

Annual Report

October 1, 2010- September 30, 2011

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 2010/2011 fiscal year with a strong sense of attainment and continued commitment in continuing to provide the most professional and efficient services to its stakeholders. The department continues to maintain 100% compliance with accreditation standards and is planning for re-accreditation during the upcoming fiscal year. The Florida Corrections Accreditation programs continue to re-evaluate the department's operations against standards developed by the Florida Corrections Accreditation Commission and Association of Pretrial Professionals of Florida. This process continues to allow administrative staff to enhance processes and upgrade the quality of the department's programs and services, as well as ensures that practices stay in line with policy and increases consistency and uniformity. 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 Supervision 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 three pretrial supervisors assigned to specific units.

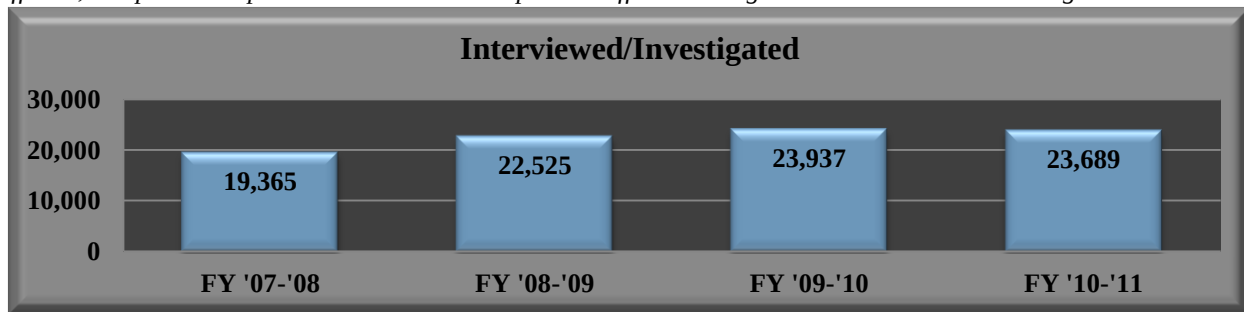
The mission of the Lee County Pretrial Services Department is to provide comprehensive case management services to the courts, from case inception through case closure, via professional staff committed to the highest standards of excellence.

INTAKE AND INVESTIGATION

The Lee County Pretrial Services Department continues to conduct comprehensive pre-release interviews and investigations, 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.

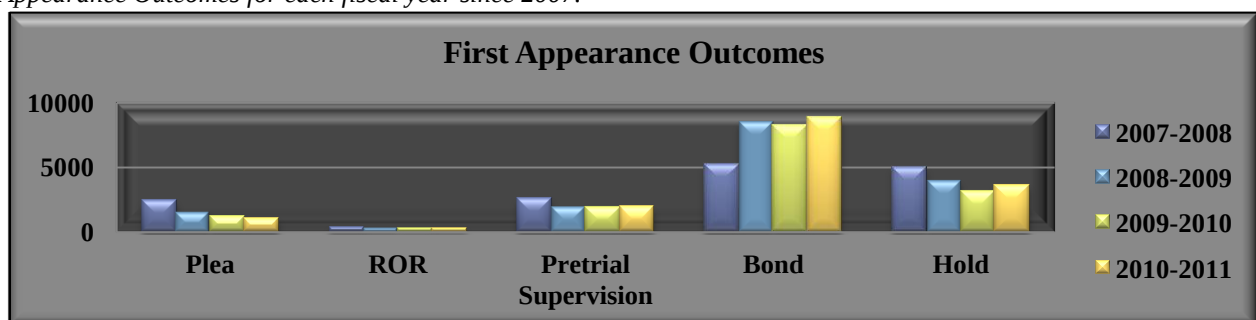
The Lee County Pretrial Services Department sought to develop an evidence-based risk assessment tool, using those variables that objectively assess a defendant's potential for failing to appear, flight risk or whether the defendant poses a public safety risk. In the spring of 2010, the department was awarded a federal grant to fund the creation of a validated Risk Instrument tool through collaboration with the Pretrial Justice Institute (PJI). During this study, with the assistance of the Criminal Justice Information System (CJIS) group, staff amassed a data sample population of 1740 defendants arrested during 2009. The data sample consisted of case information (charge level, charge description), demographic information (length of time in circuit, marital status, employment status), release information (bonded prior to First Appearance, released on pretrial supervision/PTS, bond or held without bond), prior criminal history (number of arrests as compared to convictions), and case disposition information (date of disposition, re-arrests while case is pending). This sample included defendants not placed on pretrial supervision to provide for a realistic overview of Lee County arrests, as well as an opportunity to evaluate case progression for those defendants who according to the developed Risk Instrument would have qualified for supervision. All of the data sample variables were determined and confirmed by a collaborative effort between the Lee County Pretrial Services Department and PJI after consensus amongst stakeholders, including the judiciary and the offices of the State Attorney and Public Defender.

According to the CJIS Intake Statistics Report, the chart below illustrates the total number of defendants interviewed/investigated prior to First Appearance during the last four fiscal years. Currently, eleven pretrial officers, two pretrial supervisors and one on-call pretrial officer is assigned to the Intake and Investigation Unit.



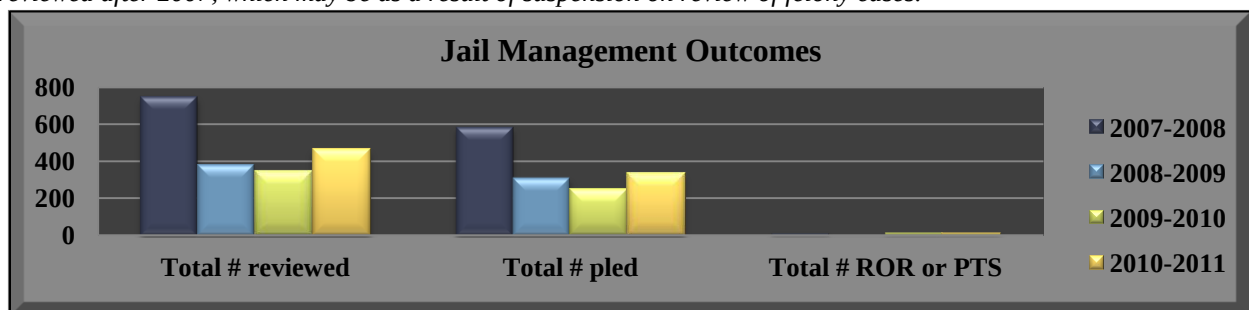
Pretrial officers attend all First Appearance proceedings and furnish the judiciary with defendant background information, which enables decisions concerning release and detention to be made in the most fair and effective manner. Pretrial officers provide recommendations for resolution or release, as well as options for monitoring and supervision that will respond appropriately to the defendant's needs after considering a variety of factors, including charges, criminal history, ties to community, employment status, danger to the community, prior failures to appear, pending charges and other facts pertinent to assist the court in a release decision. Effective November, 2011, court presenters will begin to furnish the judiciary with the risk assessment score as an additional tool to aid in the release decision.

According to the CJIS First Appearance Outcome Report, the chart below illustrates the breakdown of First Appearance Outcomes for each fiscal year since 2007.



Pretrial officers also 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.

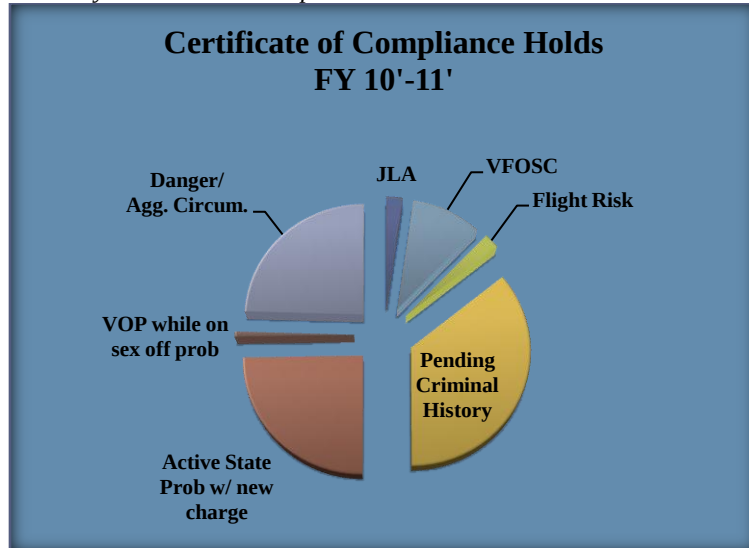
According to the CJIS Jail Management Outcomes Report, the chart below illustrates the breakdown of jail management outcomes during for each fiscal year since 2007. Note trends display a significant reduction in cases reviewed after 2007, which may be as a result of suspension on review of felony cases.



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 4,599 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.

According to the CJIS Certificate of Compliance Holds Report, the chart below illustrates the breakdown of reasons for holding defendants for First Appearance in lieu of bonding pursuant to the monetary bond schedule in place.



Additional criteria considered for holds for First Appearance:

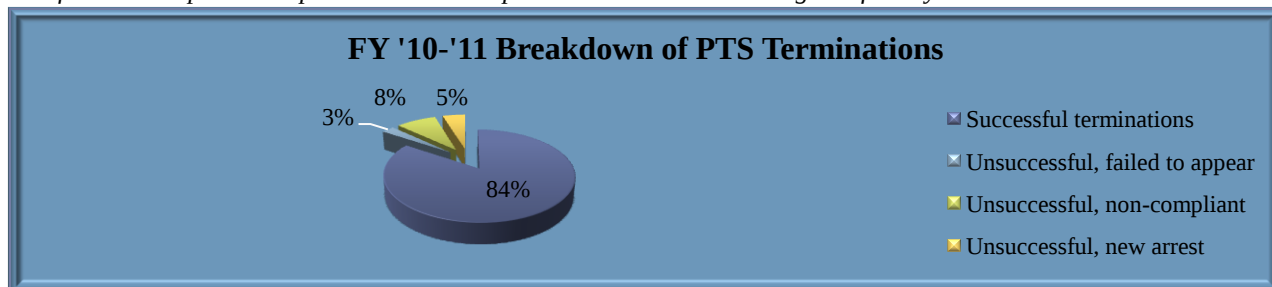
- 1. Active probation status with new criminal law violation.*
- 2. Violation of probation while on sex offender probation.*
- 3. Current pretrial supervision or county probation status in Lee County with new criminal charge.*
- 4. Pending felony charge with new felony charge.*
- 5. Pending charge with 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 or hold, 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 4,715 defendants identified with substance abuse needs and 1,424 defendants identified 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 4,465 defendants identified by court presenters as potential participants for the Felony Drug Court Program and 1,476 defendants identified as potential participants 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.

SUPERVISION

The Supervision 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 98% successful court appearance rate, out of a total of 3,353 court appearances during this fiscal year, averaging 2 court appearances per defendant. 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 average caseload for pretrial supervision for the fiscal year was 318 cases with an average ratio to officer of 106 defendants.

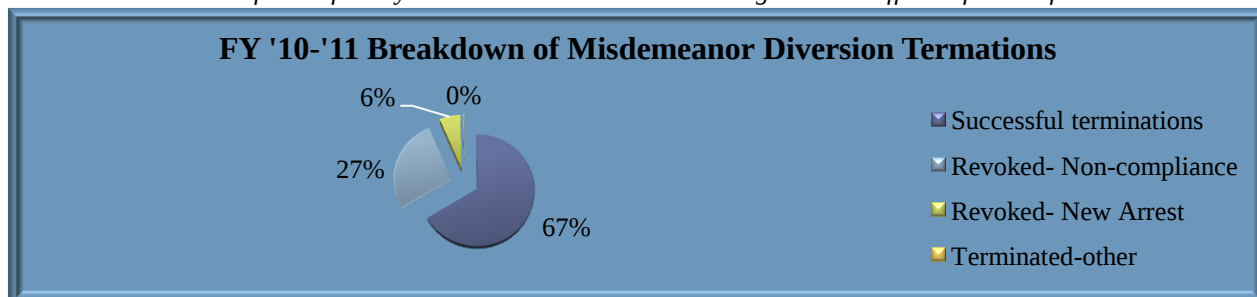
According to the CJIS Pretrial Supervision Monthly Officer Report, the chart below illustrates the success rate for all defendants on pretrial supervision whose supervision was termed during this fiscal year.



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. When approved, cases are no longer being terminated and placed back on the docket.

According to the Odyssey Monthly Caseload Report, the chart below illustrates a breakdown of the termination reasons for those who termed from misdemeanor diversion during this fiscal year. The average caseload for misdemeanor diversion for the fiscal year was 612 cases with an average ratio to officer of 204 defendants.

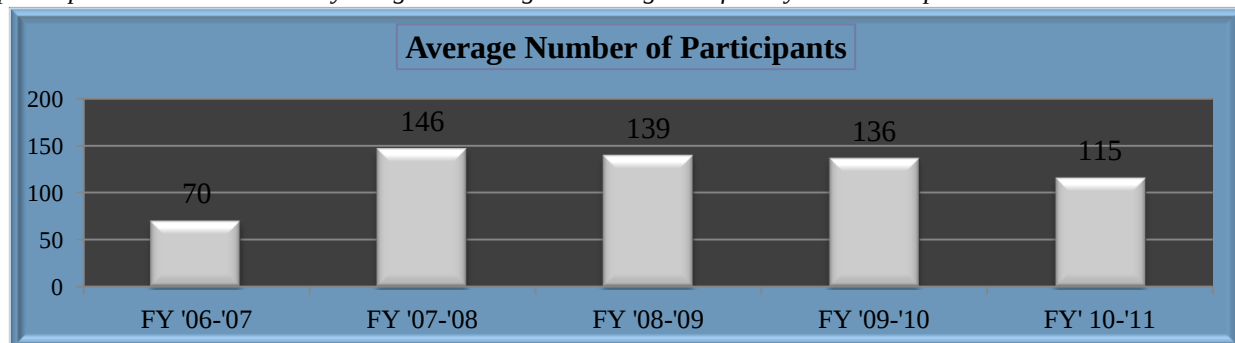


FELONY DRUG COURT PROGRAM

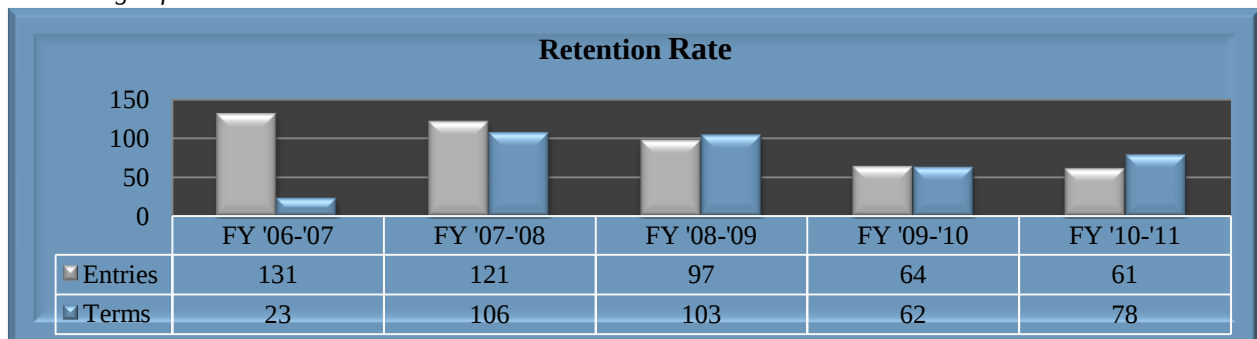
The Felony Case Management Unit provides direct support to the judiciary presiding over felony cases, which includes support to two county judges presiding over the Felony Drug Court Program on a voluntary basis. The pretrial officer monitors the time and events involved in the movement of cases from 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 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. This program provides immediate and concentrated treatment, which includes supervision and monitoring by a drug court team and drug court judge. The drug court team works with and helps the participant to comply with the requirements, but participants must be committed to recovery to be successful in this program. Entry into the program is completely voluntary, but compliance is required while in the program. According to the CJIS Felony Drug Court Program Average Length of Stay Report, the average length in the program for those participants who termed during this fiscal year was 698 days, with 504 days for those successful and 477 days for those unsuccessful.

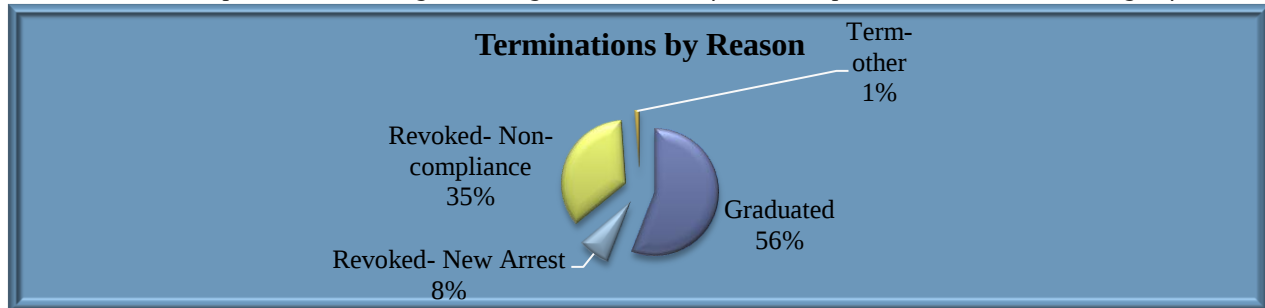
According to the CJIS Drug Court Monthly Statistics Report, the chart below illustrates the average number of participants active in the Felony Drug Court Program during each fiscal year since expansion.



According to the CJIS Drug Court Monthly Statistics Report, the chart below illustrates the program's retention rate since expansion. 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 78% retention rate (note no cohort used) since expansion, compared to the national average of 60% and state average of 67%.



According to the CJIS Drug Court Monthly Statistics Report, the chart below illustrates the breakdown of terminations since expansion, indicating an average success rate of 56%, compared to the national average of 50%.



Florida Adult Felony Drug Court Programs have recently been assessed through NPC Research, on behalf of the Office of the State Courts Administrator, to determine the extent that best practices are demonstrated. Out of the 33 participating programs, Lee County ranked one of the highest with 72% of study practices being met. These study practices have been established by outcome and cost studies nationwide, based on the 10 Key Components of Drug Courts. As a result of being one of the highest performing programs, Lee County was recently selected and is partaking in a comprehensive process, cost, and outcome study, which began in September of 2011.

A new drug court interface with the contracted treatment provider was deployed during this fiscal year through CJIS. The new system not only increases information sharing, but allows for more detailed reports to better analyze program success. The drug court team has also formed a sub-committee during this fiscal year to meet on a quarterly basis, or more as needed. This team is comprised of representatives from the offices of the PD and SAO, SWFAS and Court Administration. Primary purposes of the committee have been identified as program enhancement/meeting 10 key components, training and building team cohesiveness, key issues, community outreach and sustainability.

FELONY CASE MANAGEMENT

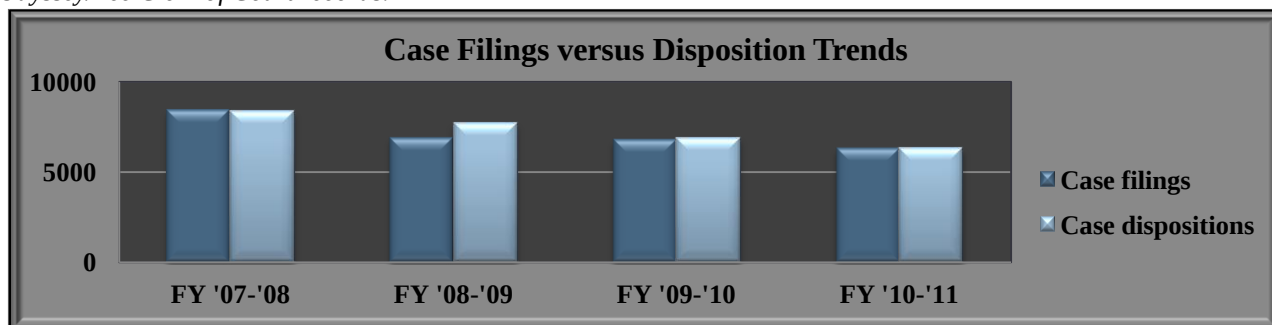
Criminal differentiated case management procedures were developed in Lee County to improve predictability, efficiency and timely disposition of felony criminal cases in the circuit court and to ensure compliance with provisions and aims of the Florida Rules of Criminal Procedure. The purpose was to recognize that a defendant's right to speedy trial, and the public, including victims' and witnesses' interest in a timely, fair and just resolution of criminal cases, is best achieved by application of uniform and consistent time standards for the conduct of criminal cases in Circuit Court. The concept encouraged collaboration between the Court, the State Attorney, the Public Defender and the defense bar with a view towards a just and efficient disposition of criminal cases. Differentiated Case Management techniques allow courts to tailor the case flow process to the requirements of individual cases. The main concepts are: (1) Setting case tracks, based on criteria that determines the necessary case events and time goals (2) Enhanced organization of court events by using a Pretrial Scheduling Order (3) Close case monitoring to ensure that the case progresses in the most efficient manner.

Pretrial officers monitor cases at each stage as they move through the judicial system in an effort to ensure on time disposition of cases. Case events are tracked and caseload status updates are provided to the court, to include age of pending caseloads and identified delayed cases. Key goals are to ensure meaningful court events, increase dispositions against filings and improve early disposition rates. Pretrial officers attend all felony arraignments, case management conferences, pretrial conferences and trial calls to assist with the scheduling of cases, documentation of court events, tracking of continuances and ensuring legal representation or coordinating screening for the Public Defender. Pretrial officers also assist with trial calendaring to help ensure trial date certainty. Pretrial officers serve as a liaison between the offices of the State Attorney's Office, Public Defender's Office, private bar, Lee County Clerk of Court, Lee County Sheriff's Office, and other various agencies, to facilitate case progression.

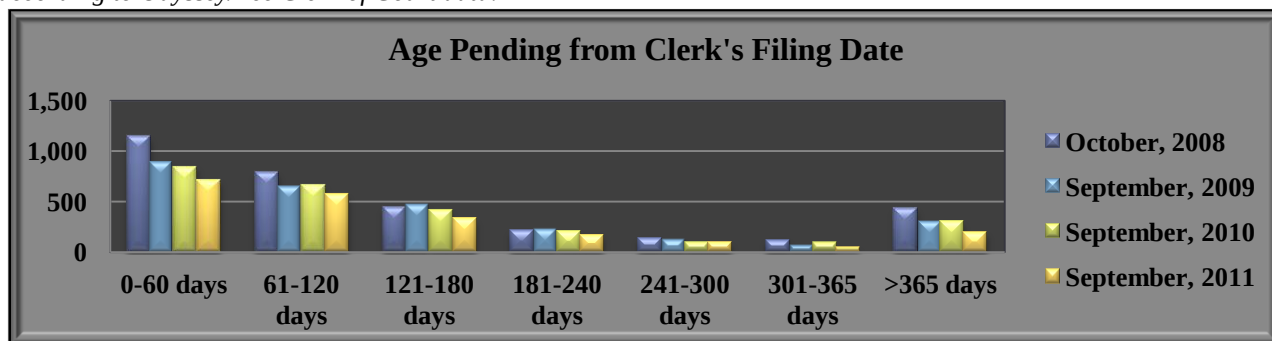
The case management unit began managing and tracking the use of senior judge trial backup for the felony division. The goal was to effectively manage senior judge coverage in the most efficient, resourceful manner. The case management unit also began reassigning cases resulting in death upon the case entering into Odyssey. The goal was for the case to be assigned to one attorney for intake and stay with this attorney throughout the case rather than being re-assigned to a different attorney. This was to alleviate any extra time needed for a new attorney to familiarize him/herself with the case since he/she was not the one that conducted the intake, and at the request of the SAO's office.

As a result of all stakeholders' efforts and success, Lee County applied for and won a 2011 Achievement Award and a "Best of Category" Award for the implementation of criminal case management through the National Association of Counties. The Achievement Award is a non-competitive awards program that recognizes innovative county government programs in a variety of categories, judged based on their own merits according to the criteria outlined in the application. After reviewing all the applications in a category, the judges picked one or two innovative programs that stood out from the rest. These programs were awarded a Best of Category Award in addition to an Achievement Award. This additional recognition was initiated to highlight the most "outstanding county model programs" submitted to the awards competition. Only sixteen of these "Best of Category" awards were conferred during this 15th year NACO has instituted this special recognition.

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, according to Odyssey/Lee Clerk of Court records.



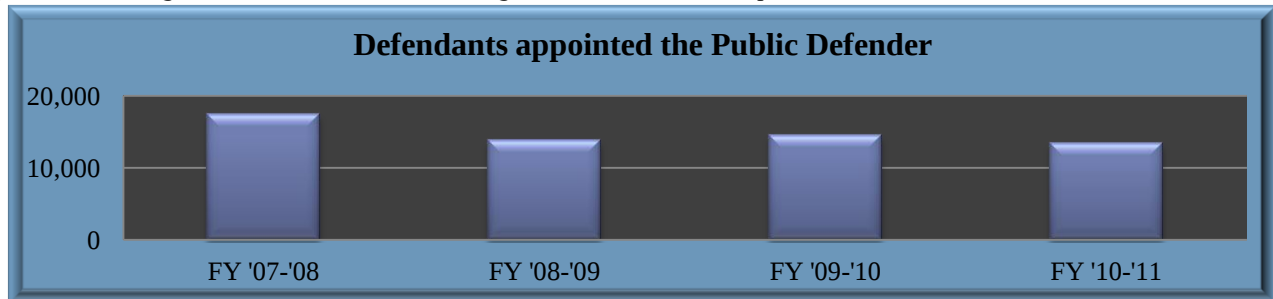
As illustrated in the chart below, the average number of cases pending continues to reduce since inception of DCM, according to Odyssey/Lee Clerk of Court data.



SUPPORT

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.

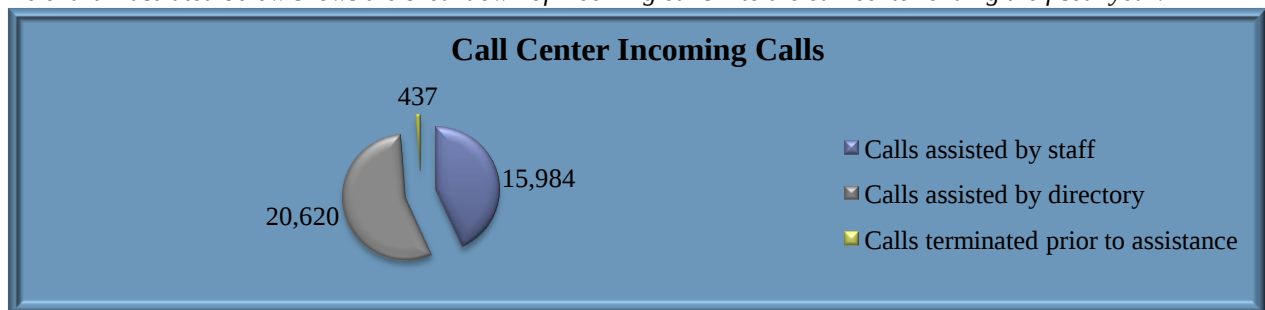
The chart below illustrates the total number of defendants appointed the Public Defender over the last four fiscal years, according to the CJIS Intake and Investigation Unit Statistics Report.



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.

The Pretrial Services and Probation Departments, as a unified criminal division, relocated to renovated office space in the Justice Center in December of 2010. Along with the move, the Pretrial Services Department changed from a direct dial phone system to a call center. This allows callers to receive immediate assistance on calls that can be handled by the phone script, such as directions or contact information, thereby reducing wait times and increasing customer service levels for those calls 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, thus helping to ensure the highest levels of efficiency across the division. Since inception, the call center has overall reduced 55% of the incoming calls by the automated system.

The chart illustrated below shows the breakdown of incoming calls into the call center ending the fiscal year.



OPERATIONAL ACCOMPLISHMENTS

*The department has maintained complete policies and procedures and accreditation compliance, 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 times, the department continued to further streamline activities, automate processes and realign teams to "do more with less" while still providing the most efficient services to stakeholders. Cross-training has been instrumental in staff development as well as achieving strategic work plans and enhancing day-to-day processes. Due to continued budget restraints, a supervisory position overseeing the daily operations of the Case Management Unit was lost and these duties were temporarily added to the Administrative Services Supervisor position. The loss of this position has impacted service delivery and efficiency.

*The department has continued to enhance our 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 document management systems, 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. 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. The department has collaborated with the Department of Corrections, sending over information on warrantless arrests and Widman Act warrants, and facilitating receipt of affidavits for court. Additionally, the department has worked with county probation on conducting drug screens and field contacts to most efficiently and safely utilize resources.

RECOGNITION

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 Board of County Commissioners, the Department of Corrections, Human Services, private counsel and local treatment and education providers.

Most importantly, the management team would like to thank and recognize the achievements set forth and achieved by all staff during this fiscal year. Pretrial staff is truly committed to providing the highest standards of excellence.

