

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD
Governmental Center, 10th Floor
301 N. Olive Avenue
West Palm Beach, FL 33401

May 8, 2012, 12:00 p.m.

FINAL MINUTES

Members Present

| | |
|---------------------------|--------------------------------|
| August Bonavita, Chairman | County Criminal Court |
| Kay Oglesby | Public Defender's Office |
| Daliah Weiss | Office of State Attorney |
| Louis Tomeo | Clerk and Comptroller's Office |
| Virginia Cataldo | US Probation |

Guests Present

| | |
|----------------|---------------------------------|
| Wanda Joiner | Pride Integrated Services, Inc. |
| Geoff Sluggett | Sluggett & Associates |

CJC Staff Present

| | |
|-------------------|-----------------------------|
| Michael Rodriguez | Executive Director |
| Damir Kukec | Research & Planning Manager |
| Candee Villapando | Criminal Justice Analyst |

I. Welcome/Opening Comments

Chair Bonavita welcomed and thanked everyone for making the time to attend the regular meeting.

II. Roll Call and/or Introduction of Members & Guests

In lieu of roll call Chair Bonavita asked members and guests to introduce themselves.

III. Approval and/or Amendments to the Agenda

The agenda was approved without amendments.

IV. Approval and/or Amendments to the February 17, 2012 meeting minutes

The minutes were approved without amendments.

V. New Business

- A. Criminal Justice Commission Approves PAB report:** Chair Bonavita reported that the Criminal Justice Commission approved the annual review of misdemeanor probation: Monitoring Study of Misdemeanor Probation Services for Palm Beach County October 1, 2008 to September 30, 2010 (January 2012) during the last meeting (April 23, 2012). Chair Bonavita noted that Ms. Villapando's presentation was well received and generated a great deal of interest and discussion. There were some questions concerning the race breakdown of race and Driving Under the Influence (DUI) cases. The question was why was there more whites charged with DUI when compared to blacks. Chair Bonavita noted that Mr. Kukec was looking into this question further. Chair Bonavita noted that DUI cases typically resulted in mandatory sentencing to probation. All of the recommendations were accepted by the Criminal Justice Commission, including an additional item that will now compare misdemeanor probation to other similar counties, and the question of what does the success rate mean within the criminal justice system and the benefits of probation – in terms of long term impacts. Ms Cataldo noted that US Probation is also looking at success rates and how levels of probation impacts success. Ms. Cataldo also noted that we should be looking for other studies of misdemeanor probation in the state (this will allow us to standardize outcomes and measures). Ms. Joiner noted that most other counties that implement misdemeanor probation do not complete the same type and in-depth studies that we do in Palm Beach County and that there are different definitions of success. For example, in some cases a probation client was successful so long as they were being supervised by the probation provider; regardless of their final outcome (meaning that they could have been arrested and sent back to jail and did not fully complete their period of probation).
- B. Submission of the report to the Board of County Commissioners:** Chair Bonavita noted that Ms. Villapando prepared a cover letter and a copy of the PAB report which will be submitted to the Board of County Commissioners. Ms. Cataldo, asked if there was a time requirement? Ms. Villapando noted that there is no timeframe; however, there is a schedule for completing the next review of Pride's files.
- C. Implementing PAB/CJC Recommendations:** Chair Bonavita noted that this is going to be one of our priorities in the coming months; implementing the recommendations in the report which are directed primarily at the review process itself. We are presenting the top four.
- a. New Monitoring Study** (October 1, 2010 to December 31, 2011) review framework – *Candee Villapando, Criminal Justice Analyst* (see attached framework). This would use the current service contract and scope of work. We would also include the collection and review of financial information. Ms. Villapando noted that the new study should be completed in three to four months – so, we should be ready to present the findings in August or September.
 - b. Monitoring Study “Check List”:** quantifying the contract and scope of work requirements – *Candee Villapando* (see attached check list). Ms. Villapando noted that we would also include a check list with minimal levels of required

performance. For example, 100% compliance with restitution payments. Mr. Rodriguez asked if the committee was satisfied with using 100% across the board or do we want to examine and change any of the items? There was a discussion concerning the verification of employment. Although employment is a standard condition of probation, no one is ever violated for not providing verification to the provider. Chair Bonavita clarified that the condition concerns willful unemployment. So, long as the service provider took the step to confirm employment that should be sufficient. Ms. Weiss noted that we cannot start to violate for not providing verification of employment. The Committee decided that for employment and address verification, the review would ascertain whether the provider asked for the information and if they did, did the probation client comply – that information is being collected by Pride Integrated Services, Inc? The committee was satisfied with the remaining items on the checklist and that besides the employment and address verification all of the other items will stay at 100% compliance.

- c. Future Monitoring Reviews:** Mr. Kukec asked the committee whether Commission staff will continue to do the annual monitoring study or is this something that another government or private group would do in the future. If so, who would conduct the review and what would the scope be (programmatic, contractual, financial, and wrong doing)? He noted that depending on the scope, staff are capable of expanding the programmatic (e.g., looking at recidivism and comparative analyses, level of violations) and contractual; however, staff are not qualified to examine wrong doing, thefts, or frauds, financial health, etc. On another perspective, we are expanding our programmatic examination by asking questions like is probation effective overtime; as well as; especially with a comparative analysis over. Mr. Kukec noted that if we look at the cost of completing the work with staff, the county is getting a bargain; and that contracting with an outside firm to do this work would be at the very least the same cost, and most likely far more than what its costing now. Mr. Rodriguez pointed out that we should consider have an outside agency to review the financials, since we do not have that expertise. Mr. Mass (Pride Finance) noted that if we are looking for fraud or misuse of funds, that would require more frequent reviews and monitoring rather than just once per year. Judge Bonavita noted that this should be added to the scope of work that the financial audits required by the provider also examine fraud and misuse. Mr. Rodriguez noted that we would approach the office of inspector general.
- d. Random Checks?** Mr. Kukec noted that this is along the same issue as item C and that it's less about programmatic review versus contractual compliance. Who will conduct them, what frequency, and what scope? Chair Bonavita noted that it comes back to available resources and expertise.

D. Independent Financial Audits: given that this was discussed earlier, the committee moved to the next item: update on the RFP process.

VI. Update

A. Request for Submittal (RFS) – Misdemeanor Probation Services

Mr. Rodriguez provided an update on the selection committee and its work. He provided a brief background and that the committee met on January 6th and 20th, 2012. One of the bidders is protesting the selection and we are appearing before a Special Master on June 18, 2012 at 9:30AM. As a result of the delay, we are extending the current contract with Pride Integrated Services, Inc. for another six months – their current contract is set to expire on June 5, 2012. This extension will take place on May 15, 2012 before the Board of County Commissioners

B. Drug Patch – Ms. Joiner noted that there is a new patch that is capable for monitor drug use. Chair Bonavita asked Ms. Joiner to send him information on the patch. Mr. Rodriguez asked if there was a cost and Ms. Joiner said that there was a cost just as there is with the random testing. Clients would be required to use the patch if so ordered by the court only; they would not be required otherwise. There was some discussion concerning whether a person with a skin condition would be required to wear the patch.

VII. Member and Guest Comments

Chair Bonavita thanked everyone for their participation and input and noted that we would reconvene in the future by first sending everyone a meeting notice.

VIII. Next Meeting

Chair Bonavita noted that we would meet after the RFP selection process is completed.

IX. Adjournment

The meeting was adjourned by Chair Bonavita following a motion and second.