



IMPAIRED DRIVING ENDS HERE.

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MADD Mission Moment

Law enforcement is and always will be the first line of defense in MADD's Campaign to Eliminate Drunk Driving. Without our heroes on the street working tirelessly to catch impaired drivers before they cause a crash, Florida's crash and fatality rate would be higher than it already is.

But unfortunately and all too often, Florida's law enforcement officers become victims themselves by the very impaired driver they work so hard to intercept.

MADD Florida dedicates this report to the thirty-six law enforcement officers killed in the line of duty by an impaired driver in Florida,

Sgt. Francis Guest 12/25/1928 Coral Gables PD Officer Lewis Tanner 10/26/1930 Daytona Beach PD Officer William Nichols 2/4/1936 Miami Beach PD Officer Samuel Hicks 8/9/1936 Miami PD Officer John Burlinson 3/8/1958 Miami PD Deputy Bobby Corley Sr 8/8/1965 Orange County SO Sgt. Gregory Conners 11/12/1977 Ft Lauderdale PD Officer William Mathews 7/13/1979 Palm Beach Gardens PD Deputy Richard Landes 4/18/1981 Palm Beach County SO Officer Jack Schnell 12/31/1982 Titusville PD Sgt. Gary Pricher 11/4/1983 Tampa PD Corporal Mark Caperton 9/23/1984 Collier County SO Officer William Craig 6/21/1988 Miami PD Deputy William Rutherford 1/2/1990 Marion County SO Deputy Thomas Ingram 5/12/1990 Orange County SO Special Agent Debra Tison 9/20/1991 FL ABT Officer Philip Flagg 5/31/1992 Satellite Beach PD Sgt. Ernest Hartmann 5/31/1992 Satellite Beach PD Trooper Kimberly Hurd 7/16/1992 FHP Troop L Trooper Robert Smith 7/26/1997 FHP Troop E

MADD Mission Moment cont.

Sgt. Joe Jones 12/13/1997 Collier County SO Detective Juan Serrano 2/25/2006 Tampa PD Deputy Margena Nunez 10/22/2006 Lee County SO Lt. Corey Dahlem 4/4/2007 Gainesville PD Sgt. Karl Strohsal 7/14/2007 Longwood PD Officer Scott Bell 10/12/2007 Jacksonville SO Deputy James Anderson Jr 1/14/2010 Saint Johns County SO Special Agent J. Scott McGuire 1/24/2016 ICE Deputy John Kotfila Jr 3/12/2016 Hillsborough County SO Sgt. Steven Greco 2/16/2019 Miccosukee Indian Tribe PD Deputy Benjamin Nimtz 7/21/2019 Broward County SO Sgt. Brian LaVigne 1/11/2021 Hillsborough County SO Deputy Michael Magli 2/17/2021 Pinellas County SO Officer Jesse Madsen 3/9/2021 Tampa PD Sr. Investigator Kyle Paterson 6/9/2022 FWC Deputy Christopher Taylor 11/22/2022 Charlotte County SO

This data is maintained by MADD Florida and the Officer Down Memorial page. If you know of a Florida law enforcement officer killed in the line of duty by an impaired driver that is not on this list, please contact us as fl.state@madd.org

What is Court Monitoring?

MADD's Court Monitoring Program enlists court monitors to observe and document what happens in the courtroom during impaired driving case proceedings. The program was created to ensure that impaired driving offenders are prosecuted and justice is achieved.

Court monitoring is a tool proven to affect the adjudication process and is recognized by the National Highway Traffic Safety Administration (NHTSA) as an effective countermeasure to reduce impaired driving. Court monitors on the local scale can impact the handling of impaired driving cases by their mere presence in the court room.

Court monitoring is intended to enhance transparency and accountability within the criminal justice system and reduce the likelihood of repeat offenses. One way this goal is achieved is by sharing data and observations with law enforcement, judges, prosecutors, and the public to promote awareness of impaired driving and ensure accountability for all impaired driving offenders. To reduce future offenses, MADD® supports swift and unbiased treatment of all impaired driving cases.

Court monitors track impaired driving cases in the judicial courts of their respective counties. Court monitors are often physically present for court settings and acquire case information from courtroom observation and, when necessary, from researching online databases. The data is then entered into the MADD National Court Monitoring Database for reporting purposes.

Court Monitoring in Florida

MADD Florida, in partnership with a grant from the Florida Department of Transportation, launched a Court Monitoring Program on October 1, 2023, that ran through September 30, 2024, in Hillsborough County, FL.

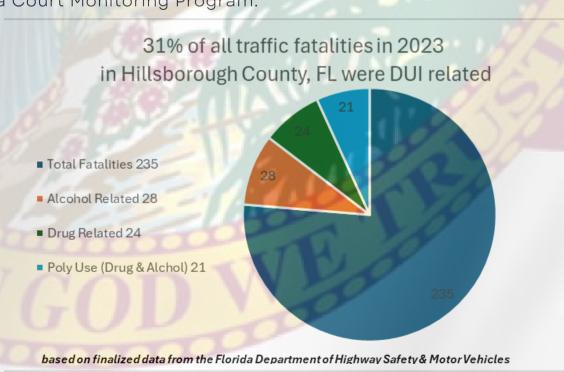
Hillsborough County, FL was chosen as the only county to be monitored during this grant year based on the volume of impairment related crashes, injuries, and fatalities (see below).

MADD employed one full time Court Monitor who tracked every DUI arrest by each law enforcement agency having jurisdiction within the county from the arrest/entry into the criminal justice system, through the State Attorney's Office of the 13th Judicial Circuit and the Hillsborough County Courthouse, between October 1, 2023 through midnight September 30, 2024.

Cases were monitored in the courtroom and through the county's real time tracking system and regular meetings were held with members of the criminal justice system throughout the grant year.

Each month, MADD Florida shared with the general public the amount of cases that had be tracked grant-year-to-date via MADD Florida social media that was accompanied by an impaired driving prevention message and goal of the MADD Florida Court Monitoring program.

Through this partnership, Florida became the nineteenth state in the Nation to have a Court Monitoring Program.



Data Collection & Procedures

From October 1, 2023 to September 30, 2024, the MADD Court Monitor in Hillsborough County, FL collected and analyzed the records from arrest to final disposition (where applicable), monitored live court proceedings in both the Tampa and Plant City locations within Hillsborough County, FL, met with members of the Office of the State Attorney of the 13th Judicial Circuit, the Public Defender's Office, the 9 members of the Judiciary overseeing DUI cases, the public, and community stakeholders on over 4,100 DUI cases and their outcomes found in this report. 4 program volunteers vetted by MADD were recruited to assist on this program.

Due to Florida's Public Records laws, cases were easily available to the MADD Court Monitor and open dialogue was established between the State Attorney and Public Defender, Judges, Community Stakeholders, Law Enforcement agencies, and the media/general public during monthly social media posts in FaceBook, Twitter/X, and Instagram reporting the year to date caseload numbers and what the court monitoring program is, as well as the partnership with FDOT (tagged in posts as well).

It is important to point out that the 13th Judicial Circuit has a DUI Diversion Program, RIDR (Reducing Impaired Driving Recidivism) with the following parameters:

- 1. Case must be a misdemeanor DUI.
- 2. No minor in the vehicle, BAC of .20 or higher, or a crash.
- 3. No prior DUI, alcohol-related reckless driving, DWLS* with serious bodily injury or death, leaving the scene of an accident with injury or death, vehicular homicide, DUI diversion program or more than one non-DUI diversion program as an adult, or, in the five years prior to the date of offense, no adjudication, a withhold, or any portion of a sentence on a felony.
- 4. No pending Florida driver license suspension, DUI, DWLS with serious bodily injury or death, leaving the scene of an accident with injury or death, vehicular homicide, or participation in PreTrial Intervention or probation.

^{*}Driving While Licenses Suspended

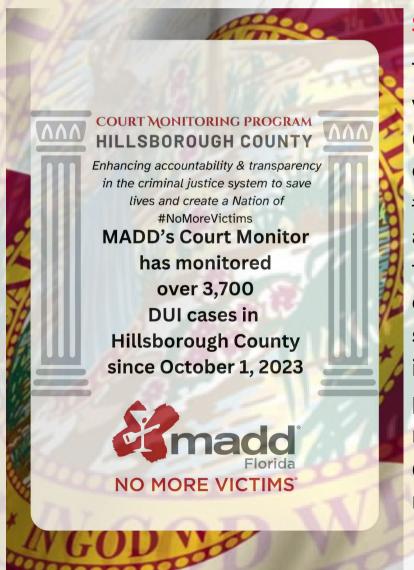
Data Collection & Procedures cont.

RIDR cases will result in a plea and reduced to Reckless Driving as long as the defendant:

- 1. Remain crime-free;
- 2. Complete DUI School and begin recommended treatment;
- 3. Attend the MADD Victim Impact Panel;
- 4. Complete ten community service hours

Level 1 (BAC below 0.15) and Level 2 (BAC above 0.15 or no breath) offenders must further:

- 1. Provide proof of installation of ignition interlock alcohol monitoring device or a continuous alcohol monitoring device, e.g. SCRAM.
- Level 3 (Drug related DUI) offenders must further:
 - 1. Not possess or consume alcohol, illegal drugs, or nonprescribed drugs;
- 2. Use PharmCheck Drugs of Abuse Patch with results provided to the SAO.



Social Media/Press Example

Through a partnership with @MyFDOT_Safety, @madd_fl monitors DUI cases in #HillsboroughCounty for accountability and transparency in the criminal justice system to save lives, improve investigations, and prevent #DUICrashes. For more information contact @madd-fl or media@madd.org

The Cases Monitored by the Numbers

From October 1, 2023 to September 30, 2024, the MADD Court Monitor in Hillsborough County, FL collected and analyzed the records from arrest to final disposition (where applicable), monitored live court proceedings in both the Tampa and Plant City locations within Hillsborough County, FL, met with members of the Office of the State Attorney of the 13th Judicial Circuit, the Public Defender's Office, the 9 members of the Judiciary overseeing DUI cases, the public, and community stakeholders on over 4,100 DUI cases and their outcomes as indicated here:

4,145 DUI Cases
6,000 Case Documents Reviewed
1,336 No Contest Plea Adjudicated Guilty
488 Reduced to RIDR Diversion Program
54 Adjudicated Guilty without No Contest Plea
4 Not Guilty
122 Nolle Pros
14 Dismissed

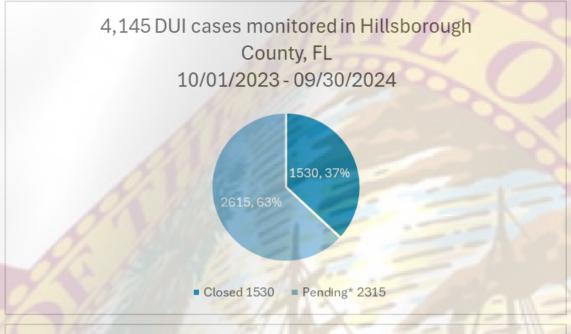
126 Court Proceedings Monitored (Arraignments, Pleas, Status Conf., & Trials 9 Criminal Court Judges assigned to DUI cases 2 separate Court Houses monitored - Tampa & Plant City locations

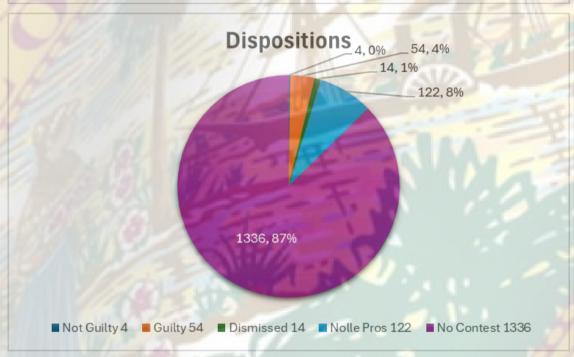
16 Stake Holder meetings with State Attorney's Office, Public Defender, Law Enforcement Agencies*, and representation at the Florida Impaired Driving Coalition

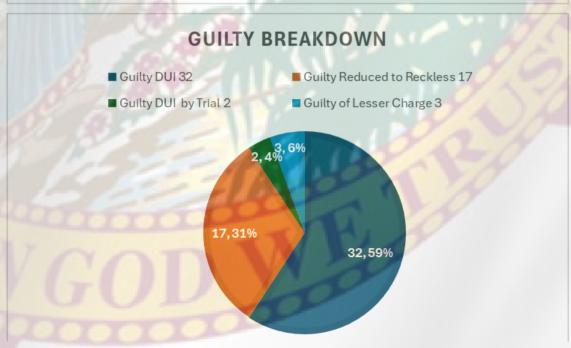
8 Community Meetings sharing program information and reasons for Court Monitoring with volunteers, allied partners, and public

*Florida Highway Patrol, Hillsborough County Sheriff's Office, Plant City Police Department, Tampa Police Department, Temple Terrace Police Department, and University of South Florida Police Department

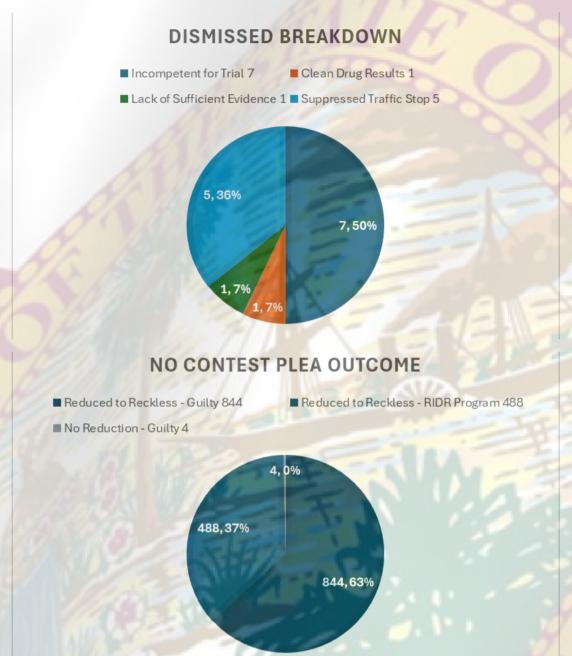
The Cases Monitored by the Numbers cont.

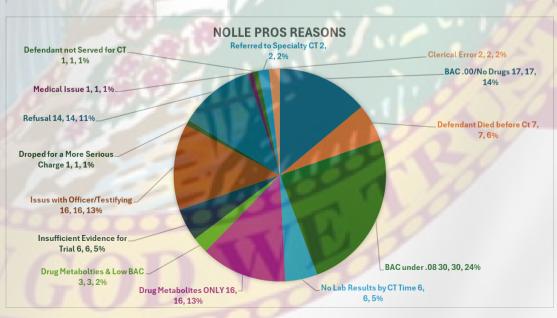






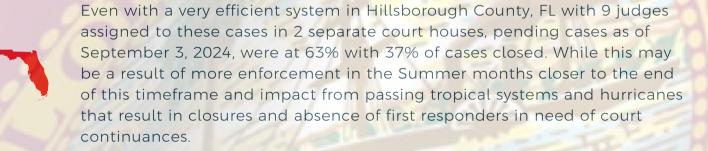
The Cases Monitored by the Numbers cont.





Our Findings

Our findings based on monitoring these cases for 12 months, meeting with stake holders, and analyzing the documents in these cases along with witnessing proceedings in each of the courtrooms and court houses within this jurisdiction are as follows:



An overwhelming majority of cases are not contested by the defendant and the cases that are not plead out result in an adjudication of guilt. Very few cases (9%) are dismissed outright or nolle pros by the State Attorney.

63% of all cases, that are usually first time offenders with no aggravating factors, result in a reduction to reckless with an adjudication of guilt, where there were no injuries, death, or damage to others.

In the 1% of all cases are that dismissed, reasonings for these dismissals will allow for area of improvements that will be discussed later in this publication.

In all of the no contest pleas made by the defendant, 63% result in a reduced charge of reckless driving and an adjudication of guilt, while the remaining 37% are referred to the RIDR diversion program that was explained earlier in this publication.

In the 8% of all cases that result in a nolle pros, we discovered that 20% of these were issues related to evidence, reports, or testing issues that will allow for areas of improvement in the future and addressed later in this publication.

Areas for Improvement

After analyzing the data and meeting with key stakeholders to include law enforcement, prosecutors, public defenders, and the judiciary, MADD makes the following recommendations where improvements can be made to prevent any of the deficiencies noted in our findings as well as observations noted during during hearings.



In traffic stops and crash investigations where there is a minor child in the vehicle with the DUI offender, a parenting class should be mandatory as part of the plea (where applicable) when a Child Neglect or Endangerment charge accompanies the DUI arrest. Even though this charge is an aggravating factor with enhanced penalties provided already, an educational component is necessary.



Provide follow up and reminders to law enforcement officers who observe a child in a vehicle with a DUI offender that they are mandated by law to report to the Florida Abuse Hotline 1-800-96-ABUSE



Improved drug testing technology, especially with marijuana, since only the metabolites are reported and those cases can not be prosecuted and result in nolle pros or reduced charge due to lack of evidence. This will become more of an issue now as a medicinal marijuana state and pending/possibility of Florida becoming a recreational marijuana usage state.



in cases where evidence was suppressed that lead to the traffic stop in non-crash cases or where charges were dropped/dismissed due to errors made by the officer, policy familiarization (where applicable) with agency directives regarding body cam use and preservation of evidence may be needed. In crash related cases, the "Changing of the Hat" going from crash/civil case to a criminal DUI case might need to be conducted where this omission is made that jeopardizes a case. MADD recommends the utilization of Florida's Traffic Safety Resource Prosecutor as well as, the grant funded traffic law enforcement training facilitated by the University of North Florida Institute of Police Technology & Management for training at not costs to the agency.



Florida needs a statewide DUI Diversion Database to validate if a DUI defendant has ever been through a diversion program in any other judicial circuit and/or if they are eligible for the diversion program that they are being considered for. Without a database there is no way to accurately validate eligibility and in some cases, criminal histories in a timely manner.

The Experts Weigh in on Court Monitoring



"The MADD court monitoring program is a great partnership and collaborative approach to enhance transparency and accountability so that the goal of no more victims will remain a number one priority in the State of Florida and nation. This program will also ensure that those who choose to drive under the influence are held accountable to the fullest extent of the law, resulting in changed behavior and lives saved!"

Chief Charles BroadwayClermont Police Department

DUI Prosecution is a vital component of the three-legged stool, along with enforcement and toxicology. Courtroom monitoring continues to produce higher conviction rates and holds DUI offenders accountable. A powerful yet low-cost tool, the courtroom monitor is a valuable ally that effectively finishes the job a police officer starts at the roadside.

Kyle Clark

Road Safety Program Manager
International Association of Chiefs of Police





"As the former National Board Chairwoman of Mothers Against Drunk Driving and a dedicated volunteer to MADD Florida, it's exciting to see Florida become the 19th state in the nation to have a MADD Court Monitoring program. In the aftermath of the loss of my father, Dr. Robert Geronemus, to an impaired driver, I made it my mission to prevent this violent crime from affecting others. This program provides transparency and fairness in the criminal justice system while seeking solutions, preventing recidivism, and saving lives."

Ms. Heather Geronemus

Sr. Director of Social Equity, Opportunity & Impact

The Experts Weigh in on Court Monitoring cont.

"MADD's Court Monitoring program, proven by the NHTSA as an effective countermeasure against DUI, thoroughly examines cases and their outcomes to ensure fairness and transparency. This collaborative approach, which involves all stakeholders, has proven very beneficial. By identifying areas for improvement, we can better support victims and hold violators accountable, leading to meaningful changes that can prevent future tragedies. We are excited to introduce this program in Florida and work together to end impaired driving and save lives."



Colonel Gary Howze II Florida Highway Patrol



"My office is dedicated to protecting our community from the dangers of impaired driving and ensuring our streets remain safe. The MADD Court Monitoring Program has provided our prosecutors with valuable insights that spur meaningful changes in our prosecution efforts. Although the fight to eliminate impaired driving is far from over, our collaboration with MADD will only enhance our efforts toward strengthening our cases, supporting victims, and fighting for justice."

Susan "Suzy" Lopez
State Attorney
Florida's Thirteenth Judicial Circuit

Conclusion

Through a grant from the Florida Department of Transportation, Florida became the 19th state in the nation to have a MADD Court Monitoring program. This program consisting of one full time MADD Court Monitor and 4 volunteers tracked, analyzed, and reviewed over 4,000 DUI cases in Hillsborough County, FL between October 1, 2023 through midnight September 30, 2024. Hillsborough County was selected based on its annual crash data revealing that 1/3 of all vehicle crashes in the county are impairment related which mirrors the overall State of Florida crash data where 33% of every crash involves an impaired driver and results in over 1,000 annual deaths related to DUI.

Data indicates that 63% of DUI offenders in Hillsborough County plea no contest and do not contest the charges before them, resulting in a reduction from DUI to Reckless Driving and a criminal adjudication of guilt and in 37% of the cases the offender is recommend to the circuit's DUI diversion program, RIDR. In cases where the offender does not enter a plea and has their case tried by the court or jury, almost 100% of the time the offender is found guilty and adjudicated as such.

While Dismissed and Nolle Pros cases only account for 9% of all the outcomes involving a DUI charge, it is important to recognize the reasons for these cases not proceeding through the criminal justice system. Reasons for this outcome have been reviewed by the MADD Count Monitor and we are satisfied with the reason each case landed in this section, and where applicable, recommendations to prevent similar cases from being dismissed or dropped have been made.

A key issues noted is the lack of a uniformed and statewide DUI Division Program database in Florida. A database would allow for every DUI offender in Florida who is going into a DUI Diversion program to be cross check for eligibility and also a clearing house of data pertaining to diversion programs that are currently in 10 of the 20 Judicial Circuits in Florida. It is important to point out that MADD does not support DUI diversion programs and expects all DUI offenders who are guilty by court, trial, or plea to be adjudicated guilty for this charge. MADD will monitor all 488 DUI offenders who entered the RIDR Program for any recidivism.

Lastly, the law enforcement agencies, State Attorney's Office, Hillsborough County Criminal Court, and all stake holders within the community are doing an exceptional job in handling these cases and accepting the constructive feedback given based on the observations made during this time frame. It is our intent to provide transparency, identify trends, and provide solutions in these matters.

About MADD

Mothers Against Drunk Driving® (MADD) is a national nonprofit leading the movement to end impaired driving for good. Since 1980, MADD has helped reduce drunk driving deaths in America by nearly 40%, saved more than 475,000 lives, and served more than one million victims and survivors. The organization is committed to leading prevention efforts with young adults, collaborating with law enforcement to keep our roads safe from impaired drivers, as well as advocating for stricter sentencing and stronger laws, including the HALT Act that mandates anti-drunk driving technology in every new car. MADD continues to provide support services to victims and survivors of impaired driving at no charge through victim advocates and the 24-Hour Victim Help Line 1-877-MADD-HELP. For more information or to donate, visit https://madd.org