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OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
PROBLEM-SOLVING COURTS:
TURNING PEOPLE'S LIVES AROUND
EPISODE 20
APRIL 4, 2017
HOSTED BY: FREDERICK J. LAUTEN

1 (Music.)

2 >> Welcome to another episode of "Open Ninth:
3 Conversations Beyond the Courtroom" in the Ninth Judicial
4 Circuit Court of Florida.

5 And now here's your host, Chief Judge Frederick J.
6 Lauten.

7 >> **CHIEF JUDGE LAUTEN:** Well, good afternoon. I'm here
8 today with a great friend and a great circuit court judge,
9 Reginald Whitehead. Judge Whitehead -- well, full
10 disclosure, Judge Whitehead and I were prosecutors together
11 decades ago. And Judge Whitehead has been on the bench since
12 1994. He received his bachelor's of science from the
13 University of Mississippi, where I know he played collegiate
14 football, and his law degree from the University of Florida.

15 About a year ago, maybe a little longer, I -- I --
16 really we, this court system, consolidated all the
17 problem-solving courts, the individual courts, into one
18 unified problem-solving court. And we may have been the
19 first or the second circuit in the state to do that.

20 And the choice to preside over that court was easy for
21 me and an obvious choice, and that was Reginald Whitehead,
22 who has sat in adult drug court and other problem-solving
23 courts, and he was the first and really best candidate to
24 come to mind for me.

25 So it's a pleasure to have Reggie Whitehead join me

1 today. Judge Whitehead, welcome.

2 >> **JUDGE WHITEHEAD:** Thank you. Thank you for having
3 me.

4 >> **CHIEF JUDGE LAUTEN:** So Reggie, why don't we start by
5 telling our listeners, what are problem-solving courts
6 designed to do? Why do we have problem-solving courts?

7 >> **JUDGE WHITEHEAD:** Well, it's a good name for it.
8 Problem-solving courts are designed to address the underlying
9 issues that contribute to the criminal behavior. And
10 sometimes if you address that underlying issue, you won't see
11 that person come back through the system again. So it gives
12 you the time to devote, to get with a team of people to work
13 and address those issues, and it seems to be somewhat
14 effective.

15 >> **CHIEF JUDGE LAUTEN:** All right. What kind of issues
16 are we talking about? What problems are problem-solving
17 courts designed to solve?

18 >> **JUDGE WHITEHEAD:** Well, let me tell you. We have a
19 drug court, adult drug court, juvenile drug court, and a
20 mental health court, early child development court, and a
21 veteran's court.

22 And to answer your question, one of the issues that you
23 will see sometimes is drug addiction. Many folks don't think
24 they have a drug addiction, but that's an underlying issue
25 and that's what leads to their criminal activity. They're

1 buying drugs or doing -- committing crimes to support a
2 habit.

3 And sometimes you'll have a dual diagnosis where
4 individuals will have mental health issues along with a drug
5 addiction. Or when we say "drug addiction," you can also
6 include alcohol, any type of drug too.

7 >> **CHIEF JUDGE LAUTEN:** All right. And so instead of
8 going through a regular criminal division, are these
9 defendants taken out of that division and sent over to your
10 problem-solving court? How does that work?

11 >> **JUDGE WHITEHEAD:** Well, there's a referral process.

12 >> **CHIEF JUDGE LAUTEN:** All right.

13 >> **JUDGE WHITEHEAD:** There's an eligibility requirement.
14 We have, of course, administrative orders that address what
15 types of crimes these qualify for and which ones don't. And
16 those referrals are sent in, and we evaluate each individual
17 to see if we can serve that person's situation. Sometimes
18 they may be beyond the scope. They may need residential care
19 instead of the outpatient treatment that we may offer in our
20 programs.

21 So once we do the evaluation and we come in and sign
22 them up into the drug court program, then they become
23 participants at that time. And the same as all the other
24 courts too. The process is the same, even with veteran's
25 court, drug court, and mental health court.

1 **>> CHIEF JUDGE LAUTEN:** So you and I know, when someone
2 is accused of a crime and they enter a plea or they're
3 convicted by a trial, then before sentencing, a sentencing
4 scoresheet is prepared and that gives the sentencing judge a
5 number, and that number tells the judge whether the defendant
6 qualifies for probation or qualifies for the local jail or
7 state prison.

8 **>> JUDGE WHITEHEAD:** Mm-hmm.

9 **>> CHIEF JUDGE LAUTEN:** If someone scored a state prison
10 sentence, would they be eligible for drug court or are they
11 ineligible, by and large, for drug court?

12 **>> JUDGE WHITEHEAD:** Depending on the crime, they may be
13 eligible.

14 **>> CHIEF JUDGE LAUTEN:** All right.

15 **>> JUDGE WHITEHEAD:** And depending on how high they
16 score. I believe it's 62 points. They can't score over that
17 amount. If they score more than that, that's a prison case
18 that, of course, we have to -- and that's that administrative
19 order that addresses that. Because what we would like to
20 do -- there are a number of people that wind up going to
21 prison for nonviolent offenses that have a problem. And if
22 we can address that underlying problem, again, hopefully they
23 won't come back and reoffend again.

24 **>> CHIEF JUDGE LAUTEN:** All right. Great.

25 Well, you keep saying "we." Tell me a little bit about

1 who is the "we" in the problem-solving courts.

2 >> **JUDGE WHITEHEAD:** Well, we like to call it a
3 treatment team -- a team. And, of course, the judge would be
4 the leader. But we would have the prosecutor there. We
5 would have the criminal defense attorney there. We also have
6 our treatment provider who does the treatment. We have case
7 managers, and we actually have our staff here within the
8 court administration that's a part of the -- we have the drug
9 court team, we have the treatment team from veteran's court.
10 And we also have our probation representative there too.

11 >> **CHIEF JUDGE LAUTEN:** So what does that team do?

12 >> **JUDGE WHITEHEAD:** We sit there, and they -- really
13 they work with the individual, the defendant that's in that
14 program. Each court session they have -- we have staffings.
15 And at that staffing, we come together as a team, outside of
16 court. Usually we do it in the jury room or outside the
17 presence of the public, and because this is a treatment
18 matter. So we go through and they give me an update every
19 two weeks when we -- before I see them. They kind of prep
20 for me court as to the things I need to do.

21 Because we just don't like to talk about the things
22 they've done wrong. We also like to encourage individuals
23 about the things that they've done right, correct. So we
24 give them incentives. Some of our incentives may be that we
25 cut down on the number of times they come to court.

1 Sometimes it's simple applaud and praise of them or recognize
2 as our "way to go" person. Encouraging them by giving them
3 bus passes.

4 So we like to encourage good behavior as well as
5 sanction the people that we need to sanction.

6 >> **CHIEF JUDGE LAUTEN:** So if I understand it right,
7 you -- your team, this team that you outline for us, meets
8 and staffs -- or discusses an individual's case outside of
9 the public view. There might be some confidentiality of
10 certain kinds of records or information.

11 >> **JUDGE WHITEHEAD:** That's correct.

12 >> **CHIEF JUDGE LAUTEN:** And then you go into the
13 courtroom and then you address the participants in the
14 problem-solving courts.

15 >> **JUDGE WHITEHEAD:** That's absolutely correct.

16 >> **CHIEF JUDGE LAUTEN:** And how often -- is that every
17 day that you do this or how often do they meet?

18 >> **JUDGE WHITEHEAD:** We do -- I see each individual
19 every two weeks.

20 >> **CHIEF JUDGE LAUTEN:** All right.

21 >> **JUDGE WHITEHEAD:** That's to start off with. And as
22 they progress through the program and go to different phases,
23 they may wind up, because of their good behavior, only coming
24 to see me once a month.

25 But on -- normally it's every two weeks.

1 **>> CHIEF JUDGE LAUTEN:** The participants in veteran's
2 court, which is under the umbrella -- the larger umbrella of
3 problem-solving courts, are their problems mostly drug
4 addiction or are there some other issues? I'm wondering if
5 that's a little different than what you described as an adult
6 drug treatment problem-solving court.

7 **>> JUDGE WHITEHEAD:** It's a learning experience for me.
8 And I've learned that they start with post-traumatic stress
9 syndrome. And that leads to drug addiction because they try
10 to supplement anything they can do to help deal with their
11 stress; they will supplement it with either alcohol or drugs.

12 Great thing about that program is that we were hooked up
13 with the veteran's -- the VA, and they provide many of the
14 services that these veterans had no knowledge about. This is
15 one of the first things I hear every day, especially when
16 I'm -- not every day, but every time I have a veteran's court
17 session, they tell me I didn't know that these services were
18 available, such as HUD-VASH, which is housing. They're
19 providing individuals that did not have housing a place to
20 stay, even a temporary place while we wait for them to have
21 housing.

22 They have excellent residential programs. We call it
23 the DOM. That's one of the places that they wind up staying
24 at when they have severe mental health problems. And they
25 also deal with their mental health part too, the depressions,

1 the post-traumatic stress syndrome. So they're providing
2 services that we don't have to pay for because the VA pays
3 for it.

4 >> **CHIEF JUDGE LAUTEN:** That's great.

5 >> **JUDGE WHITEHEAD:** Mm-hmm.

6 >> **CHIEF JUDGE LAUTEN:** So you and I know, but our
7 listeners might not know, but so many participants, clients
8 as you call them, defendants, if they were in a regular
9 courtroom, have co-occurring disorders --

10 >> **JUDGE WHITEHEAD:** Yes.

11 >> **CHIEF JUDGE LAUTEN:** -- that appear in front of you.
12 So they have substance abuse addiction and mental health
13 disabilities.

14 >> **JUDGE WHITEHEAD:** Mm-hmm.

15 >> **CHIEF JUDGE LAUTEN:** And they're struggling with both
16 of those issues, and you see a lot of that, I take it?

17 >> **JUDGE WHITEHEAD:** Yes.

18 >> **CHIEF JUDGE LAUTEN:** In veteran's and everybody?

19 >> **JUDGE WHITEHEAD:** Yes. And that's part of the reason
20 why you want to evaluate each individual when they come into
21 your program, to find out what type of history they have, and
22 the evaluation process is quite extensive. We don't do
23 evaluation. We send them to the treatment providers to allow
24 them to evaluate them, to make sure we get a professional
25 opinion about what their problems may be.

1 And, like you said, we have, after co-occurring --
2 that's what we call it in the treatment area, where you have
3 a mental health problem and also you may have an addiction
4 problem with drugs or alcohol.

5 And sometimes the two work together because of the fact
6 that the individual has a mental health problem and relies on
7 the drugs to cope with it. But really what it does is it
8 makes the problem worse. So we address those too. We
9 address that through counseling, the treatment, and sometimes
10 it has to be through medication. And we have to make sure
11 that they're on the mental health medications, so we drug
12 test them and make sure they're taking it properly.

13 And what we found is treatments -- a stable lifestyle,
14 case management, drug testing, treatment, and if you continue
15 to give them a stable lifestyle, it's like a habit. Like
16 they say, it takes 21 days to start a habit. Sometimes it
17 takes those folks less than that time or more to develop good
18 habits and consistency. And once they become consistent,
19 they get used to doing it and they don't need as much
20 coaching as you would need in the front part of the program.

21 **>> CHIEF JUDGE LAUTEN:** So you've been doing a unified
22 problem-solving court for more than -- about a year, maybe
23 even a little more than a year now.

24 **>> JUDGE WHITEHEAD:** That's correct.

25 **>> CHIEF JUDGE LAUTEN:** How is it going, in your

1 opinion?

2 **>> JUDGE WHITEHEAD:** It's going well. When I first came
3 in to all of the programs, because we had different judges
4 handling these programs, there were different rules and
5 different regulations. And one of the big things I had to do
6 was come in and get some administrative orders in place to
7 make sure we had consistency. Even though I talked about the
8 team concept, we still use, what we call, graduated
9 sanctions. It's not one of those situations where I come in,
10 and each time we have this big debate over what sanction
11 we're going to use. We know that, but we need to have
12 consistency so your participants in all of your programs can
13 consistently know what to expect. If it's -- even if it's
14 good or bad, they'll know that.

15 **>> CHIEF JUDGE LAUTEN:** I would think with you presiding
16 over a unified problem-solving court and your staff being the
17 same staff, has there -- first of all, I would think it would
18 be a little easier just by definition or design to be more
19 consistent. Is that true?

20 **>> JUDGE WHITEHEAD:** Well, one thing that's not true is
21 my staff is not the same.

22 **>> CHIEF JUDGE LAUTEN:** Okay. So that changes.

23 **>> JUDGE WHITEHEAD:** Each court that I have has -- I
24 have a different staff. My veteran's court, the folks that
25 work with veteran's court, that's a different team of people

1 than I have with drug court. Then my juvenile drug court
2 program, that's a whole nother different team, and including
3 my mental health. That's just in Orange County. Then it
4 switches to do the same thing in Osceola County for those
5 same respective courts.

6 >> **CHIEF JUDGE LAUTEN:** So the one consistency, then, I
7 guess, sounds like it's you?

8 >> **JUDGE WHITEHEAD:** That's me. I'm the only consistent
9 person.

10 >> **CHIEF JUDGE LAUTEN:** That's great. That's good.

11 Have you seen the same person in different
12 problem-solving divisions?

13 >> **JUDGE WHITEHEAD:** What we will find is we switch some
14 of our individuals from one program to the other; it was
15 better suited for their addiction or their problem. We had
16 one veteran, to give you an example, that we started off in
17 veteran's court because, on the surface, he met the criteria
18 for veteran's court. But he really had a major drug
19 addiction problem that we needed to have much closer
20 supervision with him, and we felt more appropriate
21 supervision with him in our drug court program. Because
22 that's the issue that we really needed to address, and he was
23 in agreement to do that. So we did switch him. And
24 sometimes it's the beauty of what we do. Even at the
25 evaluation stage, you may come in for one program that we

1 see, maybe for a drug court, but after we talked to you, we
2 found out that you may be more suited for our mental health
3 program. And we'll recommend the mental health program
4 instead.

5 >> **CHIEF JUDGE LAUTEN:** How does your involvement with
6 problem-solving court differ from your presiding over, say, a
7 felony or circuit court docket that prosecutes -- handles the
8 prosecution of cases?

9 >> **JUDGE WHITEHEAD:** Well, this is a non-adversarial
10 process. We're all working, prosecutor and defense attorney,
11 as a team, not such in the adversarial situation where I have
12 to make a decision after hearing argument from the State and
13 argument from the defense. Sometimes that happens. But most
14 of the time, it doesn't.

15 What's different for me, though, is that I have the time
16 to really get to know the individual that's in front of me.
17 I see these folks on a regular basis every two weeks. I know
18 them by name. I know them by where they work. I know their
19 children. I know their addiction problems. They get
20 comfortable with me, so the more information -- any good
21 judge will tell you. The more information I have, the easier
22 it is for me to make a decision. Well, it's easier for me to
23 make a decision -- let's just say a person does -- is not
24 success informal drug court, and at some point that person is
25 terminated from drug court, and I have to make a decision

1 about sentencing, we're talking about a person that I've seen
2 maybe 30, 40 times.

3 >> **CHIEF JUDGE LAUTEN:** Wow.

4 >> **JUDGE WHITEHEAD:** Whereas, opposed to a judge seeing
5 an individual, we make quick decisions on simple cases. We
6 look at what's on paper. We look at the facts. We look at
7 the scoresheet. We look at past record. And we look at the
8 facts of that case and we make a quick decision, almost as
9 quickly as I just said -- what I said. As opposed to when
10 I'm doing it, I really know the individual.

11 >> **CHIEF JUDGE LAUTEN:** So that's great. So if one goes
12 into a problem-solving court, you handle their case. If they
13 succeed in that problem-solving court, do you call that
14 graduation? Do they all graduate?

15 >> **JUDGE WHITEHEAD:** Yes, we --

16 >> **CHIEF JUDGE LAUTEN:** And if they don't, they might be
17 taken out of the court, but then you keep their case and you
18 handle it for the rest of the way?

19 >> **JUDGE WHITEHEAD:** We try our best to do that.

20 >> **CHIEF JUDGE LAUTEN:** Right.

21 >> **JUDGE WHITEHEAD:** Especially with our post-plea
22 cases, people that are on probation, because if they're not
23 successful in completing our program, their probation is
24 violated. And since we were -- obviously for me, with the
25 reason for the violation, we try to resolve the case here

1 instead of sending it back to another division and then them
2 seeing again on paper, real quick, the circumstances and not
3 knowing how much progress this individual has made in this
4 program, even though they may not have been completed
5 successfully.

6 And you're correct, with graduation, we do -- we make
7 that a big deal. That's the first thing we do in every court
8 we have. If they're successful, we do a graduation. We give
9 them certificates. I have the prosecutor get up -- if it's a
10 diversion case -- and announce the nol-pros.

11 We also let the individual graduate speak to the group
12 because now one of their colleagues is speaking to them. And
13 they've seen this person go through good and bad; more so
14 than we have because they're in treatment with them. And I
15 found that to be very encouraging to the entire group,
16 especially newer people that are just coming in.

17 **>> CHIEF JUDGE LAUTEN:** So are recidivism rates, to your
18 knowledge, are they lower for people who have participated in
19 problem-solving courts than people who are just sentenced in
20 criminal courts or the same or ...

21 **>> JUDGE WHITEHEAD:** They are lower. I think we have
22 eight percent of our graduates, only 8% of our graduates
23 commit new crimes in a 24-month period. And then also 20
24 percent of them have been rearrested. So it's much lower.
25 We try to track this on a regular basis because we have to

1 because we're getting grant money and all those other things.

2 >> **CHIEF JUDGE LAUTEN:** Right.

3 >> **JUDGE WHITEHEAD:** We want to make sure we're okay
4 with what we're doing.

5 >> **CHIEF JUDGE LAUTEN:** So what do you -- what's the
6 hardest part of your job presiding over problem-solving
7 courts?

8 >> **JUDGE WHITEHEAD:** Well, the hardest part this last
9 year has been just what I told you, the different staffs and
10 getting to know my staff and learning them and making sure
11 that I -- they do things a little differently in Orange
12 County than they do in Osceola County because you're dealing
13 with a different type of client. We have different services
14 there. We have four treatment providers in Osceola County as
15 opposed to one here. So you have to make sure you're
16 balancing out, and I'm hearing from different people there.
17 But that was the hardest part next to the driving, from
18 Orange County to Osceola County.

19 (Laughter.)

20 >> **JUDGE WHITEHEAD:** I have to mention that part.

21 >> **CHIEF JUDGE LAUTEN:** That drive is a bit of a killer.

22 >> **JUDGE WHITEHEAD:** Yeah.

23 >> **CHIEF JUDGE LAUTEN:** How about resources -- community
24 resources? Are you finding that people who need services in
25 the community are -- do we have enough resources in the

1 community for these services or not?

2 >> **JUDGE WHITEHEAD:** I can always say we never have
3 enough.

4 >> **CHIEF JUDGE LAUTEN:** Right.

5 >> **JUDGE WHITEHEAD:** We need to have more. This is my
6 second year -- starting my second year of doing
7 problem-solving court. And I'm trying to get out into the
8 community more and just speaking to people, telling them
9 about problem-solving courts and trying to find out what
10 resources are available, because you never know. You wind up
11 talking to someone, and they may be willing to offer a
12 service such as bus passes or some churches even have
13 mentioned to me about we'll be willing to take our vans to
14 pick up people -- because transportation is one of the big
15 difficulties that a lot of our clients have because they
16 don't have driver's licenses. Some of them are struggling
17 just getting around. So they need help doing that. And so
18 we're trying to get more resources there.

19 >> **CHIEF JUDGE LAUTEN:** Well, I've read that it's
20 suggested in different places that judges who handle
21 problem-solving courts need skill sets beyond just knowledge
22 of the law, and some people say, oh, a problem-solving court
23 judge, how are they any different than a social worker. What
24 are your reflections on that? Can you talk about that a
25 little bit?

1 **>> JUDGE WHITEHEAD:** Well, Judge Lauten, you've done
2 drug court for a while. It's been a while since you've done
3 it, but, you know, you get accused of being the hugger,
4 hug-a-thug judge, you know? You wanted to be -- that's what
5 they used to call me.

6 **>> CHIEF JUDGE LAUTEN:** Hug a thug?

7 **>> JUDGE WHITEHEAD:** So you're hugging -- you're hugging
8 the defendants, and that's what you do. You got to be a
9 social worker. I think it helps you become a better judge.
10 I have -- I think the skills that I have now -- because I
11 really listen to people, and I listen to what they say. And
12 I don't just blow them off because I want to make sure I'm --
13 I may not give them what they want, but I at least want to
14 let them know I'm concerned. And sometimes it may not be
15 that individual you're talking to, but someone in that
16 audience, they may say, you know what? That judge is fair.
17 He listened. He didn't do exactly what he wanted, but he
18 gave him a little something along the way. And I think all
19 judges will learn a lot.

20 Because one of the things I've done, I was working in a
21 regular division at the same time that I had drug court, so I
22 had to know how to use those same skills that I use in drug
23 court in my regular division. And so I encourage judges -- I
24 came into drug court kicking and screaming 20 years ago when
25 Judge John Adams wanted me to do drug court. I didn't want

1 to do it. But once I started, I think it's addictive, and
2 you get used to it and you really like it. And I think you
3 can then use some of those same skills, those listening
4 skills. And I'm not trying to say I can't be a tough judge,
5 but at the same thing, I'd rather be considered a fair judge
6 under the circumstances.

7 >> **CHIEF JUDGE LAUTEN:** What's your best day in drug
8 court look like? Or not drug court, what's your best day in
9 problem-solving court look like?

10 >> **JUDGE WHITEHEAD:** Well, my best day is when I walk in
11 and I see seven graduates. I don't care if it's in vet court
12 or drug court. Because I know we start off with those seven
13 graduates and I hear their stories of how they tell -- not
14 just me, they don't tell me thank you alone. They may thank
15 me, but they thank all the individuals on my staff, my drug
16 court coordinator. They'll thank the prosecutor. They'll
17 thank the defense attorney. All the folks that have listened
18 to them along the way.

19 Because what I found is if people see the other folks
20 care about them, they try to do better themselves. So seeing
21 that encourages not only my staff and me, but I see the faces
22 of the folks in the audience that say, you know what? If he
23 did it, I know I can do it too. So those -- that's one of my
24 best days when I see that.

25 >> **CHIEF JUDGE LAUTEN:** That's great.

1 Well, I think you know that our region has been studying
2 the homeless issue in all of Central Florida, so that's
3 Orange and Osceola County, our circuit, the Ninth Circuit,
4 and the Eighteenth Circuit, which is Seminole and Brevard. I
5 know Sanford and Orlando and Kissimmee, they've all been
6 looking at that.

7 Would addressing people who are homeless, who often have
8 co-occurring disorders, would that be a logical extension of
9 our problem-solving court to maybe take their cases so that
10 we can address their housing and co-occurring disorders,
11 those issues?

12 **>> JUDGE WHITEHEAD:** Yes, it would. And I tell you, vet
13 court has really helped us out. Because, as I mentioned,
14 they have housing. And we're taking veterans off the street
15 and putting them in housing and you ought to see the hope
16 that they have because of that.

17 And one of the problems that we have in most of our
18 (indiscernible) and especially at the evaluation stage, we're
19 like, we don't have any place to put this person because
20 they're in jail, and they don't have any family and they're
21 homeless. So how -- we don't want to put people in a program
22 with a set-up for failure, because you still have to go and
23 get around and have a stable environment because you go back
24 to that same environment, you're going to wind up using drugs
25 probably more than likely.

1 So, yes, to get -- to combine homelessness into this
2 process, that's why we need more community support, so we can
3 address those issues too.

4 **>> CHIEF JUDGE LAUTEN:** Yeah. I think shelter, having a
5 roof over your head is such a basic necessity in modern
6 society that people who are living on the street, it's almost
7 asking too much for anyone under those set of circumstances
8 to overcome an addiction issue or mental health condition
9 because in order to successfully do that, you have to have
10 shelter and transportation, as you've pointed out --

11 **>> JUDGE WHITEHEAD:** Yes.

12 **>> CHIEF JUDGE LAUTEN:** -- before you can really do the
13 hard work. And I'm sure it's hard work for people to address
14 addiction and mental health issues.

15 **>> JUDGE WHITEHEAD:** Mm-hmm.

16 **>> CHIEF JUDGE LAUTEN:** So it strikes me, from hearing
17 your description, that the participants in your court, that
18 is the client, sounds like they work pretty hard. I imagine
19 it takes a lot of hard work to address these underlying
20 issues of addiction or mental health or homelessness.

21 **>> JUDGE WHITEHEAD:** That's the key. You're hitting
22 right -- the nail on the head. They have to make the effort.
23 We have the support for them. You got everybody -- and
24 that's what I tell them. I got a whole team of people that
25 can push you back up when you fall over a little bit. But

1 you're going to have to decide that you want to do something
2 to help yourself. Because we can't take the drug tests for
3 you. We're not out there when somebody's going to tempt you
4 to do something you shouldn't do. You have to follow the
5 rules and regulations. And that's where -- when they --
6 that's why I mentioned earlier, when people start seeing
7 other folks caring for them, they tend to try a little
8 harder.

9 And it's not realistic to expect someone -- that's why I
10 like this -- all of the programs -- because most folks get
11 placed on probation, they're not going to just -- all of the
12 sudden, you're on probation, now I'm gonna follow all the
13 rules. I'm not gonna use drugs. I'm not -- not gonna -- I'm
14 gonna go to all my appointments. If they're used to doing
15 those things -- they need an adjustment period. So most of
16 the folks in our program, you have to get adjusted.

17 So they come in kicking and screaming, saying they don't
18 need help and they don't want to go do this and they don't
19 want to do that. But eventually if they try and they start
20 seeing other people caring for them, they start seeing how
21 much their life will improve if they do make an effort.

22 >> **CHIEF JUDGE LAUTEN:** So Judge Whitehead, you and I
23 have sentenced people to long times of incarceration, state
24 prisons. Or even -- not long sentences, but short stays in
25 the Orange County Jail and put them on probation. And that's

1 the job we raised our hand and took the oath to do.

2 >> **JUDGE WHITEHEAD:** Yeah.

3 >> **CHIEF JUDGE LAUTEN:** But from what you're describing,
4 I've got to think that presiding over problem-solving courts
5 must be much more rewarding to see someone -- certainly who
6 will succeed, but even someone along the struggle toward
7 success than presiding over just a docket where you're
8 handling criminal prosecutions that sometimes result in
9 sentencing people. Is that your perspective on the matter?

10 >> **JUDGE WHITEHEAD:** I totally agree. You -- we
11 sentence folks and we -- you don't know what that impact may
12 be. I've seen people I've given 20 years in prison after
13 they've served the time, I've bumped into them in the grocery
14 store; they know who they were. And they told me that was
15 the best thing I could have done for them.

16 But that's rare. You don't see that too often.

17 >> **CHIEF JUDGE LAUTEN:** Right.

18 >> **JUDGE WHITEHEAD:** But when you see the results -- and
19 it's just not that individual, but a lot of times, there are
20 family members in the audience as they're talking, and they
21 tell you, this person's life is changed, and they're nodding
22 their head saying we have backed someone that we didn't have
23 at one time. We didn't even let come home because of the
24 situation they were in. So this makes a big difference and
25 it's much more rewarding as a judge.

1 **>> CHIEF JUDGE LAUTEN:** Well, for our listeners, I want
2 to disclose that Judge Whitehead has been an administrative
3 judge in more divisions than I can name, criminal, civil,
4 juvenile, he's the go-to person to administer divisions. And
5 now administer the first uniform -- unified problem-solving
6 court. And as I started off by saying, he was the obvious
7 choice and the best choice, an easy choice, really, for me.
8 But on behalf of the 65 judges in the circuit, Judge
9 Whitehead, and all of the citizens of Orange County, and
10 particularly those people who participate in the
11 problem-solving court, I just want to say thank you for
12 taking on this challenge and for working so hard at it.
13 We're a fortunate circuit to have Judge Reginald Whitehead
14 and I'm very grateful to you and you're doing a great job.
15 And I really appreciate it. Thank you.

16 **>> JUDGE WHITEHEAD:** Thank you, Fred.

17 **>>** You've been listening to "Open Ninth: Conversations
18 Beyond the Courtroom," brought to you by Chief Judge
19 Frederick J. Lauten and the Ninth Judicial Circuit Court of
20 Florida.

21 Please remember to follow us on Facebook and Twitter for
22 more information about the Ninth Judicial Circuit Court.

23 (Music.)

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