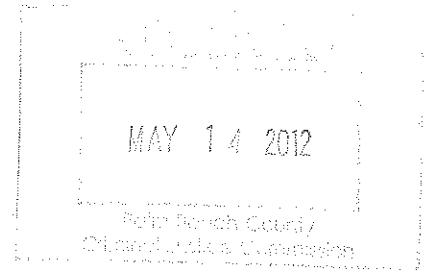




THE COUNTY COURT OF THE  
**FIFTEENTH JUDICIAL CIRCUIT**  
OF FLORIDA



CHAMBERS OF  
**AUGUST A. BONAVITA**  
COUNTY COURT JUDGE

PALM BEACH COUNTY COURTHOUSE  
205 NORTH DIXIE HIGHWAY  
WEST PALM BEACH, FLORIDA 33401  
561/355-7881

May 08, 2012

Commissioner Shelley Vana, Chair  
Members of the Palm Beach County Board of Commissioners  
301 North Olive Avenue., 11<sup>th</sup> floor  
West Palm Beach, FL 33401

Dear Commissioner Vana:

Please find the attached for your information the monitoring report on misdemeanor probation services in the Palm Beach County for FY 2008-09 and FY 2009-10 completed by the Probation Advisory Board and Criminal Justice Commission staff. All data and information was provided by Pride Integrated Services, Inc.

The report was approved by the Probation Advisory Board (PAB) on February 17, 2012 and by the Criminal Justice Commission (CJC) at its April 23, 2012 full commission meeting. A copy of the aforementioned report attached.

Please feel free to contact me should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "August A. Bonavita".

August A. Bonavita  
Chair, Probation Advisory Board

Attachment

c.: Robert Weisman, County Administrator  
Vince Bonvento, Assistant County Administrator

AAB/ccv

**Monitoring Study of Misdemeanor Probation  
Services in Palm Beach County  
October 1, 2008 to September 30, 2010  
(Two-Year Study)**

**As approved by the  
Criminal Justice Commission**

**By  
Candee C. Villapando  
Criminal Justice Analyst  
Criminal Justice Commission**

**For the  
Probation Advisory Board**

**April 23, 2012**

**In accordance with the provision of the ADA, this document may be requested in an alternative format. Please contact the Palm Beach County Criminal Justice Commission (561) 355-4943.**

## **Acknowledgements**

Criminal Justice Commission staff would like to thank Maureen Brickous, Wanda Joiner, Madie Berry, Terry Bell, Glenny Cueto, Dolores Pavlic, and all of the helpful staff at Pride Integrated Services, Inc. This study would not have been possible without their full cooperation and kind assistance throughout the course of the review. Appreciation also goes to Damir Kukec, Research and Planning Manager, for his technical assistance and guidance throughout the study; and to the member of the Probation Advisory Board and the Criminal Justice Commission for their input. Thank you.

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## **Executive Summary**

This report presents the findings of the annual review of misdemeanor probation cases supervised by Pride Integrated Services, Inc. for the fiscal years 2008-09 and 2009-10. The purpose of the review is to monitor Pride's level of compliance with the Service Contract and Scope of Work entered with the Palm Beach County Board of County Commissioners. The annual monitoring review is led by the Probation Advisory Board, a subcommittee of the Criminal Justice Commission, and the actual study is completed by the Criminal Justice Commission Research and Planning Unit staff.

The framework for this review was guided primarily by the requirements stipulated in the Service Contract and Scope of Work. Specifically, the review examined Pride's fulfillment of Contract requirements such as maintenance of appropriate insurance, licenses, and permits. Further, the review looked at the Scope of Work requirements such as service coverage, intake procedures, client supervision, and staffing and administration requirements.

This review collected information for all misdemeanor probation and pretrial intervention (PTI) cases terminated for two time periods, between October 1, 2008 and September 30, 2009 and October 1, 2009 and September 30, 2010. The review included electronic data for 5,147 terminated cases in FY 2008-09 and 4,760 terminated cases in FY 2009-10 obtained from Pride's case management system; and a review of 322 hard copy files for FY 2008-09 and 293 hard copy files for FY 2009-10, randomly selected from the census population.

Pride operates three regular office locations in Palm Beach County (and meets with clients at a fourth location on a limited basis). Majority of the terminated cases supervised by Pride were located at the West Palm Beach office. Approximately three-fourths of Pride's clients were misdemeanant probationers, and the remaining one-fourth were PTI cases. By offense category, majority of the charges were DUI related.

Personal information collected on clients showed that about three-fourths of the offenders were male; majority were white; about half were single; a little less than half possessed higher than 12<sup>th</sup> grade education; a little over half were employed; about two-thirds had an annual income of \$10,000 or greater; and the average age of the clients at sentencing was 34 years (33 years for the sample population). Review of the completed Needs Assessment forms and referrals revealed that the greatest need or area of concern expressed by majority of clients was finding gainful employment.

This report did not find Pride to be in full compliance with its contract as a result of the mishandling of its restitution account which came into light in 2010 when an email from a former employee alleged that Pride transferred funds between the restitution escrow account and its operational account. The allegation was first reviewed by Criminal Justice Commission staff (the findings of which was presented and reviewed by the

Probation Advisory Board), and then later investigated and confirmed by the county's Office of Inspector General. Pride made the necessary corrective actions as recommended by the PAB and the OIG. Pride was found to be in general compliance with the other service contract and scope of work requirements reviewed in this report, e.g., the maintenance of appropriate insurance, licenses, and permits; service coverage (by operating three office locations); intake procedures (e.g., by collecting client personal information and maintaining case files, conducting criminal record check, and conducting client need assessment and referrals); client supervision (e.g. reporting violation of probation and monitoring successful completion of supervision); and staffing and administration requirements (e.g. verifying staff eligibility and criminal background check of new hires, providing on-going staff training, submitting required reports, etc.).

This report was approved by the PAB on February 17, 2012 and by the Criminal Justice Commission at its April 23, 2012 full committee meeting.

## **Introduction**

This report presents the findings of the annual monitoring study of misdemeanor probation services in Palm Beach County (PBC) for a two-year period, between October 1, 2008 to September 30, 2009, and October 1, 2009 to September 30, 2010, as administered by Pride Integrated Services, Inc. (Pride). The professional service contract with Pride is monitored by the Probation Advisory Board (PAB), created by the Board of County Commissioners (BCC) in accordance with F.S. 948.15, to ensure that terms of the contract are adhered to in the delivery of misdemeanor probation services in Palm Beach County. PAB directs the Criminal Justice Commission (CJC) to conduct an annual program audit of Pride and report the findings to the BCC. The complete list of PAB members are:

Judge August Bonavita, County Criminal Court Administrative Judge (Chair)  
Rosalyn Baker, Florida Department of Corrections  
Virginia Cataldo, U.S. Probation  
Steven Cohen, Criminal Defense Lawyers Association  
Daniel Eisinger, Public Defender's Office  
Kay Oglesby, Ex-Offender Reentry Program  
Louis Tomeo, Clerk & Comptroller's Office  
Dahlia Weiss, State Attorney's Office

Former committee members who served earlier terms during the review period were Elizabeth Parker, State Attorney's Office; and John Rivera, Public Defender's Office.

Specifically, the review examined Pride's compliance with the requirements specified in (a) the Service Contract, such as payment to the county, insurance, access to records and audits, and authority to practice; and (b) the Scope of Work, such as intake procedures, client supervision, staffing, and administration, among others. The annual monitoring of Pride is essential because it provides an opportunity to identify issues or challenges faced by Pride and ultimately find solutions to these issues. It also provides PAB an opportunity to give direction to Pride in terms of helping improve its efficiency and effectiveness, while reducing costs, in delivering misdemeanor probation services in the county, and most important, ensure that Pride complies with the service contract.



## Methodology and Data Collection

The audit examined terminated misdemeanor probation and PTI cases for FY 2008-09 (October 1, 2009 to September 30, 2010) and FY 2009-2010 (October 1, 2009 to September 30, 2010). For fy 2008-09, the review involved: (1) a census of 5,147 terminated cases in Pride’s electronic database, and (2) a random sample of 322 physical case files (approximately 5% of all cases); and for fy 2008-10: (1) a census of 4,760 terminated cases in Pride’s electronic database, and (2) a random sample of 293 physical case files (approximately 5% of all cases) as shown in Table 1 below. The audit of randomly selected physical case files was performed because some of the data that were collected were recorded in the hard copy files only. The sample group was obtained from the complete list of the identification numbers of all clients terminated during the review period using a simple random sampling technique in SPSS (Statistical Package for the Social Sciences). A database file was developed in MS Access where information from the hard copy file reviews were entered and stored, and data summary and analysis were performed using SPSS.

While Pride primarily supervises misdemeanor probationers in Palm Beach County, its clients also include defendants referred to pretrial intervention (PTI) by the State Attorney’s Office through a deferred prosecution agreement. Table 2 shows that approximately three-fourths of the terminated cases for both timeframes were on misdemeanor probation, while about one-fourth were under PTI supervision.

Table 1. Number of Clients and Files Reviewed by Location, FY 2008-09 and FY 2009-10.

Location	FY 2008-09				FY 2009-10			
	All Clients		Sample		All Clients		Sample	
	N	Col %	n	Col %	N	Col %	n	Col %
West Palm Beach <sup>1</sup>	3,869	75.2%	218	67.7%	3,659	76.9%	198	67.6%
Delray Beach	1,173	22.8%	70	21.7%	967	20.3%	64	21.8%
Belle Glade	105	2.0%	34	10.6%	134	2.8%	31	10.6%
Total	5,147	100.0%	322	100.0%	4,760	100.0%	293*	100.0%

Source: Electronic data for all terminated cases were obtained from Pride’s client management system database; sample data were obtained from physical files that were randomly selected using SPSS.

<sup>1</sup>West Palm Beach cases also included clients that reported at the North County (Jupiter) location; likewise, the case folders of these clients were maintained at the West Palm Beach Office.

Pride provided the reviewer with an electronic file (in Excel) containing the data for the all the terminated cases, along with other documents or materials related to the cases. For the physical review of the sample case files, the reviewer sent Pride staff a list of the client identification numbers of the randomly selected cases, and then the file folders from all Pride offices were collected and then sent to the West Palm Beach office where they were reviewed.

Table 1 also shows that majority of the clients (about one-fourth) for both timeframes were located in West Palm Beach; a little less than one-fourth were located in Delray Beach; and a very small percentage were supervised in Belle Glade.

## Findings

Pride’s delivery of misdemeanor probation services was reviewed in accordance with the Service Contract (effective on the 6<sup>th</sup> day of December 2006 and through the 5<sup>th</sup> day of December 2011) and Scope of Work. While this audit reviewed salient aspects of the Service Contract and Scope of Work, it is by no means an exhaustive review of each and every requirement specified in the Service Contract and Scope of Work.

### *General Characteristics of Clients*

As mentioned earlier, about three-fourths of the terminated cases included in this study were on probation and about one-fourth served deferred prosecution agreements or PTI. Table 2 below shows the breakdown of the clients by case type, based on the level of supervision<sup>2</sup>. Standard supervision cases were regular probation clients required to report in person on a monthly basis which made up the bulk (approximately 90%) of the misdemeanor probationers. Mail-in cases were regular clients authorized to report by mail; administrative cases were non-reporting clients; and maximum supervision cases were clients under enhanced supervision with home visits.

Table 2. Number of Clients and Files Reviewed, by Location, FY 2008-09 and FY 2009-10.

Case Type	FY 2008-09				FY 2009-10			
	All Clients		Sample		All Clients		Sample	
	N	Col %	n	Col %	N	Col %	n	Col %
Standard	3,361	65.3%	181	56.2%	3,048	64.0%	159	54.3%
Mail In	368	7.1%	8	2.5%	341	7.2%	5	1.7%
Administrative	16	0.3%	2	0.6%	3	0.1%	0	0.0%
Maximum	7	0.1%	0	0.0%	5	0.1%	0	0.0%
PTI	1,395	27.1%	131	40.7%	1,363	28.6%	129	44.0%
Total	5,147	100.0%	322	100.0%	4,760	100.0%	293*	100.0%

Source: Electronic data for all terminated cases were obtained from Pride’s client management system database; sample data were obtained from physical files that were randomly selected using SPSS.

<sup>2</sup> Some clients might have changed classification at some point during their entire supervision period; classification of clients reported in this review was their classification at the time of termination.

Table 3 breaks down Pride cases by the type of offense committed. The statistics show that majority of the cases were DUI related.

Table 3. Number of Reported Offenses, Grouped by Major Offense Type, All Clients, FY 2008-09 and FY 2009-10.

Offense Type	FY 2008-09			FY 2009-10		
	N	Pct	Valid Pct	N	Pct	Valid Pct
DUI Offenses	2,172	42.2%	42.5%	2,223	46.7%	46.9%
Drug Offenses	409	7.9%	8.0%	241	5.1%	5.1%
Vice Offenses	1	0.0%	0.0%	8	0.2%	0.2%
Crimes Against Persons	744	14.5%	14.6%	694	14.6%	14.6%
Crimes Against Property	760	14.8%	14.9%	693	14.6%	14.6%
Traffic Offenses	721	14.0%	14.1%	660	13.9%	13.9%
Weapons Offenses	51	1.0%	1.0%	42	0.9%	0.9%
Public Order Offenses	0	0.0%	0.0%	2	0.0%	0.0%
Other Offenses	250	4.9%	4.9%	180	3.8%	3.8%
Total	5,108	99.2%	100.0%	4,743	99.6%	100.0%
Data Missing	39	0.8%		17	0.4%	
Grand Total	5,147	100.0%		4,760	100.0%	

Source: Offense data associated with all terminated cases were obtained from Pride’s client management system database. The Criminal Justice Commission Research and Planning Unit’s offense research database (SPSS database) was used to generate this cross tabulation.

### ***Service Contract***

#### **Payments to the County**

The Service Contract specifies that Pride should pay equal payments of two thousand five hundred dollars (\$2,500) before the end of the last workday of each sixth month period of the Contract, i.e., the 6<sup>th</sup> of June and the 5<sup>th</sup> of December 2009, and the 6<sup>th</sup> of June and the 5<sup>th</sup> of December 2010 for the contract years included in the two-year period between fy 2008-09 and fy 2009-10. Records obtained from the Criminal Justice Commission Financial Analyst confirmed that Pride made the two payments on time.

#### **Insurance**

The Service Contract requires Pride to maintain necessary insurance coverage for the life of the Contract. The audit revealed that Pride conformed to this requirement as evidenced by a copy of the *Certificate of Liability Insurance* on file.

### **Access and Audits**

The Service Contract states that Pride shall maintain adequate records and related documentation relevant to client records and provide access to such records and documentations for the purpose of inspection and audit. Pride administration was very helpful and provided full cooperation in terms of providing professional assistance to the reviewer in facilitating the audit, including the review conducted for the restitution payments.

### **Authority to Practice**

The Service Contract stipulates that Pride shall continue to maintain all its licenses and approvals required to conduct its business activities. Pride submitted a copy of the occupational licenses required to operate in West Palm Beach, Delray Beach, Belle Glade, and North County (Jupiter) upon request of reviewer.

### ***Scope of Work***

#### **Service Coverage**

The Scope of Work specifies that Pride shall maintain at least three offices within Palm Beach County to ensure efficient service to their clientele. Historically, Pride has always maintained at least three offices within Palm Beach County which include offices in West Palm Beach (which also serves as the main office), Delray Beach, and Belle Glade. And as mentioned earlier, Pride also supervised clients in North County on a limited basis at a Palm Beach County Sheriff's Office substation in Jupiter, to expand their area coverage further.

#### **Sexual Predators and Sexual Offenders**

When the court places a defendant on misdemeanor probation, pursuant to F.S. 948.01 and 948.15, the probation officers are required to conduct an internet search of the probationer's name or other identifying information against registration information on sexual predators and sexual offenders maintained by the Florida Department of Law Enforcement (FDLE) under s. 943.043. Electronic data obtained from Pride indicated that Pride probation officers performed this online search for all clients and that search results were recorded in their client management system database. According to the data, only a very small percentage of the clients terminated were registered sexual predators or offenders with FDLE (Table 4).

Table 4. Registered Sexual Predator or Offender with FDLE, FY 2008-09 and FY 2009-10.

Location	FY 2008-09				FY 2009-10			
	All Clients		Sample		All Clients		Sample	
	N	Col %	n	Col %	N	Col %	n	Col %
No	5,141	99.9%	322	100.0	4,746	99.7%	293	100.0%
Yes	6	0.1%	0	0.0	8	0.2%	0	0.0%
Unknown	0	0.0%			6*	0.1%		
Total	5,147	100.0%	322	100.0	4,760	100.0%	293	100.0%

Source: Electronic data for all terminated cases were obtained from Pride’s client management system database; sample data were obtained from physical files that were randomly selected using SPSS. \*Note that Pride’s records indicate that five of these clients were sentenced prior to 2005 and when sexual offender checks were not required.

**Intake Requirements and Initial Interview (Orientation Interview)**

The Scope of Work specifies a list of requirements that need to be performed by Pride for new clients when the case is initiated. These include: conduct an intake interview and set up an appointment for the client’s initial interview with an assigned probation officer at the probation office (orientation interview); collect personal and general information from the new client during the initial interview, such as identifying information, offense information, prior arrest information, and address and employment information; maintain complete personal history on each defendant in a case file which is updated on a regular basis; construct an overview of the client’s lifestyle to create a risk/needs assessment; maintain a case file on each client containing other relevant information such as local criminal records check, court order placing offender on misdemeanor probation or PTI agreement, and other related documentation. In the physical review of the sample case files, documentation were found in the printed copy of the client notes in the database system and the requirement checklist contained in every case file.

***Identifying Personal Information***

Pride’s daily case management system database and physical review of the random case files selected indicated that Pride collected identifying personal information on the offenders as required in the Scope of Work. During intake, Pride probation officers collected comprehensive and detailed personal information from the clients which were recorded in Pride’s Client Information and History Summary, such as the client’s first and last name, primary residence, physical features, employment, education, marital status and family, health, criminal history, etc. Table 5 presents selected personal characteristics of the clients.

### ***Address and Employment Verification***

The Scope of Work states that probation officers shall verify residence and employment of the probationers and copies of the address and employment verification shall be placed in each probationer's file. The review of the individual case files showed that address was verified for 83% of clients for FY 2008-09 and for 85% for FY 2009-10. For clients that were employed, employment was verified for 82% in FY 2008-09 and for 84% of the clients for FY 2009-10.

### ***Criminal Record Check***

The Scope of Work requires Pride to conduct a local criminal history check at the beginning of the probation period to establish criminal record history. Pride probation officers searched for offenders' local criminal records using the Palm Beach County Clerk and Comptroller's Office Banner, and/or the Sheriff's Office Booking Blotter. Review of the clients' case file folders indicated that a local criminal record check was conducted on 95% of clients for FY 2008-09 and for 96% of the clients for FY 2009-10. The cases that did not have a criminal record check performed were for clients that did not report (no show or "Plea and Revoke" cases).

### ***Related Court Documents***

The review of hard copy files also examined whether important court-related documentation were completed and kept in the file, in this case the most important being, the court order placing the offender on probation, or the PTI Agreement, whichever the case may be. The review revealed that 99% case files contained a copy of the court order for both FY 2008-09 and FY 2009-10. Very few case files did not contain the court order document which may have been misfiled or filed with the Clerk's copy (information on the conditions of probation or the sentence for these cases would have been obtained from the case event form, typically initiated from court).

Table 5. Selected Personal Characteristics of Clients, FY 2008-09 and FY 2009-10.

Characteristic	Values	Col %			
		FY 2008-09		FY 2009-10	
		All	Sample	All	Sample
Sex	Male	72.4%	71.1%	70.0%	68.6%
	Female	26.6%	28.9%	30.0%	31.4%
Race	White	80.8%	74.0%	81.4%	72.9%
	Black	18.0%	25.1%	17.4%	25.3%
	Other	1.2%	0.9%	1.2%	1.7%
Marital Status	Single	54.3%	50.9%	54.9%	58.5%
	Married	18.3%	18.7%	18.5%	19.2%
	Divorced/Separated	12.6%	11.4%	14.2%	9.4%
	Other	14.7%	19.0%	12.4%	12.9%
Educational Level	<12th Grade	25.8%	27.0%	25.6%	29.8%
	12th Grade/GED	28.2%	30.2%	26.9%	26.9%
	>12th Grade	46.0%	42.8%	47.5%	43.2%
Employment Status	Employed	61.1%	53.3%	57.3%	50.9%
	Unemployed	28.7%	33.7%	31.3%	32.1%
	Other	10.2%	13.0%	11.4%	17.0%
Annual Income	<\$10,000	36.0%	44.0%	41.2%	48.9%
	\$10,000-\$19,000	16.9%	15.6%	16.8%	16.0%
	\$20,000-\$29,000	17.8%	16.4%	14.1%	12.2%
	\$30,000-\$39,000	23.6%	12.8%	13.9%	9.3%
	\$40,000+	5.6%	11.2%	13.9%	13.5%
Age Group (at Sent.)	17 years and under	0.9%	0.6%	1.2%	2.4%
	18 to 24 years	30.6%	28.9%	29.7%	34.8%
	25 to 34 years	26.1%	28.3%	26.1%	23.2%
	35 to 44 years	20.2%	20.2%	19.9%	19.1%
	45 to 54 years	14.4%	14.0%	15.0%	12.6%
	55+ years	7.8%	8.1%	8.0%	7.8%
Ave, Age (at Sent.)		34 yrs	33 yrs	34 yrs	33 yrs
Previous Arrest	None	52.1%	58.1%	50.9%	53.3%
	One	21.3%	17.9%	22.7%	20.2%
	Two or more	26.6%	23.9%	26.4%	26.5%
Needs Identified*	DN complete form	n/a	23.0%	n/a	15.4%
	None	n/a	50.0%	n/a	55.6%
	One	n/a	15.6%	n/a	15.7%
	Two or more	n/a	11.2%	n/a	13.3%

Source: Electronic data for all terminated cases were obtained from Pride's client management system database; sample data were obtained from physical files that were randomly selected using SPSS.



### *Needs Assessment and Referrals*

According to the Scope of Work, Pride shall construct an overview of the probationer's life style to create a risk/needs assessment. For this purpose, as part of the intake process, the probation officer provides the client a brief Needs Assessment (NA) form to determine whether the client is currently in need of assistance or referral to programs not included in his or her conditions of supervision. The Needs Assessment form listed 13 areas of concern for the client for which they might want assistance.

Briefly, the areas listed in the Needs Assessment survey ranged from basic, every day needs such as a need for shelter and/or food; educational and employment needs such as obtaining a high school diploma or GED, and finding a job; financial assistance because the client is unable to work due to physical disability; medical problems left unattended due to lack of insurance or money to pay for the services; emotional or psychological assistance, resulting from depression, anger, abuse by another person (physically or emotionally), or wanting to see a professional counselor; addiction problems such as gambling, alcohol, or drugs; and other needs that had to be met so the client could function in their everyday lives normally, such as having their Driver's License reinstated. In addition, the form provides a space at the bottom of the list where the client can write down other specific needs that were not covered in the list.

Of the sample case files reviewed, 253 clients completed a Needs Assessment form for FY 2008-09 and 248 clients for FY 2009-10 (79% and 85%, respectively). All (100%) of these cases contained a copy of the Needs Assessment Form in their file folders. For FY 2008-09, among the clients that did complete a Need Assessment form, about half (54%) were either mail-in, non-reporting, or successfully terminated early; and the rest were either "Plea and Revoke" cases (revoked in court the same day), or never reported (6% for unknown reasons). For FY 2009-10, majority (47%) of the clients that did not complete a NA form never reported; and the rest were either mail-in, non-reporting, "Plea and Revoke" cases (11% for other or unknown reasons).

Of the clients that completed a Needs Assessment form, about two-thirds did not indicate a need for assistance (did not check any area of need from the list), while about one-third indicated at least one need or area of concern (Table 6a). This case was true for both time periods reviewed.

Table 6a. Number of Needs Identified by Clients that Completed the Needs Assessment Form, FY 2008-09 and FY 2009-10.

No. of Needs Checked	FY 2008-09		FY 2009-10	
	No. of Clients	Col %	No. of Clients	Col %
0	166	65.6%	163	65.7%
1	51	20.2%	46	18.5%
2 or more	36	14.2%	39	15.7%
Total	253	100.0%	248	100.0%

Source: Sample data were obtained from physical files that were randomly selected from the census population of all terminated cases.

The area of need or concern indicated the most by clients is related to being unemployed and needing a job, indicated by 46 individuals (18.5%) for FY 2008-09, a pattern similar to the 51 individuals (20.6%) for FY 2009-10; and the least area of concern was gambling problems, indicated by one individual FY 2008-09, and not indicated at all by any of the clients for FY 2009-10 (Table 6b). Clients that indicated a need for assistance received referrals to services unless they were otherwise already receiving related treatment as a condition of their probation. Clients were provided the 2-1-1 information sheet for most social services; referred to Workforce Development Center or Justice Service Center for employment; referred to the hospital if needing immediate medical assistance, etc.

For FY 2008-09, all clients (100%) that requested a referral received a referral (62% of clients that indicated a need for service); 38% indicated an area of need on their Needs Assessment form but expressed that they do not need a referral, or the need would already be met by completing one or more of the conditions of their probation. For FY 2009-10, all clients (100%) that requested a referral also received a referral (53% of clients that indicated a need for service); 47% indicated an area of need on their Needs Assessment form but expressed that they do not need a referral, or the need would already be met by completing one or more of the conditions of probation.

Table 6b. Area of Need or Concern as Indicated by Clients on the Needs Assessment Form, FY 2008-09 and FY 2009-10.

Area of Need/Concern	FY 2008-09		FY 2009-10	
	# of Clients	Percent	# of Clients	Percent
Home or safe shelter	4	1.8%	4	1.6%
Food	7	2.8%	6	2.4%
Gambling problems	1	0.0%	0	0.0%
Alcohol or drug problems	2	0.8%	3	1.2%
Medical problems	12	5.2%	6	2.4%
Abuse (physical or emotional)	1	0.0%	2	0.8%
Control of anger or temper	5	2.0%	8	3.2%
Depression or anxiety	14	5.6%	12	4.8%
Professional counseling about problems	7	2.8%	3	1.2%
Obtain high school diploma or GED	17	6.9%	21	8.5%
Unemployed and need a job	46	18.5%	51	20.6%
Financial assist. due to inability to work	7	2.8%	6	2.4%
Reinstating driver's license	18	7.3%	22	8.9%
Other	7	2.8%	7	2.8%

Source: Sample data were obtained from physical files that were randomly selected from the census population of all terminated cases.

### **Client Supervision**

The Scope of Work specifies that following the orientation interview, Pride probation officer will closely monitor the activities of the offender to ensure compliance with all special conditions of the supervision plan. The probation officers are likewise required to maintain records of these activities, as well as all notations made about the case. The study verified information relating to the supervision of and interaction with each client via the contact data maintained in Pride's electronic database, as well as the probation officers' written notes in the case folders, especially from the printed copy of the Client Notes. Probation officers are also required to report violations of probation to the sentencing judge.

The review revealed that Pride probation officers actively supervised the misdemeanor probationers and PTI clients, based on the review of data on the type and frequency of contact between the Pride probation officers and the supervised offenders contained in the electronic database, and the physical data obtained from the case file notes. Pride's case management system recorded the different types of contacts between Pride and the

clients, such as face-to-face contacts in the initial interview; follow-up office visits for probation appointments; office visits made for payments and testing, etc.; and other type of contact, e.g., by phone or by mail. Pride’s case management system also captured other activities by the probation officer relating to the client supervision and/or case management, e.g., file review and status change notation.

Table 7 shows that the majority of the activities or contacts between a Pride probation officer and a client under supervision were office visits (scheduled probation or PTI appointments).

Table 7. Probation Officer/Client Contact, by Type of Activity, All Clients FY 2008-09 and FY 2009-10.

Type of Contact	FY 2008-09		FY 2009-10	
	N	Col %	N	Col %
Mail-In	5,231	9.0%	4,632	8.6%
Office Visit	34,234	58.9%	33,492	62.3%
Phone	4,592	7.9%	4,897	9.1%
Behalf of Client	3	0.0%	58	0.1%
Court	8,370	14.4%	6,470	12.0%
Payment Only	5,347	9.2%	3,858	7.2%
Site Visit	1	0.0%	69	0.1%
Testing Only	349	0.6%	295	0.5%
Total	58,127	100.0%	53,771	100.0%

Source: Electronic data for all terminated cases obtained from Pride’s client management system database.

### ***Violation of Probation***

The Scope of Work stipulates that Pride shall report all violations of probation to the sentencing judge for appropriate disposition. A review of the sample group revealed that only 51 individuals (15.8%) in fy 2008-09 and 43 individuals (14.7%) in fy 2009-10 violated their condition of probation, with all the case files (100%) containing the necessary paperwork reporting the violations.

### ***Criminal Record Check Prior to Termination***

The Scope of Work requires Pride to conduct a Clerk’s record check at within least ten days prior to termination to ensure that the client had completed all the terms of their probation, and that the client did not have any new charges. Review of the physical files of the randomly selected cases that successfully terminated indicated that a final record check was performed for almost all of the cases (99.1% for FY 2008-09, and 99.3% for FY 2009-10) as indicated by the recorded date when the final record check was made. Review of the recorded dates of the final record check showed that the record check was completed within 10 days for the majority of the cases<sup>3</sup> (Table 8).

Table 8. Timeframe for Final Record Check for Successfully Terminated Clients, FY 2008-09 and FY 2009-10.

Time of Final Record Check	FY 2008-09			FY 2009-10		
	n*	Valid Pct	Cum Pct	n*	Valid Pct	Cum Pct
Same day	207	65.7%	65.7%	165	85.9%	85.9%
1 to 10 days prior to case term	33	10.5%	76.2%	8	4.2%	90.1%
Other	75	23.8%	100.0%	19	9.9%	100.0%
Total	315	100.0%		192	100.0%	

Source: Sample data were obtained from physical case files that were randomly selected from the census population of all terminated cases. \*Data did not include cases that violated.

### ***Outcomes of Supervision***

The review also examined the rate of successful completion by the clients. For all the clients in Pride’s case management system that terminated during the review period, about two-thirds (66.1%) of the clients completed their term of probation or PTI agreement successfully, while the remaining one-third were terminated unsuccessfully or were transferred out/vacated (34.6% and 0.3%, respectively). This proportion is almost identical to the sample cases analyzed (Table 9a).

Table 9a. Number of Offenders by Termination Type, FY 2008-09 and FY 2009-10.

Outcome	FY 2008-09				FY 2009-10			
	All Clients		Sample		All Clients		Sample	
	N	Col %	n	Col %	N	Col %	n	Col %
Successful	3,525	68.5%	225	69.9%	3,100	66.1%	192	65.5%
Unsuccessful	1,613	31.3%	97	30.1%	1,646	34.6%	98	33.4%
Transferred Out/Vacated	9	0.2%	0	0.0%	14	0.3%	3	1.0%
Total	5,147	100.0%	322	100.0%	4,760	100.0%	293	100.0%

Source: Electronic data for all terminated cases were obtained from Pride’s client management system database; sample data were obtained from physical files that were randomly selected using SPSS.

<sup>3</sup> Not including violated cases.

Table 9b reflects which clients were more likely to successfully complete their period of supervision, according to selected personal and general characteristics; i.e. what type of clients had higher rates of successful completion based on specific personal characteristics.

Table 9b. Success Rate of Completion of Supervision, by Selected Offender Characteristics, FY 2008-09 and FY 2009-10.

Characteristic	Values	FY 2008-09		FY 2009-10	
		Row %		Row %	
		Successful	Unsuccess.	Successful	Unsuccess.
Sex	Male	67%	33%	63%	37%
	Female	74%	26%	71%	29%
Race	White	72%	28%	68%	31%
	Black	54%	46%	50%	50%
	Other	77%	23%	77%	23%
Marital Status	Single	67%	33%	64%	36%
	Married	80%	20%	81%	19%
	Divorced/Sep	71%	29%	71%	29%
Educational Level	<12th Grade	58%	42%	53%	47%
	12th Grade/GED	67%	33%	66%	33%
	>12th Grade	80%	20%	79%	21%
Employment Status	Employed	76%	24%	76%	24%
	Unemployed	59%	41%	57%	43%
Annual Income	<\$10,000	61%	39%	59%	41%
	\$10,000-\$19,000	69%	31%	68%	32%
	\$20,000-\$29,000	75%	25%	72%	28%
	\$30,000-\$39,000	82%	18%	80%	20%
	\$40,000+	88%	11%	90%	10%
Age Group	17 years and <	71%	29%	61%	39%
	18 to 24 years	63%	37%	58%	42%
	25 to 34 years	68%	32%	64%	36%
	35 to 44 years	70%	30%	67%	33%
	45 to 54 years	72%	27%	71%	29%
	55+ years	80%	20%	81%	19%
Previous Arrest	None	78%	22%	78%	22%
	One	70%	30%	67%	32%
	Two or more	53%	45%	53%	47%
Needs Identified*	DN complete form	55%	84%	13%	84%
	None	78%	22%	83%	16%
	One	71%	29%	63%	37%
	Two or more	61%	39%	56%	44%

Source: Electronic data for all terminated cases were obtained from Pride's client management system database; sample data were obtained from physical files that were randomly selected using SPSS.

Overall, the preceding table shows a similar pattern for the terminated clients in both review periods. Briefly, the statistics may reflect that: females had slightly higher success rates than males; whites and other races have higher success rate than blacks; married individuals were the most successful by marital status; the higher the educational status, the higher the success rate; employed individuals are more successful than unemployed individuals; the higher income groups had higher success rates; the older the client, the greater the success rate; clients that have no previous arrests have greater success rates; and for clients that completed a needs assessment form, those that did not indicate a need for assistance had greater success rate.

## **Staffing and Administration**

### ***Staff Eligibility and Criminal Background Check***

The study reviewed personnel files for eligibility in terms of required educational qualifications and criminal backgrounds of new hires. The file review revealed that all probation officers possessed the appropriate four-year degree from an accredited college or university; or a work history that included related experience, training, or college credits providing a level of achievement equivalent to a bachelor's degree. The personnel file review also showed documentation that criminal background checks were performed on all the new hires revealing no prior criminal histories.

### ***Staff Training***

Pride provided on-going training opportunities to staff to assure continuous improvement in agency's delivery of supervision services, as required by the Scope of Work. Most of the trainings were conducted in-house, facilitated by Pride training coordinator or senior staff, or occasionally in collaboration with an outside agency and targeted towards probation officers. The trainings or workshops covered a wide range of subjects including intake requirements and initial interview procedures, needs assessment procedures, case follow-up and updates, court procedures, violation of probation procedures, proper file documentation and maintenance, DUI training, etc.

### ***Staff Case Load***

The current Contract and Scope of Work requires Pride to meet specific levels of staff-to-caseload ratio in terms of the number of clients per officer or team, regardless of the number of cases. Information on the client count and staffing requirements by case type was included in Pride's quarterly reports and indicated that Pride was in compliance with the staffing requirements, i.e., the number of clients per probation officer or team did not exceed the required ratio of total number of clients per officer<sup>4</sup>.

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<sup>4</sup> Required number of clients per officer or team shall not exceed: 100 for maximum, 225 for standard, 225 for mail in, 225 for administrative, and 225 for pretrial intervention supervision clients.

### ***Reporting***

The review found that Pride complied with the administrative reporting requirements outlined in the Scope of Work. Pride submitted a copy of the required quarterly reports to the Chief Judge, PAB Chair, and Criminal Justice Commission staff and completed the required financial report audited and certified by a licensed Independent Certified Public Accountant. A copy of the financial report was submitted to PAB/Criminal Justice Commission staff before the 120 day limit after the close of the Agency's fiscal year for both review periods.

### ***Restitution Payments***

The Scope of Work requires Pride to make restitution payments to victims within 14 days of receipt and provide the Clerk of the Court and the County with a quarterly report containing the offender's name, case number, the victim's identification, total restitution ordered, amount paid to date, and balance left to be paid by the offender (if any). This information has been provided by Pride along with the required quarterly reports submitted to the Chief Judge, PAB Chair, and Criminal Justice Commission staff. In addition, for the purposes of the annual reviews, Pride provided to CJC staff an electronic file which included the dates when the payments were collected from the offenders and the dates when the restitution money was mailed to the victims.

In March of 2010, CJC staff received an email from a former Pride employee alleging that Pride had been using court-ordered restitution money to offset operational expenses by transferring funds between its restitution escrow account and operational account. In consultation with the County Attorney's Office and Internal Audit, CJC staff met with Pride staff and conducted a review of Pride's restitution practices and procedures. Staff's preliminary findings from the review, the interview with Pride, and the documentation provided confirmed that Pride had transferred funds between the restitution account and its operating account from August 2008 to January 2010 when the practice stopped, and as a result, some payments to victims were not made within the required 14-day period<sup>5</sup>. The report noted though that throughout the whole process, Pride was fully cooperative. Furthermore, Pride was provided the opportunity to respond to the report; and on April 2010, Pride stated that they had stopped the transfer of funds between the restitution escrow and operating accounts and would include additional information (e.g., date when restitution payment was mailed) in the quarterly reports that they submit<sup>6</sup>.

Upon review of staff's report and recommendations, PAB referred the matter to the Office of the Inspector General (OIG) which conducted its own investigation and confirmed the transfer of funds between the two accounts. In their report<sup>7</sup>, specifically,

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<sup>5</sup> "Court Ordered Restitution: Final Report" Kukec, D., Criminal Justice Commission, June 14, 2010.

<sup>6</sup> "Restitution Disbursement Procedure: Account Payable – Revised May 2010", Pride Integrated Services, Inc. (Submitted to the Probation Advisory Board with letter from Maureen Brickous, Pride CEO dated May 27, 2010 attached.)

<sup>7</sup> "Management Review 2010-0007" Palm Beach County Office of Inspector General, December 20, 2010.



the OIG cited two contract violations by Pride: 1) crime victim's restitution checks were not mailed within the fourteen (14) day requirement; and 2) records were destroyed, specifically "check registers" used to track actual dates when checks were mailed. The OIG report also claimed that the CJC did not provide effective oversight of the contract and that the contract language is not specific for accountability of delivery of service and oversight. As corrective measures, the OIG recommended that: 1) a new Request for Proposal (RFP) be developed which should include detailed requirements and deliverables, as well as oversight criteria to monitor the effectiveness of the contract; 2) compete the contract under fair and open competition; and 3) establish contract oversight procedures which should include identifying someone with financial and accounting expertise.

Due to the violations of the contract verified by the OIG, the PAB consulted with the County Attorney's Office regarding whether or not there were sufficient grounds to terminate the contract. Referring to Article 4 (Termination) of the contract, the County Attorney's Office advised PAB that "having afforded Pride the opportunity to cure any defaults, the County does not have a sufficient legal basis upon which to terminate the contract."<sup>8</sup>

In addition, CJC staff and the PAB further sought assistance from the Clerk & Comptroller's Office (Clerk's office)<sup>9</sup> and the Office of the County Internal Audit (IA)<sup>10</sup> which conducted their own audits. In their investigation, the Clerk's office reviewed a sample of court cases wherein Pride had collected and remitted funds to the Clerk's office to determine whether any discrepancies existed. The Clerk's office reported that they found a few instances in which they could not verify the payments as received, and they also noted differences between Pride's contract, actual procedure, and actual practice in handling of court fines, fees, and costs. To these findings, the Clerk's office recommended ensuring that Pride's contractual scope of work and internal procedures are aligned; and that Pride make assessment regarding about accepting only money orders from their clients, and consider implementing electronic submission of payments to the Clerk's office. In their audit, the IA wanted to ensure that Pride was no longer transferring funds from the restitution account to its own operating account, and that restitution payments were made to victims with the 14-day contract requirements. The IA found Pride to be in compliance.

Table 10 shows the processing time and the average number of days within which restitution payments are collected from the time it was collected from the clients to the time they are mailed to the victims for the FY 2009-10, i.e., October 1 to December 31, 2009 (1<sup>st</sup> quarter); January 1 to March 31, 2010 (2<sup>nd</sup> quarter); April 1 to June 30, 2010

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<sup>8</sup> "Pride Integrated Services Contract," Memorandum, Gentry Benjamin, Assistant County Attorney, January 13, 2011.

<sup>9</sup> "Inspection of Pride Integrated Services, Inc. Remittances of Court Fines, Fees, & Costs," Memorandum, Clerk & Comptroller's Office, October 26, 2010.

<sup>10</sup> "Audit Report #2011-25: Criminal Justice Commission/Pride Integrated Services, Inc.," Office of the County Internal Auditor, April 5, 2011.

(3<sup>rd</sup> quarter); and July 1 to September 30, 2010 (4<sup>th</sup> quarter). The numbers show that until the second quarter of FY 2009-10, a major proportion of the restitution payments by Pride were made after the required 14-day period; and starting the third and fourth quarters of the fiscal year, all restitution payments to victims were made in 14 days or less. This was a result of Pride ceasing the practice of transferring funds from the escrow to their operating accounts, and dating and mailing the restitution payment checks for the Friday immediately following the previous week when the payment from the client was collected. The same data however is not available for FY 2008-09 so it was included in the discussion. Information on the mailing dates of restitution checks was no longer available for FY 2008-09 because manual logs that contained this information have been destroyed<sup>11</sup>.

Table 10. Processing Time (Number of Days) of Restitution Payments, FY 2009-10.

Number of Days	Count	Col %
1 <sup>st</sup> quarter		
14 days or less	121	32%
>14 days	258	68%
Max. no. of days	28 days	
Ave. no. of days	17 days	
2 <sup>nd</sup> quarter		
14 days or less	219	60%
>14 days	143	40%
Max. no. of days	24 days	
Ave. no. of days	15 days	
3 <sup>rd</sup> quarter		
14 days or less	372	100%
>14 days	0	0%
Max. no. of days	14 days	
Ave. no. of days	10 days	
4 <sup>th</sup> quarter		
14 days or less	357	100%
>14 days	0	0%
Max. no. of days	14 days	
Ave. no. of days	9 days	

Source: Data obtained from electronic file (Excel spreadsheet) provided by Pride staff for restitution payments collected between October 1, 2009 and September 30, 2010.

<sup>11</sup> "Management Review 2010-0007" Palm Beach County Office of Inspector General, December 20, 2010.

To verify whether restitution checks were mailed to victims within 14 days of receipt of the client's payment, as specified in the Scope of Work, CJC staff randomly sampled 36 clients (10%) that were required to make restitution and reviewed their payment information. For this exercise, Pride provided the reviewer a copy of their check register and bank statements from July 1, 2010 to December 31, 2010, which reflected the names of the clients and the victims; the check numbers, amounts, date paid, date mailed (and date cashed, if applicable). The objective of this review was to verify the electronic data provided by Pride.

A review of Pride's check register confirmed that the checks were dated and mailed to the proper victim on the Friday immediately following the previous week when the payment from the client was collected, which was well before the 14 day expiration time. Thirty-five (97%) of the checks mailed had cleared and appear to have been cashed by the victims; while payment on the only check that had never cleared was stopped, and a check was reissued and forwarded to Crimes Compensation Trust Fund (CCTF) after unsuccessful attempts to contact the victim.

## **Discussions and Recommendations**

This review did not find Pride to be in full compliance with its service contract. Investigation into its restitution collection and disbursement procedures in FY 2009-10 found that: 1) in some instances, payments to restitution victims which should be made within fourteen (14) days were delayed due to inadequate cash flow from the restitution accounts as a result of Pride's practice of transferring funds from the restitution escrow account to its operating account; and 2) certain records which should be maintained for at least three (3) years after completion or termination of the contract (specifically the manual log used to track when restitution payments were mailed) were destroyed making them unavailable for the purpose of inspection or audit. It should be noted however that Pride took corrective actions immediately following directions from the CJC, PAB, and OIG. A review of Pride's check register and bank records for a random 10% sample of clients that needed to make restitution payments revealed that Pride issued restitution checks to the victims well before the required 14 day requirement.

From its end, the PAB responded to the OIG's recommendations by reviewing the current contract and scope of work and developing and implementing a full Request for Proposal (RFP); requesting assistance from the County Department of Internal Audit (IA) to complete a financial review of Pride's restitution account to ensure that all funds owed to the victims have been properly returned to the restitution account; and requesting a review from the Clerk's office to ensure contract compliance and accurate financial reporting. It should also be noted that despite the breach of contract, the County Attorney's office was of the opinion that Pride's contract could not be terminated because they must have an opportunity to cure certain default conditions under the contract (Article 4 – Termination).

However, in terms of the other contract and scope of work issues that were discussed in the report, Pride was found to be in general compliance, e.g., in the maintenance of appropriate insurance, licenses, and permits, and the scope of work criteria in terms of service coverage (by operating three office locations); intake procedures (e.g., by collecting client personal information and maintaining case files, conducting criminal record check, and conducting client need assessment and referrals); client supervision (e.g. reporting violation of probation and monitoring successful completion of supervision); and staffing and administration requirements (e.g. verifying staff eligibility and criminal background checks of new hires, providing on-going staff training, submitting required reports, etc.).

As a follow up to PAB's other recommendations to the CJC, PAB may consider reviewing and revising its framework for future reviews and developing specific monitoring criteria and checklist. Further, PAB may consider whether or not to specify the level of compliance with the contract requirements or scope of work. For example, is 82% address verification acceptable? Should it be 100% compliance or should there be a cut-off point which needs to be defined? Another issue that needs to be addressed is who or what would be the best, efficient, or effective way to perform the annual monitoring

reviews – should staff continue performing the reviews, or is there a better alternative, and should the review include a financial review? Also, should PAB develop and implement contract monitoring procedures that will be implemented throughout the year (e.g., random spot checks), rather than annually?

### ***Recommendations***

Based on the findings and discussions in this report, specifically, this review recommends that PAB:

1. Develop specific monitoring criteria and checklist.
2. Operationalize (or specify) the level of compliance required for specific requirements under the contract and scope of work, and
  - 2.1. That the operationalization be completed prior to the next review.
3. Explore options for conducting the annual review by contracting with outside contractors (consultant), OIG, or IA.
4. Provide direction on the annual review or audit beyond what is defined in the service contract and scope of work, and
  - 4.1. That PAB provide direction concerning financial audits that will specifically examine misappropriation of funds, fraud, and other wrong doing.
5. That PAB provide direction concerning random checks.

## **Response from Service Provider**

Pride appreciates the thoroughness of the programmatic audit of the Misdemeanor Probation Services contract for the two year period from October 1, 2008 to September 30, 2010. Pride also agrees and supports the overall recommendations from the CJC for improvements going forward to better monitor and assess the success of the program or make recommendations when needed to ensure full compliance with the contract.

As the audit reports, Pride immediately implemented and followed all recommendations for corrective action regarding the collection and timely disbursement of restitution funds in 2010. It should be noted that Pride began corrective action prior to the investigative review by the CJC. Since that time, Pride has been in compliance with the contractual requirements. Pride has developed internal reports that are submitted quarterly to the Chief Judge and Probation Advisory Board that demonstrate compliance. Pride has exceeded contractual requirements and engaged an independent auditor to bi-annually audit the restitution collection and disbursement procedures. Pride's Board of Directors has appointed Mr. Dana Moss, Sr., C.P.A., and MBA as Chief Financial Officer for the organization. Mr. Moss's duties include oversight of all financial procedures and maintaining contract compliance on all financial matters.

As the audit report indicates, Pride has been cooperative with all audits and reviews and welcomes further discussion with the Criminal Justice Commission and Probation Advisory Board on the development of revised procedures and standards. Pride has consistently been noted for being cooperative and willing to share information. To further assist with this process, Pride has developed a "Web Portal" component to our electronic data base. This component will assist contract holders and the audit process by authorizing access to Pride's probationer data base remotely via the web. This will also be a convenience for our probationers, as they will be able to access specific probationer case information on line. The "Web Portal" will be accessible in January of 2012.

We are pleased that the audit concludes that Pride continues to be in general compliance with the many other services provided. As the audit indicates, Pride has increased utilization of the Needs Assessment and probationers continue to be referred to various community organizations when needs are identified. Pride has developed the specialized Probation Officer position of Case Compliance Officer to assist those probationers with special needs that require additional time and resources.

Pride would like to thank Michael Rodriguez, Candee Villapando, Damir Kukec, Judge August Bonavita and all the members of the Probation Advisory Board for their service and input. We believe that the best way to provide maximum services is to partner with our contract holders and work together to meet the needs of probationers and the criminal justice community. We believe the Probation Advisory Board is an excellent vehicle to develop and maintain this partnership and we thank all involved.