

Drug Education and Treatment Reducing Recidivism (DETRR)

Information for Defense Attorneys

DETRR Level One – Marijuana/Cannabis Possession

Eligibility:

- Level One is available to defendants charged with **simple possession of 30 grams or less of Marijuana/Cannabis. This includes all oils, waxes, plant-based, or any other form of cannabis/THC but specifically *excludes* synthetic cannabis, also known as “spice.”**
- This program does not apply to defendants who have pending charges (other than possession of drug paraphernalia), or other cases (by arrest or information), or to defendants who are currently on felony probation.
- This program does not apply to defendants where the facts of the case indicate the defendant is involved in the sale or distribution of the controlled substance.
- Defendants are not excluded from this program due to either a prior criminal record or a score of 44 or more points on the Criminal Punishment Scoresheet.
- Defendants are required to waive their right to a speedy trial in writing.
- Defendants will have one opportunity to participate in the Level One Drug Diversion Program. Any subsequent arrests or charges will result in the Level Two or higher Drug Diversion Program if otherwise eligible.

Program Requirements:

- To successfully complete the Level One Drug Diversion Program, defendants are required to remain free from arrest for a period of six months from the time they enter the program.
- Defendants will be encouraged to participate in any substance abuse treatment programs available in the community.
- Defendants who remain arrest free for six months will have their charges dismissed.
- Defendants will be offered information regarding the expunction of their criminal record.

DETRR Level Two – First Time Offenders (Non-Marijuana/Cannabis)

Eligibility:

- Level Two is for defendants charged with any felony possession of a controlled substance that is not included in the Level One Drug Diversion Program including possession of cannabis charges over 30 grams.
- Trafficking charges are specifically omitted from eligibility.
- Eligible defendants only include first time offenders with no prior felony convictions (withhold or adjudication).
- This program does not apply to defendants who have pending charges or cases (other than possession of drug paraphernalia or possession of a controlled substance).
- This program does not apply to defendants where the facts of the case indicate the defendant is involved in the sale or distribution of the controlled substance.
- Defendants are required to waive their right to a speedy trial in writing.
- Defendants will have one opportunity to participate in the Level Two Drug Diversion Program. Any subsequent arrests or charges will result in the Level Three or higher Drug Diversion Program if otherwise eligible.

Program Requirements:

- Defendants will be required to be assessed for their suitability for either a drug treatment program or a drug education program.
- Defendants must participate in either a drug treatment program or a drug education program depending on their assessment.
- To successfully complete the Level Two Drug Diversion Program, defendants are required to remain free from arrest for a period of six months from the time that they enter the program.
- Defendants who remain arrest free for six months will have their charges dismissed. Charges will be dismissed even for those defendants who are still participating in a drug treatment program at the end of the six-month period.
- Defendants will be offered information regarding the expunction of their criminal record.

DETRR Level Three – Low Risk Offenders

Eligibility:

- Level Three is for defendants who are either unsuccessful in the Level Two diversion program or who are not eligible because they are not a first-time offender.
- Defendants in Level Three are charged with any felony possession of a controlled substance that is not included in the Level One Drug Diversion Program including possession of cannabis charges over 30 grams.
- Trafficking charges are specifically omitted from eligibility.
- This program does not apply to defendants who have pending charges or cases (other than possession of drug paraphernalia or possession of a controlled substance) or to defendants who are currently on felony probation.
- This program does not apply to any defendant who is assessed as a high risk to reoffend.
- This program does not apply to defendants where the facts of the case indicate the defendant is involved in the sale or distribution of the controlled substance.
- Defendants are not excluded from this program due to either a prior criminal record or a score of 44 or more points on the Criminal Punishment Scoresheet.
- Defendants are required to waive their right to a speedy trial in writing.

Program Requirements:

- Defendants will be required to undergo a risk-needs-responsivity assessment.
- If the defendant is determined to be low risk to reoffend, they must participate in any treatment or education interventions that are determined necessary by the RNR assessment and offered by a community-based program. Those interventions may include substance abuse treatment, mental health treatment, cognitive behavioral therapy or other social service program.
- To successfully complete the Level Three Drug Diversion Program, defendants are required to remain free from arrest for a period of six months from the time that they enter the program.
- Defendants who remain arrest free for six months will have their charges dismissed. Charges will be dismissed even for those defendants who are still participating in treatment interventions at the end of the six-month period.

Answers to Frequently Asked Questions About DETRR

- To participate in DETRR, the defendant must reside in the State of Florida.
- The contracts for DETRR Level 1 and DETRR Level 2 are created by the Assistant State Attorney in the lettered felony division and forwarded to you for signature.
- The case is closed for DETRR Level 1 and Level 2 on the record in the felony lettered divisions.
- If a defendant is not eligible for DETRR Level 1 or Level 2, the case is transferred to drug court to schedule a risk-needs-responsivity assessment to determine if the defendant meets the eligibility requirements for DETRR Level 3.
- If the assessment result indicates that the defendant is a low-risk offender, he or she will be offered DETRR Level 3 if he or she meets the other eligibility requirements of the program.
- If the assessment result indicates that the defendant is a medium or high-risk offender, he or she will be offered participation in Drug Pre-Trial Intervention (Division W) or traditional drug court (Division Y) if statutorily eligible.
- The contract for DETRR Level 3 will be prepared and forwarded to you by the assistant state attorney assigned to drug court.
- Cases for DETRR Level 3 will be closed in drug court on the record.
- For all levels of DETRR, the defendant will take the signed contract to the Florida Department of Corrections within 24 hours of the case being closed in court.
- The address for the Florida Department of Corrections is 1313 N. Tampa St., Tampa, FL 33602, Suite 124 (located on the first floor of the Annex).
- During the meeting with the Department of Corrections, the defendant will be assigned a probation officer.
- Specific costs and fees that apply to the program are delineated in the contract.
- There is no requirement for monthly check-ins with the assigned probation officer.
- DETRR Level 2 and Level 3 require a drug evaluation by a community treatment provider. The defendant must comply with all treatment recommendations.
- There may be fees associated with substance abuse treatment.
- The defendant will fill out a Medical Release form so the Department of Corrections can access the client's evaluation/progress with the program.

CONTACT INFORMATION

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