

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

April 21, 2015, 12:15 p.m.

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**MINUTES**

Members Present

Leonard Hanser, Chairman (by phone)  
Rosalyn Baker  
Adrienne Ellis  
John Rivera  
Louis Tomeo

County Criminal Court  
Florida Department of Corrections  
State Attorney's Office  
Public Defender's Office  
Clerk and Comptroller's Office

Guests Present

Glenny Cueto  
Federico Forero  
Diane McCarthy  
Neil Schiller  
Thomas York

Professional Probation Services  
Professional Probation Services  
Clerk and Comptroller's Office  
Becker & Poliakoff and PPS  
Professional Probation Services

CJC Staff Present

Michael Rodriguez  
Damir Kukec  
Candee Villapando

Executive Director  
Research & Planning Manager  
Criminal Justice Analyst

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**I. Welcome/Opening Comments**

Judge Leonard Hanser, Chair, appeared by telephone, for which he expressed his apologies as his mobility was still limited after surgery on his leg about a month ago.

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

Damir Kukec did the roll call, and Chair Hanser asked members and guests to introduce themselves. A quorum was present.

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

The agenda was approved without amendments.

**IV. Approval and/or Amendments to the May 28, 2014 meeting minutes**

The minutes from the May 28, 2014 meeting was approved.

**V. New Business**

**A. Level of Service: Belle Glade Office**

Judge Hanser received an email from Judge Peter Evans who expressed concern whether the defendants in Belle Glade were getting the same level of service as in the other PPS locations. Mr. Tom York said this issue may have been related to an incident when a probationer reported to the PPS office on one of the few Mondays their office was closed due to a staff on maternity leave. However, this issue has been corrected since then. Mr. York added that in the future they will make sure to bring issues of this kind to the PAB so the judges can be notified in advance. And Mr. York confirmed to Judge Hanser that the PPS offices are open during advertised business hours.

Judge Hanser also asked about the distance of PPS's Belle Glade office to the courthouse, in terms of the lack of transportation in the area. Mr. York stated that they are willing to move closer to the courthouse and have in fact tried to look for other office spaces, including the Sheriff's Office, but there were no suitable spaces available at this time. Mr. Mike Rodriguez offered to check with Facilities Department for available county properties close to the courthouse.

Mr. Kukec also brought up Judge Evan's concern about availability of PPS Spanish-speaking staff. Mr. York noted that they have bi-lingual staff 3 days a week and the defendants are scheduled to report to their office when the bi-lingual staff are at their office. They currently have only eight Spanish-speaking clients, so they have not really had any problems related to this. Judge Hanser confirmed from Mr. York that the defendants in Belle Glade receive the same level of service as the defendants in their other locations.

**B. Violation of Probation (Cost of Supervision)**

**a. Ordering PPS clients to establish clerk payment plans**

Judge August Bonavita sent an email to Judge Hanser addressing the issue of the order of priority of how the defendants' payments are applied. The contract stipulates that payments be applied to restitution first if the case involves a victim. Mr. York confirms this, i.e. payment is first applied to restitution (if applicable), then fines and court costs, and lastly cost of supervision. The problem PPS is seeing is that since the defendants are given the option to pay their fines until the last month of probation, most of them wait until the last month to pay, and a lot of times end up unable to pay and then maybe face violation. Mr. York expressed that they would like to have something in the court order that sets a monthly payment plan that PPS can follow to make the collections. Mr. Tomeo likewise suggests setting up a structured payment plan which the Clerk's Office can monitor and make collections from the defendants. He talked about an analysis of defendants for the calendar year 2013-2014 which showed that

those assigned to payment plans were not violated, nor their licenses suspended, or they cases sent to collection. He added that it may not be necessary to change the court order; one of the boxes at the bottom of the costs form, if checked, will require the defendant to establish a payment plan, if so ordered. Mr. Tomeo recommends that the Clerk's Office work with PPS in establishing the monthly payment plans, and that they can monitor and do the collections.

Ms. Rosalyn Baker mentioned about the Administrative Order that deal with the monetary obligations for felony probationers and how the payments will be handled. She will send a copy of the AO to the members through staff.

### **C. Technical Violations / Alternative Sanctions**

Ms. Baker talked about having a pilot project on alternative sanctions which was successful. They are now doing it in all the felony courts. Judge Hanser wondered if this can be done with misdemeanor probation. Mr. John Rivera noted that the PD's office voiced their objection when this was being discussed in felony probation. Their main objection was that for alleged technical violations wherein the defendants do not get the benefit of counsel. Ms. Baker explained that the process is completely transparent: the defendants are told they do not have to agree, and can still go before a judge for a full probation hearing, to which Ms. Adrienne Ellis concurred. Judge Hanser's other concern was that for the violation, the defendants are not automatically represented by counsel. But Mr. Rivera said that the offender can just go to the Clerk's Office, pay the fee, and have the PD assigned to their case.

Judge Hanser wanted to pursue this and suggested putting together a committee to explore doing a similar AO for misdemeanor probation. He will email the judges, and staff will contact the SAO, PD, and Clerk's offices to find out interest. Mr. Rivera suggested to Judge Hanser to get in touch with Judge Colbath as he was involved in the felony AO process.

### **D. Notice to Appear for Violation of Probation**

Judge Hanser wanted to see misdemeanor of violation of probation handled in a parallel way with the felony violations. He explained in misdemeanor, in the VOP affidavits, the judge can enter a warrant. But he suggested another way which would be cost-effective and save other resources, if instead a notice of hearing is set, as is indicated by statute. Ms. Baker agreed that in felony court, they do a notice to appear to bring the VOP to the attention of the court, and then set a notice of hearing where the offender has to appear. She will send the documents to staff to be distributed to the members. Judge Hanser thought that the same committee that will be looking into the AO may also look into this. The committee voted and agreed to pursue this issue.

### **E. Contact Renew – Options**

Purchasing Department has notified CJC to respond as to how to proceed with the current contract, which started in September 4, 2012 and will be ending in September 12, 2015. There is an option of doing two 1-year contracts, after which the contract will be up for bid. Staff recommends renewing the contract, which will be decided and voted by the committee in the May 21 meeting.

**VI. Updates/Old Business**

**A. Contract and Performance Review / Status Report**

Mr. Kukec reported that the review is in progress, and staff has been working closely with PPS staff who have been very responsive. Staff will have the report ready and sent to the members in advance of the meeting.

**VII. Member and Guest Comments**

Mr. Rodriguez summarized the actions decided at the meeting: 1) Staff will draft the AO with appropriate parties to establish a structured payment plan; 2) Subcommittee will be formed to address the technical violations/alternative sanctions; 3) Staff will move forward with appropriate parties regarding notice to appear for violations of probation.

**VIII. Next Meeting** (*Discussed out of order, before New Business*)

Judge Hanser recommended setting the date for the next meeting when the committee will have to discuss PPS's current contract, and review and approve the monitoring report on PPS compliance to the contract and scope of work. Mr. Kukec had suggested on the agenda a date of May 19<sup>th</sup>, Tuesday. However, Mr. Tomeo will not be able to attend and Judge Hanser also indicated that he is likely to be on trials on Tuesdays and Wednesdays. Judge Hanser suggested May 21<sup>st</sup>, Thursday on which the committee agreed.

**IX. Adjournment**