

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD

Governmental Center, 10th Floor
301 N. Olive Avenue
West Palm Beach, FL 33401

SPECIAL MEETING

August 11, 2010, 12:15 p.m.

FINAL MINUTES

Members Present

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| August Bonavita | Chairman, County Criminal Court Administrative Judge |
| Rosalyn Baker (Yasmin Rivera) | Florida Department of Corrections |
| Virginia Cataldo | US Probation |
| Steven Cohen | Criminal Defense Lawyer |
| Daniel Eisinger | Public Defender's Office |
| Steven Kay | State Attorney's Office |
| Kay Oglesby | Public Defender's Office |
| Elizabeth Parker | State Attorney's Office |
| Michelle Spangenberg (Stewart Saalfield) | Court Administration |
| Louis Tomeo (Bea Lovelace) | Office of Clerk & Comptroller |

Guests Present

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| Maureen Brickous | Pride Integrated Services, Inc. |
| Debbie Crow | Supervised Own Recognizance (SOR) |
| Wanda Joiner | Pride Integrated Services, Inc. |
| Charlie Trotta | Justice Services |

CJC Staff Present

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

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- I. **Welcome/Opening Comments.** The meeting started at 12:15 pm. Chair Bonavita welcomed everyone.
 - II. **Roll Call and/or Introduction of Members & Guests.** Chair Bonavita did roll call and asked guests to introduce themselves.
 - III. **Approval and/or Amendments to the June 4, 2010 minutes.** The draft minutes for the June 4, 2010 meeting were approved without amendments.
 - IV. **Approval and/or Amendments to the Agenda.** The chair noted that since Mr. Trotta was at today's meeting, we would add the \$10.00 fee associated with community services (list of approved service providers) to the agenda. Following this addition, the agenda was approved by the Board.

V. New Business

- A. Review and Approval of PAB Bylaws:** Damir Kukec informed members that as a result of a recent retirement that he would staff the PAB with Ms. Candee Villapando continued assistance. He also noted that staff had previously distributed a copy of the proposed Bylaws to the advisory board for their review and comments. Members were asked to provide staff with their comments and suggested changes. It was noted that these Bylaws were modeled after the Law Enforcement Planning Council Bylaws. Some questions were raised about the role of the proxy votes for voting items. It was agreed that we would allow for proxy voting so long as the regular member was first fully informed about the issue before instructing their proxy. Members asked that the Bylaws be amended to prohibit the use of a proxy to establish a quorum (Section 3.1). It was also agreed that in case of vacancies; other than the chair, staff would be directed to contact the heads of each agency to name a replacement. Members requested that we include a representative from Justice Services and the Law Enforcement Planning Council. The Chair asked that subject to these changes, that the PAB adopt the Bylaws. The motion was made and seconded and approved by the PAB members. Staff noted that the Bylaws would be once again distributed to ensure that all of the changes are made prior to having the document forwarded to the County Attorney's Office.
- B. Driving Under the Influence (DUI) Schools:** Ms. Maureen Brickous indicated that this was an issue brought before the committee last meeting. It was in regard to legislation that precluded misdemeanor probation providers from referring clients to their own DUI schools. As such, they were proposing a method to let the probation client know which schools were available to them without breaking the new legislation. The administration of this new provision is governed by the Department Highway Safety and Motor Vehicles. Currently, there are two licensed DUI school operators in Palm Beach County: 1) Metro DUI School and 2) Pride Integrated Services, Inc. Probation clients are also required to sign a form that indicates they have been informed by the probation service provider that they have received the list of DUI schools and that they know that they may select the school of their choice. The list of form was submitted to the DHSMV by Pride Integrated Services, Inc. Since that time, Metro has raised a concern with the DHSMV noting that Pride is unable to create the list provided to probation clients and DHSMV agreed with their position. Therefore, what Pride is now doing is informing probation clients that they should contact the DHSMV to obtain a list of licensed DUI School providers (see attached "DUP" cases). The signed statement is now part of the handbook and in place in the probation client's file. Ms. Brickous noted that this is part of a broader effort to limit self-referral; even though in these cases the client has a choice and it is the court that determines if someone must attend DUI School. Initially, the legislation was worded to preclude misdemeanor probation service providers from offering DUI School. Ms. Brickous stated that in Miami-Dade, the court maintains a list of DUI schools that is provided to misdemeanor probation clients.
- C. Justice Services (\$10.00) for List of Approved Service Providers:** The PAB wanted to understand why Justice Services is charging misdemeanor probation clients a \$10 fee to obtain a list of approved places they can complete their community service hours. Mr. Trotta explained that they do charge a \$10 fee to enroll in a community service program, and that this fee can only be waived by a judge. He noted that the fee covers the administration costs associated with maintaining and copying the list; as well as, postage to recruit new community service programs where probation clients may complete their community service. Ms. Wanda Joiner noted that this issue stems from a violation of probation (VOP) hearing where the accused argued that they were in violation of their probation because they could not afford to purchase the list for the \$10 fee to go to community service program. She noted that the

accused was ordered to go to the Justice Service Community Service Program in order to complete their community service hours. Mr. Trotta noted that the fee was sent by the Board of County Commissioners (BCC) resolution. If an offender comes to their office noting that they cannot afford the \$10 fee, Mr. Trotta indicated that they direct the clients to go back to the court and inform the judge that they cannot afford the fee and ask for a waiver. If they get a waiver we sign them up, and if they don't get the waiver we don't sign them up for the program because Justice Services must abide by the BCC resolution to collect the fee. Chair Bonavita noted that there is a mechanism for a motion to modify the order, so at least there is some recourse the offender can take if they are unable to pay the fee – he also added that he has not seen any such motions in his courtroom. Mr. Trotta noted that they receive many requests to waive the fee and that he appreciates having the court as a mechanism to review each case as it may be difficult to prove if a person can really afford it or not. Ms. Joiner wondered how the court determines whether an offender will be mandated to go through the Justice Services Community Service Program or not. Mr. Trotta noted that one of the reasons that the Community Service Program has been in existence since 1992, when the resolution was passed, is to execute “hold harmless” agreements so the county is not held responsible for individuals who are hurt or killed while conducting their community service.

VI. Old Business

- A. Probation Advisory Board – Restitution Report Update:** Chair Bonavita informed members that in response to the recommendations in the June 14, 2010 report, and as a result of the direction given by Criminal Justice Commission, staff prepared the attached letter for my signature. The letter was dated June 24, 2010 and was included in the meeting information packet. The letter outlines specific corrective actions that are to be implemented within 30 days. Chair Bonavita noted that he received a letter from Pride Integrated Services responding that all of the corrective actions outlined in the letter have been implemented. Ms. Wanda Joiner also commented that they are also now including in their quarterly report the restitution reports which will report on the payment and disbursement (when they were mailed) of restitution payments at Pride. Mr. Damir Kukec informed members that the Criminal Justice Commission chair was notified by the Inspector General that they had received our request to examine this issue and that they would be contacting staff shortly.

VII. Member and Guest Comments

Mr. Kukec recommended to members that we hold our next meeting on January 13, 2011. He noted that this will give staff time to move forward with annual review, draft request for proposal (RFP) since Pride's current contract will expire in December 2011; as well as, report on the final outcome of the Inspector General's review of restitution payments. Mr. Kukec thanked Ms. Candee Villapando for her assistance in preparing for today's meeting and that she will be involved in completing the annual review for PAB. The chair also thanked Ms. Villapando and Mr. Kukec for their work and assistance. Mr. Rodriguez asked that the RFP include a section that requires the successful bidder to be able to interface with the misdemeanor probation service provider. He asked that we consider including language to ensure that future case management systems be compliant with the Law Enforcement Exchange (LEX) system. Mr. Kukec noted that he would contact the LEX board or ISS requesting specific language. As a final note, the chair reminded members that as a committee we have to remain compliant with the Sunshine Legislation, and that Mr. Berger, from the County Attorney's Office will be here in January 2011 to provide a refresher. Mr. Kukec thanked Mr. Trotta and his colleague for coming to today's meeting on such short notice.

Next Meeting (TBD)

Adjournment

The meeting was adjourned at 1:21 pm.