

Criminal Justice Commission
Court System Task Force
Minutes

Tuesday, April 13th, 2010 – 12:00 Noon
McEaddy 12th Floor Conference Room
301 N. Olive Avenue
West Palm Beach, FL 33401

Task Force Members present:

Jack Goldberger, Chairman
Judge August Bonavita, County Criminal Court
Judge Jeff Colbath, Circuit Criminal Court
Capt. Frank Demario, Palm Beach County Sheriff's Office
Cherry Grant, Public Defender's Office
Wanda Joiner, PRIDE Integrated Services
Feirmon Johnson, Department of Juvenile Justice
Judge Krista Marx, Gun Club
Yasmin Rivera, Dept. of Corrections
Nicole Saunders, Justice Services
Terri Skiles, State Attorney's Office
Michelle Spangenberg, Court Administration
Chief Clay Walker, Manalapan Police Department

Task Force Members absent:

Capt. Alan Ortman, Palm Beach County Sheriff's Office
Elizabeth Parker, State Attorney's Office
Gena Rowlands, Palm Beach County Sheriff's Office
Louis Tomeo, Clerk and Comptroller's Office

Others present:

Cristy Altaro, Court Administration
Capt. Bill Cecere, Palm Beach County Sheriff's Office
Noel Chessman, Court Administration
Barbara Dawicke, Court Administration
Capt. Karl Durr, Palm Beach County Sheriff's Office
Diane Feldman, Clerk & Comptroller's Office
Charles Frazier, PBC Electronic Services & Security
Krista Garber, Court Administration
Bea Lovelace, Clerk & Comptroller's Office
Robert Manley, Palm Beach County Sheriff's Office
Mary Quinlan, Court Administration
John Rivera, Public Defender's Office
Johanna Rivera, Public Defender's Office
Capt. David Sleeth, Palm Beach County Sheriff's Office
Charlie Trotta, Pretrial Services
Dorrie Tyng, Adult Drug Court
Audrey Wolf, PBC Facilities Development & Operations

Staff present:

Journey Beard, Criminal Justice Commission
Katherine Hatos, Criminal Justice Commission

Mike Rodriguez, Criminal Justice Commission
Becky Walker, Criminal Justice Commission

1. Welcome

Chair Jack Goldberger called the meeting to order, and welcomed members and guests.

2. Roll Call & Introduction of Guests

Attendees introduced themselves in lieu of roll call.

3. Approval and/or Additions to the Draft Agenda

The draft meeting Agenda was approved without amendments.

4. Approval Draft Minutes

The minutes for the February 9th, 2010, meeting were approved.

5. Chairman's Comments

Educational Field Trip: Task Force members are invited to participate on a tour of the PBC Medical Examiner's Office. Members will be provided an educational presentation on the role and responsibilities of the M.E.'s Office, learn about jurisdictional issues, and observe an autopsy. Journey Beard, CJC, will coordinate the educational field trip and will contact members to schedule dates.

6. New Business

A. Pain Clinics & Prescription Drug Monitoring Program: Capt. Karl Durr, PBC Sheriff's Office, talked about the members of their Diversion (of pharmaceuticals) Task Force, showed surveillance video of patrons who were 'doctor shopping' at local pain clinics, armed security guards in the parking lots, and license plates from out-of-state vehicles streaming into the pain clinic. The most common prescription drugs being purchased were oxycodone, xanax, and methadone, i.e., the 'cocktail'. Not surprisingly, prescription drug overdoses in PBC have dramatically risen, and are expected to reach 400 in 2010. The minimum salary for doctors being employed at these pain clinics averages \$850,000 per year, and they are typically writing pain medicine prescriptions for approximately 300 patients per day. Employment advertisements for the pain clinics have been found on craigslist. Journey Beard, CJC, has spoken with PBC Code Enforcement officers, and had photographs of portable MRI trailers parked behind a Riviera Beach strip club. Patrons awaiting entry into the strip club can receive phony MRI findings that support a pain medication prescription. Also, law enforcement agencies located along I-75 in southern Kentucky have been contacted, and have stated that 80-90% of their arrests are for prescription drug offenses. It is not unusual for out-of-state patrons to drive to PBC to buy the drugs for \$5 per pill at the pain clinics and then travel back to Kentucky in order to sell them for \$80-100 per pill.

Capt. Durr discussed that Florida is now considered the source supply state for oxycodone. Local, state, and federal agencies have been working collaboratively to address this problem. Lastly, Capt. Durr said unscrupulous pain clinics have been completing a 4-hour DataWave online course to become a rehabilitation facility, and this acts as a shield by requiring law enforcement to obtain a court order in order to investigate them. There was a discussion about the 2009 Broward County Grand Jury report and its recommendations, and Judge Marx remarked about the rising incidence of oxycodone being found in Drug Court urinalysis test results and usage trends observed in PBC Adult Drug Court, as well as the financial impact on criminal justice system of prescription drug abuse.

Prescription Drug Monitoring Program (PDMP): Capt. Durr described a PDMP as a statewide electronic database that would collect and monitor prescription drug data dispensed within the state. In 2009, a FL law was passed to create a PDMP, and it is to be established by Dec., 2010. Unfortunately, there was no funding provided in the legislation. Capt. Durr commented on a disreputable Delray

Beach doctor who had ordered thousands of oxycodone pills from a distributor, yet the doctor had no distribution license through the Dept. of Health. There is currently no law or regulation requiring a distributor to verify the existence of a physician's distribution license.

- B. Direct Files for Adult Prosecution of Juveniles:** Feirmon Johnson, FL Dept. of Juvenile Justice, raised three issues of concern surrounding juveniles. The first issue raised questions about the low number of juveniles participating in delinquency drug court, and whether there was a problem getting cases referred into the program, and the usage of home detention placements. Mr. Johnson talked about the eligibility criteria for delinquency drug court, and questioned whether the Task Force could assist with criteria and whether it could be expanded in order for additional youth to receive these valuable services.

The second issue involved home detention placement which occurs when a youth is allowed to go home instead of being held in a secure detention facility. However, eight years ago, DJJ sustained budget cuts that no longer could fund home detention and there are very few DJJ probation officers and no funding available to monitor these juveniles. The result is relying on self-reporting by the youth's parent, and that rarely occurs except in extreme situations. Mr. Johnson asked the CSTF to examine the laws as well as policies and procedures in order to develop a better system that might better benefit PBC.

The third issue involved the direct filing of juvenile cases for adult prosecution. Mr. Johnson mentioned the nine factors the State Attorney's Office (SAO) may use to determine whether to direct file a juvenile case. He commented on the number of juveniles currently housed in the adult jail awaiting prosecution in adult court. Chair Goldberger asked that Lynn Powell, SAO, be asked to attend the May meeting in order to educate CSTF members regarding the policies and decision-making process surrounding which juvenile cases are selected to be direct filed as well as the frequency of these filings.

- C. Courthouse Facilities, Remodeling, Expansion, and Video Projects:** Audrey Wolf, Facilities Development & Operations, spoke with members about several new projects currently underway.

West County Jail & Courthouse Expansion (the 1st phase of the project) – the expansion is scheduled to be completed by Dec., 2010, with a move-in date of Jan. , 2011. All of the inmates currently housed at the stockade will be relocated to West County. Coupled with the expansion is a new sub-station facility, law enforcement districts 5,11,12, 13 will move into the new facility. In 2011, the West County Courthouse will be substantially renovated and expanded, and is estimated to be a 10-month process. The SAO and PD's Offices will be housed in the courthouse. While the renovation process is on-going in 2011, there will be a lot of video conference appearances and efforts to reduce inmate transportation to the main courthouse as much as possible.

Video Visitation - Two projects being worked on in conjunction with the video visitation project – increasing access to professionals to take care of visits and expanding video court.

- i. **Professional visits** – Professional kiosks will be located inside the stockade and West County Courthouse. The initial planning consultants suggested that three kiosks should be used, three rooms located on the 4th floor of the courthouse, and available on Mon, Wed, and Thurs afternoon. Due to five years having elapsed since the initial planning of these kiosks, Ms. Wolf asked for a working group to assist with the functionality and planning of these kiosks - # of rooms needed, placement of rooms, most efficient usage of rooms, amount of rooms needed, and amount of time rooms should be available. Three reasons discussed to locate kiosks inside the courthouse were (1) increase access to inmates – can schedule visit while individual

is at the courthouse, (2) provide additional private rooms, in the event judge directs attorney to confer privately with inmate, and (3) miscellaneous uses.

- ii. **Personal Visits** – all personal visits will occur via video, and will occur at two public visitation sites. The Stockade and the West County Courthouse.

Inmates are going to be assigned to a detention facility based upon classification rather than geographic location where they were arrested.

As major court-related changes are being planned, a Subcommittee was formed to offer input into the planning stages of the above projects. Subcommittee members will include a judge, PD, private criminal defense attorney, SAO, Court Administration, and PBSO. A Subcommittee meeting will be held prior to the next CSTF meeting.

Charles Frazier, Director of Electronic Services and Security, explained the video visitation system. The stations will be available at the public visitation sites, and will be a video conferencing unit – a monitor, camera, microphone, and speakers. The real brain of the system will be a server which interfaces with the jail management system, is a “smart system”, and identifies the location of the inmate as well as the professional or personal visit and where it is going to occur. The individual will log on to the internet through a portal and can schedule a visit by examining the availability of the inmate. The technical portions are being worked through, and the timing for professional visits has not yet been determined.

The video court and video conferencing project is already underway, and logistical concerns as well as operational details are being resolved. The goal of the video court pilot project, and will use Judge Colbath's courtroom, and room construction is currently underway at the main detention center. The project infrastructure will be in place by June, and a limited number of trials will occur by July.

Stockade Redevelopment Project – due to the jail population holding steady, this project has been suspended, and the earliest starting time had been projected for FY 2012. It would require a relocation of the Gun Club court to the Stockade court because it moves with the booking facility. If future jail populations increase, this redevelopment project will be re-instituted. The inmates will be housed at Gun Club and West County Jail – the Stockade will not be used. Operating costs will be reduced and no additional PBSO or county staffing is required. To avoid a potential consent order or jail overcrowding issue, the design for the Stockade will be completed now. As a Phase 4 of the West County expansion project, all Stockade buildings that will not be re-used in the future development will be demolished, and the utilities will be separated in order that access to the remaining buildings that will remain if future jail populations increase. The remaining buildings will include 430 beds, and will allow for sufficient time for construction of the Stockade Redevelopment.

Private Entrance for Attorneys at Main Courthouse – there are logistical, perception liability, possible discriminatory practices, security, and staffing issues that would have to be worked out in order to provide a screening station. Discussions will continue.

- D. **Truancy Court:** Mary Quinlan and Cristy Altaro, Court Administration, commented on the concept of a truancy court that is being preliminarily discussed. There have been meetings with the PBC School District, and would include K-4th grades. It could impact @ 60 families per year.
- E. **Legislative Update:** Journey Beard, CJC, updated members on several criminal justice-related bills regarding pain clinics, sexting, and potential Clerk & Comptroller budget cuts. Charlie Trotta, Pretrial Services, explained proposed legislation that would negatively impact pretrial release programs. In particular, legislation would prohibit supervised release for various defendants that currently are eligible for bond. These bills will continue to be tracked during the legislative session that ends April 30th.

7. Updates & Initiatives

- a. **County Criminal Court:** Judge August Bonavita, County Criminal Court, discussed @ 100 cases that have languished in the court system, particularly civil traffic infractions that have been attached to criminal cases. In County Court, the typical practice has been that criminal cases will be finalized, yet the civil traffic infractions remain. Questions remain about whether the civil infractions will remain with the County Court judge who handled the original criminal case. Also, the misdemeanor VOP cases located at Gun Club are being resolved.

8. Member and Guest Comments

9. Adjournment

Since the discussion regarding several agenda items was lengthy, there were multiple agenda items not discussed. They will be handled at the next CSTF meeting. The April 13th meeting was adjourned.

The next meeting will be held on May 11th, 2010.