

**TWENTIETH JUDICIAL CIRCUIT
ADMINISTRATIVE OFFICE OF THE COURTS**

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CRIMINAL DIVISION

**LEE COUNTY
PROBATION DEPARTMENT**

OCTOBER 1, 2012 – SEPTEMBER 30, 2013



PROBATION DEPARTMENT

1700 Monroe Street
Fort Myers, Florida 33901
239.533.9199



**LEE COUNTY PROBATION DEPARTMENT
FY 2012-2013 ANNUAL REPORT**

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*For more information on court programs within the 20th Judicial Circuit,
please visit our website at: www.ca.cjis20.org*

D Deputy Director's Message

The Lee County Probation Department enforces the court orders issued by Judges presiding over the county and circuit bench. The charges consist of first and second degree misdemeanors. The supervision time cannot exceed one year in duration per case.

The Probation Officers are encouraged to follow a rehabilitative supervision model while monitoring their assigned cases. Increased frequency of face-to-face defendant contact has proven to reduce recidivism while allowing Officers to assess the reporting needs of the defendant on an individual basis. The Clerical Staff continues to play a pivotal role in the department's ongoing progression. This process begins at intake; as the defendant enters the department for the first time. The tone is set at this juncture through an exchange of information that culminates in the preparation of the probation file. The information contained therein is constantly updated by the Officer as the defendant completes their Court-ordered conditions.



Members of the Clerical Staff continue to assist the Probation Officers by processing and notarizing case related documents as well as relaying messages from the defendant.

The primary role of Probation Staff is to deliver consistent, positive guidance to defendants. The department recognizes the need to tailor its approach to the needs of the probationers. This is accomplished through the creation of specialized case loads such as Domestic Violence, Intensive Supervision, Mental Health Court and Spanish Speaking. Regardless of the level of supervision provided; the message to probationers is delivered through repetition and prioritization of Court-ordered conditions coupled with encouragement toward achieving satisfactory completion of probation and a crime-free life style. Probation Officers link probationers to local treatment providers who provide education and awareness which gives probationers the tools needed to become citizens who contribute to their community.

In the event a defendant falls short of their Court-ordered obligations; the Probation Officer will submit an affidavit to the assigned Judge in which they swear and affirm as to the alleged violations. The Officer will include an unbiased recommendation to the Court that may include incarceration and/or treatment with the constant underlying goal of helping the defendant to make better choices in the future to include a positive impact on the community in which they live.

Sincerely,

Jeff Nichols

Lee County Probation Department

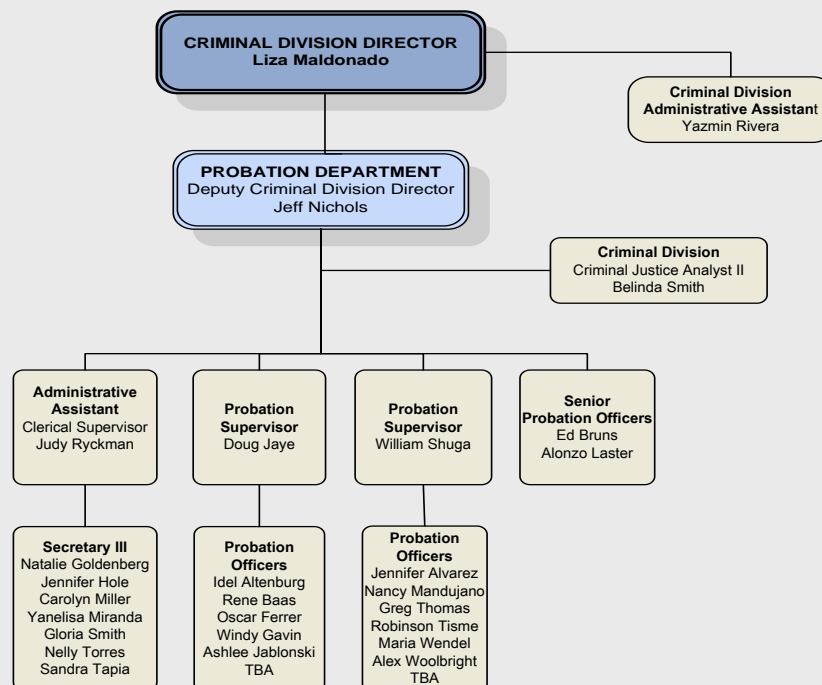
GENERAL OVERVIEW

The Lee County Probation Department has been providing supervision of defendants convicted of misdemeanor offenses for over 35 years. The department consists of 27 employees devoted to the unified service of the Court as it pertains to enforcing the Court's orders while delivering fair and consistent treatment to defendants and a noticeable and positive contribution to the Lee County area. The Probation Officers and Clerical Staff report to a designated Supervisor. The Supervisors report to the Deputy Criminal Division Director. All Probation employees ultimately report to the Criminal Division Director.

Mission

The Lee County Probation Department is committed to promoting public safety by enforcing court orders, supervising probationers, and motivating positive behavioral change.

ADMINISTRATIVE OFFICE OF THE COURTS LEE COUNTY PROBATION DEPARTMENT ORGANIZATIONAL CHART

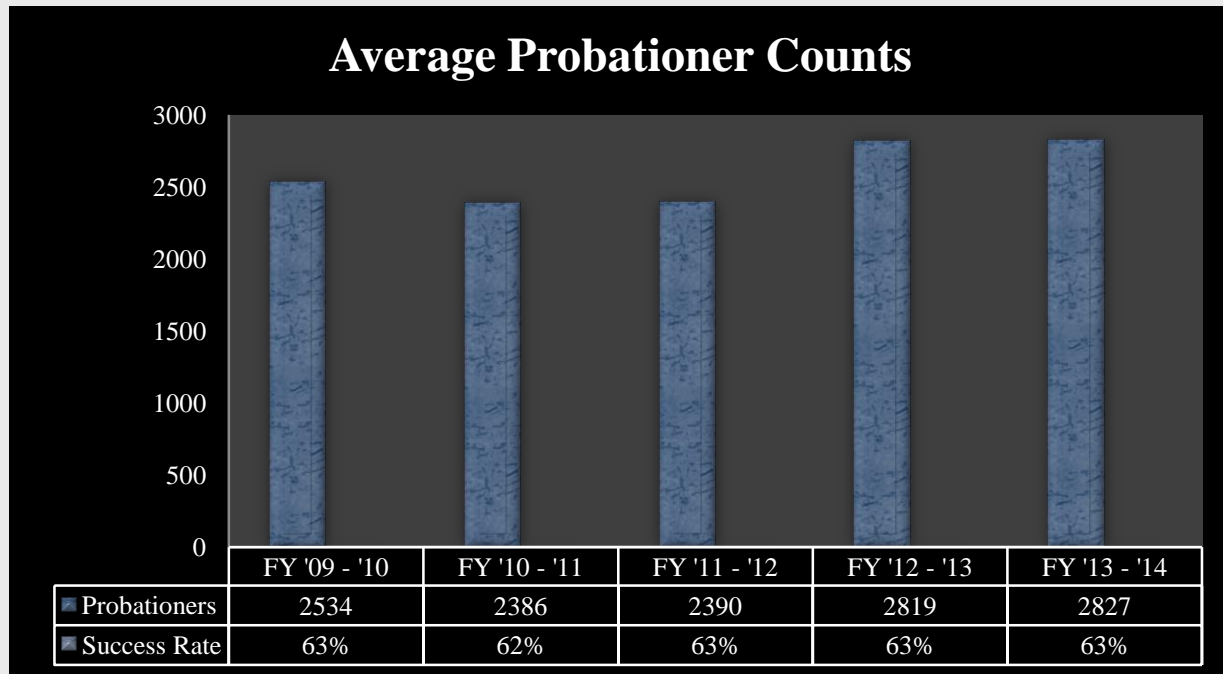


Vision

The Lee County Probation Department will strive to be a leader by enhancing working relationships with our Criminal Justice partners; utilizing evidence based practices and advancements in technology to proactively supervise, educate, and redirect probationers to reduce recidivism.

PROBATION SUPERVISION

The Lee County Probation Department is committed to providing the highest quality of services to the Courts and to the citizens of Lee County. The following statistical information provides a snapshot of the Lee County Probation Department's performance outcomes during the fiscal year.



The Lee County Probation Department is responsible for the enforcement of Court ordered fines/costs, victim restitution and cost of supervision. The illustration below shows the totals in revenue enforced by the department.

	FY 08 - 09	FY 09 -10	FY 10 – 11	FY 11 – 12	FY 12 - 13
Probation Supervision Fees	\$1,418,461	\$1,236,594	\$1,035,908	\$1,209,193	\$1,303,879
Community Service @\$10/HR	\$1,051,880	\$1,191,630	\$1,147,850	\$1,105,570	\$1,038,240
Victim Restitution Received	\$105,076	\$126,350	\$72,934	\$107,756	\$88,659
Probationers Felony Fines	\$388,065	\$218,763	\$185,939	\$189,201	\$139,992
Probationers Misdemeanor Fines	\$498,795	\$478,020	\$427,147	\$610,283	\$556,594
Probationers Traffic Fines	\$1,944,200	\$2,228,530	\$1,809,047	\$1,675,694	\$2,082,650
Total Revenues/Services Received	\$5,406,477	\$5,479,887	\$4,678,825	\$4,897,697	\$5,210,014

INTENSIVE SUPERVISION

Intensive Supervision Probation is a more comprehensive approach to supervision. The defendants placed on Intensive Supervision include but are not limited to:

- Defendants with extensive criminal histories involving drugs and/or alcohol
- Defendants with special needs such as undiagnosed mental health issues
- Defendants deemed by the Judiciary as needing an extra level of supervision based on the facts of the case
- Defendants with prior/multiple Violations of Probation whereby all concerned Criminal Justice Partners agree it would be in the defendant's best interest to have every opportunity to comply with their Court Order

Supervision begins at the time of sentencing. Defendants are given a one on one instruction by their Officer regarding the specific conditions of their Court Order. At that time, each defendant is given referrals and recommendations from their Officer as to the best course of action to comply successfully with their Probation. Each defendant is required to submit to an evaluation to ensure that they are placed in the appropriate treatment program for their particular circumstance. Throughout the course of their probation, defendants are tested for alcohol and illicit substances. Probation Officers conduct field contacts at the defendant's residence as well as to their places of employment to verify that the defendant is providing accurate information to the Probation Department. The field contacts are an imperative part of the Intensive Supervision process which enables the Probation Officer to become familiar with the defendant in their own environment. In addition, defendants are required to report each month in person to their Probation Officer. At the monthly meeting, the defendant can report any compliance that he/she has made and is given ample time to ask questions or voice any concerns that they may have.

DOMESTIC VIOLENCE SUPERVISION

The supervision of defendants sentenced to a period of 6 months to 1 year of probation for offenses such as Battery-Domestic Violence, Violations of Injunctions for Protection Against Violence and Violations of Pretrial Release No Contact Orders. These defendants are closely monitored throughout the probationary period for compliance of all terms and conditions ordered by the court. Primary functions include:

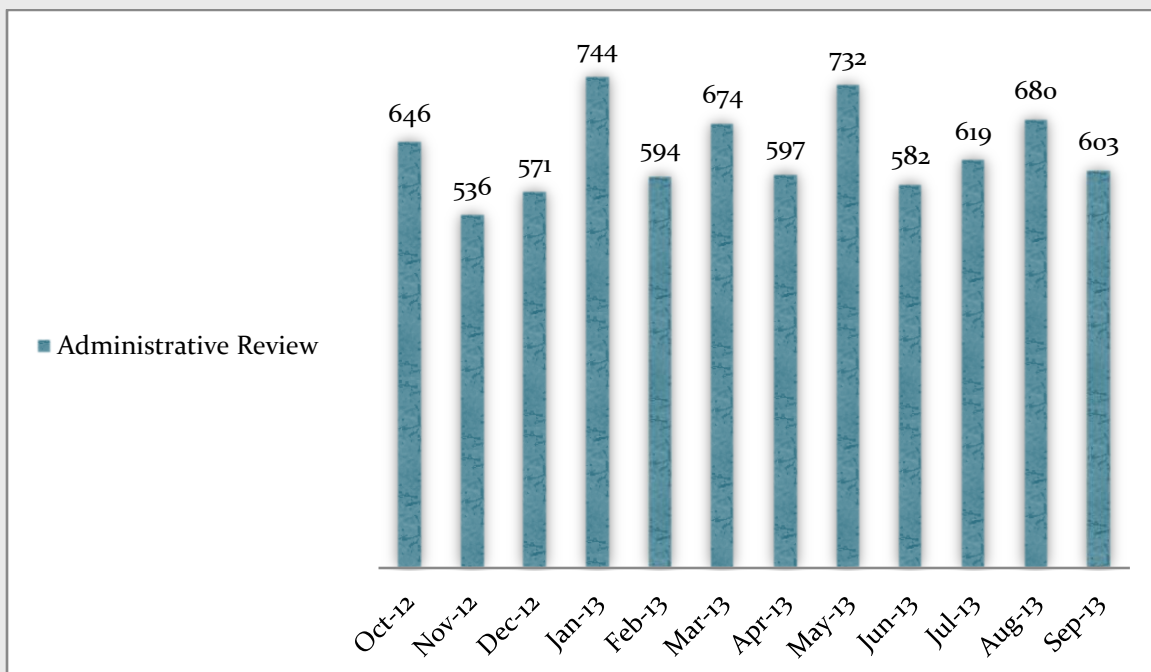
- Instruct defendant(s) and explain all terms and conditions of probation and the consequences of violating the probation terms
- Thoroughly reviewing and enforcing the court order and all specified conditions, such as no contact order, Batterer's Intervention Programs, Substance Abuse Programs, Parenting Classes, Mental Health evaluations and random drug and alcohol screens
- Mandatory in person monthly reporting required for all defendant's with the exception of those defendants residing out of the state of Florida
- Conduct 60 day telephonic Administrative Reviews for defendants residing out of the state of Florida to ensure compliance of all terms and conditions of probation
- Consistent communication and working relations with treatment providers, victim advocates from the State Attorney's Office and victims
- Collection and distribution of all restitution payment to the Victim's Crime Compensation Trust Fund and victim(s) involved in the case

- Provide outside referrals and resources to assist defendants in the compliance of the terms and conditions of probation
- Random field contacts are conducted to verify the defendant's residence and employment, and to ensure compliance of no contact orders with victim(s)

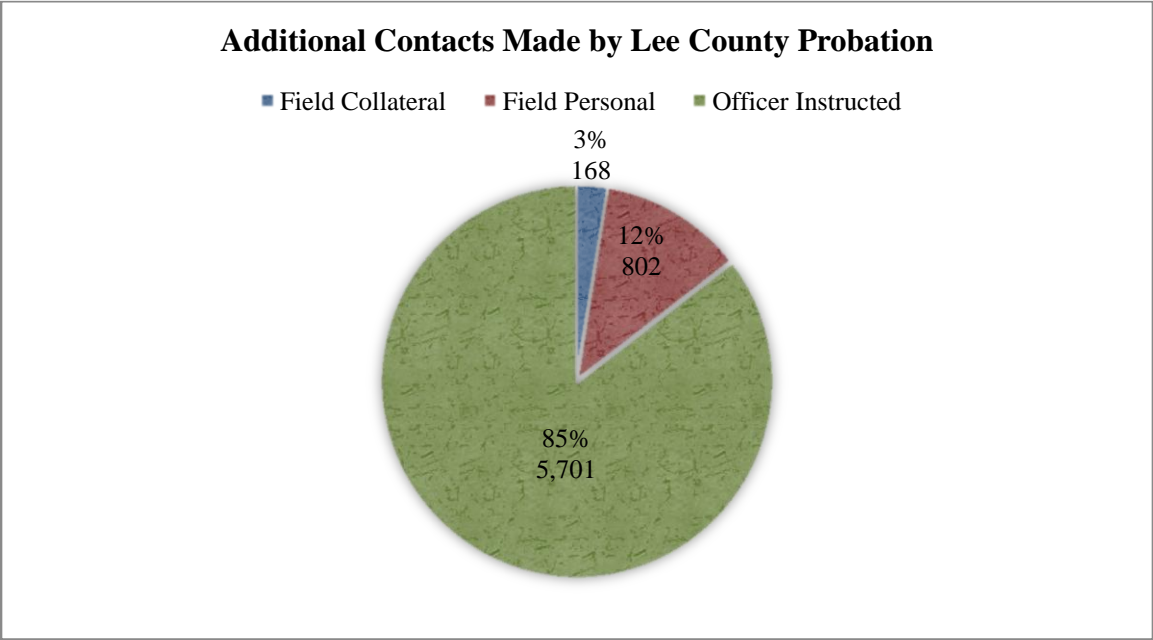
ADMINISTRATIVE REVIEWS/CONTACTS

The ongoing goal of the Lee County Probation Department is to reduce probation violations and increase levels of face-to-face contact with probationers. In keeping with this ideal, the Administrative Review (AR) has been utilized as a required means of initial contact with defendants in the Lee County Justice Center. This program mandates that clients meet with their Probation Officer within 60 days of sentencing to ensure compliance with their specific conditions of probation. The Probation Officer attempts to motivate and encourage the probationer to satisfy all conditions of probation as soon as possible. One of the jobs of the Officer is to prioritize the conditions for the defendant in order of due date and importance. The AR also allows for an open dialogue between the probationer and Probation Officer. Clarification of Court-ordered obligations, substance abuse issues, financial hardships, medical issues and emotional difficulties are all common themes which can create obstacles to successful termination. This program has increased compliance and increased fee collections. 75% of Probationers that have gone through an Administrative Review process have successfully completed the terms and conditions of their probation. Our dedicated Probation Officers and staff continue to strive towards maintaining open communication lines with defendants which have yielded consistent positive results.

The chart below depicts a total of 7,578 Administrative Reviews that were conducted throughout the fiscal year.



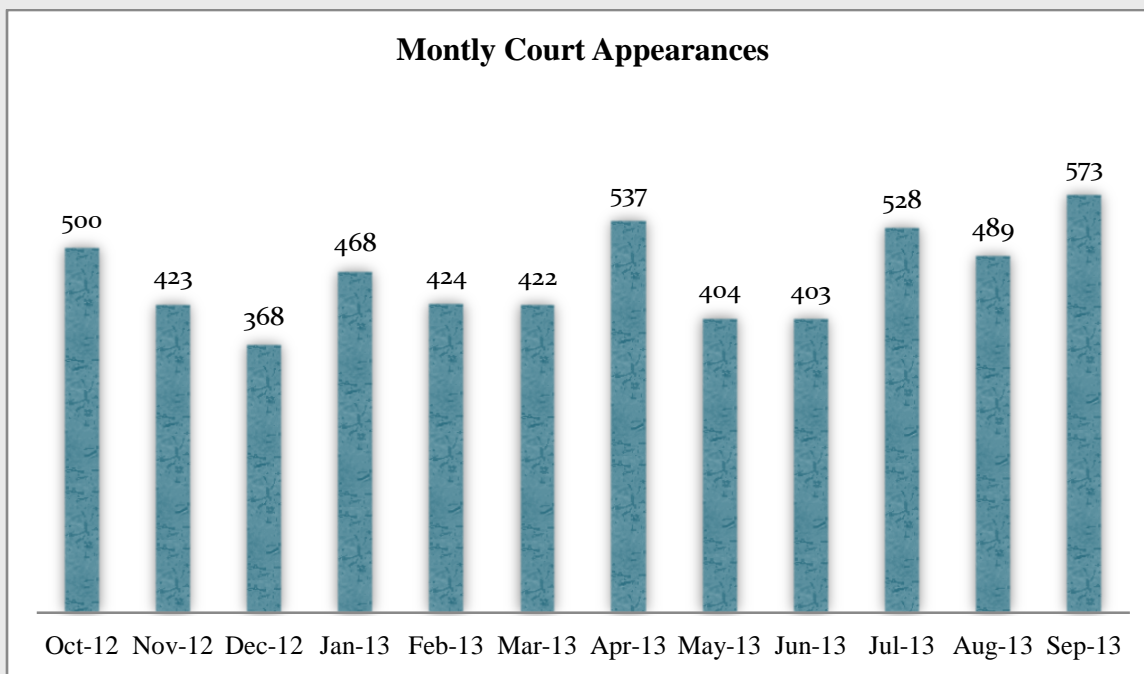
The pie chart below delineates three distinct defendant contacts. Specifically, the probation officer instructed category, field personal and field collateral contacts. The officer instructed reflects one on one contact with a defendant in the office. The field personal denotes face to face contact in the defendant's home or in the community. The field collateral reflects a conversation with an employer or other person associated with the defendant. Over the past fiscal year, probation officers have increased their frequency of field personal and field collateral contacts with defendants. The increased contacts with defendants and presence in the community have directly produced positive results by reducing technical violations and increasing the probation success rate.



COURT PRESENTER PROGRAM

The Court Presenters perform a myriad of duties within the Lee County Probation Department which draw upon their knowledge of Florida Statutes and experience in the field. Chief among them would be the review of probation files prior to Revocation Hearings. This process affords an opportunity to ensure accuracy of allegations against the defendant and a fair and just recommendation. Presenters would then deliver a recommendation to any one of our eight County Court Judges on behalf of the department. The Court Presenters do an excellent job of facilitating resolution which aids the Courts in efficiently managing court event dockets. This program's success is demonstrated by the low number of court appearances which have resulted in a full hearing. Full hearings require the assigned Officer to appear before the court and testify as to the specific allegations in the affidavit. Of the 5,539 court appearances, only 11 resulted in full hearings. Although the majority of the cases presented are Violations of Probation, the Presenters also attend a variety of other probation-related hearings such as Modifications of Probation and Early Termination Hearings. These Hearings are often scheduled throughout the work week. The time saving benefits to the Line Officers are obvious. Instead of spending countless hours awaiting an individual case to come up on the docket, Court Presenters are able to cover these various proceedings; freeing up Line Officers to spend more time with defendants in attempt to avoid violations.

As illustrated below, there was an average of 461 court appearances per month that were required as a result of Violation of Probation hearing.



MENTAL HEALTH COURT

Lee County Probation Mental Health Court staff is responsible for tracking all mental health court statistical data in the CJIS database. There are six additional interchangeable Mental Health Court and Drug Court crystal reports that have been written by staff for utilization by the Court Administrator and Criminal Division Manager. These reports have allowed the Division Managers to review the following type of information on both programs.

Mental Health Court Statistical data during the fiscal year October 2012 to September 2013

- MHC processed 240 new referrals
- Of those 210 referrals:

The average length of time from referral to acceptance was 46 days. The average length of time from referral to denial is 31 days.

Of the 216 denied

- 40.28% were not appropriate from a diagnosis standpoint
- 22.69% were denied by the state attorney
- 18.52% defendant declined
- 11.11% case disposed

Lee County's Mental Health Court graduated 34 defendants with:

- an average length of stay in the program of 349 days
- Successful participants averaged 357 days length of stay

- Unsuccessful averaged 330 days
- Unsuccessful termination of 4 defendants due to new charges
- Unsuccessful termination 6 defendants for non compliance
- There were 42 new program entries
- Overall success rate of the Mental Health Court program continues to be 72.34% with a 6% recidivism rate over a 5 year period study completed in 2013

Other mental health projects initiated and organized by staff:

- Mental Health Court database expansion scope of work was prepared during this year, and was signed by Coastal Behavioral Health Care. Implementation of the project began in 2012 and will continue throughout 2013
- Scope of work to incorporate an “Incompetent to Proceed” separate tab within the CJIS system to track pending and completed evaluations for competency. Cooperation of the CJIS consortium staff was imperative to the completion of this scope which is presently in the design phase
- Through the last year’s collaborative effort initiated by staff to review all incompetent to proceed inmates that have returned from the state hospital as declared competent, 10 such inmates have been accepted into the MHC program in the last year in order to connect them to the proper services upon their release, 4 of whom have graduated and had their felony charges dismissed
- The Criminal Justice Analyst worked directly with CJIS programmers to redesign all felony age pending, incompetent and case disposition reports within a new reporting system for the Case Managers, Circuit Court Judges, and the Trial Court Administrator
- Probation staff coordinates the Crisis Intervention Training planning committee meetings throughout the year, and participates in the CIT International training
- Mental Health Court conducted a segment of four CIT classes throughout the year, training a total of 156 law enforcement officers from various Lee county law enforcement agencies, including a Lee County Probation Officer and Pretrial Officer in each class, bringing the total officers trained to over 500. The Lee County Probation Department has only 2 officer positions left to be trained. Two additional courses were added to the curriculum in order to train the Lee County jail’s correctional staff. Eight CIT courses are planned for the year 2013, which includes 2 correctional officer courses, and 2 school resource officer courses
- The first annual Incompetent to Proceed Attorney training was held in collaboration with the 20th Judicial Circuit’s Public Defender, Kathy Smith; 85 public defenders and state attorneys, 5 court administration Pretrial staff members, and 2 DOC officers were instructed by Department of Children and Families attorneys (Agencies for Persons with Disabilities) and Lee Mental Health Forensic Diversion personnel
- MHC Circuit wide interagency meetings in March 2012 and during 2011 were organized by the probation staff. All circuit Mental Health Court team members seem to find these meetings beneficial and create an atmosphere of cooperation between the Circuit’s Mental Health Courts
- Lee County Mental Health Court Judge, the Honorable H. Andrew Swett, was invited to give a presentation at the annual County Judges’ conference prepared by our Mental Health Court probation staff and Coastal Behavioral Health Care during his first year as Mental Health Court judge

- Probation Mental Health Court staff attendance at board affiliation meetings such as Florida Partners in Crisis, NAMI, Human Services Council, Lee County Hoarding Task Force, PSCC, FACC, APPA, CIT International, CIT Planning Committee, Florida Statewide CIT Coalition, and CJIS Users meetings keeps the Lee County Probation Department up to date on funding issues within the community as well as around the state and the nation pertaining to mental health, substance abuse, corrections, and information technology

SUPPORT

One of the many support job functions clerical staff assists with is customer service at the front counter and through a call center system. The Probation Department utilizes a call center system in which callers receive immediate assistance handled by an automated system as well as personal assistance. The call center received approximately 49,012 calls in which the automated system assisted with 46% of the incoming calls.

LEE COUNTY JUSTICE CENTER COMPLEX

The Lee County Probation Department is located on the third floor of the Lee County Justice Center at 1700 Monroe Street in Fort Myers, Florida, pictured to the right.

