

Criminal Justice Commission
Court System Task Force
Minutes

Tuesday, February 9th, 2010 – 12:00 Noon
McEaddy 12th Floor Conference Room
301 N. Olive Avenue
West Palm Beach, FL 33401

Task Force Members present:

Jack Goldberger, Chairman
Judge August Bonavita, County Criminal Court
Judge Jeff Colbath, Circuit Criminal Court
Cherry Grant, Public Defender's Office
Wanda Joiner, PRIDE Integrated Services
Judge Krista Marx, Gun Club
Sgt. Craig Laufer, (on behalf of Capt. Frank Demario), PBC Sheriff's Office
Yasmin Rivera, Dept. of Corrections
Michelle Spangenberg, Court Administration
Louis Tomeo, Clerk and Comptroller's Office
Chief Clay Walker, Manalapan Police Department

Task Force Members absent:

Barbara Dawicke, Court Administration
Feirmon Johnson, Department of Juvenile Justice
Capt. Alan Ortman, Palm Beach County Sheriff's Office
Elizabeth Parker, State Attorney's Office
Gena Rowlands, Palm Beach County Sheriff's Office
Terri Skiles, State Attorney's Office

Others present:

Cristy Altaro, Court Administration
Krista Garber, Court Administration
Bea Lovelace, Clerk & Comptroller's Office
Robert Manley, Palm Beach County Sheriff's Office
Mary Quinlan, Court Administration
John Rivera, Public Defender's Office
Nicole Saunders, Justice Services
Stewart Saulfield, Court Administration
David Simmons, Court Administration
Ruby Starls, Palm Beach County Sheriff's Office

Staff present:

Journey Beard, Criminal Justice Commission
Jenise Link, Criminal Justice Commission
Mike Rodriguez, Criminal Justice Commission
Becky Walker, Criminal Justice Commission

1. Welcome

Chair Jack Goldberger called the meeting, and welcomed members and guests.

2. Roll Call & Introduction of Guests

Attendees introduced themselves in lieu of roll call.

3. **Approval and/or Additions to the Draft Agenda**

The draft meeting Agenda was approved without amendments.

4. **Approval Draft Minutes**

The draft minutes for the January 12th, 2010, meeting was approved.

5. **Chairman's Comments**

The bylaws for the Court System Task Force were distributed to members for their review.

6. **New Business**

a. **Pain Clinics & Prescription Drug Monitoring Program:** Judge Krista Marx, Circuit Criminal, described some of the trends she is seeing in drug cases at Gun Club, briefly reviewed the Broward County Grand Jury report and their recommendations, drug abuse trends observed in Adult Drug Court, financial impact on criminal justice system of prescription drug abuse, and frequency of drug abuse overdose cases. Journey Beard, CJC, will request that PBSO Major Jim Stormes appear at the March meeting to update members on PBC efforts to combat this issue, strategic partners involved, and will provide Task Force members with recommendations from the Broward County Grand Jury Report. There was discussion about portable MRI vehicles appearing at unscrupulous pain clinics to provide a positive MRI finding in order that pain clinics can legally dispense prescription drugs. Members discussed the mandatory minimum jail sentences for possession of different types of prescription drugs.

b. **Interstate Compact Adult Offender Supervision, F.S. 949.07:** Yasmin Rivera, Department of Corrections, described offenders who have been sentenced in PBC courts, yet would like to move and obtain residency in another state. Ms. Riviera remarked that Florida DOC must request permission to transfer the case from that state prior to the offender moving there. The typical waiting time is 45 days for the requested state to respond and allow the transfer. Procedures for applying transfer rules for sex offenders were discussed. Due to lack of applying the interstate compact rules uniformly by judges, Ms. Rivera will draft an instructional sheet about interstate compact for distribution at the March meeting. The FL DOC currently has 177 cases where the offender was originally sentenced in FL, yet has later moved elsewhere.

7. **Old Business**

a. **Procedure for Return of Firearms:** Liz Parker, State Attorney's Office, was absent at the meeting, but notified members that she was continuing to work on contacting law enforcement agencies to obtain comments for a possible Administrative Order. Ms. Parker will report back in March.

8. **Updates & Initiatives**

a. **Court Analyst and County Criminal Case Manager:** Michelle Spangenberg, Court Administration, introduced David Simmons, Court Analyst, and Stewart Saalfield, County Criminal Case Manager.

b. **Video Conference Pilot Project:** Judge Jeff Colbath, Circuit Criminal Court, reported that no action appears to be occurring on this project. It appears the PBC Facilities Dept. or Court Administration has not prioritized this project. Mike Rodriguez, CJC, was asked to investigate the lack of activity on this project and will report back in March.

Remote Interpreters Court Program: Judge Jeff Colbath, Circuit Criminal Court, commented that a dry-run conducted in his courtroom, and several issues were identified that will require correction. Chair Goldberger suggested the U.S. District Court be contacted since they are already working with

remote interpreters in the federal courtrooms. Journey Beard, CJC, will report back at the March meeting.

- c. **Rescission of No Contact Orders:** Michelle Spangenberg, Court Administration, reported the Clerk's Office and PBSO Central Records has finished updating the 82-page list of Rescission Orders. Also, Ms. Spangenberg explained the newly Amended AO (4.307 – 12/09) covers all future No Contact Orders and directs when Rescission Orders should be filed. Periodic updates to prevent future backlogs will be provided to members.
- d. **Drug Court:** Nicole Saunders, Justice Services, reported that it is unsure how Adult Drug Court will be affected due to anticipated FY 2011 funding. Due to the Judge Krista Marx's efforts, the number of Drug Court participants has increased. It is now possible for the Adult Drug Court education component to be successfully completed in six months if the participant fully complies with all conditions.
- e. **BANNER / SHOWCASE:** Louis Tomeo, Clerk & Comptroller's Office, reported that SHOWCASE is anticipated to go live in October, 2010. There is a nightly conversion of data from BANNER to SHOWCASE.

Electronic Access to Probable Cause Affidavit Images: Louis Tomeo, Clerk & Comptroller's Office, commented the SHOWCASE vendor will be able to provide electronic access to documents and images, and he will be seeking an interpretation of the Supreme Court policy of release of records. One legal issue to be investigated is releasing records to the attorney of record versus to any member of the general public.

- a. **Juvenile Drug Court:** Cristy Altaro, Court Administration, reported that 10 participants are in the program, and Judge Alvarez is studying the possible expansion of criteria for participants in order to utilize all of the treatment dollars. An invitation was extended to Judge Alvarez to update the Task Force.
- f. **Community Justice Service Center:** Becky Walker, CJC, remarked the number of Community Court defendants was slightly lower last month, and there were 924 walk-ins during January. This program is currently being evaluated by the CJC and the report will be provided to the Task Force when complete.
- g. **Legal System Accessibility for Deaf and Hard-of-Hearing Individuals:** Chief Clay Walker, Manalapan Police Dept., described the DVD is an 11-minute program that will be used as a longer 2-hour "Train the Trainers" project. The scenario vignette is a domestic battery, and begins from the actual domestic violence incident, telephone call to the 911 Center, arrest, booking at local jail, and culminates with the defendant appearing at arraignment. The DVD showcases the services and technology available for deaf or hard-of-hearing individuals involved in the criminal justice system. The program has been rolled out statewide at a recent FL Accreditation Commission meeting for Law Enforcement and Corrections officers. Issues dealing with safety and tactics (handcuffing in front vs. back) are being studied. Journey Beard, CJC, will investigate whether the Deaf Link remote interpreter's technology might be used for general foreign language purposes in the courtroom.

9. Member and Guest Comments

Private Courthouse Entrance for Attorneys: Judge Jeff Colbath, Circuit Criminal Court, mentioned a recent FL Bar Association article that described a Hillsborough or Pinellas County private entrance to

the courthouse that private attorneys could pay to use that would enable them to avoid waiting in long security lines. Michael Rodriguez and Journey Beard, CJC, will investigate the issue.

10. Adjournment

Given that there were no other agenda items; the meeting was adjourned. The next meeting will be held on March 9th, 2010.