

Annual Report

October 1, 2009- September 30, 2010

20th Judicial Circuit, Administrative Office of the Courts Lee County Pretrial Services Department

The Lee County Pretrial Services Annual Report is a comprehensive end of the fiscal year annual report from data collected. The report includes trend analysis of annual statistical data collected, major developments and achievements, special projects and caseload/personnel ratio, demonstrating full compliance with accreditation standards.



The Lee County Pretrial Services Department completed the 2009/2010 fiscal year with a strong sense of accomplishment and dedication in continuing to provide the most professional and efficient services to its stakeholders. The department went through a rigorous assessment of operations during the previous fiscal year and continues to be in 100% compliance with accreditation standards. The Florida Corrections Accreditation program evaluated the department's operations against standards developed by the Florida Corrections Accreditation Commission and Association of Pretrial Professionals of Florida. This process had allowed administrative staff to enhance processes and upgrade the quality of the department's programs and services, as well as ensured that practice was in line with policy and increased consistency and uniformity. The department was accredited before the commission on June 30th, 2009. Accreditation continues to be part of the department's culture.

The Lee County Pretrial Services Department is part of the criminal division under the Administrative Office of the Courts, overseen by the criminal division director. The department provides case management support to the 13 judges assigned to the criminal division in Lee County, along with the Chief Judge and Administrative Circuit Judge, as well as support with weekend Polycom hearings for all Lee County judges. The department is composed of three units, which include the Intake and Investigation Unit, the Pretrial Supervision and Misdemeanor Diversion Unit and the Case Management Unit.

Each unit has their own core functions, but work collaboratively with the other units to achieve common goals. The management team includes the deputy criminal justice director who oversees the entire department operations, the administrative services supervisor who oversees program development, training and accreditation, an administrative assistant who provides direct managerial support and supervises clerical staff, and pretrial supervisors assigned to specific units within the department.

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.

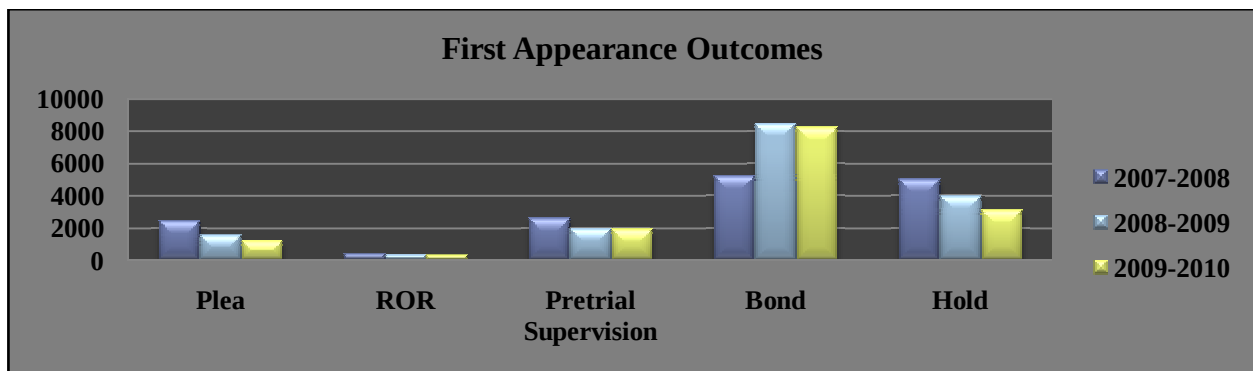
The Lee County Pretrial Services Department has in place a comprehensive pre-release interview and investigative process, operating twenty-four hours a day/seven days a week. Pretrial officers assigned to the Intake and Investigation Unit are responsible for the collection, investigation and verification of demographic and criminal history information. Pretrial officers perform assessment of risk for every booked defendant and determine indigence for interim appointment of counsel on new criminal violations. There were a total of 24,398 interviews, out of 27,138 bookings, conducted during this fiscal year.

Pretrial officers attend all First Appearance proceedings and furnish the judiciary with defendant background information, which enables decisions concerning release and detention to be made in the most fair and effective manner. Pretrial officers provide recommendations for resolution or release, as well as options for monitoring and supervision that will respond appropriately to the defendant's needs after considering the following factors:

- § The current charge and allegations in the booking report.
- § The defendant's criminal history record.
- § The defendant's familial circumstances, ties to and length in the community.
- § Employment status, financial resources, character and mental condition.
- § Danger to the community.
- § Flight risk and probability of appearing in court.
- § History of failing to appear for court and any priors for flight to avoid prosecution.
- § Pending charges, release status and supervision status.
- § Threats to law enforcement or court personnel.
- § Holds or preset bond amounts listed on warrants.
- § Any other facts necessary to assist the court, in accordance with Florida statute §907.041.

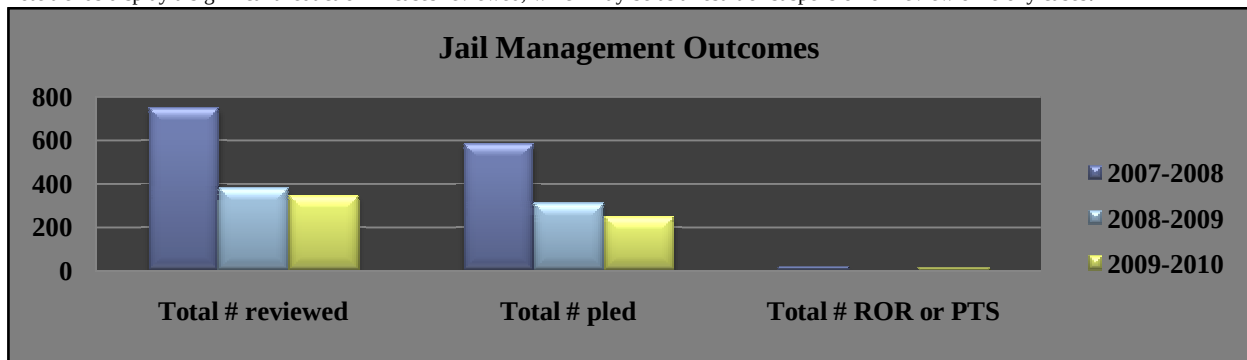
The Pretrial Justice Institute (PJI) announced the availability of no-cost technical assistance to counties seeking to enhance jail population management strategies through more effective pretrial release decision making practices. The assistance was made possible with a grant from the Bureau of Justice Assistance through the U.S. Department of Justice. The Lee County Pretrial Services Department applied for and was awarded this grant in January of this year to develop and validate an evidence-based risk assessment tool, using those variables that objectively assess a defendant's potential for failing to appear, flight risk or whether the defendant poses a public safety risk. Stakeholders, including the judiciary and the offices of the Public Defender and State Attorney, all met to define specific risk assessment criteria based upon the demographics of the pretrial population in Lee County. Pretrial staff is currently working tirelessly in the data collection process, which includes researching and documenting criminal history on a data sample of 1,740 defendants. Once the risk assessment tool is developed and tested, pretrial officers will consider the defendant's score on the assessment tool in determining a defendant's suitability for release.

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. Trends illustrated in the charts below 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.



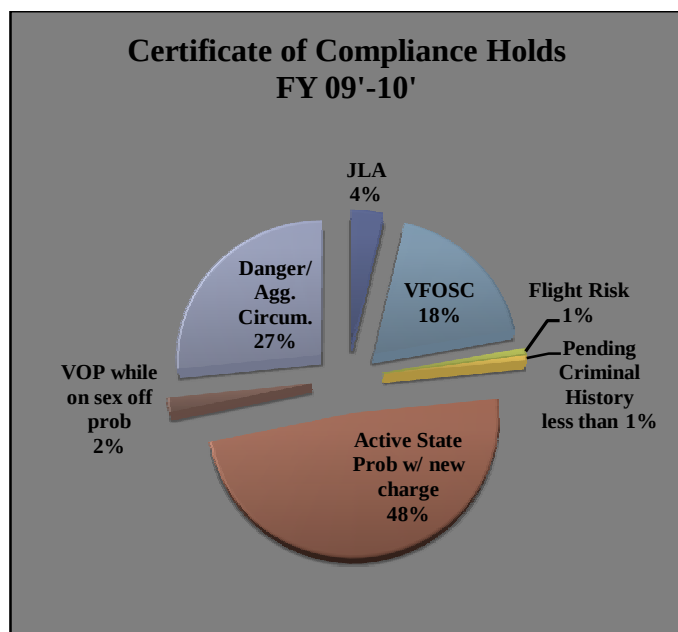
Pretrial officers continuously review all non-sentenced incarcerated defendants, prior to arraignment, so that appropriate, non-violent misdemeanor cases are placed on a jail management docket for potential release from custody or early resolution of the case.

Note trends display a significant reduction in cases reviewed, which may be as a result of suspension on review of felony cases.



The Lee County Pretrial Services Department continues to promote public safety through an inter-local agreement with the Lee County Sheriff's Office. In accordance with Administrative Order 3.9, pretrial officers investigate criminal history on all defendants booked into the Lee County Jail, researching pending charge status, probation status and criminal history. High Risk Sex Offenders, Violent Felony Offenders of Special Concern, and defendants who pose a flight risk or danger to the community are held for First Appearance.

There were a total number of 3,758 defendants held and required to appear before a First Appearance Judge, during this fiscal year, according to the Criminal Justice Information Database (CJIS) Certificate of Compliance Holds Statistics Report. This allowed for the First Appearance Judge to make informed decisions on appropriate release conditions for these defendants. The chart below illustrates the breakdown of reasons for holding defendants for First Appearance as opposed to bonding on the monetary bond schedule.



Additional criteria considered for holds for First Appearance:

1. Active probation status with new criminal law violation.
2. Violation of probation while on sex offender probation.
3. Current pretrial supervision or county probation status in Lee County with new criminal charge.
4. Pending felony charge with new felony charge.
5. Pending charge with new, related charge coupled with any aggravating circumstances identified during the interview or in the booking report or criminal history record that indicate a flight risk or danger to the community.
6. Designation as a career offender or a juvenile serious habitual offender and currently under the age of twenty-one.
7. Known or documented gang member.
8. Confirmed immigration hit, based on potential flight risk.
9. At the pretrial officer's discretion based on flight risk and danger to the community, with articulated reason.

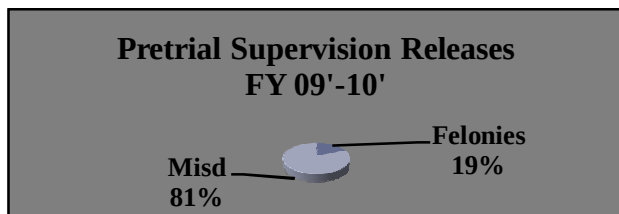
The Intake and Investigation Unit continues to identify defendants in custody who have a substance abuse or mental health need. There were 4,819 defendants identified with substance abuse needs and 1,330 defendants identified with a mental health need. Out of these defendants, the court presenters identify those who appear 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 1,000 defendants identified for the Early Intervention Docket, 652 defendants identified for Felony Diversion, 1,785 defendants identified for Misdemeanor Diversion, 992 defendants identified and suspected of having substance abuse needs that appeared eligible for the Felony Drug Court Program and 1,411 defendants identified and suspected of having mental health needs that appeared eligible for the Mental Health Court Program during this fiscal year, according to the CJIS First Appearance Identification Statistics Report. The unit is also proactively identifying veterans with substance abuse/mental health needs for potential future opportunities to provide enhanced assistance.

The Pretrial Supervision and Misdemeanor Diversion Unit supervises defendants released on pretrial supervision and defendants who enter misdemeanor diversion. Pretrial officers assigned to pretrial supervision utilize a differentiated case supervision approach, determining risk factors based on needs assessments, special conditions and current charges. Conditions such as no contact orders, random drug and alcohol screens and treatment evaluations are enforced. Cases are monitored continuously, encouraging success through mandatory appointments and reminder letters. Court date reminders are made, illustrating success with an average 97 % successful court appearance rate during this fiscal year. Pretrial officers also continue to utilize Violation Reports in specified circumstances to avoid termination and re-arrest for minor violations of pretrial supervision.

The pretrial supervisor oversees all electronic monitoring cases. After the Intake and Investigation Unit ensures proper equipment installation at the Lee County Jail prior to release and conducts initial orientations, the pretrial supervisor conducts additional orientations to review specified conditions, consequences for failing to abide by conditions and review of the supervision reporting plan. The pretrial supervisor submits status updates to the assigned judge regularly, ensuring compliance with all conditions of the court.

Pretrial officers also conduct drug screens in the office as a last resort when ordered as a condition of pretrial supervision and the defendant is unable to obtain a test elsewhere due to financial hardship, when the defendant appears to be untruthful and/or is circumventing taking a test or appears to be under the influence of drugs while in the office, during a random sweep, in court or when the judge orders such.

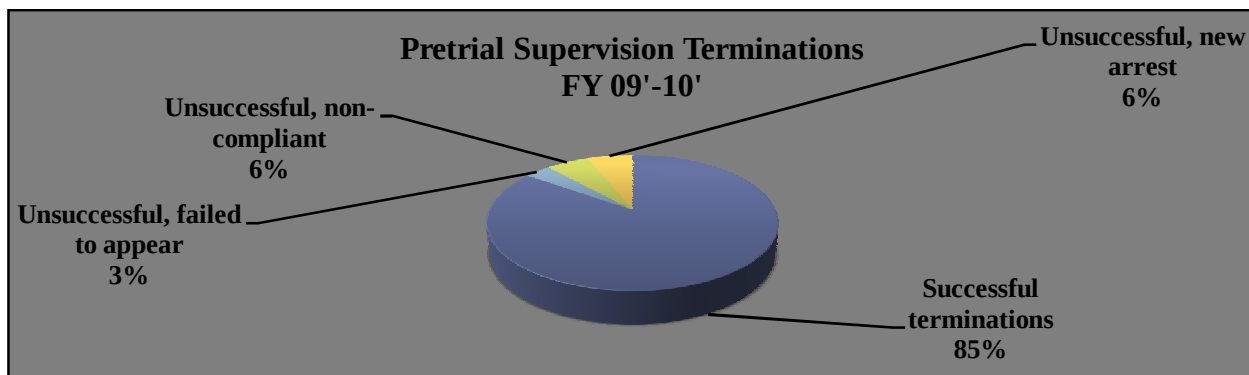
The chart below illustrates the percentage of felony versus misdemeanor cases placed on pretrial supervision during this fiscal year. The average caseload for the fiscal year was 359 cases with an average ratio to officer of 120.



Standard Pretrial Supervision conditions:

1. Reporting to the assigned pretrial officer as directed.
2. Remaining at liberty without violating any laws.
3. Must not produce any positive or diluted drug or alcohol screens.
4. Notifying the assigned officer prior to changing a name, residence, telephone number or employment.
5. Notifying the assigned officer prior to leaving the county overnight for any reason.
6. Promptly and truthfully answering all inquiries.
7. Complying with special conditions ordered.

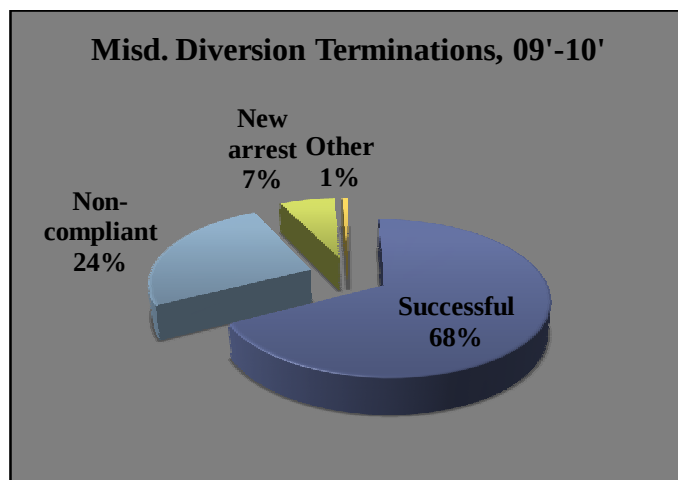
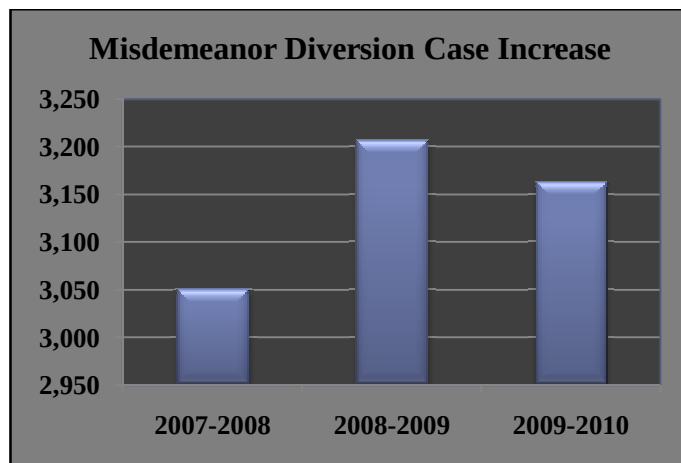
The chart below illustrates the success rate for all defendants on pretrial supervision whose case was disposed during this fiscal year.



Pretrial officers assigned to misdemeanor diversion meet with defendants to review Deferred Prosecution Agreements and explain conditions and consequences of success or failure, after ensuring eligibility for the program. Cases are monitored continuously, encouraging success through mandatory appointments, reminder letters and utilizing a community service option in lieu of costs of supervision when appropriate. When successful, the State Attorney's Office dismisses the case(s) and discontinues further court proceedings.

Pretrial officers continue to improve case management functions to increase success rates. Pretrial officers began utilizing Violation Reports during this fiscal year, at the approval of the State Attorney's Office, for minor violations of misdemeanor diversion. When approved, cases are no longer being terminated and placed back on the docket.

The charts below illustrate a three year trend of defendants that entered misdemeanor diversion, as well as the success rates during the last fiscal year. The average caseload for the fiscal year was 825 cases with an average ratio to officer of 275.



Standard Misdemeanor Diversion conditions:

1. The defendant will refrain from any violation of the law. Any new law violation may result in a *capias* or warrant being issued for the defendant's arrest and the unsuccessful termination from this program.

2. The defendant will not change his/her residence or employment or leave the State of Florida without first obtaining the consent of the pretrial officer.

3. The defendant will truthfully answer all inquiries made by the pretrial officer for purposes of ensuring compliance with the conditions of the Deferred Prosecution Agreement; comply with all instructions given by the pretrial officer and report as required by the pretrial officer.

4. The defendant must not produce any positive or diluted drug screens if testing or treatment is required.

5. The defendant will pay costs of supervision in the amount of \$150.00.

6. The defendant will pay costs of prosecution in the amount of \$50.

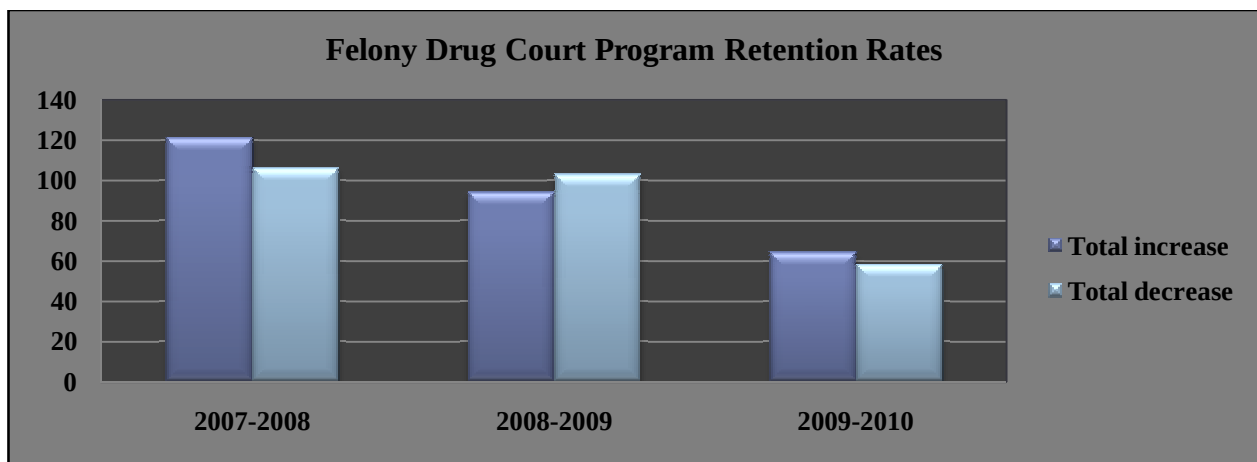
7. The costs of supervision and prosecution are assessed at the time of signing this Deferred Prosecution Agreement and are binding whether successful or unsuccessful in the program.

8. The defendant will report for mandatory appointments as scheduled. Proof of counseling or treatment attendance must be provided when applicable.

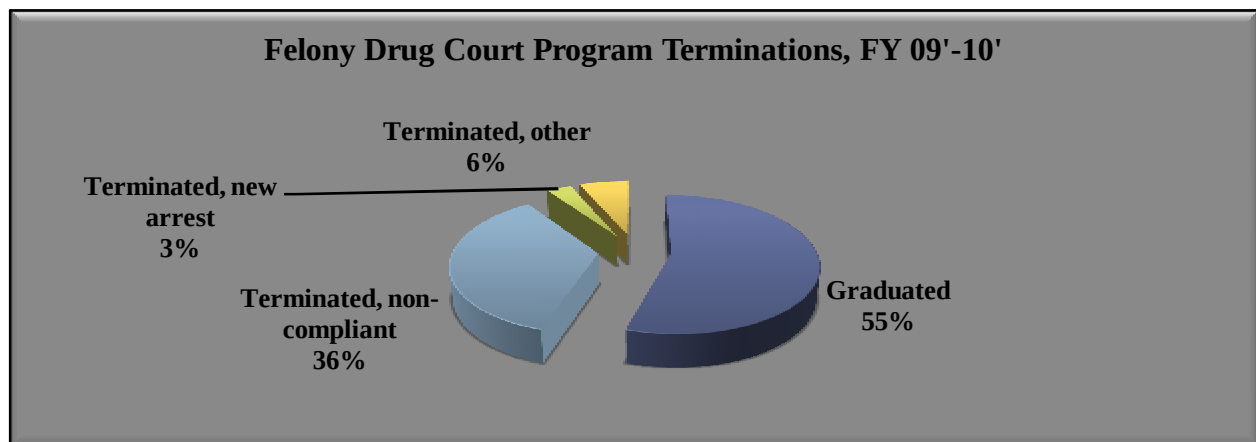
9. The defendant will complete any special condition(s) outlined (requirements specific to charge type and when restitution applicable).

The Felony Case Management Unit provides direct support to the judiciary presiding over felony cases, which includes support to two county judges presiding over the Felony Drug Court Program on a voluntary basis. A pretrial officer serves as the main point of contact for all referrals into the program, investigating criminal history to ensure eligibility criteria and facilitating early screening by an addictions specialist. The pretrial officer monitors the 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 Operational Handbook. The pretrial officer attends staffing and court regularly to inform the court of defendants' progress, compliance and previous court outcomes.

The chart below illustrates the program's retention rate over the last three fiscal years. Retention rate is defined as how many defendants completed the program (both successful and unsuccessful) divided by how many defendants who entered during the same time period. The program averaged a 90% retention rate (note no cohort used) over the last three fiscal years, compared to the national average of 60%.



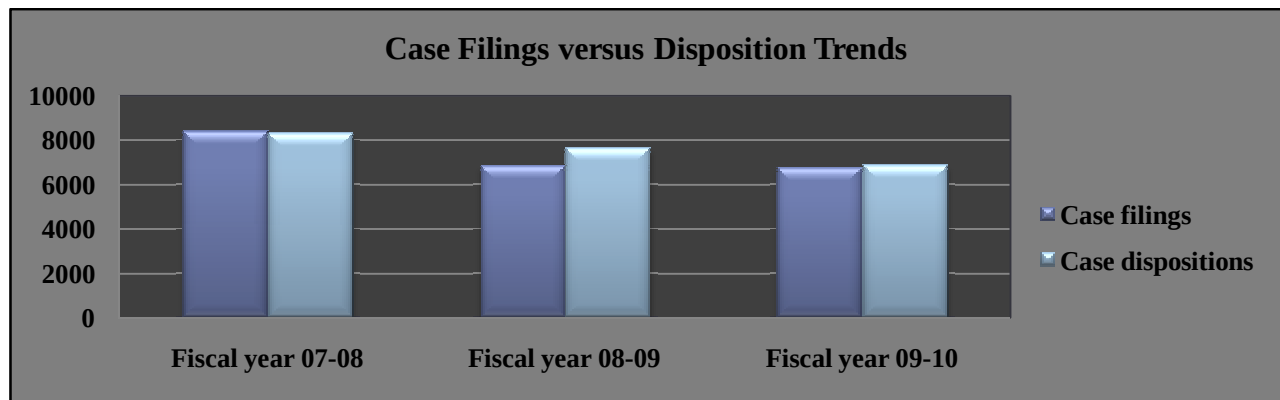
The chart below illustrates the breakdown of terminations during this fiscal year, indicating an average success rate of 55%, compared to the national average of 50%.



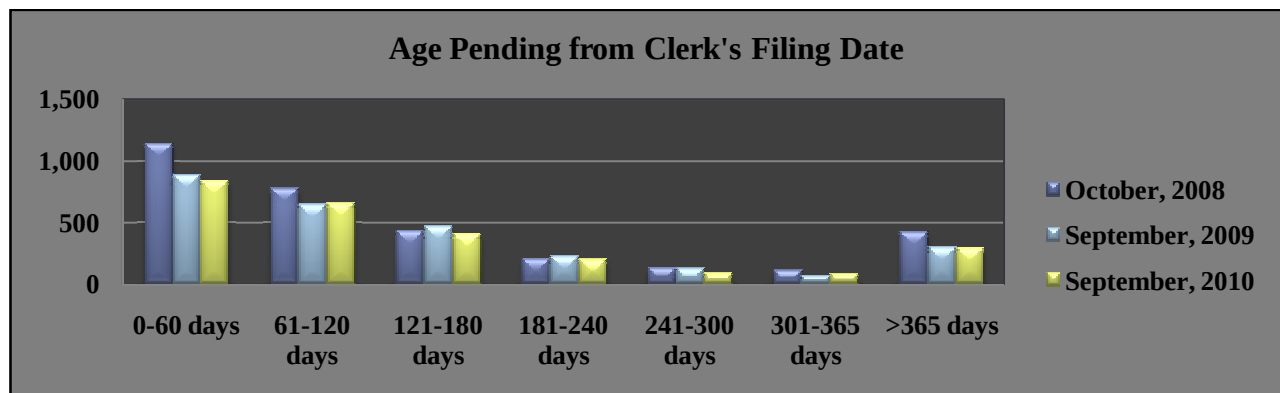
Pretrial officers in the Case Management Unit manage cases according to their nature/complexity to facilitate early disposition of appropriate cases and allow for individual judge management on more complex cases. Pretrial officers have broadened their calendar management practices while utilizing time goals reports to communicate to the stakeholders a heightened awareness of particular case processing time goal statuses. Pretrial officers confirm case tracks, oversee trial calendars as to the number of ready cases in each trial cycle, provide case notes to the judiciary with detailed case events and progress and continue to research inactive felony cases to facilitate case closure. Pretrial officers generate performance measures and age pending reports for their assigned judges. Differentiated case management procedures improve predictability, efficiency and timely disposition of felony criminal cases in the circuit court and ensure compliance with provisions and aims of the Florida Rules of Criminal Procedure.

Pretrial officers began to utilize a “Cases Involving Death Report” to measure and ensure a balanced case distribution of such complex cases. Pretrial officers also continue researching defendants in custody over 365 days non-sentenced and, along with all criminal justice partners, have facilitated reduction from 82 to 43 defendants during this fiscal year, thereby substantially avoiding further jail costs.

The illustration below represents the court’s case clearance rate as a result of differentiated 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. The number of dispositions was higher than the number of case filings for the previous two years (since inception of DCM model), illustrating successful clearance rates, according to Odyssey/Lee Clerk of Court records.



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



Clerical teams continue to provide exceptional support to management as well as to each of the respective units, along with assisting the public and criminal justice stakeholders via the front counter and phone system. Clerical teams process the majority of screenings for determination of indigence after First Appearance at the office, in court and at the Lee County Core facility. There were a total of 14,466 defendants appointed the Public Defender through Pretrial Services this fiscal year.

Pretrial secretaries input pertinent data into the CJIS and Odyssey systems in order to produce various automated reports for management and staff. Pretrial secretaries prepare and track documents, orders and agreements, compile reports, process reassignments, and monitor/maintain department supplies and storage. Clerical support is crucial in day-to-day operations of the entire department.

OPERATIONAL ACCOMPLISHMENTS

*The department has developed complete policies and procedures, and continues to refine such, ensuring uniformity and consistency throughout the department. Policies and procedures have increased the integrity of the criminal justice process and the department's role.

*During these fiscally challenging economic times, the department streamlined activities, automated processes and realigned teams to "do more with less" while still providing the most efficient services to stakeholders. Cross-training was promoted and has been instrumental in staff development as well as achieving strategic work plans and enhancing day-to-day processes, all while two full-time positions remain frozen due to current budget constraints. The department also piloted a 10-hour shift to increase employee morale and productivity. All the while, the department has balanced the budget while continuing to reduce operating costs such as office supply and storage costs.

*The department has prepared a Continuity of Court Operations/Disaster Recovery Plan. COOP plans minimize losses, reduce disruption, protect records and assets and provide a state of readiness during a disaster. Essential functions, authorities and succession orders, business practices, communications, resources and vital records and databases were all identified and drive-away kits and devolution plans were prepared. Additionally, record retention and storage needs were identified and plans were developed to best utilize available systems, such as Kwiktag and CJIS as a document management system, to save on budget line items. Efforts are being made to go paperless as much as possible.

*The department continues to partner with various agencies for criminal justice collaboration. In February of this year, the department participated in a cross-systems mapping exercise, sponsored by the Florida CJMHSA Technical Assistance Center, to identify resources, gaps and barriers to persons with mental illness in existing systems within Lee County. The department participates monthly in the Public Safety Coordinating Council, Felony Advisory Committee and CSI Committee meetings, as well as CJIS project and Odyssey business group meetings. The department also continues an inter-local agreement with the Lee County Clerk of Court in regards to Applications for Criminal Indigent Status. The department and the clerk have collaborated to comply with recent legislative changes.

*Due to restructuring teams and reclassifying the former Pretrial Coordinator (Diversion Supervisor) position to a pretrial officer position, the department was able to designate two Team Lead positions in the Pretrial Supervision and Misdemeanor Diversion and Case Management Units. This not only recognized staff with leadership qualities, thereby allowing for growth within the organization, but provided overall stability within the units providing for backup assistance to the supervisor and assistance in handling special details and projects. The reclassified officer position was allocated to the Case Management Unit, thereby allowing more availability for the pretrial supervisor to truly provide continuous oversight of the unit's daily operations. The Team Lead positions initiated designating a "Training Coordinator" and a "Safety Officer", thereby resulting in a comprehensive training system and a proactive approach to potential hazards in the workplace.

The Lee County Pretrial Services Department would like to recognize all agencies that continue to be key contributors to our overall operational success throughout the fiscal year, to include the Trial Court Administrator, Criminal Division Director, the Judiciary, Human Resources and Information Technology Divisions under the Administrative Office of the Courts, the Criminal Justice Information System (CJIS) Group, the offices of the State Attorney and Public Defender, the Lee County Clerk of Court, the Lee County Sheriff's Office, the Department of Corrections, Human Services, private counsel and local treatment and education providers.

Most importantly, the management team would like to thank all staff for continuing to enhance daily operations and professionalizing the department as a whole. Pretrial staff is truly committed to providing the highest standards of excellence. "Excellence is not a skill. It is an attitude" (Ralph Mortson) and it prevails amongst the department.

Department photo, 2010



Front row- Scott Peckham, Angelina Foster, Mercedes Pena-Barcia, Andrea Wolfe, Marlene (Faye) Miller, Paulette Rinehart, Alice Colon-Torres, Niquinya Street, Caryle DeCruise-Gamble, Candy Caughey and Ismael Herrera

Center row- Mariem Ibrahim, Melissa Whittington, Ashley Gregory, Allison Eskin, Yazmin Rivera, Amy Kinsey, Scott Wilsker, Ervin Gill, Liza King Maldonado, Michelle Meyer, Elizabeth Khin, Ashley Kellum, Anne Donohue, Kimberly Miceli and Christine Thompson

Back row- Edgar Cruz, James Sullivan, Nicholas Stevens, Kimberly Hart, Elizabeth Robideau, John Calderone, Keith McGovern and Scott Leland

Not pictured- Luceal Curry, Jennifer Medrano and Iris Mota