

Law: 19th Judicial Circuit Court Innovative programs help resolve cases more quickly, effectively

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Staff Reports

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By Camille S. Yates

For Progress & Innovation

Overwhelming is a word used in years past to describe the legal system on the Treasure Coast. Judges have had huge case loads and attorneys were known to have cases set to be heard that were double- and triple-booked at the same hour. On top of that, people who may have committed a minor offense were sitting in jail waiting for their case to be heard for months while tax payers were footing an enormous bill.

Thanks to innovation in the local legal system — the 19th Judicial Circuit which encompasses Martin, St. Lucie, Indian River and Okeechobee counties — cases are moving more quickly through the courts.

Changes give people the help they need

More importantly, people are getting the help that they need. Whether it's from diversion programs, pre-trial supervision or offender re-entry, cases are heard and adjudicated in a more timely fashion.

Mental Health Court is a diversionary program for people diagnosed with a severe mental illness or developmental disability. People with mental health problems who have been charged with a misdemeanor or felony have the opportunity to complete the program and avoid being found guilty of the criminal charges.

"First they admit their guilt and then go through different channels," said 19th Judicial Circuit State Attorney Bruce Colton. "We are seeing fewer people spend extended periods of time in the county jail when the real issue is a mental health problem."

Colton said that the Mental Health Court diversion program saves money because attorneys don't have to try criminal cases and the sheriff doesn't have to house people in jail who are sick and should be getting treatment for their illness. "From an economic standpoint, it's helpful, but we are giving them treatment that they wouldn't otherwise get. The goal is to get them on the right track."

“Our Mental Health Court serves as an example to other counties and is recognized as the most outstanding in the State of Florida,” said Diamond Litty, who has been the public defender for the 19th Judicial Circuit since 1992. “Less than half of the circuits have an established Mental Health Court.”

“Mental Health Court absolutely works,” said Litty. “The proof is in the decrease in recidivism (those who commit another crime after working through a program).

Litty said that the average recidivism rate for those who have been through the normal criminal justice system and don’t have mental illness is 67 percent. Those with untreated mental illness will repeat criminal acts 78 percent of the time.

“For those who complete Mental Health Court, the average recidivism rate is between 3 and 6 percent. It’s really been extraordinarily successful,” she said.

Collaboration results in

diversion success

Litty credits the collaboration in the 19th Judicial Circuit between judges, attorneys, the sheriff’s office and many other agencies for making all of the diversion programs work.

Another program called Drug Court is available to first-time offenders charged with a third-degree drug-related felony.

“It’s been around for several years for both adults and juveniles,” said Colton. Once an individual charged with a drug crime admits guilt, an independent substance abuse specialist evaluates clients for needed services and recommends placement in Drug Court programs. After completion of the program, the guilty plea is withdrawn and charges are dropped.

Civil Citation is legal

innovation

Colton also said that the Civil Citation program, run by law enforcement agencies, is another legal innovation that helps free up court time as well as help people. “When a juvenile commits a minor misdemeanor, the law enforcement officer has leeway,” Colton said. “Instead of making an arrest, they can divert the child into this program. The child is required to perform a certain number of community service hours and get counseling. If they don’t follow the program, then an arrest is made and they are sent through the normal legal system. If a kid has been in trouble before, they don’t get the benefit of this program.”

Pretrial Release supervises defendants

The Pretrial Release program helps free up many judicial and law enforcement resources. Pretrial Release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges.

“We don’t just release them, rather we supervise them,” said 19th Judicial Circuit

County Judge Cliff Barnes. "It could range from total lockdown with a GPS where they can't leave their house 24 hours a day except for medical appointments to someone who is allowed out of their home under a curfew. At a minimum, they come in to visit their pretrial officer once a week and are drug tested 90 percent of the time."

Before the Pretrial Release program was initiated, people who were arrested but could not afford to pay a bondsman to get out of jail remained incarcerated for long periods of time awaiting a court hearing. "Jail is supposed to be for people who are being punished or for people who are a danger," said Barnes.

Judges look at a lot of factors before granting those accused of a crime entry into the Pretrial Release program. "We look at their prior records, any other charges, whether or not they have failed to appear for court in the past or if they have a severe medical condition," said Barnes. He explained that the county taxpayer is responsible for paying for an inmate's medical costs. "If someone is on kidney dialysis, for example, it costs \$5,000 a week to treat them."

Pretrial program one of best in the country

"We have one of the best pretrial release programs in the country," said Barnes. "In a lot of pretrial programs people aren't really supervised. We made 6,000 house checks last year. People who run this program take it seriously. The defendants know that they need to follow the rules, or they will get the handcuffs slapped on them and will go to jail."

According to a St. Lucie County 2012 Pretrial Release program annual report, "61,500 bed days were saved from jail incarceration," which saved taxpayers approximately \$3.7 million for that year, not including medical costs.

The Pretrial Release program can also be credited for reducing the need to expand the jails. Barnes said that St. Lucie County had planned on expanding the jail. "The jail population was projected to be at 2,500 this year," said Barnes. "It is now at 1,200. Every year that the jail doesn't get expanded, it saves millions of dollars in costs."

Specialty courts are successful

The specialty courts have decreased jail overcrowding, reduced case loads and have helped people who have been charged with crimes get through the legal system more efficiently and with more skills that could prevent recidivism. "These programs help people on the front end, but once people have completed the process, they also need assistance on the back end," said Litty. She said that the 19th Judicial Circuit has two other programs that are unique within the state.

Re-entry programs unique to state

The Offender Re-Entry program began 11 years ago and started with law enforcement funding. This voluntary program helps people while they are incarcerated. The program offers eligible inmates training in life skills, along with alcohol and drug treatment.

There is a special re-entry pod in the jail. The program takes a holistic approach to help people recognize the ways that their emotional and behavioral reactions can lead to

addictive and criminal acts. Re-entry specialists work with inmates to assist them in getting jobs and housing after being released.

“The final piece that cannot be funded with state or county funding is a program called Life Builders,” said Litty. “It’s a 501(c)(3) charitable organization that was started three years ago. Some people who are released from jail and have gotten jobs may not have a way to get to their job.” Life Builders provides the missing link.

“We can give them a bike so they can get to work,” she said.

Holistic approach to public defending

“We take a holistic approach to public defending,” said Litty. “We want to touch people in a way that they won’t be back in the system again. Plus, anytime you reduce recidivism, you save millions of dollars in taxpayer costs.”

“I am so proud of all the people who work in public defending for this circuit,” said Litty. “They truly have a great heart. I ask them to take the time with clients, to guide them and to make sure that they go beyond public defending to get the help that people need. They do it because they see that it works.”



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