

TWENTIETH JUDICIAL CIRCUIT
ADMINISTRATIVE OFFICE OF THE COURTS



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**LEE COUNTY
CRIMINAL DIVISION**

OCTOBER 2013 – SEPTEMBER 2014

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Criminal Division Director's Message



Liza Maldonado
Criminal Division Director



Amy Kinsey
Deputy Criminal Division Director
Pretrial Services



Jeff Nichols
Deputy Criminal Division Director
County Probation

On behalf of the dedicated professionals of the Lee County Criminal Division, it is my honor and distinct privilege to present to you the 2013-2014 annual report. This report serves as a summarized compilation of data measurements and work performance outcomes collected throughout the fiscal year. It also includes operational accomplishments, special recognitions as well as a look at caseload/personnel ratios.

When reflecting on this past year's accomplishments, it is important to highlight that we have carried out the goals that were established in each department's work plans. I can say, without hesitation, that it has been a truly rewarding year. It has been a delight to witness the development and unification efforts within the Criminal Division. The teams have clearly demonstrated their unwavering commitment to the courts, our criminal justice partners and the citizens of Lee County.

Many of the important advancements during this year were realized in process improvements, the utilization of technology and overall professional development. We have continued on our journey of instituting evidence based practices throughout the division. There has been significant progress made. Nonetheless, we realize that our challenges remain great and our opportunities even greater.

The Criminal Division emphasizes on being a learning organization. We continue to focus on staff development, cross training efforts and serving on both internal and external workgroups and committees. We value our partnerships and understand that they are essential in order to best serve the community. Staff members have done a remarkable job of providing community outreach presentations to both criminal justice partners and the community as a whole.

One of the accomplishments that I'm most proud of is the fact that staff has developed and enhanced communication skills through the participation of nationally recognized training models. Both the Motivational Interviewing techniques training model as well as an Evidence Based training model were provided under no cost grants.

I would like to especially thank all of the team members that contributed to this report and more importantly to our overall success. I would also like to thank our Trial Court Administrator, the judiciary and our criminal justice partners for the continued guidance, leadership and support. We look forward to another successful and productive year.

*Liza K. Maldonado, CCM
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"Alone we can do so little; together we can do so much".....Keller

DIVISION OVERVIEW & ORGANIZATION

The Administrative Office of the Courts Lee County Criminal Division includes the Pretrial Services and County Probation departments. Both departments have unique objectives but work together collaboratively under the direction of the Criminal Division Director and Trial Court Administrator.

The Lee County Criminal Division staff provides case management support to the thirteen judges in the criminal division in Lee County. The Pretrial Services department is comprised of the Intake and Investigation Unit, the Case Supervision Unit and the Case Management Unit. The County Probation department is comprised of teams that are designated by specialty caseloads.

LEE COUNTY JUSTICE CENTER COMPLEX

The Criminal Division is located on the third floor of the Lee County Justice Center at 1700 Monroe Street in Fort Myers, Florida. The Justice Center's third floor was renovated in 2010 to accommodate the Criminal Division. The Intake and Investigation Unit is stationed inside of the Lee County Jail facility within the booking area.

The population in Lee County for 2013 was estimated at 661,115 according to the United States Census Bureau.

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



PRETRIAL SERVICES

MISSION

The mission of the Lee County Pretrial Services Department is to provide comprehensive case management services to the courts, from case inception through case closure, via professional staff committed to the highest standards of excellence.

VISION

To be a leader within the court system by developing an empowered workforce that embodies integrity, excellence, and accountability, delivering the highest quality of services.

COUNTY PROBATION

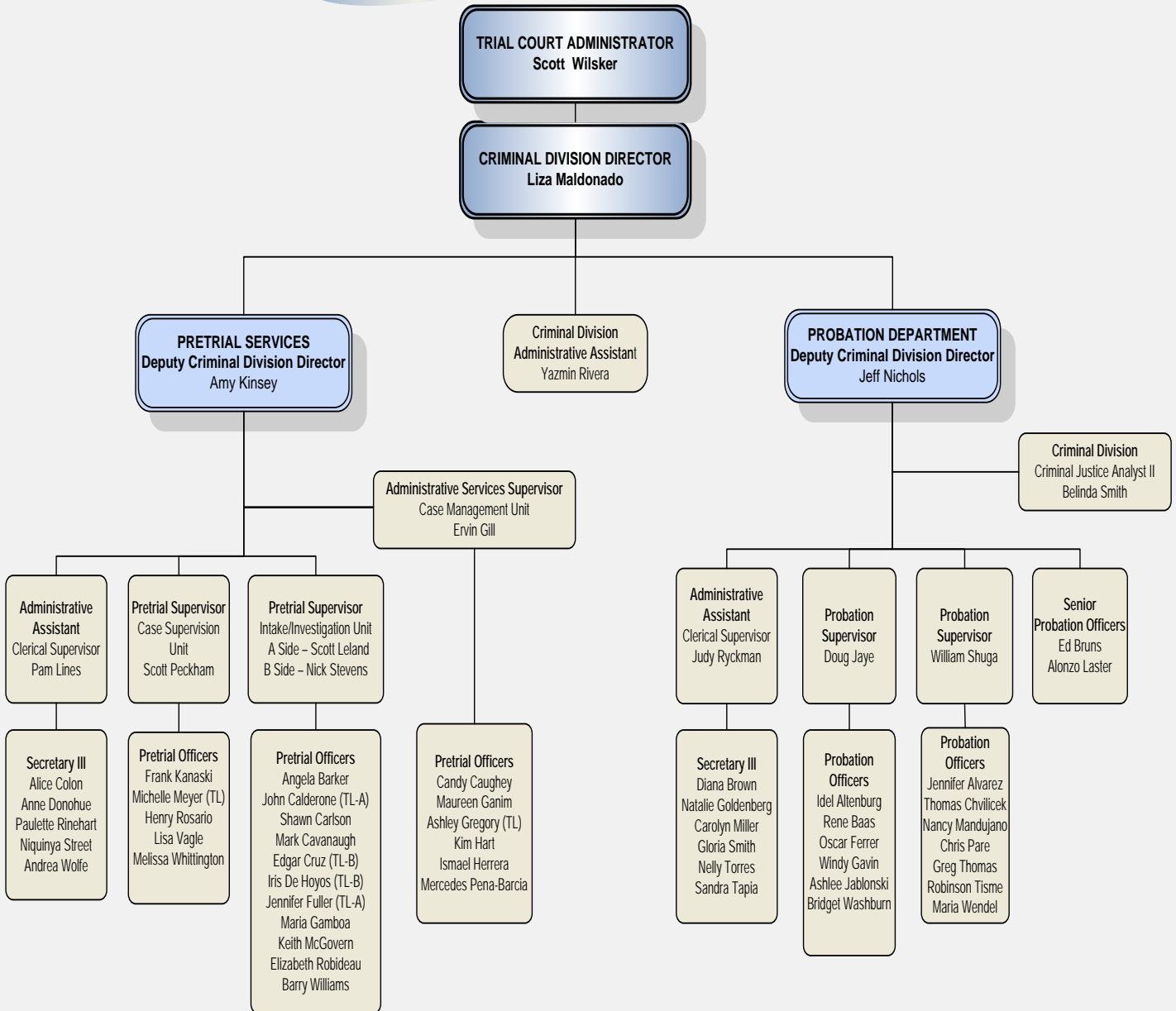
MISSION

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

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.

**ADMINISTRATIVE OFFICE OF THE COURTS
LEE COUNTY CRIMINAL DIVISION
ORGANIZATIONAL CHART**

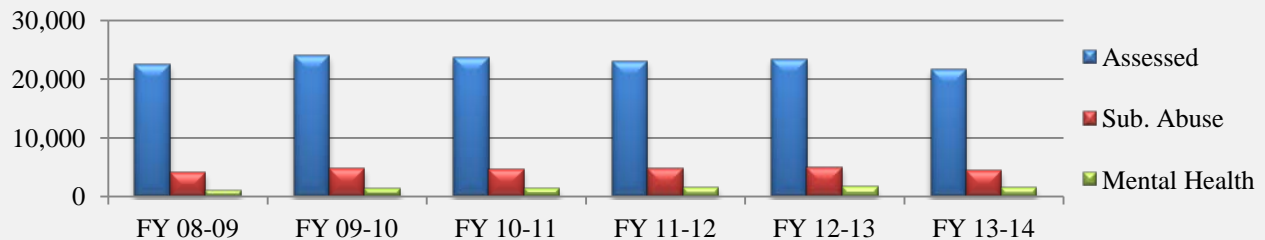


INTAKE

INTAKE & INVESTIGATION MISSION CRITICAL DATA

The Intake and Investigation Unit has in place a comprehensive pre-release interview and investigative process, operating twenty-four hours a day/seven days a week, interviewing all defendants booked into the Lee County Jail on criminal charges. The primary functions of the Intake and Investigation Unit include the collection, verification and investigation of demographic and criminal history information, the assessment of risk and need for every booked defendant, the determination of indigence for appointment of counsel and the presentation of this compiled information to the First Appearance Judge to aid in the release decision. Pretrial officers also attempt to contact victims of domestic violence in order to identify risks including firearms in the home, children in common, mental illness diagnosis and prior acts of violence. Additionally, information is provided regarding the victim's intention to be present during First Appearance while the judiciary considers release conditions and to provide contact information to obtain injunctions.

Universal screening- The Intake & Investigation Unit investigated 21,634 defendants booked into the Lee County Jail during fiscal year '13-'14 according to the Criminal Justice Information System (CJIS). Similar annual trends are illustrated in the graph below.



Indigency- Out of the 21,634 defendants assessed, 11,679 defendants (54%) were found indigent and appointed the services of the Public Defender.

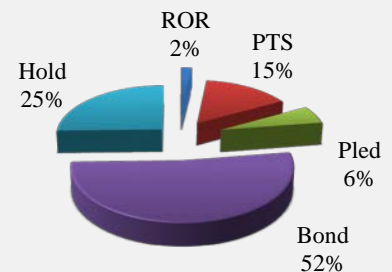
Identification of needs- There were 4,335 defendants identified with substance abuse needs, representing approximately 20% of those assessed, and 1,483 defendants identified with mental health needs, representing approximately 7 % of those assessed. Trends are illustrated above.

Identification of veterans- There were 741 defendants reporting veteran status.

FIRST APPEARANCE & JAIL MANAGEMENT

Pretrial officers provide critical information to the judiciary at each First Appearance hearing to aid in the release decision. Defendant background information, criminal history and risk score are provided, along with supervision options for release. Pretrial officers also facilitate submission of affidavits through the applicable probation department for defendants held under the Andrew Widman Act for new violations while on active probation.

First Appearances resulted in 899 pleas, 297 releases on recognizance, 2,372 placed on pretrial supervision, 8,232 ordered bond, and 4,010 held without bond, illustrated by percentage in the chart to the right.



Pretrial officers also facilitated resolution of 239 cases on the Jail Management. All appropriate non-sentenced incarcerated defendants are reviewed for consideration of a plea or release prior to arraignment.

SUPERVISION

PTS BREAKDOWN, OUTCOME MEASURES & MISSION CRITICAL DATA

Pretrial supervision officers supervise defendants released on pretrial supervision prior to adjudication. Pretrial officers determine reporting plans based on risk/need and enforce the court order reporting non-compliance swiftly to the court.

Releases- There was an increase of 2,387 defendants on pretrial supervision. Of those, 65% were misdemeanor charges only and 657 (approximately 29%) included a simultaneous bond.

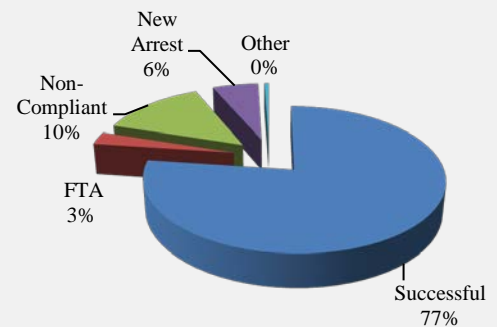
Caseloads- There was an average of 381 defendants on pretrial supervision per month with an average monthly caseload of 127 defendants per officer. Approximately 62% were appointed the Public Defender. Risk levels included 82% of low risk defendants 18% medium risk and 1% high risk of those placed on pretrial supervision.

Success rate- The average percentage of released defendants on pretrial supervision who (1) were not revoked for technical violations of the conditions of their release, (2) appeared for all scheduled court appearances, and (3) were not charged with a new offense during pretrial supervision was 77%.

Safety rate- The average percentage of supervised defendants not charged with a new offense during the pretrial stage was 94%.

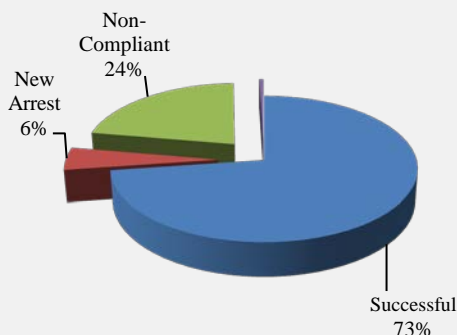
Technical Non-Compliance rate- The average percentage of defendants revoked due to technical violations only was 17%.

Court appearance rate- The average percentage of supervised defendants who made all scheduled court appearances was 97%. The total average court appearances were three per defendant.



MISDEMEANOR DIVERSION OUTCOME MEASURES & MISSION CRITICAL DATA

Pretrial officers manage the misdemeanor diversion ninety-day program. The program redirects criminal justice resources to more serious crimes and those that warrant prosecution while providing a meaningful response to particular conduct. The majority of defendants are diverted prior to arraignment, thereby alleviating the need to be heard on a court docket. Pretrial officers ensure eligibility, review agreements explaining and ensuring all required conditions are met, and report compliance to the State Attorney's Office.



Success rate- The percentage of defendants who entered misdemeanor diversion and (1) were not revoked for technical violations of the conditions in their agreement, (2) complied with all specific conditions, and (3) were not charged with a new offense during diversion was 73%.

Safety rate- The average percentage of supervised defendants not charged with a new offense during the pretrial stage was 95%.

Technical Non-Compliance rate- The average percentage of supervised defendants revoked due to technical violations only was 22%.

Supervision fees & restitution collected- There was a total of \$402,342 in the cost of supervision collected for the fiscal year and \$14,312 in restitution collected payable to victims.

Community services completed- When defendants are unable to pay the required cost of supervision in full due to verified financial hardship, but are making good faith efforts to successfully complete all required conditions, the option of performing community service at the rate of \$10 per hour is offered as a last resort. A total of 6,484 hours of community service was completed in the community.

Diversion Caseload average- There was an average of 622 defendants on misdemeanor diversion at the end of this fiscal year. There was an increase of 2,740 defendants for the fiscal year. The average caseload ratio was 207 defendants per officer.

COUNTY PROBATION OUTCOME MEASURES

Probation officers supervise a caseload of defendants sentenced on a first or second degree misdemeanor. Officers enforce the probation order conditions, which may include but is not limited to completion of community service, payment of fees and restitution, completion of education or treatment and completion of the day work program. Administrative reviews are utilized as a measure to ensure compliance within sixty days. This is where the officers use motivational techniques designed to encourage success.

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; defendants deemed by the judiciary as needing an extra level of supervision based on the facts of the case and/or defendants with prior violations of probation.

Court Presenters deliver recommendations to any one of the thirteen Circuit/County judges on behalf of the probation department. Probation officers attending court ensure accuracy of allegations against the defendant and a fair and just recommendation. This aids the courts in efficiently managing court event dockets and facilitating resolution. 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.

MISSION CRITICAL DATA

Success rate- The percentage of defendants who were placed on county probation and (1) were not revoked for technical violations, (2) complied with all specific conditions, and (3) were not charged with a new offense during supervision was 63%.

Supervision fees & restitution collected- There was a total of \$1,287,938 in the cost of supervision collected for the fiscal year and \$114, 653 in restitution collected payable to victims.

Community services completed- A total of 8,832 hours of community service were completed in the community.

Caseload average- There was an average of 2,739 defendants on county probation at the end of this fiscal year. There was an increase of 6,490 defendants for the fiscal year. The average caseload ratio for general population was 230 and intensive supervision was 120 defendants per officer.

SPECIALTY COURT PROGRAMS

FELONY DRUG COURT PROGRAM OUTCOME MEASURES

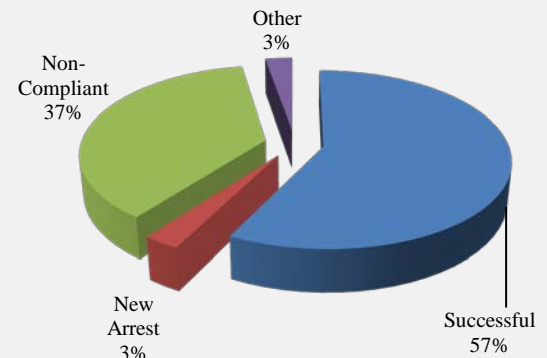
The Lee County Felony Drug Court Program is designed to divert cases from the traditional court system while helping participants recover from drug and alcohol addiction, stay in recovery and become productive members of society. The pretrial officer assigned serves as the main point of contact, facilitates early screening and monitors defendant's progress so non-compliance can be addressed swiftly by the court.

The program is presided over by two county court judges. The drug court team includes the pretrial officer, coordinators and counsel from the offices of the State Attorney and the Public Defender, the Department of Corrections' probation officers, and clinicians from SalusCare. The team meets regularly for staffing to discuss current and potential participants. The program has continued to meet the 10 Key Components of Drug Courts and has rated as a high functioning Drug Court Program.

Graduation Rate- The graduation rate was 57%. New offenses accounted for 3% of unsuccessful terminations with a breakdown in the chart to the right.

Active Participants- The average number of participants in the program each month was 110 during this fiscal year.

Average length of stay- The average length of stay was approximately 23 months, showing that participants, on average, stay in the program close to the intended time period.



MENTAL HEALTH COURT PROGRAM OUTCOME MEASURES

The Mental Health Court program is a voluntary alternative to the traditional court system for those formally diagnosed with a serious and persistent mental illness. Criminal history and current offense must meet the requirements of the State Attorney's Office, which is the deciding factor for participation in this program. Defendants and mental health professionals develop an intervention plan based on the defendant's individual needs. Successful completion of the intervention plan while under the supervision of probation results in successful termination or continuation on regular county probation supervision.

The program is presided over by a county court judge. The mental health court team includes the county probation officer, counsel from the offices of the State Attorney and Public Defender, the Department of Corrections' probation officer, diversion coordinators from Saluscare and outreach specialists from Coastal Behavioral Healthcare.

Graduation Rate- The graduation rate was 72%.

Active Participants- The average number of participants in the program was 47 during this fiscal year. Six of these participants were identified as military veterans. Half of the participants have entered a diversionary program while the other half of the participants are on either county or state probation.

Average length of stay- The average length of stay was approximately 9 months, showing that participants, on average, stay in the program close to the intended time period.

CASE MANAGEMENT

TRIAL COURT PERFORMANCE MEASUREMENT

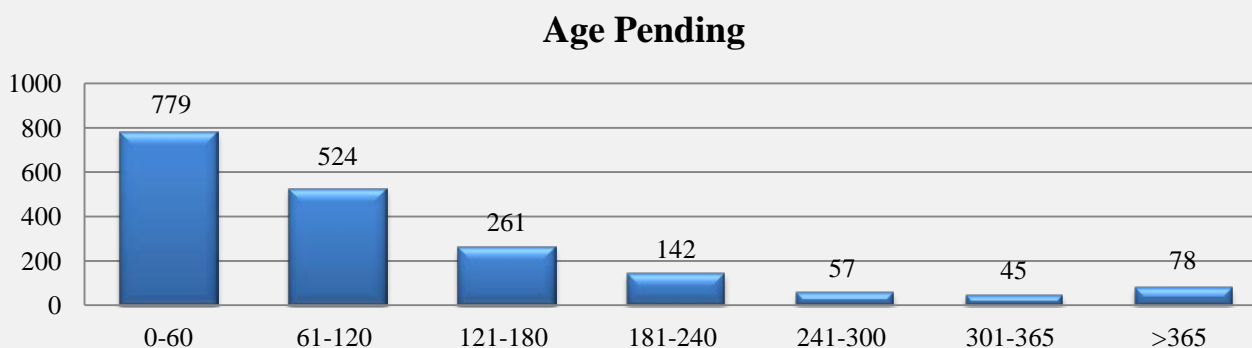
The Case Management Unit provides direct support to the five judges presiding over felony cases. Primary functions include management of cases according to nature and complexity to facilitate early disposition of appropriate cases and allow for individual judge management on more complex cases. Case managers utilize calendar management practices and monitor case processing time goal statuses, document case notes with detailed case events and progress for the judiciary, conduct trial coordination, facilitate case closure on inactive cases, generate performance measure reports and evaluate processes to reduce potential delays.

Case Clearance - A total of 5,996 cases were opened and 5,815 cases closed, resulting in a 97% clearance rate.

Time to Disposition - Time to disposition measures the percentage of cases disposed or otherwise resolved within established timeframes and assesses the length of time it takes a court to process cases. In the 20th Judicial Circuit, time goals are established under Administrative Order 3.5. The goal is to resolve 80% of expedited cases within 180 days from the arrest date, which are third degree or simple, non-violent offenses or cases suitable for diversion; 80% of standard cases within 240 days, which are second degree or cases not identified as expedited or complex; and 80% of complex cases within 360 days, which are first degree or second degree with multiple defendants or procedural complexity that require intensive, individual management. Lee County met 90% of expedited cases, 96% of standard cases and 99% of complex cases for time goals.

Age of active pending caseload - The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement, allows the court to focus on what is required to ensure cases are brought to completion within reasonable timeframes.

The chart below demonstrates the breakdown of the 1,886 cases pending at the end of the fiscal year.



Trial date certainty - The number of times cases disposed by trial are scheduled for trial. The ability of courts to hold trials when scheduled to be heard is closely associated with timely disposition. This measure provides a tool to evaluate the effectiveness and continuance practices. Trial date certainty was 61% for this fiscal year.

DIVISION SUPPORT

The criminal division has developed a unified customer service initiative. Clerical support personnel assist all defendants, attorneys and the general public through the front counter or call center.

The clerical teams provide exceptional support to management and staff and a high level of customer service to defendants and criminal justice partners. Clerical support assist with screening for indigency, send court date notifications, prepare documents, compile reports, process reassignments, and maintain department supplies, storage and disaster recovery documents. Clerical support is crucial in day-to-day operations.

Clerical support

- Support personnel assisted with over 2,000 public defender screenings at the front counter, misdemeanor arraignments, domestic violence hearings and at the Core facility.
- Support personnel assisted over 13,000 persons at the front counter.
- Support personnel assisted with over 11,000 calls for Pretrial Services and over 23,000 calls for Probation.
- The Call Center script managed more than 16,000 calls for Pretrial Services and 21,000 calls for Probation.

INITIATIVES

Training Initiatives

Motivational Interviewing Implementation -

In August of 2014 the division was able to bring a nationally recognized trainer, via a grant through the Substance Abuse and Mental Health Services Administration (SAMSHA) and the National Institute on Drug Abuse (NIDA), to train officers on motivational interviewing. Motivational interviewing aligns with evidence based practice and suggests effective tools to handle resistance and changes the responsibility for behavior change to defendants. The model recognizes that defendants who need to make changes in their lives are at different readiness levels with some actively seeking to change and some who have never even thought of such. The approach is non-judgmental and non-confrontational but raises awareness to potential problems that caused consequences faced in the criminal justice system.

Officers were trained to:

- 1) Express empathy and understanding from a defendant's perspective;
- 2) Develop discrepancy to help defendants appreciate the value of change through exploration of how they want to live their lives versus how they currently are;
- 3) Roll with resistance by accepting reluctance to change as natural; and
- 4) Support self-efficacy by embracing autonomy and helping defendants move toward change successfully and with confidence.

The objective is to make interactions more change-focused thereby increasing positive outcomes and success while on supervision, as well as ultimately reducing recidivism. Motivational interviewing allows officers to enforce orders while creating a desire for long-term change whereby defendants become productive members in the community.

Employee Retention

In an effort to better gauge employee training and progress, the Pretrial Services department enhanced existing training outlines and prepared quizzes on general knowledge and in specific areas. The quizzes were designed by and prepared for both new employees and seasoned staff. This greatly enhanced team cohesion and uniformity across the department.

Service Satisfaction

In April of 2014, members of the Pretrial Services department prepared and distributed a judicial satisfaction survey to ensure the highest quality of services to the courts is provided within the criminal division. In order to measure whether the department was meeting the mission, the survey attempted to measure satisfaction with the primary stakeholder. The department also envisions being a leader within the court system by developing an empowered workforce that embodies integrity, excellence, and accountability, delivering the highest quality of services, and measurement through reflection is crucial to continuous improvement in operations and performance strategies.

Twenty-two questions were formulated in categories of Intake and Investigation, First Appearance, Front Counter, Supervision, Diversion, Felony Case Management, Management and overall satisfaction through the use of Survey Monkey. The survey was distributed to the eight county judges and five circuit judges assigned to the criminal division in Lee County, however all categories or questions may not have been applicable to all judges. Findings revealed the department is overall meeting the mission and responses were favorable in all categories, but specific recommendations were noted and action plans developed to increase satisfaction.

Collaboration

The division continues to support various statewide initiatives and has served as a role model across the state for pretrial agencies. Members continue to represent the Association of Pretrial Professionals of Florida (APPF) and Florida Association of Community Corrections (FACC). The division is participating in an accreditation rewrite in conjunction with the Florida Corrections Accreditation Commission for pretrial standards as well as assisting with the implementation of new proposed standards for county probation. The division continues to have other agencies visit, observe operations and review policies, in order to become accredited and implement felony case management practices in their circuits.

The division collaborated with Veterans Affairs to provide referrals and linkage, and participated in an enhancement to the criminal justice information database to better track cases in which competency matters arise.

The Pretrial Services department conducted a four month study on pretrial defendants scoring low risk on the Risk Instrument and recommended for pretrial supervision but that remained in custody longer than three days from the arrest date. Data was provided to the county judiciary in line with efforts to reduce jail population on those appropriate for release. As a result, the judiciary considered options for reviewing cases prior to docket sounding and coordinated a strategy for the offices of the State Attorney and defense counsel to add cases with agreed upon pleas on not only cases with defendants in custody but also those pending adjudication but not incarcerated.