

20TH JUDICIAL CIRCUIT, ADMINISTRATIVE OFFICE OF THE COURTS
LEE COUNTY PRETRIAL SERVICES DEPARTMENT

Annual Report

October 1, 2011- September 30, 2012

FY '11-'12



**LEE COUNTY PRETRIAL SERVICES DEPARTMENT
FY 2011-2012 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*

Deputy Director's Message

COMMITTED TO EXCELLENCE

On behalf of the dedicated professionals of the Lee County Pretrial Services department, it is my honor to present the annual report for fiscal year 2011-12. This annual report serves as a comprehensive compilation of data collected throughout the fiscal year. The report includes a trend analysis of performance outcomes, operational accomplishments, special projects as well as caseload/personnel ratios demonstrating complete compliance with accreditation standards.



Liza K. Maldonado

As I reflect on the last several years, I am very proud of what our department continues to accomplish. Not only does the department stand apart as a high functioning “model” pretrial program; but, it also faces all challenges head on and successfully overcomes them. This allows for the highest quality of services to be consistently provided. We are proud to be one of only five pretrial programs that remain accredited in Florida. I attribute this to having an incredibly strong and talented group of men and women committed to accomplishing the overall mission of the department.

Pretrial Services emphasizes on making itself a learning organization; both on an individual and organizational level. Pretrial Officers continue to complete a minimum of 40 hours of training annually. These hours can be earned in a number of ways, including attending formal training sessions, in-service “expert” training opportunities and by shadowing other officers (cross training) in order to become proficient in additional department processes.

The department also participates in a number of collaborative multi-agency efforts in order to best serve defendants and other agencies. By being part of various stakeholder meetings, including the Lee County Public Safety Coordinating Council, Felony Case Management Advisory Committee and Criminal Systems Improvements Committee, Pretrial Services systematically strengthens its partnerships. We are also active with the Florida Association of Pretrial Professionals, serving as the Regional Coordinator, and believe in proactive involvement and community outreach.

One of our most monumental achievements this fiscal year was the implementation of the validated risk instrument. By incorporating evidence based practices, the risk instrument provides for a consistent and valid method of predicting the probability of risk of failure to appear and re-arrest while on pretrial release. It is a quantifiable means of understanding the defendant’s present level of risk for pretrial misconduct.

I would like to especially thank all of those who contributed to this report and the continued leadership and guidance provided by our judiciary. As we plan for the future, we will build upon our current successes by continuing to move towards the implementation of evidence based practices and paperless work processes in order to ensure the most effective use of technology. I also remain committed to the further development of an empowered workforce that embodies integrity, excellence, accountability, transparency and innovation in the delivery of case management services to the courts and citizens of Lee County.

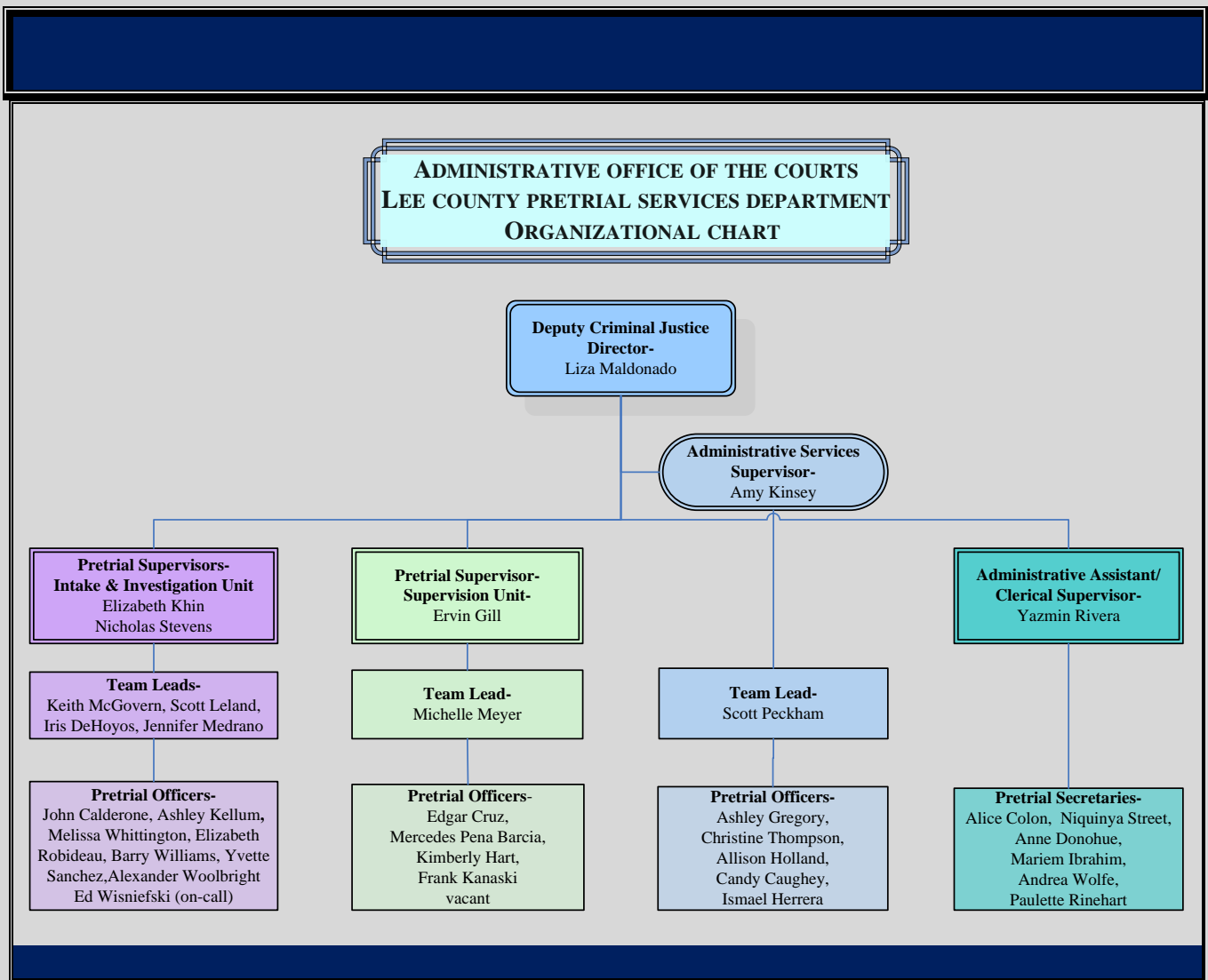
Sincerely,
Liza K. Maldonado

LEE COUNTY PRETRIAL SERVICES DEPARTMENT

The Lee County Pretrial Services Department was established in 1988 as part of the criminal division under the Administrative Office of the Courts. The department provides case management support to the 13 judges assigned to the criminal division in Lee County, along with the Chief Judge, as well as support with weekend Polycom hearings for all Lee County judges.

The department is comprised of thirty-five employees, composed of the Intake and Investigation Unit, the Supervision Unit and the Case Management Unit. Each unit has specific core functions, but work collaboratively to support the department mission. The management team includes the deputy criminal justice director, the administrative services supervisor/accreditation manager, an administrative assistant/clerical supervisor and three pretrial supervisors assigned to specific units. The department's organization chart is pictured below.

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.



LEE COUNTY JUSTICE CENTER COMPLEX

Pretrial Services is located on the third floor of the Lee County Justice Center at 1700 Monroe Street in Fort Myers, Florida. The Lee County Justice Complex is pictured to the right, which includes the Justice Center and Justice Center Annex/Tower.

The Intake and Investigation Unit is in the booking area of the Lee County Jail.



ACCREDITATION

The Lee County Pretrial Services Department earned initial accreditation in 2009 through the Florida Corrections Accreditation Commission (FCAC) and was re-accredited in May, 2012, demonstrating the department continues to abide by “best practices” and maintain full compliance with all standards.

Accreditation has long been a means of maintaining the highest standards of professionalism, increasing the integrity of the criminal justice process and the agency’s role. Accreditation allows for independent verification of business practices, increasing agency accountability while ensuring the agency is utilizing best practices resulting in the most efficient and effective operations. Accreditation provides uniformity across supervision programs and increases credibility of the agency with written, defensible policies and procedures.



The department’s management recognizes all contributions from staff to inspire success and growth. *“Without continual growth and progress, such words as improvement, achievement, and success have no meaning.”* Benjamin Franklin

The Lee County Pretrial Services department also remains aligned with national standards that were established by the American Bar Association (ABA) and the National Association of Pretrial Services Agencies (NAPSA). These standards specify several core functions that pretrial programs should provide. Among these standards is the use of the least restrictive conditions of release that will reasonably assure the defendant’s appearance in court and protect public safety. By effectively performing these core functions, unnecessary detention is minimized, jail crowding is reduced, public safety is increased and the pretrial release process is administered fairly for all.

Pictured from left-
Mr. Scott Wilsker,
Ms. Elizabeth Khin,
Ms. Amy Kinsey,
Sheriff Tommy Seagraves-
FCAC Chair,
Ms. Liza Maldonado,
Ms. Yazmin Rivera,
Ms. Lori Mizell-FCAC
Executive Director,
Ms. Kimberly Hart,
Mr. Nicholas Stevens



INTAKE & INVESTIGATION UNIT

PRIMARY FUNCTIONS

The Intake & Investigation Unit investigates all defendants booked into the Lee County Jail on criminal charges and reports compiled information to the court to aid in the release and detention decision. Primary functions include:

- ❖ Collection, investigation and verification of demographic information and criminal history.
- ❖ Assessment of risk and need.
- ❖ Determination of indigence for appointment of counsel on new criminal violations.
- ❖ Attendance at all First Appearance proceedings to furnish the judiciary with background information and criminal history with a recommendation for resolution or release on appropriate cases.
- ❖ Continuous review of all non-sentenced incarcerated defendants, prior to arraignment, so that appropriate non-violent misdemeanor cases are placed on a Jail Management Docket for potential release from custody or early resolution of the case.

These crucial functions enable decisions concerning the release and detention to be made more fairly and effectively than would otherwise be possible. The judge is presented with invaluable information regarding criminal history via searches of local, state and national criminal history databases, including high risk statuses, such as Violent Felony Offenders and High Risk Sex Offenders, pending cases, probation status, prior court appearance and compliance, special needs that may require attention during the pretrial period such as drug abuse and mental illness, options for monitoring and supervision that will respond appropriately to the probable risks and needs posed by the defendant's release, current housing and familial situation, ties to the community, employment, determination of indigence and anything else factual and relevant, including flight risk or danger to the community.



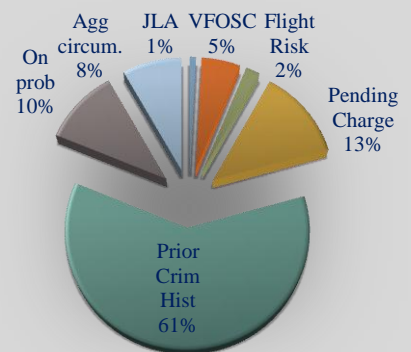
Team Lead De Hoyos pictured to the right at the Intake and Investigation Unit

IDENTIFICATION OF SUBSTANCE ABUSE AND MENTAL HEALTH NEEDS

Out of the 23,039 investigations at the Lee County Jail, the Intake and Investigation Unit identified 4,836 defendants with substance abuse needs and 1,499 defendants with mental health needs. Out of these defendants, the court presenters identified those who appeared to qualify for diversionary programs in an effort to expedite referrals and flow of cases with early case identification. There were a total number of 1,122 defendants identified as potential participants for the Felony Drug Court Program and 1,641 defendants identified as potential participants for the Mental Health Court Program.

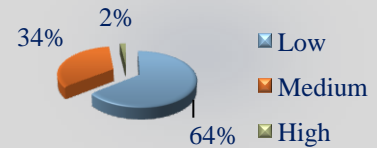
CERTIFICATE OF COMPLIANCE

The department continues to promote public safety through an inter-local agreement with the Lee County Sheriff's Office. Pretrial officers investigate criminal history on all defendants booked into the Lee County Jail on criminal charges. There were 7,529 defendants held to allow for more informed decisions on release conditions for these defendants. According to the CJIS COC Report, the chart to the right illustrates the breakdown of reasons for holding defendants for First Appearance in lieu of bonding pursuant to the monetary bond schedule in place. Note defendants may be categorized in more than one category.



VALIDATED RISK INSTRUMENT

Release decisions carry enormous consequences not only for the defendant but also for public safety and the integrity of the criminal justice system. Since whether or not a defendant has the financial means to post a monetary bond does not affect whether the defendant needs supervision or is a flight risk or danger to the community, the ability to post a bond is unrelated to the risk that the defendant may commit a future crime. Defendants that can be managed safely in the community, therefore, would avoid increased social and economic costs to support families as well as reduce jail costs. Recent trends support the need to enhance consistent, objective recommendations with overall goals of improving judicial confidence and increasing release or resolution of appropriate cases at First Appearance.



The Lee County Pretrial Services Department implemented an evidence-based risk assessment tool in December of 2011. This validated Risk Instrument utilizes variables to objectively assess a defendant's potential for failing to appear or whether the defendant poses a potential for re-arrest during the pretrial period. The Pretrial Justice Institute (PJI) analyzed data and determined sample variables after consensus amongst stakeholders, including the judiciary and the offices of the State Attorney and Public Defender. Pretrial officers complete the Risk Instrument on all defendants eligible for release without a pre-set bond. According to the CJIS Risk Instrument Report, as illustrated in the chart above, out of those assessed, 64% of defendants were identified as low risk, 34% as medium risk and 2% as high risk. Pretrial officers provide

recommendations for resolution or release, as well as options for monitoring and supervision, when non-financial release is considered, that will respond appropriately to the defendant's needs after all factors are considered.



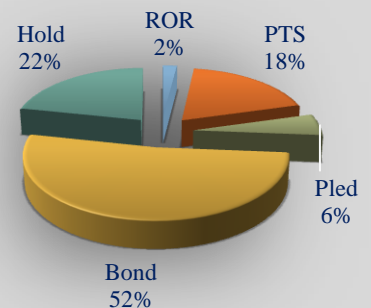
Pretrial Officer Alexander Woolbright presenting compiled information to the First Appearance judge

OFFICER ANDREW WIDMAN ACT

This legislation honors the memory of fallen Officer Andrew Widman of the Fort Myers Police Department. This law is intended to help avert future tragedies by clarifying that judges have the ability to consider additional factors when determining whether to detain or release offenders who have violated community supervision prior to their hearings. If a person is likely to be sentenced to prison if found guilty, then it is in the best interest of public safety to hold that person in custody while waiting for a hearing. The department assists the First Appearance Judge in identifying those defendants that qualify for a warrant under the Andrew Widman Act. The pretrial officer assigned to court notifies the applicable probation department to submit an affidavit within the allotted timeframe to ensure those individuals are held until seen by the assigned judge. Since inception, October 1, 2011, there have been 1,011 warrants issued under the Widman Act.

FIRST APPEARANCE & JAIL MANAGEMENT OUTCOMES

The chart to the right illustrates the breakdown of outcomes for 17,763 cases seen by the First Appearance judge. There were a total of 7,349 cases recommended for pretrial supervision and 1,311 recommended for resolution. There were a total of 5,168 defendants which bonded prior to First Appearance via the monetary bond schedule. There were 297 cases resolved and 6 defendants released on pretrial supervision via the jail management docket.



PRIMARY FUNCTIONS OF PRETRIAL SUPERVISION

The Supervision Unit supervises defendants released on pretrial supervision in addition to or in lieu of a monetary bond. Supervision provides accountability with restrictions put in place to closely monitor defendants. Primary functions include:

- ❖ Utilization of a differentiated case supervision approach, determining reporting plans based on the risk score, needs assessments and special conditions.
- ❖ Providing the most effective supervision that maximized court appearance rates and reduces chance of re-arrest while under pretrial supervision
- ❖ Thoroughly reviewing and enforcing the court order and all specified conditions, such as no contact orders, random drug and alcohol screens and evaluations.
- ❖ Court date notifications to help ensure court appearance.
- ❖ Immediate report of violations to the court allowing swift response from the judiciary.

MISSION CRITICAL DATA

There were a total of 492 releases on recognizance and 3,043 releases on pretrial supervision, 588 of which were with a simultaneous bond. There were 82 releases on pretrial supervision with electronic monitoring.

There was an average of 505 defendants on pretrial supervision per month with a total increase of 3,075 defendants for the fiscal year. The average monthly caseload ratio during the fiscal year was 148 defendants to one officer.

There were 13,002 defendants found indigent and appointed the Public Defender.

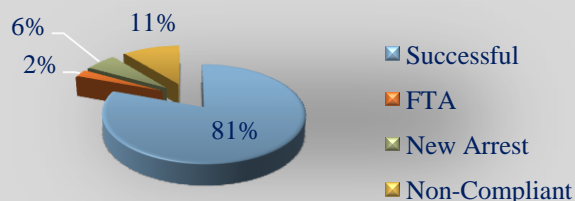
OUTCOME MEASURES

The appearance rate was 97%, meaning the percentage of supervised defendants who made all scheduled court appearances.

The safety rate was 94%, meaning the percentage of supervised defendants not charged with a new offense during the pretrial stage.

The success rate was 81%, meaning the percentage of released defendants 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.

According to the CJIS Monthly Officer Report, the chart below illustrates the termination breakdown.



Defendants released on pretrial supervision meet with a pretrial officer almost immediately to review conditions of supervision.

The average time remaining on pretrial supervision for successful terminations was 53 days and for unsuccessful terminations was 13 days.

There were 1,757 drug screens completed by defendants while on pretrial supervision.

Defendants on pretrial supervision had 5,719 court appearances and 129,692 total days on supervision.



PRIMARY FUNCTIONS OF MISDEMEANOR DIVERSION

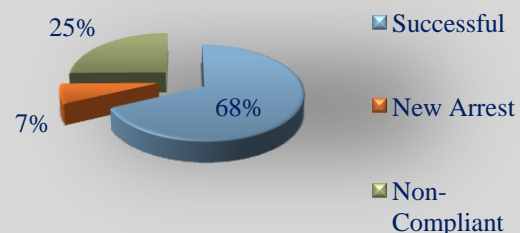
Misdemeanor diversion was established to allow first time offenders an opportunity to have their case(s) dismissed when specified conditions, set forth by the State Attorney's Office, are met. Primary functions include:

- ❖ Ensuring defendants are eligible for the program.
- ❖ Thoroughly reviewing the Deferred Prosecution Agreement and all specified conditions.
- ❖ Explaining conditions and consequences of success or failure.
- ❖ Monitoring cases continuously, for a 90-day period.
- ❖ Enforcing all conditions as outlined in agreement.

Pretrial Officer Mercedes Pena-Barcia conducting pretrial supervision orientations pictured above

ADMINISTRATIVE REVIEWS & OUTCOME MEASURES

The department implemented an administrative review process for all defendants on misdemeanor diversion. Each defendant is scheduled for an administrative review approximately thirty days from signing into diversion. During the review, any outstanding fees or special conditions are discussed and action plans are developed in order to increase successful closure of the case.



The majority of defendants are diverted prior to arraignment, thereby alleviating the need to be heard on a court docket and preserving judicial resources. There was an average of 627 defendants on misdemeanor diversion each month with a total increase of 2687 defendants for the fiscal year. The average caseload ratio is 209 cases per officer. The success rate for the fiscal year was 68%, meaning 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.

COLLECTION OF FEES

There was a total of \$264, 214 collected for the fiscal year for the cost of supervision. 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.

STANDARDS

The approach to crime prevention over the past few years has been refocused to better address the underlying social and psychological reasons for their criminal behavior. Various concepts have been introduced, such as moral reconnection therapy via local treatment providers, with the goal of reducing recidivism. Our department meets annually with approved providers to ensure expectations of the court, such as verifying current licensure, course content and contact hours are addressed in a consistent manner.

CASE MANAGEMENT UNIT

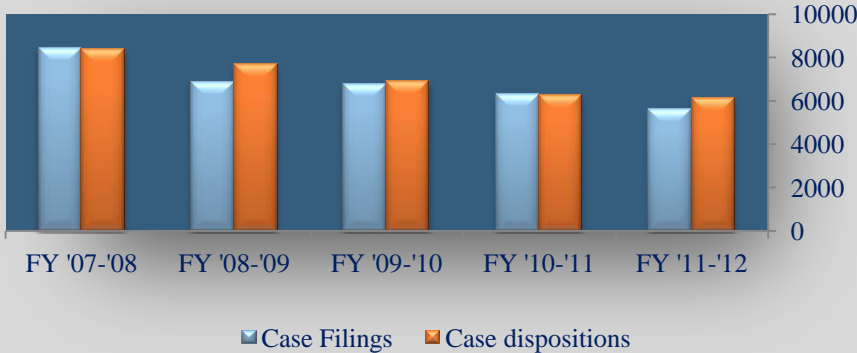
FELONY CASE MANAGEMENT- PRIMARY FUNCTIONS

Criminal differentiated case management procedures were established to improve predictability, efficiency and timely disposition of felony criminal cases in the circuit court and to ensure compliance with provisions and aims of the Florida Rules of Criminal Procedure. The Case Management Unit provides direct support to the five judges presiding over felony cases, as well as support to two county judges currently presiding over the Felony Drug Court Program. Primary functions include:



- ❖ Management of cases according to their nature/complexity to facilitate early disposition of appropriate cases and allow for individual judge management on more complex cases.
- ❖ Utilization of calendar management practices, along with time goals reports, to communicate to the stakeholders a heightened awareness of particular case processing time goal statuses.
- ❖ Documentation of case notes to provide to the judiciary with detailed case events and progress.
- ❖ Oversight of trial calendars as to the number of ready cases in each trial cycle.

Case Clearance



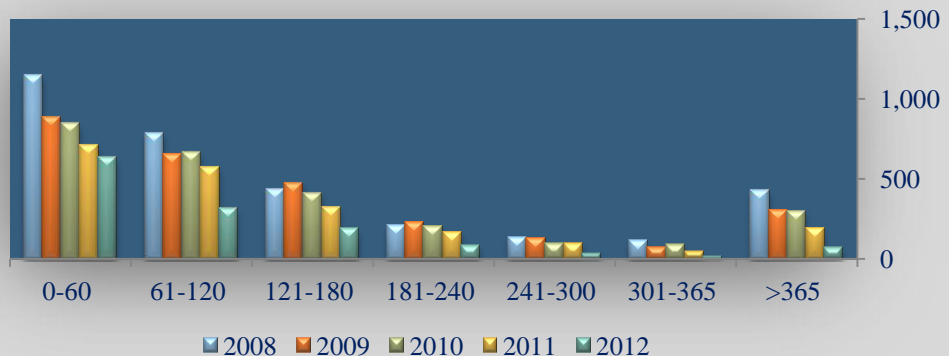
- ❖ Research of inactive felony cases to facilitate case closure.
- ❖ Generation of performance measures and age pending reports for each division.
- ❖ Evaluation of Early Intervention and Incompetent to Proceed processes to reduce potential delays

Pictured at top right- Pretrial Officer Candy Caughey providing case information to Judge Bruce Kyle

The illustration above represents the court’s case clearance rate as a result of case management. Clearance rates are the number of outgoing cases as a percentage of the number of incoming cases. Statistical data indicates the court is keeping up with the incoming caseload and avoiding a backlog of cases, according to Odyssey/Lee Clerk of Court records.

Age Pending

As illustrated to the right, the average number of cases pending continues to reduce since inception of DCM, according to Odyssey/ Lee Clerk of Court data.



FELONY DRUG COURT PROGRAM- PRIMARY FUNCTIONS

The Felony Drug Court Program is a court-supervised drug and alcohol treatment program for individuals involved in the criminal justice system with a substance abuse problem, created under Florida Statute 397.334. This 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. Primary functions include:



- ❖ Serving as the main point of contact for all referrals into the Felony Drug Court Program, investigating criminal history to ensure eligibility and facilitating early screening.
- ❖ Monitoring of time and events involved in the movement of cases from the point of referral to acceptance or denial by following mechanisms such as early screening, creation of event deadlines and continuous oversight and measurement of progress in accordance with the Felony Drug Court Program Participant and Operational Handbooks.
- ❖ Attendance at staffing and court regularly to inform the court of defendants' progress, compliance and previous court outcomes.

Pictured at top right- Pretrial Secretary Anne Donohue filing drug court documents

DRUG COURT PROGRAM EFFECTIVENESS

The Lee County Felony Drug Court Program was identified as a high-performing program and awarded a no-cost comprehensive process, outcome and cost evaluation through the Florida Supreme Court. The process evaluation began with an electronic program survey completed by key program staff, followed by an extensive four-day on-site visit. The outcome evaluation included a criminal justice recidivism study comparing outcomes for drug court participants prior to their program participation to the period of time after their program entry, examining for up to 24 months after drug court entry. Analyses included program entries between October, 2006 and January, 2010. Results affirm that drug court reduces the number of re-arrests for those individuals compared to their offending pattern prior to program involvement. The significant reduction holds for both graduates and non-graduates, demonstrating that involvement in the program, regardless of exit status, is associated with a reduction in criminality. Thus, this accomplishes a key program goal being an increase in public safety.

Results indicated the graduation rate as 61%, which is slightly higher than the national average of 50%. The cost per graduate was estimated at \$11,033 and per participant was \$10,865 for total program costs. The average treatment costs were \$4,537 per participant. The average length of stay was approximately 17 months, showing that participants, on average, stay in the program close to the intended time period.

COST AVOIDANCE

Many potential participants are in custody pending approval with an average time to program entry of approximately sixty days. With time goals up to 240 days, and an average of 91 participants entering the program annually, this would estimate an incarceration cost avoidance of approximately \$873,600.

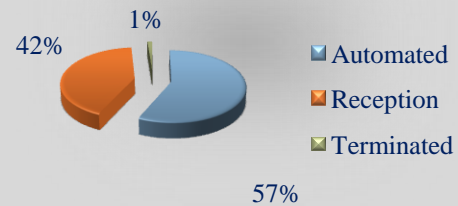
Drug court participants that do successfully graduate have their suspended sentences vacated. The average number of days that would have been served in the county jail or state prison system if these sentences had otherwise been imposed is substantial, estimated at 14,560 days and saving approximately \$1,164,800 for 43 participants sentenced to 364 days in the Lee County Jail. The total number of days saved from state prison sentences is estimated at over 80,000 days since program expansion in 2006.

SUPPORT

Clerical teams continue to provide exceptional support to management, the court and to each of the respective units, along with assisting the public and criminal justice stakeholders.

As a unified criminal division, the Pretrial Services and Probation Departments operate as one utilizing a call center. This system allows callers to receive immediate assistance that can be handled by an automated system, such as directions. Resulting statistics indicate reduced wait times and increased customer service levels for those callers needing to reach a live person. The call center allows tracking with real time reporting to measure service level thresholds and allows for each department to fully support each other and route to specific skill sets, helping to ensure the highest levels of efficiency throughout the division. During the fiscal year, there have been 74,144 incoming calls to the department, of which 57% were successfully handled by the call center, as illustrated in the chart above. Unified front counter services have also provided reduced wait times in the lobby/reception area.

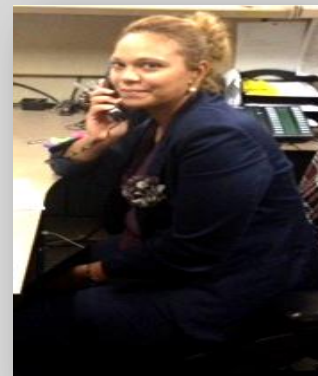
Call Center Incoming Calls



Pretrial secretaries attend First Appearance at the Core, and both felony and misdemeanor arraignments, to ensure appointment of counsel. Many screenings are also facilitated by letters mailed to those unrepresented and later handled at the front counter. Pertinent data is entered into the CJIS and Odyssey systems in order to produce various automated reports for management. Pretrial secretaries prepare and track documents, orders and agreements, compile reports, process reassignments, and monitor and maintain department supplies and storage. Clerical support is crucial in day-to-day operations of the entire department.

The clerical team began testing a new Kwiktag system within the Criminal Justice Information Database with the intent to reduce storage and supply costs and ultimately go paperless where possible.

The clerical team has also worked on a Disaster Recovery Project throughout the year. The purpose is to be able to operate the many every day functions of this department with minimal interference in the event we lose electrical power or have to work off site with a loss of network access. All documents utilized on a daily basis have been compiled and categorized on a flash drive. When a form is revised, is deemed obsolete or added per department use, all forms are updated in the flash drive, computer and hard copies. This flash drive contains approximately 396 documents. The forms are always kept current since losing electrical power can occur at any given time without notice. Forty-four of these documents were deemed most critical and placed in a binder and given to key employees of the department, as well as a “take home” kit for management. This kit will be kept offsite for safety and contain items that would be essential if the department must relocate to a temporary shelter in order to be operational. It contains such items as basic office supplies, first aid and sanitary/safety products.



*Picture from top:
Pretrial Secretary Paulette Rinehart providing front counter support and
Pretrial Secretary Mariem Ibrahim providing support for the call center*

RECOGNITION AND TRAINING INITIATIVES

The Lee County Pretrial Services Department would like to recognize all agencies and staff that continue to be key contributors to our overall operational success throughout the year, as well as all staff dedicated to achieving growth and success. Staff is also commended for developing a new department logo, displayed to the right.



The department especially recognizes those staff members who received special recognitions throughout the year for a specific accomplishment or in conjunction with the end of the year performance evaluation: Ms. Allison Holland, Ms. Christine Thompson, Ms. Ashley Gregory, Ms. Ms. Kimberly Hart, Jennifer Medrano, Ms. Anne Donohue, Ms. Mariem Ibrahim, Ms. Iris De Hoyos, Ms. Elizabeth Khin, Ms. Yazmin Rivera and Ms. Amy Kinsey. Criteria utilized:

- ❖ Initiating a special contribution that has a measureable positive impact on the department.
- ❖ Consistently demonstrating leadership, creativity and the mission of the department.
- ❖ Working as a team player with all co-workers showing outstanding spirit of cooperation and helping to train, motivate and facilitate positive change.
- ❖ Demonstrating extraordinary dedication to the department resulting in clear and tangible outcomes.

The department supports commitment to training and has developed a comprehensive training system, utilizing internal expertise and various stakeholders and community agencies, whereby numerous opportunities were offered at little to no department cost. These include but were not limited to:

- ❖ Florida Partners in Crisis offered through the Office of the State Courts Administrator
- ❖ The Florida Association of Community Corrections Conference
- ❖ Crisis Intervention Training (CIT)
- ❖ Moral Reconciliation Therapy (MRT)
- ❖ Assessor Training through the Florida Corrections Accreditation Commission
- ❖ Public Manager Certification
- ❖ Certified Court Manager certification through the Institute of Court Management
- ❖ National Association of Pretrial Services Agencies Conference
- ❖ Pretrial Services Professional certificate
- ❖ Cross training and internal expertise
- ❖ Computer and public records training through the BOCC
- ❖ Diversity training via Human Resources

The Community Outreach Program was formed with the purpose of reaching out to the community/criminal justice partners. Volunteers included Ms. Ashley Kellum, Ms. Iris De Hoyos, Ms. Yazmin Rivera, Ms. Jennifer Medrano, Mr. Ervin Gill and Ms. Candy Caughey. The department also



attended the OSCA Joint Application Development Meeting to offer valuable insight into the design of a new Judicial Inquiry System, as well as developed an interface with the drug court team, enhanced CJIS capabilities, developed a shared drive with the judiciary and updated literature on the court site and program brochures.

The department would like to also recognize and congratulate Mr. Scott Wilsker for his distinguished leadership and promotion to Trial Court Administrator.

From left- Mr. Jeff Nichols, Mr. Scott Wilsker, Ms. Amy Kinsey and Ms. Liza Maldonado