the Public Defenders. The additional matters include criminal complaints that may never result in the filing of formal charges such as the Clerks would be required to see, Also criminal complaints that, while formal charges may result, are ultimately handled by private attorneys or pro se, meaning that there is

no Public Defender involvement. The State Attorneys also handle a large number of civil or quasi-civil matters that would not involve the Public Defenders; including a variety of inquiries that vary from circuit to circuit, if not county to county, all of which would need to be accounted for apart from the functioning of the Clerks or Public Defenders.

Additionally, due to historical and other reasons, there are fundamental reporting differences between the Clerks, State Attorneys and Public Defenders. The Courts, for example, track criminal cases by count, whereas the State Attorneys track by case. For example, in some instances cases may be consolidated, or counts within a case dismissed, without affecting the overall case. Any state-wide system to track cases would require a common set of definitions as to what is being counted. The system would need to be flexible enough to accommodate the differences in data being submitted to the Clerks, State Attorneys and Public Defenders, because cases are all derived from other agencies, mostly law enforcement, that would not be subject to those definitions.

Over the years there have been efforts to arrive at even a simple consensus on definitions, but those efforts have proven difficult and largely unsuccessful. This is primarily so because of the vast differences between the 67 counties in the state and their vastly different needs and resources. The expense of converting existing systems that have been developed locally, and that successfully serve existing local needs, cannot be understated as to both fiscal and personnel resources. One potential risk of standardizing this function is that the legislature would conclude that this is the only workload factor that the state attorney's offices perform. Caseload does reflect the countless hours that are spent on vital functions that can't be reflected in this number, such as Case Investigations, Victim Assistance and Diversion programs. All these functions play vital roles in serving the citizens of Florida.

***Preliminary and Tentative Finding Number 4: Documentation Supporting Performance Measure Reports:***

During the course of the audit, our agency made adjustments to the business mechanisms and practices we used in capturing, reporting and storing of statistical information. Quality control measures were implemented, providing all CJIS Analysts with the mechanisms and authority to assure the accuracy and timeliness of all data captured. To assure that statistical data can be retrieved in a timely manner, the CJIS Coordinator retains detailed listing of reported data that can be efficiently retrieved. These modifications to our business strategy should eliminate misreporting in future submissions.

Within our Worthless Check Division, a clerical error occurred where the wrong number was reported on our annual submission. Consequently, our contracted vendor provided additional training

David W. Martin  
Office of Auditor General  
Page Three

to staff on how to report statistical information. Again quality control measures have put into place whereby the CJIS Coordinator retains detailed listing of the cases reported.

In conclusion, I would like to extend my appreciation to your hard working staff for the cooperation and professionalism they provided to my agency during the course of the audit. Thank you for your attention in this matter.

Sincerely,



Stephen B. Russell  
State Attorney  
Twentieth Judicial Circuit



# JAMES OWENS

PUBLIC DEFENDER

Escambia • Santa Rosa • Okaloosa • Walton

November 9, 2009

David W. Martin, Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

With regards to Finding No. 1, we believe that we would benefit from a common system for the Courts, State Attorneys, and Public Defenders. We have tried this one time before, and it was not successful. We are open to future plans for a common system.

In response to the two issues raised in Finding No. 4, we will begin keeping a list of closed cases at the time that the monthly reports are prepared and submitted. Regarding Clients to be interviewed, it is our understanding that in the future, we will not be required to report the 72-hour initial contact performance numbers.

Regarding Finding No. 9 and speedy trial performance numbers, it is our understanding that in the future, we will not be required to report the speedy trial performance numbers.

Sincerely,

James Owens  
Public Defender, First Circuit

The Office of the Public Defender • First Judicial Circuit of Florida  
190 Governmental Center, Pensacola, FL 32502 • 850.595.4100 • [www.pdo1.org](http://www.pdo1.org)

Telephone  
(850) 606-1000

Fax Number – Administration  
(850) 606-1001



Fax Number – Trials  
(850) 606-1002

Fax Number – Appeals  
(850) 606-8501

LAW OFFICES OF THE  
**PUBLIC DEFENDER**  
NANCY DANIELS

SECOND JUDICIAL CIRCUIT OF FLORIDA  
Franklin • Gadsden • Jefferson • Leon • Liberty • Wakulla

November 3, 2009

David W. Martin, Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

This letter is my response to the preliminary and tentative findings and recommendations prepared after auditing the Florida Supreme Court, the State Attorneys, and the Public Defenders. I am pleased with the preliminary report, as I believe it shows that to a large extent, my office is capturing and reporting the required data in a timely and consistent manner.

I agree fully with the first finding concerning the need for a state-wide system to capture the caseload data with a common caseload counting methods between courts, State Attorneys, and Public Defenders. Many circuits, including this one, are already sharing data between court system participants, and the adoption of a set of unifying definitions would undoubtedly facilitate wider adoption of data sharing agreements and lead to better comparability of caseload data.

Finding number nine addressed a minor deficiency in my office's tracking of the Speedy Trial Performance Measure. I'm in agreement with the audit's finding and have already begun to work with the Public Defender Association to eliminate speedy trial as a legislative performance based measure. The discharge of a case because of the expiration of speedy trial is a rare occurrence, and even in the best of fiscal times, all of the Public Defenders have concluded that expending limited resources to track this data is not worthwhile. I would emphasize that our lawyers are trained to monitor speedy trial for their individual clients and take all appropriate steps to insure that their trials occur in a timely manner.

In closing, I wish to recognize your staff who conducted the audit. The entire process was organized and well-documented. Emerson Thompson, Mike Nichols, and Hardy Ratliff kept our staff fully informed, and made the audit process as painless as possible. They were a pleasure to work with. I thank you for your office's fine, professional work on this audit of the Florida Uniform Caseload Reporting System.

November 4, 2009

Page 2

Sincerely,

A handwritten signature in blue ink that reads "Nancy Daniels". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Nancy Daniels

Public Defender, 2nd Judicial Circuit



# Law Offices of the Public Defender Matt Shirk

Fourth Judicial Circuit of Florida  
Serving Duval, Clay & Nassau Counties

Refik W. Eler  
Chief Assistant

James Armstrong  
Michelle Barki  
Anthony Barney, Sr.  
Michael Batch  
H. Kate Bedell  
Debra Billard  
Mathew Boutros  
Melina Buncombe-Williams  
Nathan Carter  
Rachel Chewning  
Christi Daisey-Snyder  
Brenda Drake  
William Durden, III  
Razan Farmand  
Jay Forresi  
Andrea Fourman  
Tyler Gates  
Fred Gazaleh  
Kristen Gorczynski  
Richard Gordon  
Jason Gropper  
Al Hagans  
Mechelle Herrington  
Mary Hickson  
Cynthia Hunold  
Donald Jaffe  
Stephanie Jaffe  
Diana Johnson  
Michael Kalil  
Amanda Kuhn  
Senovia Lance  
Andrew Lieberman  
Jon Lorimar  
Matthew Lufano  
Jennifer Love  
Robert Mason  
Gregory Messore  
Kelly Naik  
Todd Niemczyk  
Al Perkins  
Tricia Rado  
Christina Romero  
Kimberly Sadler  
Stephanie Schaap  
Owen Schmidt  
Rachel Schumont  
Pamela Simons  
Jay Stewart  
Michelle Taylor  
William Tedford  
Nicholas Thomas  
Melanie Thompson  
Quentin Till  
Harris Waldo  
Erin Waskiewicz  
Ian Weldon  
Regina Wright  
Elizabeth Yerington  
Sandra Young

October 30, 2009

David W. Martin, CPA  
Auditor General  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. Martin:

This letter is in response to the preliminary and tentative findings and recommendations letter received October 14, 2009, in regards to the audit conducted by your office of the Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys and Public Defenders for the period July 1, 2007, through December 31, 2008. However, I would first like to compliment your staff members who conducted the audit for this agency, the Office of the Public Defender, 4<sup>th</sup> Judicial Circuit, Ms. Tracy S. Smith, Auditor, and Ms. Burita I. Hillyard, CPA, Auditor. They conducted the audit in a very professional and thorough manner, and were very courteous in their interactions with our staff.

The audit focused entirely on caseload reporting methods used by the above judicial entities and adherence to Section 11.45(4)(d), Florida Statutes. In the case of the Public Defender offices, also reviewed was adherence to reporting procedures per the Workload Reporting Manual, July 1, 2005 of the Florida Public Defender Association (FPDA). The purpose of this manual is to standardize caseload reporting methods of Public Defender offices statewide, and it is currently in the process of a periodic review and revision.

The 4<sup>th</sup> Circuit was pleased that its internal computerized caseload reporting system is operating effectively overall. While the preliminary report identified nine areas for which auditors recommended improvements, the 4<sup>th</sup> Circuit is only listed in the final two. Both of these measures had already been identified as areas of concern by the FPDA due to inconsistencies in reporting from the various circuits, and were under review by the association for either revision or elimination. Further information on these issues may be found in the response letter to your office from Mr. Howard "Skip" Babb, Jr., President, FPDA, dated October 27, 2009. However, until revisions to, or the elimination of, these measures have been completed by the FPDA, corrective actions for these issues are in process for the 4<sup>th</sup> Circuit as stated below.



Finding No. 8: 72-Hour Initial Contact Performance Measure

Auditors found the reporting of this performance measure fairly inconsistent across the state. It was noted that the 4<sup>th</sup> Circuit had been excluding certain clients from the required 72-hour initial contact measure, although no such exclusion exceptions existed in the *Workload Manual*. The types of cases excluded were: cases in which potential clients had already retained private attorneys, cases concerning violations of parole where clients already had an assigned attorney, or cases that were being transferred to another circuit. Since none of these cases would require the assignment of a public defender at their first appearance hearings, initial contact seemed an unnecessary use of limited staff which already carried excessive workloads. Therefore, if it was known prior to the initial interview that the potential client fell into one of these categories, an initial contact interview was not performed. However, due to the recommendation made by the auditors, the 4<sup>th</sup> Circuit is once again conducting initial interviews on *all* potential clients.

This performance measure was one under review by the FPDA for possible revision prior to the auditor's recommendation that it be reviewed. Currently revision to, or the probable elimination of, the measure is being discussed, per the aforementioned letter from FPDA President, Mr. Babb.

Finding No. 9: Speedy Trial Performance Measure

Auditors found the reporting of this performance measure was also fairly inconsistent across the state, as circuits were both formulating and reporting it in several different ways. In the 4<sup>th</sup> Circuit these cases were being counted in the opposite manner of most other circuits, which was to report the *exceptions* noted by the applicable Clerk of the Court, rather than all cases that did comply. As a result of this finding, one of the 4<sup>th</sup> Circuit's IT staff is in the process of revising the written code for the agency's computerized case management system, and correct the problem upon completion.

This performance measure was one under review by the FPDA for possible revision prior to the auditor's recommendation that it be reviewed. Currently revision to, or the probable elimination of the measure is being discussed, per the aforementioned letter from FPDA President, Mr. Babb.

If your office requires any further assistance or additional information, please do not hesitate to contact me. Either I, or any of my staff, would be pleased to help you.

Sincerely,



Matt Shirk  
Public Defender

MAS/jrl



OFFICE OF  
**HOWARD BABB, JR.**  
**PUBLIC DEFENDER**  
FIFTH JUDICIAL CIRCUIT  
CITRUS/HERNANDO/LAKE  
MARION AND SUMTER COUNTIES

---

REPLY TO: Lake County Judicial Center  
P.O. Box 7800  
123 North Sinclair Avenue  
Tavares, FL 32778-7800  
(352) 742-4270  
Fax: (352) 742-4297

October 30, 2009

David W. Martin, Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

The Fifth Circuit Public Defender found the audit to be thorough and the recommendations constructive. This office concurs with the observations expressed in the common response submitted by the Florida Public Defender's Association.

We are in agreement with your report's recommendation that a common caseload counting system be developed for use by the Courts, State Attorneys, and Public Defenders. We believe the Public Defender offices would benefit from a mandate for comparable caseload counting since our workload funding is currently pegged at what we believe is an inaccurate percentage (50%) of the State Attorneys' workload funding.

As to the specific finding regarding the Fifth Judicial Circuit Public Defender's office not being able to document in certain instances compliance with the 72-hour client contact requirement, we are cognizant of our ethical and professional duty to see our clients in a timely fashion. The Florida Public Defender's Association had already begun a process to eliminate the 72-hour requirement as a legislative performance measure before receiving your audit findings. The Florida Supreme Court has mandated attendance of Public Defenders at all first appearance hearings within the circuit, thus virtually eliminating the need for an additional 72-hour contact requirement. In our two largest counties we have initiated county funded early intervention programs that have an established track record of early client contact and resolution of cases.

Sincerely,

Howard H. Babb, Jr.  
Public Defender



**BOB DILLINGER**  
**PUBLIC DEFENDER**  
**SIXTH JUDICIAL CIRCUIT OF**  
**FLORIDA**  
[www.wearethehope.org](http://www.wearethehope.org)

Criminal Justice Center  
14250 49th Street North  
Clearwater, FL 33762  
(727)464-6516

NOVEMBER 10, 2009

DAVID W. MARTIN, CPA  
AUDITOR GENERAL  
STATE OF FLORIDA  
401 CLAUDE PEPPER BLDG  
111 WEST MADISON ST  
TALLAHASSEE, FL 32399-1450

RE: Florida Uniform Caseload Reporting Systems – Audit Period 7/1/07 to 12/31/08

Dear Mr. Martin:

In connection with the list of preliminary and tentative findings and recommendations, I am submitting responses to Findings 1, 3, and 4 which pertain to the 6<sup>th</sup> Circuit Public Defender's caseload reporting.

As to Finding 1, a procurement process is under way to replace the current Consolidated Case Management system used by the Clerk of the Court, State Attorney, and Public Defender, which is 30 years old. A new Consolidated Case Management system will assist in obtaining an integrated reporting solution which will allow for comparability.

The particular case not counted, referred to in Finding 3, was due to the case being re-opened and closed several times and the current system has a problem tracking these type of cases. The issue was reported to Pinellas County Business Technology Services on March 26, 2009 and query was fixed on May 14, 2009.

To conform to the recommendation in Finding 4, supporting documentation is now being maintained which consists of detailed listings of case numbers that comprise the totals reported.

As to Findings 2, 5, 6, 7, 8, and 9 there appears to be no action needed.

Sincerely,

A handwritten signature in cursive script that reads "Bob Dillinger".

BOB DILLINGER  
Public Defender

BD/dp

**C. RICHARD PARKER**  
**PUBLIC DEFENDER**  
**Eighth Judicial Circuit**

35 North Main Street  
P.O. Box 2820  
Gainesville, FL 32602-2820  
(352) 338-7370

Serving Alachua County

339 East Macclenny Avenue  
Macclenny, FL 32063-2294  
(904) 259-4245

Serving Baker County

Bradford County Courthouse  
P.O. Box 1059  
Starke, FL 32091-1059  
(904) 966-6273

Serving Bradford and  
Union Counties

353 South Court Street  
P.O. Box 1119  
Bronson, FL 32621-1119  
(352) 486-5350

Serving Levy and  
Gilchrist Counties



Reply to: Gainesville

November 12<sup>th</sup>, 2009

David W. Martin, CPA  
Auditor General, State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. Martin:

Thank you for the work of your staff in preparation of the report on the Florida Uniform Caseload Reporting System. This letter is in response to the finding on page 9 relating to Public Defender Circuit 8 documentation of reporting the 72-hour initial contact performance measure.

Since receipt of the audit finding, this office has implemented a tracking procedure whereby all 72-hour contacts are entered into our electronic case management system (STAC) after the appointment of the Public Defender. A report is then generated each month listing each of these contacts including the client's name, case number, the date of the appointment of the Public Defender and the date of the initial interview. This enhanced documentation will facilitate future audit inquiries.

I appreciate this opportunity to respond to the report.

Sincerely,

C. Richard Parker  
Public Defender,  
Eighth Judicial Circuit



OFFICE OF THE  
**PUBLIC DEFENDER**  
NINTH JUDICIAL CIRCUIT  
ORANGE AND OSCEOLA COUNTIES  
POST OFFICE BOX 4935  
435 NORTH ORANGE AVENUE  
ORLANDO, FLORIDA 32802-4935

**ROBERT WESLEY**  
PUBLIC DEFENDER

TELEPHONE (407) 836-4806  
FAX (407) 836-4819  
E-MAIL: WESLEY@CIRCUIT9.ORG

November 13, 2009

Mr. David W. Martin  
Office of the Auditor General  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Re: Response to Preliminary and Tentative Findings

Dear Mr. Martin:

Thank you for allowing me the opportunity to submit these responses to the audit findings. I look forward to working with you in order to establish clear definitions for the caseload reporting process.

If any further responses are required, please feel free to contact my office.

Sincerely,

Robert Wesley  
Public Defender, Ninth Judicial Circuit

Attachments

Response to P & T Document

Subject: Finding No. 4: Documentation Supporting Performance Measure Reports

Responding to section below provided in the P & T Document:

**“Documentation to support totals reported on the performance measure reports for several State Attorneys and Public Defenders was either not retained or did not agree with the totals reported...In several other instances, documentation to support the amounts reported by various State Attorneys and Public Defenders was maintained; however, the amounts shown on the provided detailed listings did not agree with the amounts reported.”**

There are several discrepancies reported in our caseload reports for the months of January 2008 and September 2008 due to our caseload software conversion initiated in November 2007. As with any major conversion, the first year focuses on cleaning up and perfecting the new system. Unfortunately, the audit period parallels our conversion period; therefore, the numbers reported reflect some inaccuracies.

Response to P & T Document  
Subject: Finding No. 8: 72-Hour Initial Contact Performance Measure

Responding to section below provided in the P & T Document:

**“The 9<sup>th</sup> Judicial Circuit Public Defender’s policy required that an assistant public defender was to be present at all first appearance and detention hearings and that the initial contact would be made at this hearing. However, while an assistant public defender may have been present at these hearings, there was no documentation, such as a signature by an assistant public defender and a date, to evidence actual initial contact within the 72-hour period. Absent any such documentation, we were unable to determine whether the required initial contact was made within the 72-hour period for 24 cases tested.”**

It is our office policy that an Assistant Public Defender be present at all Initial Appearance and Detention hearings 365 days a year regardless of holidays or weekends. According to Florida Rules of Criminal Procedure 3.130, “every arrested person shall be taken before a judicial officer, either in person or by electronic audiovisual device in the discretion of the court, within 24 hours of arrest”; therefore, our office ensures that incarcerated clients are contacted within 72 hours of arrest. Since all Initial Appearance Hearings and Detention Hearing are electronically recorded, the electronic record is sufficient evidence that an Assistant Public Defender was present and had contact with each client.

Prior to the Initial Appearance or Detention hearings, a representative from our office assists clients with filling out the “Application for Criminal Indigent Status” as is indicated by Florida Statute 27.52(1)(e)(2): “If the person seeking appointment of a public defender is incarcerated, the public defender is responsible for providing the application to the person and assisting him or her in its completion and is responsible for submitting the application to the clerk on the person’s behalf.” The “Application for Criminal Indigent Status” is a form generated by the Clerk of Court and does not provide for an Assistant Public Defender’s signature. Since the Clerk of Court is a separate entity from the Public Defender’s Office, the Public Defender has no control of the form requirements, such as an attorney’s signature line.

All of the clients listed in the 24 cases tested attended an Initial Appearance or Detention hearing within 24 hours of their arrest as documented by the Clerk of Court.



2725 JUDGE FRAN JAMIESON WAY  
BUILDING E  
VIERA, FLORIDA 32940  
TELEPHONE: (321) 617-7373

POST OFFICE BOX 8004  
101 BUSH BOULEVARD  
SANFORD, FLORIDA 32772-8004  
TELEPHONE: (407) 665-4524

OFFICE OF THE  
**PUBLIC DEFENDER**  
EIGHTEENTH JUDICIAL CIRCUIT  
BREVARD & SEMINOLE COUNTIES

BLAISE TRETTIS  
EXECUTIVE ASSISTANT

MARY LU TOMBLESON  
EXECUTIVE DIRECTOR

**JAMES RUSSO**  
PUBLIC DEFENDER

November 9, 2009

David W. Martin  
Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

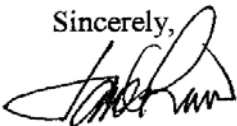
We have received the preliminary and tentative findings and recommendations following the audit of the Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys and Public Defenders for the Period of July 1, 2007, through December 31, 2008. The Florida Public Defender Association is addressing and responding to the statewide issues; we are responding to findings and recommendations specifically relating to the 18<sup>th</sup> Judicial Circuit.

Finding No. 8: 72 Hour Initial Contact Performance Measure. The audit disclosed missing signatures and dates on the interview sheet or following written notes on the police report to document the attorney's contact with the incarcerated client and permit the 72-hour calculation. To correct this deficiency, the attorneys are now initialing and dating their notes and comments on either the interview sheet or the 923 police report.

Finding No. 9: Speedy Trial Performance Measure. The audit disclosed that cases were reported as closed within the speedy trial rule, when in fact they were closed outside the rule. We were in fact relying on a disposition code indicating that cases were discharged because of speedy trial expiration. With that disposition code not being used, we were reporting 100%. To correct this deficiency, the programmer has been contacted regarding modifying the program to calculate the correct speedy trial expiration date.

It was a pleasure working with John Rebhann who is a thorough yet understanding and friendly man.

Sincerely,



James Russo  
Public Defender



KATHLEEN A. SMITH  
PUBLIC DEFENDER

Law Offices Of The  
**Public Defender**

Twentieth Judicial Circuit of Florida  
Lee, Collier, Charlotte, Hendry & Glades Counties

Lee County - Fort Myers (Main Office)  
(239) 533-2911  
Fax: (239) 485-2525  
1700 Monroe Street  
Post Office Drawer 1980  
Fort Myers, FL 33902-1980  
Lee County - Cape Coral Office  
(239) 533-7051  
Fax: (239) 533-7061  
Lee County Government Building  
1039 SE 9<sup>th</sup> Place, 2<sup>nd</sup> Floor  
Post Office Box 151327  
Cape Coral, FL 33915-1327

November 4, 2009  
Mr. David W. Martin, CPA  
Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

Thank you for your audit of the Office of the Public Defender, 20<sup>th</sup> Judicial Circuit's Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys and Public Defenders, for the period July 1, 2007 through December 31, 2008. We have noted that, PD20 was not specifically reported as deficient in any of the nine (9) audit findings, nevertheless, we respond to each, as follows:

- Finding No.1: The varied systems used by the Clerks of the court, State Attorneys and Public Defenders did not allow for comparability, and were duplicative and inefficient.  
*Response* : *We concur that comparability is desired and duplicative and inefficient processes should be eliminated. The Florida Public Defender Association is reviewing this matter.*
- Finding No.2: Annual and monthly caseload reports were not submitted timely by the Duval and Orange County Clerks.  
*Response* : *N/A*
- Finding No. 3: Case information on file was not always included in the performance measure reports.  
*Response* : *N/A.*
- Finding No. 4: Supporting documentation for performance measure reports was not maintained accurately and, in some instances, not maintained at all.  
*Response* : *N/A.*
- Finding No. 5: Florida State Courts System Summary Reporting System (SRS) reporting data was not accurately presented in all respects.  
*Response* : *N/A.*
- Finding No. 6: The Orange County Clerk, in some instances, reported certain caseload data twice by reporting information in two different categories.  
*Response* : *N/A.*
- Finding No. 7: The 4<sup>th</sup> Judicial Circuit State Attorney utilized procedures that inadvertently overstated the reported number of cases filed and the number of cases closed.  
*Response* : *N/A.*

Finding No. 8: The 72-hour initial contact performance measure was calculated and reported using varied means by the various circuits and verification of the reported statistics was not, in all cases, possible.

*Response : The FPDA is requesting that this performance measure be eliminated.*

Finding No. 9: The speed trial performance measure data was not consistently reported by the various circuits and, in some instances, appeared to be contrary to instructions contained in the reporting manual. Also, the accuracy of reported data statistics was not verifiable in all cases.

*Response : The FPDA is requesting that this performance measure be eliminated.*

Thank you.

Sincerely,



Kathleen A. Smith  
Public Defender, 20<sup>th</sup> Judicial Circuit



## Florida Public Defender Association, Inc.

P.O. Box 11057 · Post Office Box 11057 – 103 North Gadsden Street · Tallahassee, FL 32302

November 5, 2009

David W. Martin, Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

On behalf of the Florida Public Defender Association, I thank you for your office's October 14, 2009 audit of the Florida Uniform Caseload Reporting system. Each of the Public Defenders that received findings and recommendations will be sending individualized responses to you. This is the general response of the Association.

We were happy to see that to a large extent, the Public Defenders' case counting system was found to be operating effectively. Considering the tremendous volume of cases our offices handle, the error rate was remarkably low. Moreover, the primary problem area in the offices cited was retention of documentation rather than any significant inaccuracy in caseload counting.

As to Finding No. 1, we are in strong agreement with your report's recommendation that a common caseload counting system be developed for use by the Courts, State Attorneys, and Public Defenders. In our collective memories, we believe there have been at least two previous efforts to develop a common methodology. We believe the Public Defenders offices would benefit from a mandate for comparable caseload counting since our workload funding is currently pegged at what we believe is an inaccurate percentage (50%) of the State Attorneys' workload funding.

With regard to Finding No. 3 concerning the completeness of reports, we have no disagreement with the recommendation to enhance our procedures for data entry and case file maintenance with information technology controls. All of our offices are committed to reliability and accuracy in caseload reporting, with the best technology that we can obtain with available resources. It is probable that electronic verification rather than hard copy documentation will become the norm in future years.

Page Two  
November 5, 2009  
David W. Martin


Similarly, with respect to Finding No. 4 concerning documentation and accuracy in reporting, we are in agreement with your recommendation to enhance our verification procedures. Again, however, we would note that the error rate was very low in the few offices cited in the report.

Finding No. 8, concerning the Public Defenders' 72-hour performance measure, was not surprising to us; our Association had already begun a process to eliminate the 72-hour requirement as a legislative performance measure before we received your audit findings. We have found that there are too many local logistical and geographical variations among our offices to establish a uniform contact procedure. Every office creates a contact method based on local practices and personnel resources. We certainly are all aware of our ethical and professional duty to see our clients in a timely fashion, and we believe every office should be free to establish its procedures without a difficult-to-administer performance standard. Thus, we agree with the audit findings on 72-hour contact and have taken steps to eliminate that issue in future audits.

Likewise, as to Finding No. 9, we have begun the internal process of eliminating speedy trial compliance as a performance measure. The volume of cases we handle does not lend itself well to a case-by-case accounting of speedy trial since there are so many technical nuances of the speedy trial rule to keep track of. Many clients waive speedy trial altogether, making the issue moot for a large percentage of cases. Public Defender attorneys are trained in how to monitor speedy trial and file Motions for Expiration of Speedy Trial when appropriate. We are confident that we comply with the speedy trial requirements reliably, without the need for a specific performance measure that is difficult, if not impossible to administer. As to Finding No. 9, therefore, we agree with the finding and have taken steps to eliminate that issue in future audits.

In summary, we appreciate the work your staff put into the audit of our state's caseload reporting system, and we have already begun to implement changes that address its few findings concerning Public Defenders. We thank you for your constructive recommendations, and look forward to working with our justice partners to implement them across the state.

Sincerely,

A handwritten signature in dark ink, appearing to read "Howard Babb, Jr.", with a stylized, cursive script.

Howard "Skip" Babb, Jr., President  
Florida Public Defender Association

HHBJr/at



## CLERK OF THE CIRCUIT AND COUNTY COURTS

EIGHTH JUDICIAL CIRCUIT  
ALACHUA COUNTY COURTHOUSE  
P.O. Box 600  
GAINESVILLE, FLORIDA 32602-0600

J.K. "BUDDY" IRBY  
CLERK

TELEPHONE:  
352-374-3636

October 19, 2009

David W. Martin, CPA  
Auditor General  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399

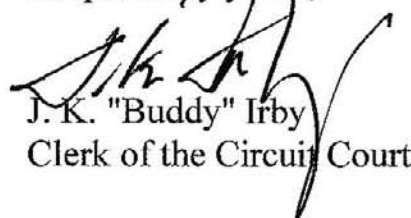
Submitted Electronically

Dear Sir:

This is my response concerning the findings in your audit of the Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys, and Public Defenders for the period of July 1, 2007-December 31, 2008.

The audit did not specifically name Alachua County in any of the findings. However, we will review the findings with court staff to ensure that we are in compliance. In addition, we shall continue to internally audit our reports to ensure accuracy and will work with the other Florida Clerks to address the statewide findings.

Respectfully yours,



J. K. "Buddy" Irby  
Clerk of the Circuit Court

FAMILY AND CIVIL JUSTICE CENTER  
201 EAST UNIVERSITY AVENUE  
GAINESVILLE, FLORIDA 32601

[WWW.ALACHUACLERK.ORG](http://WWW.ALACHUACLERK.ORG)

CRIMINAL JUSTICE CENTER  
220 SOUTH MAIN STREET  
GAINESVILLE, FLORIDA 32601

County of Collier  
CLERK OF THE CIRCUIT COURT

COLLIER COUNTY COURTHOUSE  
3301 TAMiami TRAIL EAST  
P.O. BOX 413044  
NAPLES, FLORIDA 34101-3044

**Dwight E. Brock**  
Clerk of Courts

Clerk of Courts  
Accountant  
Auditor  
Custodian of County Funds

October 22, 2009


Mr. David W. Martin  
Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Dear Mr. Martin:

I received your preliminary audit report and findings. I would like to applaud you for the staff you had auditing our office. They were both competent and professional. I accept your findings, and since you had no adverse findings regarding my office there is no need to directly reply to the findings.

I would like to invite you back more frequently than I am sure you are capable. As an auditor I understand how it is always beneficial to have a new set of eyes review our operations and suggest improvements. While I understand your fiscal constraints, I would like for you to know that you are always welcome to review our operations, and actually we would like to request that you audit our operations as often as possible. Any assistance or guidance that you can provide will assist us in becoming more efficient and effective and is very much respected.

With sincere appreciation,



Dwight E. Brock,  
Clerk of the Circuit Court

DEB/sb





Jim Fuller

## Duval County Clerk of Courts

330 East Bay St. · Duval County Courthouse · Jacksonville, FL 32202 · (904) 630-2028 · <http://www.duvalclerk.com>

November 5, 2009

Mr. David Martin  
State of Florida  
Auditor General's Office  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

The purpose of this letter is to formally respond to the audit conclusions and recommendations for Duval County as set forth in the data compiled from the 07-08 Audit Report.

Upon review of the (2) two findings noted for Duval County, I concur with the findings and have noted explanations and specific corrective actions:

**Finding No. 2: "Timeliness of Reports"**

The untimely submissions were a result of the Duval Clerk's Office installing a new case management system in July, 2007 with the final installation being April, 2008. Delays in the submissions were during intervals of each department's implementations. Communication was maintained with the Office of the State Courts Administration regarding the time delays of these submissions. We have since made every effort necessary to ensure that the submissions are forwarded timely. As well, we are actively preparing for electronic submissions.

**Finding No. 3: "Completeness of Reports" Case information on file was not always included in the reports.**

This issue was also a direct result of implementing a new case management system. Upon being informed of this issue, we immediately ran a query on our database to confirm that the problem was isolated and to ensure that a correction process was put in place immediately. Periodically, we perform database queries to ensure that the appropriate data is being captured.

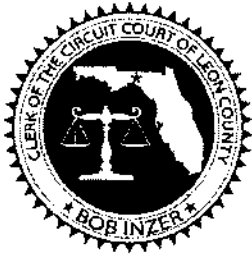
As always, it is our pleasure to work to make state reporting as efficient as possible. Should you have questions, or if I may be of service, please do not hesitate to contact me.

Sincerely,

James B. Fuller  
Clerk of the Circuit Court

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(904) 630-1212



# Bob Inzer

## Clerk of Circuit Court

[WWW.CLERK.LEON.FL.US](http://WWW.CLERK.LEON.FL.US)

Clerk of Courts ♦ Clerk of County Commission ♦ Auditor ♦ Treasurer ♦ Recorder ♦ Custodian of County Funds

November 24, 2009

David W. Martin, CPA  
Auditor General  
State of Florida  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1450

Re: Audit of the Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court, State Attorneys, and Public Defenders for the Period July 1, 2007, through December 31, 2008

Dear Mr. Martin:

Thank you for the opportunity to respond to the revised version of the above audit. I received it today by email from Mike Nichols in your office.

Our office has no objections to the audit as written and sent to us today. If you need anything further from me, please let me know.

Respectfully,

  
Gypsy Bailey  
Director of Courts/Staff Counsel



**Lydia Gardner**  
Clerk of the Circuit and County Courts  
Orange County • Florida

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November 13, 2009

Mr. David W. Martin  
401 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

Thank you for the opportunity to respond to the preliminary and tentative findings and recommendations related to the audit of the:

Florida Uniform Caseload Reporting Systems used by the Florida Supreme Court,  
State Attorneys, and Public Defenders  
For the Period July 1, 2007, through December 31, 2008

We welcome the opportunity to be included, as audits are an important part of our quality focus.

In regard to specific findings:

**Finding No. 2: Timeliness of Reports**

The Orange County Clerk of Courts is in the final stages of implementing a new, more robust Case Maintenance System (CMS). Our current CMS was originally implemented in 1990, and the supplier stopped providing support in 2005 when it went out of business. The program used by the current CMS to extract caseload data requires more than 24 hours to execute and disables the entire system during the run. The program, therefore, can only be executed on weekends, causing reports to be late as we notified OSCA.

We are in the process of completing a 36-month implementation program to assure mandated training and careful calendaring of events needed for a successful transition. This has been a huge but successful undertaking to this point. We anticipate that implementation will be completed by year end, and at that time we are committed to submitting our reports on a timely basis.

**Finding No. 6: SRS Data Reporting Errors**

The Orange County Clerk of Courts is fully committed to accurate reporting. The recommendation states that the Orange County Clerk and OSCA should continue their efforts to resolve this reporting issue as a means of ensuring that all reporting requirements are appropriately met by the Clerk. With regard to reporting some cases in both Juvenile Delinquency and Circuit Court categories, we were unaware of this



**Letter to Mr. David W. Martin**  
**November 13, 2009**  
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situation. This inadvertent programming error has been corrected in our current CMS, and we are confident our new CMS will provide accurate reporting when fully implemented.

Once again, we were surprised to see issue taken in regard to subsequent juvenile dependency case dispositions being incorrectly reported as re-opened cases. You noted that this is “contrary to the SRS Manual.” As you recall, the Orange County Clerk of Courts was acting on specific, written instructions provided by OSCA in regard to correct disposition and reporting of cases involving multiple parents, children or dispositions. This information was provided at the “SRS Training Workshop on Juvenile Dependency Reporting Requirements” presented by the OSCA on August 29, 2002, and was provided to your office during the audit.

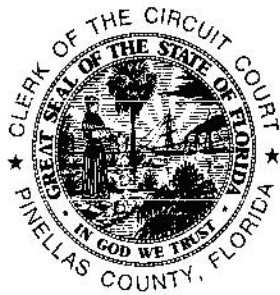
Until the audit, we were unaware of a problem. OSCA has provided no communication that their materials were incorrect or that they had changed their original guidelines. The on-site auditor indicated this was OSCA’s error and assured us that it would be noted in the report. Moreover, this was also discussed in our closing conference. While OSCA stated in an e-mail provided to us by the on-site auditor that they later corrected their materials, I suggest that those types of changes be disseminated immediately to impacted organizations so they can make the necessary adjustments.

We recognize the important role that audits play in providing quality services to the public, and thank you and your staff for the opportunity to participate.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lydia Gardner", with a stylized flourish at the end.

Lydia Gardner



**KEN BURKE**  
CLERK OF THE CIRCUIT COURT \_\_PINELLAS COUNTY, FLORIDA  
Criminal Case Disposition Department

Clerk of the County Court  
Recorder of Deeds  
Clerk and Accountant of the Board of County Commissioners  
Custodian of County Funds  
County Auditor  
Clerk of the Water and Navigation Control Authority

14250 49th Street North  
Clearwater, FL 33762-2800  
Telephone: (727) 464-6793

Memo To: David Martin, CPA  
Auditor General

From: Ken Burke, Clerk of Circuit Court  
Pinellas County

Date: November 12, 2009

RE: Response to Auditor General Florida Uniform Caseload Reporting Systems used  
By the Florida Supreme Court, State Attorneys, and Public Defenders for the  
period of July 1, 2007 – December 31, 2008

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**Finding No 1: The varied systems used by the Clerks of the Court, State Attorneys, and Public Defenders did not allow for comparability, and were duplicative and inefficient.**

Comment: The Florida Association of Court Clerks and Comptrollers (FACC) are currently spearheading an initiative to utilize the Comprehensive Case Information System (CCIS) to provide a timely, accurate, and reliable data source for the Judiciary, State Attorneys, Public Defenders, and the Clerks of Court.

**Finding No 2: Annual and monthly caseload reports were not submitted timely by the Duval and Orange County Clerks.**

Comment: Not applicable to Pinellas County Clerk of the Court

**Finding No 3: Case information on file was not always included in the performance measure reports.**

Comment: This finding was not applicable to the Pinellas County Clerk of the Court.

**Finding No 4: Supporting documentation for performance measure reports was not maintained accurately, and in some instances not at all.**

Comment: This finding was not applicable to the Pinellas County Clerk of the Court.

**Finding No 5: Florida State Courts System Summary Reporting System (SRS) reporting data was not accurately presented in all respects.**

Comment: The recommendation is that OSCA should ensure that the procedures implemented provided for accurate reporting of the information filed by the Clerks. There is not a separate recommendation for the Clerks to implement.

**Finding No 6: The Orange County Clerk, in some instances, reported certain caseload data twice by reporting information in two different categories**

Comment: Not applicable to the Pinellas County Clerk of the Court.

**Finding No 7: The 4<sup>th</sup> Judicial Circuit State Attorney utilized procedures that inadvertently overstated the reported number of cases filed and the number of cases closed.**

Comment: Not applicable to the Pinellas County Clerk of the Court.

**Finding No 8: The 72 hour initial contact performance measure was calculated and reported using varied means by the various circuits and verification of the reported statistics was not, in all cases, possible.**

Comment: This finding is not applicable to the Pinellas County Clerk of the Court.

**Finding No 9: The speedy trial performance measure data was not consistently reported by the various circuits, and in some instances, appeared to be contrary to instructions contained in the reporting manual. Also, the accuracy of reported data statistics was not verifiable in all cases.**

Comment: This finding is not applicable to the Pinellas County Clerk of the Court.