



## PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

### CORRECTIONS TASK FORCE/ Public Safety Coordinating Council

Palm Beach County Governmental Center  
301 N. Olive Avenue, 12<sup>th</sup> Floor McEaddy Conference Room  
West Palm Beach, Florida 33401

Wednesday, October 6, 2010; 12:00 P.M.

[HTTP://WWW.PBCGOV.COM/CRIMINALJUSTICE/TASK\\_FORCE/CORRECTIONS/](http://www.pbcgov.com/criminaljustice/task_force/corrections/)

### - SUMMARY MEETING MINUTES -

#### **MEMBERS PRESENT:**

**Chairman Douglas Duncan**, Roth and Duncan, P.A.  
**Rosalyn Baker**, Florida Department of Corrections  
**Ted Booras**, Judge, 15<sup>th</sup> Judicial Circuit  
**Maureen F. Brickous**, CEO, County Probation, Pride Integrated Services, Inc.  
**Patrick Cannan**, Workforce Alliance  
**Jeffrey Colbath**, Administrative Judge, 15<sup>th</sup> Judicial Circuit  
**Roger M. Crane**, Police Chief, Palm Beach County Chiefs of Police Association  
**Sharon D'Eusanio**, Victims Rights Coalition/ Office of the Attorney General  
**Vice-Chairman Chris Kneisley**, Major, Palm Beach Sheriff's Office  
**Tommy Richards**, Palm Beach County Bail Bond Association  
**Alton Taylor**, Executive Director, Drug Abuse Foundation  
**Charles Trotta**, Manager, Palm Beach County Pretrial Services Agency  
**Shelley Vana**, Commissioner, Palm Beach County

#### **MEMBERS ABSENT:**

**August Bonavita**, Administrative Judge, 15<sup>th</sup> Judicial Circuit  
**Bob Bozzone**, Executive Director, Comprehensive Alcohol Rehabilitation Program  
**Rev. Chaney**, Clergy Representation  
**Jill Richstone**, State Attorney's Office  
**Louis Tomeo**, Director Criminal Court Services, Office of the Clerk and Comptroller  
**Barbara White**, Public Defender's Office

#### **GUESTS PRESENT:**

**Lenny Berger**, County Attorney's Office  
**Peter Blanc**, Chief Judge  
**Barbara Cheives**, CJC Chair  
**Ray D'Eusanio**, Victims Rights Coalition/ Office of the Attorney General  
**Colleen Farnsworth**, Department of Children and Families, Legal  
**Barry Fondiller**, Palm Beach County Sheriff's Office  
**Michael Gauger**, Chief Deputy, Palm Beach County Sheriff's Office  
**David Gillert**, Palm Beach County Sheriff's Office, SAAP Program Manager  
**Pat Hammond**, Department of Juvenile Justice  
**Shelby King**, Palm Beach County Sheriff's Office  
**Walter Lawrence**, Sergeant, Palm Beach County Sheriff's Office  
**Richard Parker**, Secure Alert, Inc.  
**Glen Rothbart et al**, Court Programs Inc.  
**David Sleeth**, Captain, Palm Beach County Sheriff's Office  
**Michelle Spangenberg**, Court Administration

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**CJC STAFF PRESENT:**

**Jenise Link**, Sr. Criminal Justice Analyst

**Michael Rodriguez**, Executive Director

**Candee Villapando**, Criminal Justice Analyst

- I. Chairman Duncan welcomed the members and guests of the task force.
- II. The agenda was approved without additions or deletions.
- III. The minutes of the September 1, 2010 meeting of the CTF/PSCC were approved.
- IV. **Sunshine Law/Public Records Training**

Lenny Berger of the County Attorney's Office provided members with training on the State Sunshine Law. He discussed personal responsibilities, agency responsibilities, and legal consequences. He reported that meetings of committees and boards must be open to the public and that meeting minutes must be recorded and made available to the public. He defined the term "official acts" as including not only the final act of the public agency but every step in the decision making process which leads to the final act. He mentioned that this includes committees, sub-committees and ad hoc committees.

Mr. Berger reported that knowingly violating the sunshine law is a second degree misdemeanor which could include a \$500 fine and/or 6 months of jail. And violations are subject to a \$500 civil penalty. Members discussed the law. Chairman Duncan asked about whether the law applied to the Legislature. Mr. Berger explained that the Sunshine Law does not apply to the State Legislature.

Mr. Berger noted that the composition of many committees should be addressed at a broader scale and that a committees' mission should be clearly defined to assist members in complying with the sunshine law. Members discussed how non-voting participants would be impacted.

Chairman Duncan discussed the issue of having constitutional officers on committees and how this is making it difficult to have their input on the committees. Mr. Berger stated that any change in the law has historically been met with great resistance. Commissioner Vana commented that if we do not challenge the law then we are accepting it as it is. She recommended trying to oppose it legislatively. Mr. Berger noted that finding sponsors to do this is difficult.

Chief Judge Blanc stated that the CJC should not give up on finding a solution to having all of its committee meet the sunshine law requirements. Chief Crane explained how difficult it is to clarify or gather background information on an issue when they are restricted from talking to other members and an issue is brought before the committee for a vote in a meeting.

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V. **Update from CJC Executive Director regarding Board of County Commissioners proposed committee revisions**

Mr. Rodriguez explained that the county's administration staff was looking at the composition of all its boards and committees at a recent board workshop and were discussing the Corrections Task Force and the Public Safety Coordinating Council.

VI. **Reports**

The following printed monthly reports were provided to the Task Force in the agenda packets. No discussion on this section took place.

- A. Jail Counselor Report
- B. Juvenile Detention Report
- C. Pretrial Services Report

VII. **Old Business**

A. Administrative Order revising bond schedule for the Misdemeanor Book and Release Program:

Chairman Duncan explained that the Misdemeanor Book and Release program proposal has been approved by the Corrections Task Force and by the Criminal Justice Commission in the past month. The Administrative Order is being revised by the Chief Judge but a few concerns have arisen that should be discussed at the committee level in a public forum. He reported that there are currently two sections to be discussed: page 7, 2(d) and page 9, 2(b) relating to felony and misdemeanor bonds:

Page 7, 2(d) reads: *"Should the arresting officer or booking officer desire that a different bond be set, the officer shall contact the assistant state attorney on duty, who shall review the facts for the purpose of setting bond and, where appropriate, contact*

- 1.) *The judge assigned the case, or if none,*
- 2.) *The first appearance judge, during regular duty hours, or*
- 3.) *The duty judge, after regular duty hours."*

Page 9, 2(b) reads: *"If, however, the arresting officer or the booking officer has reason to believe that the scheduled bond is inadequate to insure the defendant's future appearance, the officer shall take the offender into custody and contact the assistant state attorney on duty, who shall review the facts."*

Chief Judge Blanc commented that this language pre-existed prior to this revision, but that he agreed with the concern that this is an ex-parte communication. He suggested that the language be stricken while the state attorney can contact the duty judge. Major Kneisley stated that these occurrences rarely happen and discussed the warrant procedure at first appearance. If it is not an excludable offense, the person is bondable. Chief Crane expressed concern over quality of life crimes where individuals are arrested then are back out on the streets eight hours after being arrested doing the same activities. He discussed law enforcements duty to notify the court that the defendant is a flight risk. However, Chairman Duncan stated that the bond schedule is not the proper document to rule over whether or not a defendant is a flight risk. Judge Colbath recommended that law

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enforcement create a probable cause affidavit and file it with the duty judge. Judge Booras stated in the past two years he has not seen one instance of this clause being used. He commented that this clause is not legally valid.

Judge Booras noted that the misdemeanor stalking bond amount is an offense that he sees where the bond amount is requested to be increased or set at no bond. Chief Judge Blanc noted that this issue will be considered when the bond schedule revision is discussed again but that for the purpose of revising the AO for the book and release program, this issue is not relevant.

A recommendation was made to eliminate the language in sections 2(d) page 7 and 2(b) page 9 and approve the administrative order providing for the book and release program. The motion passed unanimously.

- B.** Discussion on In House Arrest Program expansion for pretrial populations: Captain Sleeth provided an update on the internal adjustments that the Sheriff's office has made to increase the amount of sentenced defendants in the in house arrest program. He noted that to target the pretrial population, other efforts could be viable especially for non-violent misdemeanors and traffic offenses that are not able to bond out after a few weeks in jail. Captain Sleeth stated that the possibility of a special docket could be explored further. Sergeant Lawrence reported that there were approximately 140 non-violent and/or traffic offenders in custody on low bond amounts. He recommended having an administrative order that would allow a review of a case after 10 days in custody.

Chief Judge Blanc noted that the first appearance judges would specify whether he or she does or does not object to giving the Sheriff's office this discretion while the state attorney and the defense would be present. Judge Booras stated that he did not see any problems with having this done at first appearance or at a special docket however, he noted that the payment part would need to be worked out for the house arrest program as this population will not have much monetary means. Chairman Duncan requested that Sergeant Lawrence present detailed information on the 140 defendants identified in his estimate at the next meeting.

## **VIII. New Business**

- A.** Presentation by Court Programs, Inc., on private electronic monitoring program: Glen Rothbart and Richard Parker provided a presentation and demonstration on their electronic monitoring program. They provided participants with a packet of printed material that included information on services they offer.

Chairman Duncan asked where their monitoring center was and Mr. Rothbart responded that it was in Utah. Mr. Rothbart reported that it cost \$10 per day plus a hook up fee for the program.

Mr. Parker noted that there are some Sheriff's offices in Florida counties that contract with Secure Alert for the monitoring via a lease of the equipment.

Chief Judge Blanc stated that for the juvenile population it is often a problem being able to get them on the in house arrest program because of the land phone

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line requirement. Sergeant Lawrence clarified that the Sheriff's office equipment does not require a land line for use, that is a requirement that the Sheriff's office has in place. Major Kneisley commented that there are differences in their equipment and the Sheriff's offices' equipment but that the monitoring is done by the Sheriff's office directly. Mr. Rodriguez stated that staff could discuss if there was an interest in using the alternative equipment privately or through the Sheriff's office. Ms. Baker added that the Department of Corrections also does their monitoring in-house. Major Kneisley stated that he would have to research whether or not there would be a cost savings by having the program monitored externally.

**IX. Additional member and guest comments**

Chairman Duncan informed members that the next meeting is scheduled for November 3<sup>rd</sup> at noon.

**X. Adjournment**

JL, CJC 10/6/10