

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

Operational Audit

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



**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 st Circuit	Jack Behr to January 5, 2009 James Owens from January 6, 2009 1 st Circuit	J. K. "Buddy" Irby, Alachua County
William N. Meggs, 2 nd Circuit	Nancy Daniels, 2 nd Circuit	Scott Ellis, Brevard County
Angela B. Corey, 4 th Circuit	Matt Shirk, 4 th Circuit	Dwight E. Brock, Collier County
Brad King, 5 th Circuit	Howard H. Babb, Jr., 5 th Circuit	James B. Fuller, Duval County
Bernie McCabe, 6 th Circuit	Bob Dillinger, 6 th Circuit	Ernie Magaha, Escambia County
R.J. Larizza, 7 th Circuit	James S. Purdy, 7 th Circuit	Bob Inzer, Leon County
William P. Cervone, 8 th Circuit	C. Richard Parker, 8 th Circuit	David R. Ellspermann, Marion Co.
Lawson L. Lamar, 9 th Circuit	Robert Wesley, 9 th Circuit	Lydia Gardner, Orange County
Norman R. Wolfinger, 18 th Circuit	James Russo, 18 th Circuit	Ken Burke, Pinellas County
Stephen B. Russell, 20 th Circuit	Kathleen A. Smith, 20 th 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 or by telephone at (850) 487-9031.

This report and other reports prepared by the Auditor General can be obtained on our Web site (www.myflorida.com/audgen); by telephone (850) 487-9024; or by mail (G74 Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450).

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,¹ 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

¹ 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.

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.

Finding No. 2: Timeliness of Reports

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.

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.

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 nd Judicial Circuit State Attorney	15	3	20%
6 th 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 st P.D.	Cases Closed	1,742	1,812	70	1,711	1,775	64
1 st P.D.	Clients to be Interviewed	712	684	12	879	781	(98)
6 th P.D.	Cases Closed (Circuit)	1,865	1,888	(23)	1,788	1,797	(9)
6 th P.D.	Cases Closed (County)	1,766	1,873	(107)	1,437	1,503	(66)
6 th P.D.	Cases Closed (Juvenile)	288	322	(34)	248	259	(11)
9 th P.D.	Cases Closed	3,612	3,254	358	3,478	3,538	(60)
9 th P.D.	Clients to be Interviewed	4,572	4,333	239	3,194	2,952	242
18 th S.A.	Felony Dispositions - Other	311	307	4	258	252	6
18 th S.A.	Misdemeanor Dispositions – Plea	1,080	1,072	8	1,169	1,152	17
18 th S.A.	Misdemeanor Dispositions – Nontrial	116	110	6	96	92	4
18 th S.A.	Misdemeanor Dispositions – Other	352	340	12	357	285	72
18 th S.A.	Misdemeanor Filings	1,198	1,201	(3)	1,334	1,318	16
20 th S.A.	Misdemeanor Filings	5,968	5,431	537	-	-	-
20 th 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.

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

Finding No. 6: SRS Data Reporting Errors

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.

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.

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 4th 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 4th 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 4th 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 4th 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.

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

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.

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.

Finding No. 9: Speedy Trial Performance Measure

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.

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.

PRIOR AUDIT FOLLOW-UP

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

SCOPE, OBJECTIVES, AND METHODOLOGY

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.

For better viewing from our website, the responses are in two separate files. Click on the links below to access the responses.

[Managements’ Response - Supreme Court](#)

[Managements’ Responses – State Attorneys](#)

[Managements’ Responses – Public Defenders](#)

[Managements’ Responses – Clerks of the Court](#)