

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD
Governmental Center, 11th Floor
301 N. Olive Ave
West Palm Beach, Fl 33401
June 6, 2007, 12:00 p.m.

MINUTES

Members Present

Paul A. Damico	Chairman, County Court Judiciary
Virginia Cataldo	United States Probation
Theresa Corner	Department of Corrections
Kay Oglesby	Ex-Offender Re-entry Program
John Rivera	Assistant Public Defender
Anne Williamson ¹	Office of the Clerk & Comptroller

Members Absent

Steven Cohen	Criminal Defense Lawyers Association
Elizabeth Parker	Assistant State Attorney
Louis Tomeo	Office of the Clerk & Comptroller

Guests Present

Maureen Brickous	Chief Executive Officer, Pride Integrated Services, Inc.
Wanda Joiner	Pride Quality Assurance Coordinator
David Lovisa	House Arrest Services, Inc.

Criminal Justice Commission Staff Present

Damir Kukec	Research and Planning Manager
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- I. Judge Paul Damico, Chairman of the Probation Advisory Board welcomed members and guests to the meeting.
- II. Roll Call was taken with members and guests introduced themselves to the Board.
- III. The agenda was reviewed and approved unanimously by the Board.

¹ Ms. Anne Williamson was attending the meeting on behalf of Mr. Louis Tomeo from the Clerk and Comptroller's Office.

IV. Judge Damico asked whether there were comments/questions concerning the minutes of the December 14, 2006 meeting. In response, Ms. Brickous requested that Staff make changes to the first paragraph (page 2) of the minutes to indicate that Pride has seen a decline in its cases load since 2001. The Board directed Staff to make this change to the minutes.

V. New Business

- a. Electronic monitoring and possible partnership with House Arrest Services, Inc. – Maureen Brickous & David Lovisa

Judge Damico asked if Pride could give the Board a report on what was happening in Sarasota County (12 Judicial Circuit) with their “electronic monitoring” (EM) program. Ms. Brickous explained that when they started their contract with Sarasota County, they partnered with House Arrest Services, Inc. which enabled Pride to offer EM for offenders ordered to serve a period of house arrest with EM and/or alcohol monitoring. The partnership includes the installation and maintenance by House Arrest Services, Inc. of the EM hardware, and Pride supervises the offenders. The actual 24/7 monitoring of the offenders on EM is conducted by House Arrest Services, Inc. If the device is triggered, House Arrest Services, Inc. contacts the Pride office via e-mail or fax, and Pride conducts a follow-up with the offender. It is important to note that EM may include the in-house arrest order or a “S.C.R.A.M” device (or secure continuous remote alcohol monitoring), which is able to detect alcohol consumption.

Judge Damico asked Ms. Brickous about the agreement between Pride and House Arrest Services, Inc. Ms. Brickous indicated that for offenders on EM, who are serving “in-house,” they are charged \$8.00 per day. From this amount, House Arrest Services, Inc. receives \$3.50 and the balance is retained by Pride. In the case of the “S.C.R.A.M”, Ms. Brickous noted that the charge was \$12.00 per day, House Arrest Services, Inc. receives \$10.00 from this and Pride retains the balance (or \$2.00 per day). Judge Damico asked Ms. Brickous when the partnership started and if this has helped Pride’s financial position. Ms. Brickous noted that they have partnered with House Arrest Services, Inc. since October 2006 and that the financial impact has not been huge. She noted that currently there are approximately 30 clients who are on EM; and the judges are in favor of the device as more individuals are being ordered to serve their probation with EM. She also mentioned that the press coverage concerning the use of EM has been rather positive. David Lovisa indicated that the use of EM has also increased over time and since the partnership with Pride in Sarasota County, their numbers have doubled. Ms. Brickous also noted that House Arrest Services, Inc. was currently leasing office space from Pride to provide EM (or S.C.R.A.M) services directly to the 15th Judicial Circuit; however, this relationship is by no means related to Pride’s current service contract with the County.

Judge Damico noted that judges have had some success using the device as an alternative for pre-trial detention for Driving Under the Influence (DUI) cases. He also noted that in some cases where the S.C.R.A.M is ordered as part of a sentence, some defense attorneys have argued that device may not be completely reliable, noting that certain non-alcoholic

foods that trigger the device (e.g., chocolate). David Lovisa noted that a person would have to consume 40 pounds of chocolate before the device would be triggered. Ms. Brickous also noted that this proposal would be different from the Sheriff's in-house monitoring (EM) program, as the alarm would initiate a violation of probation rather than resulting in an immediate "pick-up", which usually occurs within 24 hours for the Sheriff's program.

Assistant Public Defender, John Rivera, noted that they have no clients on EM or S.C.R.A.M as it is unaffordable. He also argued that these systems create a two-tiered justice system, where individuals with financial means avoid going to jail and those without financial means are incarcerated. Judge Damico agreed with Mr. Rivera's point and provided an example of the dilemma of these types of alternatives to incarceration. Judge Damico questioned if there were funds available to help individuals without means to help pay for EM for those individuals who can't afford the devices? Ms. Virginia Cataldo, from United States Probation, noted that the cost of the in-house EM was very costly; which works out to \$240 per month. Ms. Cataldo also noted that in some cases they waive the fees for indigent federal offenders placed on EM at the pre-trial and/or sentencing stage.

Ms. Brickous noted that the reason she would like this issue to be discussed by the Probation Advisory Board is because partnering with House Arrest Services, Inc. would mean a subcontract and subcontracting is prohibited under the terms of the Service Contract with the county. Staff informed Judge Damico that the County Attorney has indicated that amendments can be made to the existing Service Contract, so long as the amendment is approved by the Probation Advisory Board. Ms. Brickous also noted that this would not be a huge source of revenue for Pride and that this would be a service for the judiciary, as an alternative to incarceration. Mr. Rivera also noted that this was a good option for judges; however, he was still opposed to the idea as it does create a two-tiered justice system. He also noted that funding after the fact would not be available and perhaps there is something that can be done upfront; such as a sliding scale for people who can't afford the program; something that is currently available to offenders who are enrolled in the batterers intervention program (BIP). Other members mentioned that disparities already exist within the justice system, pointing to the bond system and other alternatives to incarceration.

After further discussion concerning the disparities, Judge Damico proposed that the Probation Advisory Board adopt a motion to allow Pride to liaison with House Arrest Services, Inc. to provide an EM service. Ms. Cataldo wondered if the inclusion of another service would require either Pride or the County to request proposals from other EM providers. After some discussion, it was agreed that Staff would ask the County Attorney this question. Staff was also asked to look into finding the "by-laws" or rules governing the Probation Advisory Board. Board members were wondering if the motion would require a majority vote or if it would have to be unanimous to pass. Most felt that only a majority would be required.

Judge Damico motioned that the Probation Advisory Board amend the present service contract to allow Pride to subcontract; and Ms. Cataldo seconded Judge Damico's motion. The motion was passed 5 votes to 1 in favor of the motion.

There was general discussion on how Pride deals with individuals who cannot pay the cost of supervision. Given the capital outlay with EM, Pride would not be in a position to wave the cost of EM. Judge Damico asked David Lovisa if his company would be willing to examine waving or adjusting the cost of EM for those individuals who were identified as indigent. Mr. Lovisa replied that his company has not done this in the past; however, he would be willing to discuss this with the company and that it may be possible.

Ms. Anne Williamson pointed out that the motion just passed by the Probation Advisory Board was very broad and that she would feel more comfortable if it was more specific. She noted that the Clerk's office would not support the generic amendment and that it should be reworded to limit subcontracting for the implementation of EM only. The first motion was amended to include for the purpose of implementing an EM program (for house arrest and alcohol monitoring) only. Ms. Anne Williamson's motion was seconded by Judge Damico and the motion was passed 5 votes to 1 in favor.

b. Request for room in Main Courthouse – Maureen Brickous & Judge Damico

Judge Damico informed members that he was approached by the Palm Beach Sheriff's Office (PBSO) concerning security issues in the main courthouse. More specifically, he was informed that currently, Pride Probation Officers were in the jury rooms of the main courthouse, and that these rooms have ready access to the back hallways leading to the judicial offices. Following discussions with PBSO it was determined that the Pride Probation Officers should be relocated to general conference rooms on the main floor of the courthouse.

Ms. Brickous informed members that she had initially approached Chief Judge Kroll, on this issue, and she was advised to work with the Palm Beach County Facilities Development & Operations (FDO), since the conference rooms were considered "county space". This is why Pride wanted this issue on the agenda; requesting assistance from the Probation Advisory Board and specifically the Criminal Justice Commission to facilitate discussions between Pride and FDO. Ms. Brickous indicated that they were looking for two offices, one on the 2nd and one on the 9th floor of the main courthouse. This is intended to improve efficiencies and allow offenders to come to one location to see their Probation Officer, rather than having Probation Officers in each court room. She also noted that Probation Officers would still be able to come to a court room if circumstances required their participation in court proceedings (e.g., violation of probation hearing). Ms. Brickous stated that they would have two Probation Officers per office and this would allow them to give each offender the time they need. As well, Pride noted that they are aware of the need to have Probation Officers available for the court when needed.

Judge Damico also noted that he has already had preliminary discussions with some Pride Probation Officers, to reassure them that the new office space would be adequate for their needs. Ms. Brickous noted that this is the first step to getting office space. Once we are in the space, we would approach the judges and get their feedback on how the office space is working and if they are satisfied with the level of service. After some discussion concerning this issue it was decided that Judge Damico would make arrangements with the

PBSO. Pride Probation Officers would use a conference room on the 2nd and 9th floor as permanent office space in the main courthouse, in order to address this security concern. If there is an issue with FDO, the Probation Advisory Board would address their concerns at that time.

VI. Updates

a. North County Location – Maureen Brickous

Ms. Brickous reminded members that during the last meeting of the Probation Advisory Board held in December 2006, Pride was looking to open a new North County office using office space from the City of Riviera Beach. Regrettably, due to various unforeseen delays, the North County office has not yet opened. Furthermore, Ms. Brickous noted that Pride was now having discussions with the Palm Beach Sheriff's Office (PBSO) on possibly opening up an office at the Jupiter sub-station located on Indian Town Road, west of the Turn Pike. Ms. Brickous informed members that Pride was approached by the PBSO and asked if they would be interested in using the sub-station to open a North County office. This was part of the sub-station's plan designed to provide community based policing and services in the North County area. Ms. Brickous also noted that this arrangement has been approved by Colonel Gauger of the PBSO, and that there would be no cost to Pride associated with using the space. She noted that the office would be initially opened one or two times per week, and office hours would be expanded if demand grows. The Pride office would likely open in August as the sub-station will be opening sometime in July.

b. 2005/06 review of misdemeanor probation services – Damir Kukec

Staff provided an update on the 2005/06 review and that the preliminary results will be shared with Pride at the end of June. Following Pride's input, the findings will be shared with the Probation Advisory Board and once approved; the report would be presented to the Criminal Justice Commission.

c. Summary of "Quality of Services" survey for misdemeanor probation services in Palm Beach County – Damir Kukec

Staff provided the summary of the "quality of services" survey and the detailed tables to members for their review.

VII. Member Comments

There were no member comments.

VIII. Adjournment

Given that there were no other issues to discuss, the meeting was adjourned.