

FINAL

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD
Governmental Center, 11th Floor
301 N. Olive Ave
West Palm Beach, Fl 33401
June 26, 2008, 12:00 p.m.

MINUTES

Members Present

Laura Johnson	Chair, Administrative County Court Judge
Virginia Cataldo	United States Probation (Federal Probation)
Theresa Corner	Department of Corrections
Beatrice Lovelace	Office of the Clerk & Comptroller
Kay Oglesby	Ex-Offender Re-entry Program, Public Defenders Office
Elizabeth Parker	Assistant State Attorney
John Rivera	Public Defender's Office
Michelle Spangenberg	Court Administration

Members Absent

Steven Cohen	Criminal Defense Lawyers Association
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Guests Present

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

Criminal Justice Commission Staff Present

Michael Rodriguez	Executive Director
Damir Kukec	Research and Planning Manager

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- 1. Welcome/opening comments, Judge Laura Johnson, Chair.** Chair Johnson welcomed everyone and called the meeting to order at 12:08PM.
 - 2. Roll call and introduction of guests.** In lieu of roll call, members and guests introduced themselves.
 - 3. Approval and/or additions to the agenda.** The agenda was approved with no amendments.
 - 4. Approval and/or revisions to the previous meeting minutes.** The minutes from the previous meeting were approved without revisions.
 - 5. Chairman's Comments**

- a. Judge Laura Johnson noted that she and staff met with the Executive and Full Criminal Justice Commission in May and early June. While they were pleased with the report and its recommendations, the Commission asked that we come back with the revised contract. As a result, we have prepared a revised contract and scope of work (clause by clause) for us to review and approve today. As a next step, we will be bringing this issue back to the Executive Criminal Justice Commission during their next meeting. Following their approval, the Contract will be reviewed by the County Attorney's Office prior to presentation before the Board of County Commissioners.

6. New Business: review and approval of contract and scope of work. Damir Kukec, Research and Planning Manager.

- a. **Contract:** Misdemeanor Probation Services (December 6, 2008 to December 5, 2011). Damir Kukec noted that the only proposed change to the Service Contract relates to Article 6, which currently prohibits sub-contracting. It is now proposed that the contract permit sub-contracting only after it is authorized by the Probation Advisory Board and the Criminal Justice Commission. After a brief discussion, it was noted that this would enable a case-by-case consideration for sub-contracting rather than having to amend the contract in the future if authorization is given by the Probation Advisory Board and the Criminal Justice Commission. Technical amendments were made to update timeframes and required signatures.
- b. **Scope of Work:** Summary of Substantive Issues and Clause by Clause. Damir Kukec highlighted the following issues to members and requested their input. It was noted that the pages below refer to the Clause by Clause which documents the proposed changes to the Scope of Work along with the rationale for the changes.

Intake Officer (page 1, 6, 15, 18, 22). Pride is proposing to introduce a new position offering direct services to clients and assist probation officers after sentencing primarily. The job description notes that required level of education is high school and 9 months of experience. Some may see this as a decrease in the quality of direct service staff; although this new staff position would not directly supervise probation or pretrial intervention clients. Furthermore, some members wondered if they would be able to testify in violation of probation hearings in cases where clients argue that they were unaware of the conditions of probation. The Probation Advisory Board supported the addition of this position, so long as the conditions of probation would be reviewed by the probation officer during the initial appointment (orientation) – the first visit with a probation officer.

Maximum Classification (page 3). The Board considered whether the section related to the application of maximum classification by the sentencing court creates an unfair burden on Pride. Furthermore, does the current classification review obligate Pride to request a modification of supervision to Maximum when the noted criteria exist and /or does it direct Pride to modify the supervision to a mail in if the probation move out of the county and/or has completed at least 90 days of probation client and satisfied the special conditions of probation? The Probation Advisory Board agreed to remove this section from the Scope of Work, since classification is strictly the responsibility of the sentencing court, not the service provider. Lastly, it was noted that the service provider will be required to supervise the client in accordance with the assigned classification and to take the appropriate measures when the conditions of probation are not being followed; which is contained in the Scope of Work.

Pre-Sentence Investigation Report (Page 4-5). The Board was asked to consider the pre-sentence investigation report as a requirement of the Contract, outlined in the Scope of Work. It was noted that this section stems from the Department of Correction's service which undertakes pre-sentence investigations in felony cases. Some have characterized this function as a conflict of interest; given that Pride is a not-for-profit organization that requires cost of supervision (COS) for its daily operations – meaning that recommendations to sentence an offender to probation may be seen to benefit Pride and not necessarily public safety. Another concern stems from views that Pride is acting on behalf of the State Attorney, and not the client. The pre-sentence investigation can be costly to conduct and requires qualified staff to properly complete such an investigation. Currently, the Contract assumes that expenditures associated with this section would be recovered from the COS; which Pride has argued is inadequate. To safe guard any unintended consequences stemming from this section, Pride has requested that the County include a limit to the number of investigations conducted per year. If the Probation Advisory Board (PAB) feels that a Pre-Sentence Investigation by Pride would be biased and/or a conflict of interest, then it should be removed and/or prohibited. But, if the PAB feels it is a necessary function, then Pride would request that the contract include a statement acknowledging that currently there is no funding source for the PSI and if it becomes a financial hardship for Pride that the PAB would research a funding source. The Probation Advisory Board agreed to leave this provision as is; given that the frequency of this request is low – perhaps one per year. It was also agreed that the Probation Advisory Board would be open to addressing the cost associated with a pre-sentence investigation if and when the volume increases, creating a financial burden to Pride.

Operational Space and Parking (Page 6). In order to find greater efficiencies in court coverage provided to the judiciary, Pride requested that operational space in each courthouse be included as part of the Service Contract. They had also request free parking spaces for staff at each courthouse – where applicable. After having discussed this proposed amendment with the Department of Facilities and Operations, the proposed amendment was not included in the Service Contract or Scope of Work. It was also suggested that Pride continue to work with the Chief Judge and Administrative County Court Judge to ensure access to interview space for intake interviews and to assist the judiciary.

Transfer of Supervision - Requirements (Page 14). The Service Contract requires that Pride transfer supervision to other judicial circuits in the state as ordered by the sentencing court. Regrettably, this may not always be possible as some misdemeanor probation service providers in other judicial circuits are no longer accepting transfers. The Probation Advisory Board agreed to the following amendment to note that transfers will take place when ordered by the court and where receiving providers do not accept transfers, the sentencing court will be notified.

Pride shall arrange for the transfer of supervision for defendants residing in other areas in the State of Florida as available and if ordered by the sentencing court.
Pride will notify the sentencing court when a receiving jurisdiction in the State of Florida does not accept transfers, so that the court may resolve this issue.

Mail in Probation Supervision Requirements (page 15). The following proposed amendment now distinguishes between “Mail in” and “Administrative” as two different forms of probation. The Contract currently notes that Administrative probation is a form of

“Mail in” probation. The Probation Advisory Board agreed to include this amendment to the Scope of Work, to better reflect local practices.

Administrative Probation Supervision Requirements (page 17). The following proposed amendment now includes “non-reporting or non-contact” misdemeanor probation in the county. This form of supervision covers probation clients sentenced to a period of 30 to 60 days of probation. Clients will be required to pay a one-time fee equivalent to one month of cost of supervision, to cover Pride’s costs related to file set-up, background checks, and to ensure that the client meets their conditions of probation, prior to case termination. The Probation Advisory Board agreed to also include this amendment to the Scope of Work, to better reflect local practices.

Reporting to the Clerk & Comptroller (page 18). Pride requested that the section stipulating that they provide a copy of the quarterly report to the Clerk & Comptroller’s Office be deleted. The representative from the Clerk & Comptroller’s Office agreed; noting that the report could be provided upon request.

Caseload Ratios (page 20). Pride requested that caseload ratios be amended to reflect the service providers’ case management approach; which includes both an individual probation officer and team approach. The following ratios are based on other misdemeanor probation providers across the state. The Probation Advisory Board supported the inclusion of new caseload ratios for the following classifications.

Ratios: Number of Clients per Officer/Team

Classification	Current Ratios	Proposed Ratios
Maximum	60 to 1	100 to 1
Standard	200 to 1	225 to 1
Mail-In	400 to 1	225 to 1
Administrative	400 to 1	225 to 1
Pretrial	No ratio noted	225 to 1

7. Old Business

- a. **No old business**

8. Updates

- a. **No updates**

9. Member and guest comments

10. Next Probation Advisory Board meeting: Damir Kucek noted that the next meeting will be called after the Contract is finalized by the Board of County Commissioners.

11. Adjournment: Since there was no more business, Chair Johnson adjourned the meeting.