

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION  
**PROBATION ADVISORY BOARD**

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

November 14, 2012, 12:10 p.m.

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**FINAL MINUTES**

Members Present

August Bonavita, Chairman	County Criminal Court
Daniel Eisinger	Public Defender's Office
Polly McFadden	Office of State Attorney
Kay Oglesby	Public Defender's Office

Guests Present

Thomas York	Professional Probation Services
Brian Feld	Professional Probation Services
Federico Forero	Professional Probation Services
Joan Chesnes	Pride Integrated Services, Inc.

CJC Staff Present

Michael Rodriguez	Executive Director
Candee Villapando	Criminal Justice Analyst

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**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. Chair Bonavita extended a special welcome to Ms. Polly McFadden who replaced now Judge Daliah Weiss formerly from the State Attorney's Office, and the representatives from Professional Probation Services, Inc., new misdemeanor probation provider.

**III. Approval and/or Amendments to the Agenda**

Approval of the agenda was tabled until the next meeting in the absence of a quorum.

#### **IV. Approval and/or Amendments to the May 8, 2012 meeting minutes**

Approval of the minutes from the last meeting was tabled in the absence of a quorum.

#### **V. New Business**

##### **A. Status Report by Professional Probation Services (PPS) on Transition and Meeting with Judges:** Mr. Thomas York thanked the PAB for the opportunity to attend the meeting, and then gave highlights of the transition:

- Seamless transfer of offender cases, and electronic data and case notes from Pride. Mr. York thanked Michael Rodriguez for his help.
- Completed physical files transfer on August 31, 2012.
- Began operations on September 4, 2012.
- Hired majority of Pride staff at a slight raise. Mr. York praised the experience and work ethic of the former Pride staff which helped tremendously in the transition, especially in their familiarity with Palm Beach County.
- Conducted staff training, including orientation to PPS computer system, and had their first meeting.
- Operates three locations in West Palm Beach, Delray Beach, and Belle Glade. PPS kept the same office in Belle Glade, but opened new offices in West Palm Beach and Delray Beach.
- ACH (Automated Clearing House) transfers (electronic transfer of funds) twice a week per scope of work; i.e., any money collected by PPS for the county is electronically transmitted to the court along with a report and then entered into the clerk's system. Mr. York stated that they are currently working on an interface with the county to make the entire process automatic.
- Fines and court costs collected to date is \$410,321.99.
- Restitution is collected and remitted within 14 days of receipt of funds which is done at their corporate office. The money they collect is put into their system at the corporate office. Mr. York discussed about their three distinct accounts in Palm Beach County: restitution account, fine/costs account, and fee account. Restitution checks are computer generated and sent to the victims from their corporate office within 14 days of receipt of the money.
- Initial office contact with staff by the defendants takes place within 14 days of sentencing.
- Photos of all probationers are taken by webcam and saved directly into their case files when they come in to the office. Mr. York added that these case notes are available for viewing online.
- On site drug testing performed; clients who want a confirmatory drug test are sent to the county to get a certified drug test.
- PPS employees have access to the Florida CCIS (Comprehensive Case Information System) which they use to perform criminal record checks, including violations outside of the county. Mr. York clarified that they still do use SHOWCASE which has more updated financial information.

- Probation officers in court use computer tablets. PPS system is web-based so officers can look at each individual case online.
- PPS is collecting outstanding probation fees for Pride until December 2012.
- In closing, Mr. York repeated that overall the transition is going very well, and again thanked Pride, CJC, and Chair Bonavita for their help.

Chair Bonavita wanted to confirm what percentage of the existing Pride staff PPS hired, and Mr. York responded that they hired majority of Pride's probation division (while the DUI school pretty much stayed behind). Chair Bonavita also mentioned that he emailed county criminal judges requesting for their input in advance of the meeting, and asked Mr. York if they have had an opportunity to meet with any of the judges. Mr. York said that they have met so far with Judges Bonavita, Cunningham, Bailey, and Hanser, and emphasized that it is their intention to meet with the other judges. Chair Bonavita offered his assistance on this. Lastly, Chair Bonavita asked about a north county location. Mr. York said that they were denied access to the Sheriff's Office (substation) space that Pride used because they were a for-profit organization. Mr. Rodriguez offered to look into this and visit the north county courthouse for possible space, as suggested by Mr. Eisinger. Mr. York noted that they only have about 20 cases, and that they might be able to structure something via web. Chair Bonavita verified that an officer is present in court to do intake and process paperwork which Mr. York confirmed. Chair Bonavita suggested that this (i.e., north county client population) might be an issue that the board should monitor in the future considering north county's growing population to which Mr. York agreed.

Mr. Rodriguez brought up the Public Defender's meeting with PPS just before the PAB meeting from which a couple of issues came up, one being the determination of indigence for the cost of supervision. For the purpose of auditing and the Inspector General, Mr. Rodriguez recommended devising a tool to use that can be applied uniformly across populations since determination is fairly subjective. Chair Bonavita added that this also becomes an enforcement issue on a violation because defendants may be violated for non-payment of supervision fees. Mr. Rodriguez also asked PPS to address at the next meeting what method of drug testing they use making sure that it is consistent with the scope of work requirements. Mr. Rodriguez also wanted to discuss about community services referrals. Mr. York explained that they use the county's list and that if someone brings something outside of that list, they verify the non-profit status from Sunbiz. Chair Bonavita asked how PPS deals with out-of-state probationers doing community service; Mr. York said their policy would be the same, although Mr. Feld said that they have not seen any such case. Further, Mr. Rodriguez suggested whether PPS should make a regular report on where the defendants are being referred. Lastly, Mr. Rodriguez wanted to clarify the provision under standard supervision classification indicating "a monthly reporting by the probationer to the officer supervising the case". He wanted to know if there is a problem in cases wherein probationers come in twice a month. Mr. York replied that they read it as an "at least" and assured the board that the probationers will not be violated for coming to the office more than once a month.

**B. Presentation by Pride Integrated Services on continued services:** Chair Bonavita introduced Ms. Joan Chesnes and explained that Ms. Maureen Brickous had met with him and Judge Blanc about Pride's DUI program and the other services ancillary to the probation services, and that he indicated to them that the board would give them the opportunity to give an update on these services. Ms. Chesnes thanked Chair Bonavita and the PAB members for the opportunity.

- 1) ***DUI School.*** Ms. Chesnes noted that Pride is one of the licensed DUI programs in the county. She explained that DUI schools are heavily regulated and are licensed by the Department of Highway Safety and Motor Vehicles (DHSMV); they answer to DMV and use the probationer's driving privileges as a tool in getting clients to complete their treatment. She discussed: (a) Level I (First Time DUI Offender) and Level II (Multiple DUI Offender) courses and fees, etc.; (b) Evaluation - scheduled date and time when people come in to the office for an assessment; and (c) Treatment Referral. The DUI evaluation can result into one of three things: (1) No treatment, (2) Treatment recommended, or (3) Treatment required. Only clients where treatment is required does it become a condition of driving privileges. People that are recommended for treatment are considered done with DUI school, but in PBC there is an administrative order that requires probationers who are recommended for treatment to do treatment. The state of Florida requires that Pride maintain a referral list DCF-licensed DUI schools.
- 2) ***Ignition Interlock Monitoring.*** Ms. Chesnes discussed what the interlock device is, how it is operated, and how the monitoring works for the probationer, i.e., in terms of costs, violations, etc. Ignition interlock is the device that the state of Florida or the judge can require a DUI offender to have installed in his vehicle. The state contracts with two interlock vendors; one covering the northern parts, and the other covering the southern parts of the state. Interlock costs about \$200 to install and \$70 a month for monitoring. Ms. Chesnes clarified that ignition interlock monitoring is non-evidentiary instrument and cannot be used in court or to violate an individual; it is used more at a clinical level to change behavior.
- 3) ***Special Supervision Services.*** A special program for people who are under a five-, ten-, or permanent license revocation based on DUI convictions. It is an abstinence-based program, for people working on recovery and making lifestyle changes which Pride monitors for the state of Florida. It is expensive but it is the only way that these people can go back on the road. It is cost-prohibitive, but Ms. Chesnes explains that it is the only way for people under this program to get back on the road.
- 4) ***Other programs.*** Ms. Chesnes also discussed about other programs offered by Pride that are designed to promote public safety through education, awareness, and defensive driving strategies, e.g.:
  - a) **Cognitive Behavioral Programs.** Theft Abatement Program – Level I and Level II, and Drug Education Program (DEP); and
  - b) **Traffic School Programs.**

**C. Status Report on Review of Misdemeanor Probation Services:** Ms. Candee Villapando gave a brief update on the status of the report. She indicated that the report reviewed 4790 clients, 5040 cases, and 480 sample physical files. She noted that one major finding that was different from the previous report was Pride's restitution payment for the entire review year at 100%. Ms. Villapando added that the information was verified using Pride's check registers and bank statements. She noted that a draft was complete for further review by staff.

**VI. Updates/Old Business**

*A. No specific items*

**VII. Member and Guest Comments**

**VIII. Next Meeting**

Next meeting was set for February 13, Wednesday at 12:15 p.m.

**IX. Adjournment**

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