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05/19/2008 at 02:17 PM, BOB INZER, CLERK OF COURTS

**IN THE SECOND JUDICIAL CIRCUIT,
LEON COUNTY, FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2008-05

**IN RE: ESTABLISHMENT OF MENTAL HEALTH
CRIMINAL DOCKET**

WHEREAS, the Florida Legislature enacted sections 394.656-394.658 of the Florida Statutes, the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program (the "Grant Program"); and

WHEREAS, by enacting the Grant Program legislation the Florida Legislature established the public policy of this state with respect to persons with mental illness accused and convicted of criminal offenses; and

WHEREAS, pursuant to the Grant Program legislation, the Second Circuit participated in the Leon County Mental Health Advisory Board (the Advisory Board); and

WHEREAS, pursuant to the Grant Program legislation, Leon County and the Advisory Board prepared and submitted an application for funding under the Grant Program; and

WHEREAS, Leon County's application for funding under the Grant Program was approved; and

WHEREAS, Leon County's application requires the establishment of specified mental health criminal case processing; and

WHEREAS, the Advisory Board recommended the establishment of a non-diversionary model for the purpose of protecting public safety, maximizing efficiency, developing institutional knowledge and expertise, eliminating delays and maximizing the efficacy of treatment options;

IT IS THEREFORE ORDERED:

The Leon County Mental Health Docket is hereby established as follows.

I. Administrative -- Schedule, Courtroom and Judicial Assignments

The Mental Health Docket shall convene two times each month on the second and fourth Tuesday. Mental Health Docket shall convene at 1 pm beginning with the misdemeanor docket. The felony docket shall convene at 3 pm or as soon after 1 pm as practicable. Mental Health Docket shall convene initially May 27, 2008.

Mental Health Docket shall be conducted in courtroom 2D, Leon County Courthouse.

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The Felony Mental Health Docket shall be conducted within Felony Division B as set forth herein.

All Mental Health assigned defendants held in the Leon County Jail at the time of any Mental Health Docket court appearances for jailed defendants shall appear by video conference if reasonably possible. Felony charged defendants must be present to enter a plea of guilty or no contest. Otherwise, jailed defendants will be transported for the Mental Health Docket only if specifically requested by counsel or the mental health court case manager.

Judge Sjostrom is hereby assigned as backup to Division B solely to conduct the felony mental health docket as convenient to Judge Dekker and Judge Sjostrom. Judge Shelfer and Judge Flury are hereby assigned to the misdemeanor mental health docket. Prior to May 13, 2008, Judges Sjostrom, Shelfer and Flury are responsible for doing those things necessary to implement the Mental Health Docket consistent with Leon County's grant application. Judges Sjostrom, Shelfer and Flury are hereby designated as reciprocal alternates for all purposes related to this administrative order.

II. Mental Health Docket Case Processing

A. Assignment of Cases to Mental Health Docket

A defendant is eligible for the Mental Health Docket based on a prior history of a known, serious mental health or mental retardation diagnosis, prior findings of incompetence, and present observation of serious mental health or mental retardation symptoms.

When a defendant is assigned to the Mental Health Docket as set forth herein, all the defendant's pending misdemeanor and felony cases shall be transferred to the Mental Health Docket. Defendants with separate misdemeanor and felony cases shall be assigned to the felony Mental Health Docket, with all pending cases including all misdemeanors. **The clerks office shall ensure that all felony and misdemeanor case files for each defendant on the felony mental health docket are brought to the assigned docket.**

The JIS system shall screen and the clerk shall assign mental health codefendant's cases to Felony Trial Division at first appearance if known or upon notice by the State Attorney's office.

1. Transfer of Initial Caseload from Felony Trial Divisions to Mental Health Docket.

On or before May 12, 2008, the mental health coordinator, under the supervision of Judge Dekker, shall screen the present felony and misdemeanor court case load and identify defendants and cases currently in Felony Trial Division B and eligible for the mental

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health docket. The clerk's office shall prepare a docket of such cases and assign such cases to the Mental Health Docket. No mental health cases from other Felony Trial Divisions shall be transferred to Felony Trial Division B or the Mental Health Docket in connection with this administrative order absent further order of the court or agreement of the judges of the respective felony trial divisions.

2. Screening and Assignment of New Cases.

The County JIS system shall screen defendants against the mental health information database at booking. **The JIS System shall assign identified, eligible felony defendants to Felony Trial Division B at or prior to first appearance.** The JIS system shall assign identified, eligible defendants to the appropriate felony or misdemeanor mental health docket prior to first appearance.

Cases not assigned to a mental health docket by JIS, but recognized to meet screening criteria at first appearance shall be assigned to the appropriate felony or misdemeanor docket by the clerk at the direction of the first appearance judge. The pretrial release program or the mental health case manager is responsible for alerting the first appearance judge of eligible defendants.

3. Pretrial Officer Assignment of Cases to Mental Health Docket

The Pretrial Release Program or the Mental Health Court Case Manager shall screen arrested persons who are eligible for bond or pretrial release without a required first appearance and shall direct the clerk to assign eligible defendants to the appropriate Mental Health Docket. If a defendant who is assigned to the Mental Health Docket is pretrial released, they shall be assigned to the case load of the Mental Health Pretrial Release Officer.

B. Cases Excluded from Mental Health Docket

No defendant charged with capital murder shall be assigned to the mental health docket.

No case shall remain in the Mental Health Docket if the defendant, after a determination of competence, elects to proceed to trial.

Eligible felony charged defendants who are competent must execute a waiver of speedy trial within seven days of their initial Mental Health Docket appearance to remain assigned to the Felony Mental Health Docket.

To remain in the Felony Mental Health Docket after a finding of competence to proceed, the defendant must execute a written waiver of speedy trial within seven days of the entry of an order determining the defendant competent to proceed.

C. Psychological Evaluations

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The judge at first appearance shall consider issuance of an initial order for a pre-bond preliminary psychological evaluation both for the purpose of setting bond and conditions of pretrial release.

The pretrial release program shall alert the first appearance judge of a defendant's eligibility for the Mental Health Docket and any other available information regarding indicators of a need for a psychological evaluation.

Dr. Spence shall provide pre-bond evaluations under the current contract.

Should the need for a competency evaluation be apparent to the first appearance judge, the Public Defender's office shall state whether that office will seek a confidential evaluation. Should the public defender's office decline a confidential evaluation, the first appearance judge may order a competency evaluation pursuant to the rules of criminal procedure.

Competency evaluations will be provided on a blind rotation from participating psychologists.

The mental health coordinator and mental health case manager shall ensure that evaluators are provided timely access to a defendant's court information including prior evaluation reports.

D. Clinical Staffing

"Clinical Staff" includes the Mental Health Coordinator, Competency Restoration and Support Specialists, the Mental Health Pretrial Release Specialist, the Judicial Case Manager, Department of Corrections Mental Health Probation Officer, Department of Children and Families District 2 Supervisor, County Jail clinical staff, and such other mental health personnel as appropriate.

Two times per month, Clinical Staff shall conduct a clinical staffing in preparation for the next Mental Health Docket.

The purpose of the clinical staffing is to prepare a clinical recommendation to counsel for the State, Defendant and the court with respect to eligibility for pretrial release services and conditions, compliance with conditions of pretrial release, and treatment and support options for pretrial release and case disposition.

With respect to defendants on pretrial release, the further purpose of the clinical staffing is to review the progress of and compliance with conditions of pretrial release.

The further purpose of the clinical staffing is to review the progress of evaluations to ensure timely resolution of competency determinations. Clinical staff shall ensure that all relevant information is made available to the competency evaluator.

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The further purpose of the clinical staffing is to review the progress, compliance and status of cases disposed by Mental Health Probation or Conditional Release and make recommendations to counsel for the State, Defendant and the court with respect to compliance with conditions of mental health probation.

III. Access to CJIS Mental Health Information

The Offices of the State Attorney and Public Defender shall have full access to all CJIS criminal mental health docket information subject to applicable law and the internal policies of those offices.

DONE and ORDERED at Tallahassee, Leon County, Florida this 16th day of May, 2008.

William L. Gary
Acting Chief Judge

Copies furnished to:

All Circuit and County Judges, Second Judicial Circuit
Office of State Attorney
Office of Public Defender
All Clerks of Circuit Court, Second Judicial Circuit
All Law Enforcement Agencies, Second Judicial Circuit
All Detention Facilities, Second Judicial Circuit
Leon County Pre-Trial Release Program

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