

*Gene  
signed minutes  
will reflect*

ATTACHMENT I

LETTER OF AGREEMENT

WITNESS UTILIZATION AND MANAGEMENT PROCEDURES

\_\_\_\_\_ COUNTY

This Letter of Agreement is being submitted to the Office of the State Courts Administrator to indicate that procedures will be established in \_\_\_\_\_ County to insure compliance with the provisions of Chapter 82-176 passed by the 1982 Session of the Florida Legislature and proviso language in the 1983 Appropriations Act for the State of Florida.

To qualify for reimbursement of witnesses pursuant to Amendments to Section 40.09, 394.473(3), 914.11(3) and 939.07, Florida Statutes, procedures will be established for:

- 1) Coordinating court appearances, including pretrial conferences and depositions, for all witnesses, including law enforcement personnel subpoenaed in criminal cases;
- 2) Contacting witnesses and securing information necessary to place witnesses on an on-call status with regard to court appearances;
- 3) Contacting witnesses to advise them not to report to court in the event the case for which they are subpoenaed has been continued, a plea has been entered or any other reason which would not require attendance on the date on which they had been ordered to report;
- 4) Contacting the witness's employer, when necessary, to confirm that his or her employee has been subpoenaed to appear in court as a witness.

*Mr. T  
5-1-83  
witnesses*

Specific procedures and the effective dates on which they will be operational for witnesses, for felonies and misdemeanors, for state attorneys and public defenders will be described in a plan to be submitted to the Office of the State Courts Administrator no later than October 1, 1983. That plan is al





CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

CLIFFORD B. SHEPARD  
CHIEF JUDGE

October 14, 1983

DUVAL COUNTY COURTHOUSE  
JACKSONVILLE, FLORIDA 32202

*File*

Mr. Donald D. Conn  
State Courts Administrator  
Supreme Court Building  
Tallahassee, Florida 32301

Dear Don,

Re: Witness Management Coordination Program

While I realize that we have not adhered to some of your deadlines set out in your memorandum of August 1 last, this is to advise you of the status of our efforts to participate in the reimbursement to the Counties for witness fees.

The pressure of official business has not allowed me to conduct an in-depth study of this witness procedures in Duval County; however, on Tuesday last, we held a two hour session with the State Attorney, Clerk, and Public Defender.

All were in agreement that the witness procedures now in effect were viable, workable and producing the desired results. Everyone was in agreement that these procedures were in line with the intent of the Legislature in the Legislation passed in 1982 and the Appropriation Act passed in 1983.

I requested a written confirmation of these procedures which are attached hereto in the form of memoranda from the Public Defender, State Attorney, and the Police Department.

It is our understanding that the intent of the Legislature was that a viable workable plan would be sufficient to receive reimbursement from the State. We are most anxious to receive this reimbursement for the three counties and, particularly for Duval County.

It is requested that you have your office analyze the procedures now in place and advise whether or not we can qualify for reimbursement under the present procedures. Any comments and suggestions are solicited.

Your favorable consideration of this will be appreciated.

Sincerely,

  
Clifford B. Shepard  
Chief Judge

CBS/lss

cc: Honorable T. Edward Austin  
State Attorney

Honorable Louis O. Frost, Jr.  
Public Defender

Honorable S. Morgan Slaughter  
Clerk of Circuit and County Court

W. M. Alexander  
Court Administrator



OFFICE OF  
**PUBLIC DEFENDER**  
FOURTH JUDICIAL CIRCUIT OF FLORIDA

LOUIS O. FROST, JR.  
PUBLIC DEFENDER

PLEASE REPLY TO:

MEMORANDUM

TO: WILLIAM ALEXANDER  
COURT ADMINISTRATOR

FROM: WILLIAM P. WHITE *WPH*

DATE: OCTOBER 13, 1983

RE: WITNESS COORDINATION - PUBLIC DEFENDER'S  
OFFICE - FOURTH JUDICIAL CIRCUIT OF FLORIDA

The Office of the Public Defender for the Fourth Judicial Circuit performs a witness coordinating function internally. In Nassau and Clay counties the activities are coordinated by the assigned attorneys and secretaries (two attorneys, one secretary in Clay County; one attorney and one secretary in Nassau County).

In Duval County witness coordination is handled as follows:

DEPOSITIONS:

1. Prior to the scheduling of a deposition, the Public Defender secretary will contact the corresponding secretary in the State Attorney's Office to seek an agreed upon time for taking the deposition. If no agreement can be reached within a reasonable time, the Public Defender secretary will schedule the deposition at the convenience of the individual Assistant Public Defender.

2. Subpoenas for deposition are prepared by division secretaries in response to directions from individual attorneys. The subpoenas are run through the Office of the Clerk and the Sheriff's Office, along with a Notice of Taking Deposition, and the appropriate seals and stamps are affixed to the subpoenas.

3. Subpoenas which have been processed through the Clerk and Sheriff's Office are ready for service and are routed through the Investigative Division. Each subpoena is logged in and assigned to the process server\*, an individual investigator, or is mailed to the witnesses address.

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**PUBLIC DEFENDER OFFICES**

**CLAY COUNTY**

Clay County Courthouse  
Post Office Box 386  
Green Cove Springs, Florida 32043  
Telephone (904) 284-6318

**DUVAL COUNTY**

Duval County Courthouse  
Jacksonville, Florida 32202  
Telephone (904) 633-6820

**NASSAU COUNTY**

11 North 14th Street, Room 110  
Box 10  
Fernandina Beach, Florida 32034  
Telephone (904) 261-5369

MEMORANDUM

RE: WITNESS COORDINATION - PUBLIC  
DEFENDER'S OFFICE

Page Two

Subpoenas for police officers working for the Jacksonville Sheriff's Office are routed through the zone commanders office. A routing card is attached to the subpoena and a receipt is obtained for each subpoena delivered to the zone commanders office (see attached). Sergeant Hawkins serves as Liaison Officer for the Sheriff's Office and notifies the Office of the State Attorney, and the Office of the Public Defender of any change in a police officer's schedule which might require rescheduling of a deposition. Sergeant Hawkins also contacts each officer within twenty-four (24) hours of a scheduled deposition to verify notice of the deposition and to ensure the officer's appearance.

4. Police witnesses for depositions are required to obtain the signature of an attorney present at the deposition in order to verify the officer's attendance and the total time of attendance. Lay witnesses and expert witnesses are provided with a form which, when signed by an employee of the Public Defender's Office, will allow payment by the Office of the Clerk for an ordinary witness fee.

5. Expert witnesses called for deposition are informed that the party calling them will apply to the court having jurisdiction of the case for payment of a reasonable expert witness fee. If the expert is called after having been listed by the State Attorney pursuant to Rule 3.220 (d), the Office of the Public Defender will move to tax costs pursuant to Rule 3.220 (k).

6. Every subpoena for deposition which leaves the Office of the Public Defender bears the following stamp or typewritten notice:

"Your presence may be excused if you call  
(attorney's name), prior to the sche-  
duled date".

A central intake secretary is available to respond to all witnesses who call in prior to their deposition. This secretary is backed up by a clerk typist. Both individuals have access to a current list of all witnesses who have been subpoenaed for deposition and trial. In addition, these individuals are in direct communication with corresponding employees of the State Attorney's Office, the Office of the Clerk, and with Sergeant Hawkins on a daily basis to ensure that coordination is achieved throughout the system.

Witnesses subpoenaed by the Office of the Public Defender are notified by these intake personnel when a case has been continued, or has been disposed of prior to the scheduled date of the deposition. As noted above, every witness is requested to call the Office of the Public Defender prior to the date of the deposition and problems with employers, vacations and other personal conflicts are generally resolved by this procedure.

7. The above procedures apply to all felonies, misdemeanors and juvenile cases handled by the Office of the Public Defender.

MEMORANDUM

RE: WITNESS COORDINATION - PUBLIC  
DEFENDER'S OFFICE

Page Three

TRIALS:

1. General procedures for coordinating trial witnesses include many of the procedures outlined above for deposition but differ in the following respects:

a. All trial subpoenas are served personally by the Public Defender process server, or individual investigators of the Office of the Public Defender. No subpoenas for trial are mailed.

b. A praecipe listing all witnesses subpoenaed by the Office of the Public Defender is filed with the Clerk at the same time the subpoenas are processed through the Clerk's office.

c. Every subpoena for trial which leaves the Office of the Public Defender bears the following stamp or typewritten notice:

"NOTE: Do not report to the courtroom on the date requested below, instead please call (attorney's name) at (telephone number) on that date and he will tell you when you have to appear. A jury is scheduled to be chosen on this date, but the actual trial date will probably be later in the week".

Individual problems which cannot be handled within the procedures outlined above are directed to the Public Defender Chief Investigator and, if necessary, to the Chief Assistant Public Defender, or the elected Public Defender. Our experience has been that fewer than one witness related problem comes to the attention of the Chief Assistant or the elected Public Defender per month.

There are no employees currently working on witness coordination who are funded by the City of Jacksonville. One Legal Secretary II at \$15,800 per year and one Clerk Typist II at \$8,500 per year, share the responsibilities for this work and are paid by the Office of the Public Defender.

WPW/ph

Attachment

\* Process Server:

The Office of the Public Defender funds this position. The Public Defender does not require the Sheriff to serve any deposition or trial subpoenas. Approximately 900 subpoenas are served each month by the Office of the Public Defender. The process server position is funded at approximately \$15,000 per year.

cc: Louis O. Frost, Jr.  
Mike Weinstein, Executive Director  
Office of the State Attorney

SUBPOENA RECEIPT CARD

DATE OF ISSUE	NAME OF DEFENDANT			CASE NUMBER
DATE OF APPEARANCE	CIRC. COURT <input type="checkbox"/>	COUNTY COURT <input type="checkbox"/>	STATE ATT. <input type="checkbox"/>	PUBLIC DEF. <input type="checkbox"/>

THIS IS TO CERTIFY THAT I HAVE RECEIVED THE ABOVE SUBPOENA ON

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
OFFICER'S SIGNATURE

OFFICE OF SHERIFF  
JACKSONVILLE, FLORIDA

FORM P-154 6/73



STATE ATTORNEY  
FOURTH JUDICIAL CIRCUIT OF FLORIDA  
WITNESS PROCEDURES

DUVAL COUNTY

Victims initially are notified of the name and phone number of the Assistant State Attorney assigned to their case via a filing letter mailed immediately after the case is filed. From this point, the ASA has primary responsibility for management of the victim/witness.

Juvenile witnesses are served a subpoena by the Juvenile Division Investigator. The subpoena is stamped with the name and phone number of the Division secretary and the witness instructed to immediately contact the secretary who then coordinates further communication.

County Court subpoenas instruct the witness to call and leave a telephone number where they can be reached during the week of the trial in the event their appearance becomes necessary, thus placing them on stand-by unless otherwise contacted by the ASA or Division secretary.

Criminal Court witnesses are instructed at the top of their subpoena to contact the Division by telephone instead of personally appearing for court dates. A separate subpoena is issued for each office appearance where the witness is needed.

When necessary, the Division secretary contacts the witness' employer or coordinates any special requests of the witness. This position is also responsible for notifying witnesses of any changes in scheduling.

Law Enforcement Personnel are placed on stand-by and their appearances coordinated by a city-funded position within the Sheriff's Office.

Victim Witness Services is responsible for special needs of the victim/witness. Two positions are funded by the City of Jacksonville. The salary lines are \$21,164. and \$12,600.

COURT LIAISON SECTION

OFFICE OF THE SHERIFF  
JACKSONVILLE, DUVAL, FL.

CHAPTER XI

THE COURT LIAISON OFFICE WAS ESTABLISHED WITHIN THE CIVIL DIVISION JANUARY 18, 1978 WITH A STAFF OF THREE (3), 1-SERGEANT, 1-Patrolman, 1-FULL TIME TEMPORARY CLERK TYPIST.

THE HOURS OF OPERATION ARE FROM 7:00 A.M. TO 5:00 P.M. MONDAY THRU FRIDAY AND LOCATED ON THE MEZZANINE FLOOR, ROOM M113 IN THE DUVAL COUNTY COURT HOUSE.

THE COURT LIAISON OFFICE IS CHARGED WITH THE RESPONSIBILITY OF VERIFYING AND APPROVING ALL COURT OVERTIME TO BE PAID TO THE POLICE OFFICERS AND CORRECTIONAL OFFICERS AS A RESULT OF OFF DUTY APPEARANCE AND "ON CALL" STATUS. ALSO TO KEEP RECORDS OF ON DUTY HOURS SPEND IN COURT. HE IS ALSO A COORDINATOR BETWEEN THE COURTS, STATE ATTORNEY, PUBLIC DEFENDER, AND SOMETIMES PRIVATE ATTORNEYS.

I. DUTIES OF THE SERGEANT

- A. TO SUPERVISE AND MAINTAIN A SMOOTH OPERATION OF THE ENTIRE OFFICE.
- B. TO MAINTAIN OR UP-DATE FILES OF THE OFFICERS WORK ASSIGNMENTS AND TELEPHONE NUMBERS.
- C. PREPARE ONE (1) YEAR IN ADVANCE A CIVIL TRAFFIC COURT CODE CALENDAR WITH COURT DATES ASSIGNED.
- D. REVIEW MONTHLY, ALL COURT CODES AND ASSIGNMENTS TO INSURE PROPER COURT CODES TO CORRESPOND WITH COLOR SQUADS.
- E. KEEP A RECORD AND EXCUSE OFFICERS FROM TRAFFIC COURT SUCH AS SICK LEAVE, MILITARY LEAVE , ETC.
- F. KEEP RECORDS AND INSURE ALL OFFICERS FILE WITHIN THE 72 HOURS RULE.
- G. ASSIST IN RECEIVING AND DISTRIBUTING COURT RELATED TELEPHONE MESSAGES.
- H. ASSIST IN GETTING OFFICERS IN TO COURT ON SHORT NOTICES.
- I. RECEIVE AND CHECK COMPLAINTS ON OFFICER FAILING TO APPEAR AS

SUBPOENAED, TAKE APPROPRIATE ACTION IF FOUND TO BE TRUE.

- J. ASSIST IN NOTIFYING OFFICERS TO CANCEL SUBPOENAS IF CASE HAS BEEN DISPOSED OF.

II. DUTIES OF PATROLMAN

- A. VERIFYING COURT OVERTIME VOUCHERS, MAKING SURE THAT THEY ARE PROPERLY AND COMPLETELY FILLED OUT AND SIGNED BY A COURT OFFICIAL THAT I RECOGNIZE THE SIGNATURE.
- B. REQUESTED TO HAVE OFFICERS APPEAR IN COURT ON SHORT NOTICE WITHOUT A SUBPOENA. WE MUST LOCATE AND CONVEY THE INFORMATION TO THE OFFICER CONCERNED. ALL OFFICERS WHEN REQUIRED TO APPEAR IN COURT OR FOR A DEPOSITION IN THE DUVAL COUNTY COURT HOUSE SHOULD REPORT FIRST TO OUR OFFICE AND EITHER SIGN THE "ON DUTY" BOOK OR PICK UP A OVERTIME VOUCHER. CHECK HIS SUBPOENA (IF HE HAS ONE), AND ENTER HIS "BEGINNING TIME" ON HIS OVERTIME VOUCHER.
- C. AT TIMES IN THE MORE SERIOUS, OR COMPLICATED CASES WE ARE REQUESTED TO HAVE A OFFICER "STAND-BY" SO THAT HE CAN BE RE-CALLED TO THE WITNESS STAND ON SHORT NOTICE. CONFIRM THE OFFICERS PHONE NUMBER AND MAKE SURE THAT THE OFFICER CAN BE CONTACTED BY THIS OFFICE IMMEDIATELY IF NEEDED TO RETURN TO COURT.
- D. THE MAJORITY OF OUR PHONE CALLS ARE TO OFFICERS CANCELLING THEM ON SUBPOENAS THAT THEY ALREADY HAVE OR SHOULD HAVE RECEIVED.
- E. ALL OFFICERS ATTENDING CIRCUIT COURT (ON FELONY CASES) LEAVE THEIR FIREARMS IN THE COURT LIAISON OFFICE, AS FIREARMS ARE PROHIBITED IN THESE COURTS. IF THE OFFICER IS IN THIS COURT AFTER 5:00 P.M., I WILL TAKE THE GUN (AFTER CHECKING TO MAKE SURE THE GUN IS SAFE), TO THE COURTROOM THE OFFICER IS APPEARING IN, AND LEAVE THE GUN WITH THE BAILIFF AT THE COURTROOM DOOR, OR ANOTHER J.S.O. OFFICER TO RETURN TO THE OFFICER WHEN HE LEAVES THE COURTROOM.

- F. OFFICERS ARE REQUIRED TO "FILE" ON ALL FELONY ARRESTS THEY MAKE WITHIN 72 HOURS. IF THE OFFICER HAS NOT FILED WITHIN 48 HOURS, THE STATE ATTORNEY'S OFFICE NOTIFIES US BY WAY OF A LIST, AND WE IN TURN NOTIFY THE OFFICER THAT HE HAS ONLY ONE DAY LEFT TO FILE HIS CASE.
- G. IN GENERAL, THIS OFFICE TRIES TO COORDINATE BETWEEN THE JUDGES, ASSISTANT STATE ATTORNEYS, PUBLIC DEFENDERS, PRIVATE ATTORNEYS, ATTORNEYS FROM THE GENERAL COUNSELS OFFICE, STATE PAROLE AND PROBATION OFFICERS, CIVIL SERVICE BOARD HEARING, IMPOUNDMENT HEARING, AND FLORIDA BOARD OF EDUCATION HEARING.
- H. IN THE ABSENCE OF THE SERGEANT ACT IN THAT CAPACITY.

III. DUTIES OF CLERK TYPIST

- A. CHECK AND TYPE OUT THE DAILY TRAFFIC COURT ATTENDANCE. RECORD ABSENT OR EXCUSED, ON OFFICERS FILE CARD.
- B. ASSIST THE OFFICER, WHEN TURNING IN THEIR OVERTIME FORMS.
- C. ASSIST IN CHECKING OVERTIME FORMS. TYPE OUT THE COURT OVERTIME FORMS AND FILE THEM IN THE OFFICERS OWN FILE.
- D. TYPE OUT ON THE OFFICERS FILE CARD, IF HE WAS NOTIFIED TO FILE.
- E. TAKE PHONE MESSAGES FOR THE OFFICERS CONCERNING COURT.
- F. KEEP A FILE OF SUBPOENA CARDS FOR DETECTIVES AND VICE.
- G. ONCE A WEEK ON THURSDAY, I GET THE TRAFFIC COURT CALENDARS FOR THE OFFICERS, I CHECK TO SEE WHICH OFFICERS HAVE CASES AND NEED TO GO AND MARK OFF THE NAMES OF THE OFFICERS THAT DO NOT NEED TO GO. SEND OTHER CALENDARS TO THE NEEDED LOCATIONS, ZONES, HIT AND RUN, ETC.
- H. KEEP A MONTHLY REPORT OF THE OFFICERS TIME, ON AND OFF DUTY IN COURT AND ALL OTHER COURT RELATED ACTIVITIES, DEPOSITIONS, FILE, TRAFFIC COURT, AND "ON CALL".
- I. TYPE OUT COURT CODE CHANGES FOR THE OFFICERS AND SEND OUT COPIES TO

- J. UP-DATE THE OFFICERS ALPHABETICAL COURT CODE AND PHONE NUMBERS LIST, EVERY COUPLE MONTHS.
- K. KEEP RECORDS AND TYPE OUT ALL CORRESPONDENCE FROM THIS OFFICE.
- L. ALL MISCELLANEOUS MATTER: FILING, TYPING, ANSWER PHONE, ETC.

The following personnel, along with their salaries, are employed by the City of Jacksonville to perform these functions:

Sergeant Hubert Hawkins - \$27,800 per year.

Deputy Civil Officer - \$22,800 per year.

Full-time temporary

Clerk - \$4.26 per hour