

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD

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

January 12, 2011, 12:15 p.m.

MINUTES

Members Present

August Bonavita, Chairman	County Criminal Court Administrative Judge
Daniel Eisinger	Public Defender's Office
Elizabeth Parker	State Attorney's Office
Louis Tomeo	Clerk and Comptroller's Office

Guests Present

Gentry Benjamin	County Attorney's Office
Joseph Bergeron	Department of Internal Audit
Vince Bonvento	Public Safety
Maureen Brickous	Pride Integrated Services, Inc.
Wanda Joiner	Pride Integrated Services, Inc.

CJC Staff Present

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

- 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 August 11, 2010 minutes.** The draft minutes for the August 11, 2010 meeting were approved with amendments. Daniel Eisinger from the Public Defender's Office noted Mr. John Rivera from his office was not at the last PAB meeting and should be removed from the minutes as having attended.
- IV. Approval and/or Amendments to the Agenda.** The agenda was approved unanimously without amendment.

V. New Business

a. Review and Response to Palm Beach County Office of Inspector General (OIG) Management Review 2010 – 0007 – Judge Bonavita

On December 20, 2010 the OIG released the findings of their review of the conduct of Pride Integrated Services concerning the collection and maintenance of restitution payments to victims of crime.

The OIG's report recommended the following:

- i. Develop a new Request for Proposal to include detailed requirements and deliverables as well as develop CJC oversight criteria to monitor the effectiveness of the contract.
- ii. Compare the contract under fair and open competition
- iii. Establish contract oversight procedures. These procedures should include the identification of someone with financial and accounting expertise, as well as someone with the knowledge and expertise in the contracted services area, so that appropriate levels of quality assurance and contract compliance oversight can be achieved.

Judge Bonavita has asked that all PAB members carefully review the attached OIG report prior to the January 12, 2011 meeting. This is vital as the Probation Advisory Board has been asked to make a formal recommendation to the full Criminal Justice Commission on how to implement the recommendations contained in the OIG report noted above.

Staff Recommendations:

Criminal Justice Commission staff recommends the following:

1. Continue to Proceed with the Request for Proposal (RFP).
2. Review and incorporate new language for the Service Contract and Scope of Work as part of the RFP process.
3. Request that the Palm Beach County Department of Internal Audit act as the financial and accounting oversight body for the annual review of misdemeanor probation services.

Judge Bonavita reviewed the findings and recommendations and asked Michael Rodriguez, Executive Director, Criminal Justice Commission to respond first as he was part of the review process with the OIG. Mr. Rodriguez noted that he has no issue with their findings or recommendations; however, he does take issue with some of the characterizations and narrative in the report and context. He also stated that he needed to be more careful with what he says when speaking to the OIG. Mr. Rodriguez noted that he should have been specific of where he felt we were lack in our oversight rather than how he is quoted in the OIG report. He stated that we do a much more extensive

job with the audits now than we have in the past, we were the ones who initially identified that the timeliness of the restitution fund payments were never monitored until identified this in Damir Kukec's initial report. He concluded his comments by noting that while he regrets the characterizations in the narrative; the OIG did not really find anything different from what we found in our review (June 14, 2010 PAB report). Judge Bonavita echoed Mr. Rodriguez's comments. Mr. Louis Tomeo from the Clerk and Comptroller's Office noted that the OIG's report validates the findings of the June 14, 2010 PAB report; and work of the Clerk and Comptroller's Audit Department.

Judge Bonavita noted that the PAB has been asked to provide the Criminal Justice Commission with recommendations on how to implement the OIG's recommendation. With respect to the Department of Internal Audit, Michael Rodriguez noted that they would likely be able to assist us on a onetime basis to determine if Pride Integrated Services Inc is in compliance with the Corrective Letter (dated June 24, 2010); so long as their Audit Committee approved the work. This was confirmed by the Director of Internal Audit Mr. Joe Bergeron during the meeting. They would not be able to do this on an annual basis. Mr. Vince Bonvento noted that we should also include a strategy for on-going monitoring. Mr. Rodriguez noted that this is currently being developed to tighten up the current process and perhaps a forensic auditor. Mr. Bonvento recommended that we state that we should solicit the services of an outside auditor or other departments such as public safety, OFMB, or Internal Audit. Mr. Joe Bergeron noted that the forensic audit should be built into the service contract. He noted that many revenue generating contractors are required hire an independent auditor to attest to the accuracy of the revenue produced/reported by the contractor. Mr. Bonvento summarized the recommendations in three parts: 1) Internal Audit would complete a one-time review to determine compliance with the current service contract, 2) PAB/CJC would work with Public Safety, Office of Finance Management and Budget (OFMB) and others as needed, and 3) the contract language would include a provision requiring an expanded role for independent financial audits attesting to the accuracy of reporting. The contract language would identify which performance reporting and financial reporting must be certified. Mr. Bonvento also noted that in addition to the annual audits we should plan for random audits throughout the year that examine specific issues. He also stated that we should include a recommendation to complete a Request for Proposal, and that we should note that the language in the contract does not permit immediate termination. Mr. Damir Kukec was asked to prepare a letter for the Criminal Justice Commission which includes all of the recommendations.

VI. Old Business

- a. Misdemeanor Probation Services Contract and Statement of Work – Preliminary Recommendations for upcoming Request for Proposal** – Judge Bonavita. Mr. Damir Kukec noted that he has attached some new sections in the contract that were already discussed such as the requirement to include an internal audit that certifies or attests to the accuracy of both performance and financial reporting. Mr. Kukec confirmed that he also included sections that reflect lessons learned; such as, requiring financial audits from both local and corporate office to be

provided to staff, the strict prohibition of use of restitution, court costs, and fines for anything other than those purposes. He also noted that revision of wording that reflects the standard termination clause found in county contracts, inclusion of county hotlines for client and employ thefts. Mr. Bonvento noted the inclusion the OIG language will be important; and he specifically noted that the BCC will be interested in the termination language. Ms. Gentry Benjamin, Assistant County Attorney, noted that she would prepare a letter which speaks to that issue for Judge Bonavita. Mr. Rodriguez noted that aside from the legal aspect, we simply cannot terminate a contract where 3000 plus individuals are required to report as part of their court ordered sentence. Mr. Kukec recommended that the PAB serve as the selection board for the RFP process; especially since judges, public defenders and the state attorney's office are reliant on this misdemeanor service provider so they have to be comfortable and satisfied with this service provider.

- b. Approval of PAB Bylaws** – Damir Kukec, Research & Planning Manager. Mr. Kukec recommended that the bylaws be approved since the requested changes have been incorporated. There was some discussion adding a financial advisor or a person with financial audit experience. After input from Gentry Benjamin, Assistant County Attorney's Office, that we allow her to review the content since there may be an issue with the proxy vote. It may contravene the Florida Sunshine Legislation. Furthermore, without a quorum we cannot vote on the bylaws. We will defer this issue for the next meeting.
- c. Annual Review** – Candee Villapando, Criminal Justice Analyst. Ms. Villapando updated members of the progress of the current annual review (two year review). All the data collection and analysis by end of February and a draft report for the end of March, 2011. We should be ready for the April meeting to present our findings.

VII. Member and Guest Comments

Mr. Louis Tomeo offered to Pride Integrated Services, Inc. to incorporate the ACH services to transfer court costs and fines to the Clerk's Office directly. This would preclude Pride from having to visit Clerk's Office to transfer the funds. Ms. Brickous, CEO from Pride agreed to meet with Mr. Tomeo to set-up the process.

Ms. Elizabeth Parker noted that there is a statewide database called CCIS; which provides access to court and criminal histories. It would be helpful to give Pride access to this system as one of the contractual obligation requires them to check is a probation client has any new charges prior to terminating their case. Regrettably, they can currently only check Palm Beach County and access to CCIS is restricted to local law enforcement. She asked members for suggested solutions and ways to provide them with access statewide. Mr. Bonvento noted a private firm that may be able to provide this access on a cost for service basis.

Next Meeting February 9, 2011 at 12:15.

Adjournment The meeting was adjourned at 1:20 pm.