

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD

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

April 26, 2011, 12:00 p.m.

FINAL MINUTES

Members Present

August Bonavita, Chairman	County Criminal Court
Rosalyn Baker	Florida Department of Corrections
Virginia Cataldo	US Probation
Steven Cohen	Private Defense Attorney
Daniel Eisinger	Public Defender's Office
Kay Oglesby	Public Defender's Office
Louis Tomeo	Clerk and Comptroller's Office
Daliah Weiss	State Attorney's Office

Guests Present

Wanda Joiner	Pride Integrated Services, Inc.
Steven Kay	State Attorney's Office
Geoff Sluggett	Sluggett & Associates

CJC Staff Present

Michael Rodriguez	Executive Director
Candee Villapando	Criminal Justice Analyst

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- I. Welcome/Opening Comments.** The meeting started at 12:02 pm. Chair Bonavita welcomed everyone.
 - II. Roll Call and/or Introduction of Members & Guests.** In lieu of roll call Chair Bonavita asked members and guests to introduce themselves. He extended a special welcome to Ms. Daliah Weiss, State Attorney's Office Chief of County Court, who replaces Ms. Elizabeth Parker on the board.
 - III. Approval and/or Amendments to the February 9, 2011 minutes.** The draft minutes for the February 9, 2011 meeting were approved without amendments.
 - IV. Approval and/or Amendments to the Agenda.** The agenda was approved with one amendment. Mr. Michael Rodriguez requested an item added under new business discussing ACH transfers from Pride to the Clerk and Comptroller's Office.

V. New Business

A. Selection Committee

Mr. Rodriguez expressed that the board needs to come up with a selection committee that will review all the RFPs when bidding is done. He said that Purchasing recommends that the committee be small, comprised at a minimum by the Chair, Judge August Bonavita, an Assistant State Attorney, and an Assistant Public Defender, which can then be expanded to include a couple more members which do not necessarily have to be PAB members. Chair Bonavita asked Ms. Weiss and Mr. Daniel Eisinger if they are interested and they both agreed. Chair Bonavita noted that Judge Ted Booras, first appearance judge at Gun Club, also expressed interest in sitting in the committee and he stated that his experience in misdemeanor cases will be valuable to the committee, to which the members agreed. Mr. Rodriguez suggested adding a fifth member in case of ties, and Ms. Rosalyn Baker volunteered.

For the benefit of new members and guests or those not familiar with the RFP (Request for Proposal) process, Chair Bonavita asked Mr. Rodriguez to reiterate the role or function of the selection committee. Mr. Rodriguez explained that Purchasing will draft an RFP from the SOW (Scope of Work) and then formally publish the RFP which is when members of the board and the selection committee will be restricted from communicating with any bidders, or to be safe, with any one at all. He added that he intentionally left himself out of the committee so he will be free to communicate with the bidders. Once all the bids are in, Purchasing will review them and select the ones that meet the board's minimum qualifications. The selection committee will then review these bids. Mr. Rodriguez noted that the committee has the option of just reviewing the written proposals or invite each bidder to do a presentation. He added that Purchasing also recommended a voluntary (or mandatory) pre-bid conference wherein the bidders could come in and ask any questions about the RFP, what the committee is looking for, and the whole process. Mr. Steven Cohen asked Mr. Rodriguez if there has been any interest from companies other than Pride, and Mr. Eisinger asked about the timeline. Mr. Rodriguez reminded everyone that he will be the contact person for all intents and purposes.

After the discussions, Chair Bonavita asked the members if they want to vote on the proposed members of the selection committee to make it official. A motion was made and seconded to vote to approve the selection committee as proposed; the vote to approve was unanimous. Mr. Rodriguez further clarified that the recommendations the selection committee will make will go to the CJC (Criminal Justice Commission), and then the Board of the County Commissioners for final approval.

B. ACH Transfers from Pride to the Clerk and Comptroller

Ms. Wanda Joiner explained Pride's current collection process for court costs as follows: the probationer brings in the money order made directly to the Clerk and Comptroller (CC); Pride makes a copy and retain in the their file; it is collected at the end of the business day and reconciled the next business morning; and then taken to the Clerk's office on a daily basis. The Clerk reviews the list, verifies the items on the list, and then stamps or initials the list. She said that Pride has been discussing with the Clerk's office about establishing ACH transfers instead of their current process. She noted that the Clerk's office would like to do the transfers daily, but they cannot commit to doing this daily at this time because of the banking costs and staff requirements, but that they would be able to do it weekly at no additional cost to the probationers. In the latter, Ms. Joiner said that would take money order payable to Pride, or cash, deposit it in an

escrow account (same one that they are currently using for restitution to keep the banking fees low), and then transfer it to the Clerk on a weekly basis. From the Clerk's Office's perspective, Mr. Louis Tomeo explained that they would take the ACH transfers whatever way they come, but that they would prefer to get the transfers daily due to staffing considerations and also to get the payments in a timely manner. He added that historically, they have ACH transfers with their check cashing stores nightly and they are able to reconcile them the next morning which works really well for them.

A discussion then ensues regarding the same issue before about keeping the restitution payments in a separate account. Mr. Tomeo expressed that although ACH transfers would be more convenient for them, they do not have to do it if it will mean co-mingling the funds. Ms. Joiner agreed that the current process works for them. Or they can charge a \$1 processing fee and establish a separate account. Mr. Eisinger suggested keeping it the way it is and then just work it in the new contract. Chair Bonavita then recommended tabling the issue at this point taking into account that the future SOW will allow for this type of arrangement if it can be worked out between the new provider and the Clerk's office, to which the members concurred.

VI. Old Business

Misdemeanor Probation Services Scope of Work

Chair Bonavita asked if he can send the draft to other judges for input, and Mr. Rodriguez said yes. At this point Ms. Joiner excused herself from the discussion, but Mr. Rodriguez shared that Purchasing said that there was no problem, that it was an open to the public meeting, and in fact they can even get input from Pride as long they open that input to other agencies at the same time. Ms. Joiner then stayed for the remainder of the meeting.

Mr. Rodriguez first thanked Ms. Baker for her input and for catching the parts where it should have said proposer instead for Pride, and everyone else for reviewing the draft ahead of time.

Items that were discussed were:

6. SUPERVISION REQUIREMENTS

a) GENERAL:

xii. (Page 6)

Ms. Virginia Cataldo asked what system should be used, and should the system be limited to just Palm Beach county. Ms. Joiner noted that as a non-governmental agency, Pride does not have access to CCIS; Chair Bonavita suggested to add CCIS once it becomes available. The members agreed to change the language to say that the provider will use any appropriate system or resources that are available in conducting the criminal records check. Ms. Weiss wanted to know what other counties are doing regarding CCIS. Mr. Rodriguez said that he will find out at his upcoming meeting with his counterpart in St. Lucie County.

xiii. (Page 6)

The questions regarding this provision were how can it be enforced and who will enforce it. Ms. Baker said that she understands it that the proposer will be responsible for the payments unless waived by the court. Mr. Rodriguez asked the members if they are comfortable with self-notification by the provider. Ms. Kay Oglesby wanted to make sure that the victims get the restitution payments, and they are not victimized again. Mr. Eisinger said the provision is fine but just add that the proposer shall not recommend termination prior to probationer's having completed payment of restitution payments, fines, or court costs; and then in the event that it happens, they are responsible. Chair Bonavita agreed that this does put the onus on the provider and they will make all reasonable efforts to ensure that all third parties have been paid, including the Clerk, the victim, if any. Ms. Baker said to add that if it does occur, the provider needs to report it to this body; and the court, Mr. Eisinger added.

xvi. (Page 6)

Mr. Rodriguez stated he is not sure if the provision applies to misdemeanor probation. Ms. Baker responded that it does, if the sentence is over one year, but that there is a criteria for different types of crimes. Ms. Joiner noted that even if it's over a year, the rules apply only to certain cases. There was some discussion on where the rules apply, but Ms. Baker suggested that the proposer simply to the compact website and comply with whatever rules apply to them. Mr. Rodriguez noted that the same clause is inserted into item d) ii. And Chair Bonavita suggested adding "or as ordered by the court" at the end of the first sentence of item d) i.

e) ADMINISTRATIVE SUPERVISION REQUIREMENTS:

viii. (Page 8)

Mr. Rodriguez noted that Noted this was an addition recommended by Ms. Baker. Ms. Cataldo asked Ms. Joiner how realistic this would be for them and expressed concern about the amount of resources it would require. Ms. Joiner responded that it would add to the time spent on each client. She does not think it should be a requirement, but maybe do it every other month, or halfway through the probationary period. Mr. Eisinger suggested doing random checks, the 30 day check, and then the final check. Ms. Weiss disagreed with the idea of waiting until the eleventh hour; and suggested something in between. Chair Bonavita also recommended doing a records check around the midpoint through probation, and then at 30 days, and then 10 days. All the members agreed.

g) VIOLATION OF SUPERVISION:

i. (Page 8)

The group agreed that the Proposer shall report all violations of the terms and conditions of probation to the sentencing judge as soon as possible but no later than five (5) days.

h) RESTITUTION, FINES, AND COURT COSTS:

i. (Page 9)

There was a lengthy discussion about the issue of whether the provider should accept cash payments or not. Mr. Louis Tomeo said that it is hard to turn away the clients who already have the cash in hand, and suggested to just make sure that the new provider will have internal controls that will enable them to accept and monitor incoming cash. Ms. Joiner said that the restrictions will affect collection. Ms. Cataldo noted that it is a double-edged sword considering Pride's clientele, but that they do not want to be in the situation that they had with Pride before. Ms. Baker shared that they tell their clientele upfront during orientation that they accept money order, and do not accept cash. Ms. Cataldo and Ms. Oglesby both agreed to stay away from cash. Chair Bonavita asked Ms. Joiner what they are currently doing, to which Ms. Joiner replied that they take both cash and money order; they take money order only for Clerk's costs and fees. Chair Bonavita recommended continue the way it is done, but to put in a separate provision that the provider will take all necessary safeguards in the event the probationer provides the cash payment. Mr. Geoff Sluggett recommended maybe including an option that if someone proposes accepting cash they should explain what their accounting procedures would be, and then maintaining and tracking that. Ms. Baker reminded the board that they are doing a new proposal and that they should do it the safe and best way they can; and she really believes that they should not be dealing with cash at all. Chair Bonavita asked the members to vote on the issue, and the "no cash option" won 5 votes (Rosalyn Baker, Virginia Cataldo, Steven Cohen, Kay Oglesby, Daliah Weiss) to 2 votes (Daniel Eisinger, Louis Tomeo) (Chair Bonavita abstained).

ii. (Page 9)

Mr. Rodriguez asked Mr. Tomeo if they are okay with electronic transfers, to which Mr. Tomeo said yes, but not with the frequency as stated in the SOW which is once per month. They would prefer once a day, but would take whatever is decided. Ms. Cataldo asked Ms. Joiner if there are costs associated with that for vendors; if it is cost prohibitive. Ms. Joiner replied that there are associated bank costs. Mr. Rodriguez opinion was that the proposer has to take this into account and decide whether they want to bid or not. Ms. Cataldo suggested the transfers to be twice a week considering that there are costs incurred which ultimately are going to be the fees that will be charged to the probationers. Mr. Rodriguez said that it does not necessarily have to work out that way. It could be just the cost of doing business with the county with misdemeanor probation; that they can require that the probationer not be charged any additional fees for these ACH transactions. Mr. Tomeo agreed to two to three times a week transfers.

On line 7, the members agreed to keep the statement as is, keeping the word "may" as "The misappropriation of these funds *may* result in the termination of the service contract and may result in criminal prosecution of responsible employees or agents of the proposer."

9. STAFF BACKGROUND:

e) (Page 11)

Chair Bonavita wanted to know if the vendors fall under the jurisdiction of the Inspector General, and as such, the training should incorporate something about making the staff familiar with the standards set forth by the Ethics Commission and Inspector General. Mr. Rodriguez said that he will find out. Ms. Baker added that the Florida Department of Law Enforcement has certification for probation officers and that this information is available on their website.

12. REPORTING REQUIREMENTS:

b) (Page 12)

Chair Bonavita suggested including a list of all recipients of the reports, as indicated in item a) to be consistent (i.e., Chief Judge, Probation Advisory Board Chair, and supporting staff).

h) (Page 13)

Chair Bonavita suggested changing the statement to indicate that the proposer will provide the report *after each meeting*.

Additional questions/comments:

Mr. Eisinger asked Ms. Joiner how many of their clients are under maximum supervision: Ms. Joiner replied one. Mr. Eisinger said that he was just wondering whether it is worth it to have that category. Mr. Rodriguez said it is good to have it so just in case it happens, there will be someone there to do it. Mr. Eisinger said that his concern is that it might scare bidders off if they do not have the complete information. Chair Bonavita asked if this is a question the bidders can ask, and Mr. Rodriguez said this is a question that might be raised at the pre-bid conference, or something that could be addressed in the RFP itself. Lastly, Mr. Tomeo raised the question of whether the reporting requirements are meant to be a performance measure area.

VII. Member and Guest Comments

No other member and guest comments.

VIII. Next Meeting

To be determined.

IX. Adjournment

The meeting was adjourned at 1:23 pm.