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New Pinellas Drug Court Program Offers Diversion From State Prison Sentences for First Time

CLEARWATER – A pilot program for Florida will make Pinellas County’s highly successful Drug Court available for the first time to non-violent defendants who would otherwise face time in a State prison. Until now, the treatment and diversion program was available only to defendants facing time in the Pinellas County Jail.

The first defendants in the new program – who otherwise would be facing between a year and 17 months in a Department of Corrections (DOC) prison – are scheduled to go before Judge Dee Anna Farnell on Feb. 11.

Adult Drug Court is a voluntary program that combines court-monitored, comprehensive substance abuse treatment with frequent appearances before a judge who may reward progress or sanction non-compliance. Successful completion means no prison time, and the judge may withhold adjudication of guilt and reduce the length of probation.

Pinellas is one of nine counties chosen for the two-year pilot program after the 2009 Legislature passed enabling legislation for spending federal stimulus dollars, made available as an Edward Byrne Memorial Justice Grant. The pilot, a joint project of the State Courts System, offices of the State Attorneys and Public Defenders and the Department of Corrections, is aimed at reducing future prison admissions, thereby saving state tax dollars.

Pinellas’ portion of the grant is \$2.77 million for the two-year pilot project, with a goal of diverting 600 defendants from prison back to being contributing members of society.

The potential for savings is great. The \$2.77 million works out to a cost of \$4,617 for each of the 600 defendants. The DOC estimates the costs to incarcerate one person in prison for one day total \$110, or more than \$40,000 per year . . . enough to put more than eight people through the pilot Drug Court Expansion.

Participation is voluntary, but defendants who agree to enter the new program must meet these requirements:

- Having been charged and adjudicated of a third degree, non-violent felony, including third degree burglary. Third degree felonies are considered the least severe of crimes that warrant prison sentences, and some defendants with non-violent second degree felonies will also be considered.
- Score less than 52 points on Florida’s criminal sentencing scoresheet, which determines the number of months that is normal for the conviction and criminal history of the defendant.

- The sentencing court's findings that the defendant has no current or previous forcible felony convictions, the result of the defendant's substance abuse screening indicates a need for treatment, and he/she is amenable to treatment services.
- The recommendation of the State Attorney's Office and the crime's victim (if any).

Defendants who meet the criteria will be transferred into a new court division that will be presided over by Judge Farnell, who also presides over the current Adult Drug Court division.

Defendants will be sentenced to 24 months of probation, be required to complete a designated level of drug treatment, appear frequently (at least once a month) for judicial review hearings, abstain from alcohol use, have 180 days of clean drug screens, satisfy court costs, complete any required aftercare and obtain high school graduation equivalency degree (GED), if needed.

Those in the program will be placed in one of five treatment programs – two of which are residential and three of which are out-patient. Transitional housing with re-entry services will also be available.

Successful defendants may apply for early termination of probation after half of their terms have been completed.

Since 2001, when Adult Drug Court began in Pinellas County, the program has been available only to defendants facing sentences that did not include prison time. But many of them could have been sentenced to time in the Pinellas County Jail. More than 2,000 participants have graduated from the program, The recidivism rates for those graduates has been less than 8% after one year and approximately 16% after two years. Both rates are below national averages and are much lower than for persons who serve jail sentences for drug convictions.