

FINAL

Criminal Justice Commission
Court System Task Force
Minutes

Tuesday, September 9, 2008 – 12:00 noon
McEaddy 12th Floor Conference Room
301 N. Olive Avenue
West Palm Beach, FL 33401

Task Force Members present:

Jack Goldberger, Chair
Damir Kukec, Researcher
Cherry Grant, Public Defender's Office
Alan Johnson, State Attorney's Office (Vice-Chair)
Judge Laura Johnson, County Court
Judge Krista Marx, Circuit Court
Yasmin Rivera, Florida Department of Corrections
Gena Rowlands, Palm Beach Sheriff's Office
Michelle Spangenberg, Court Administration
Louis Tomeo, Clerk and Comptroller's Office

Task Force Members absent:

Capt. Frank De Mario, Palm Beach Sheriff's Office
Feirmon Johnson, Department of Juvenile Justice
Judge Nancy Perez, County Court (Gun Club)
Chief Clay Walker, Manalapan Police Department

Others present:

Cristy Altaro, Court Administration
Amy Barker, Central Records, Palm Beach County Sheriff's Office
Sara Blumberg, Traffic Administrator, Palm Beach County
Kathleen Kroll, Chief Judge, 15th Judicial Circuit
Elizabeth Parker, Chief County Court, State Attorney's Office
Mary Quinlan, Court Administration
John Rivera, Public Defender's Office
Nicole Saunders, Public Safety, Palm Beach County
Melissa Zazzi, Central Records, Palm Beach County Sheriff's Office

Staff present:

Wayne English, Senior Criminal Justice Analyst
Katherine Hatos, Criminal Justice Analyst
Michael Rodriguez, Executive Director
Kristie Slinsky, Criminal Justice Commission Intern
Candee Villapando, Criminal Justice Analyst
Becky Walker, Criminal Justice Manager

1. Welcome

Chair, Jack Goldberger called the meeting to order at 12:01p.m., 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 August 12, 2008 meeting was approved without amendments.

5. **Chairman's comments**

- a. Chair Goldberger noted that the Criminal Justice Commission will be celebrating its 20th Anniversary on September 22, 2008 at the West Palm Beach Convention Center. All are invited to attend and send your RSVP to the Criminal Justice Commission staff.

6. **New Business – No New Business**

7. **Old Business**

- a. **No Contact Orders** – Amy Barker and Melissa Zazzi, Central Records, Palm Beach County Sheriff's Office. Research Staff and Court Administration had already met with Central Records staff to go over some of the issues and challenges related to the communication of No Contact Orders; some of which has resulted in the arrest of individuals no longer subject to No Contact Orders. Amy Barker and Melissa Zazzi provided an overview of the various challenges concerning communications between the Courts and Central Records. Michelle Spangenberg noted that as a possible solution to the communication (or transmission) problem, she noted that Court Administration is looking into automating the form so that some of the problems stemming from the manual system can be avoided. She stated that they would place the forms in On Demand Printing (ODP) document format to generate the ONC (Order of No Contact) forms and automatically merge the order with BANNER. Michelle Spangenberg noted that this may take a couple of weeks to address and that she would follow-up with implementation. She also noted that the assistant state attorneys would need permission to access the ODP forms, and they would need to type in the Case Number and all of the other information would be merged into the form. Michelle Spangenberg also noted that this approach may also apply to orders of rescission. Assistant State Attorney Alan Johnson also suggested generating an automatic rescission order for no file, nolle prosecution, etc. Michelle Spangenberg noted that she would further investigate this approach. Louis Tomeo, Clerk & Comptroller's Office noted that building in this type of functionality would be difficult and costly. He agreed to look at the current functionality; however, he was under the impression that it did not currently exist. Chairman asked that we proceed with the first step, by setting up automated or ODP ONC forms. Second, he asked the sub-committee to examine the communication of recession orders from the Court to Central Records. Lastly, he asked that we explore the automation and functionality of rescission orders via BANNER for the appropriate dispositions.
- b. **Inactive Civil Traffic Citations** – The CSTF Sub-Committee led by Assistant Public Defender, Johanna Rivera prepare an administrative order that would purge inactive civil traffic citations after five years. The five year timeframe reflected the current length associated with criminal cases. In summary, the purpose of the AO was to assist individuals in regaining their drivers' license by expunging (purging) civil traffic citations. Furthermore, this proposed approach was part of a larger effort by the Public Defender's Office to help individuals become law abiding citizens. It was noted, for example, in some cases individuals who want to clear up outstanding civil traffic citations may be automatically suspended upon payment of the citations. As such, they are snared for driving with a suspended license. The current efforts by the Public Defender are important as navigating the criminal justice system can be very complicated person and we want to reserve criminal justice space (and cells) for only the most serious offenders. As such, the Task Force was asked to consult with the Traffic Administrator prior to asking the Chief Judge to sign the administrative order. During the meeting, Sara Blumberg (Traffic Administrator) noted that the five year timeframe is untenable; as the Chief Judge cannot sign an Administrative Order that contravenes the Rule of Traffic Procedures – rules stipulate seven years. Lastly, Sara Blumberg suggested that keeping civil traffic citations "on the books" for seven years may

increase the likelihood that fines/costs are collected. Chief Judge Kathleen Kroll noted that both her and Ms. Blumberg were receiving a great deal of correspondence related to suspended driver's licenses and outstanding infractions. She is planning to meet with a representative from the Department of Highway Safety and Motor Vehicles (DHSMV) to see if there is a better way to help these individuals. Judge Kroll suggested that we should consider hiring an expert or ombudsman to help individuals navigate the system; noting that at one time there was a portable station set up in the main court house cafeteria to help people restore their driver's licenses. Damir Kukec was asked to describe the Miami-Dade "Drive Legal Program" that he and other staff visited several months ago. The Drive Legal Program enables participants to convert civil traffic citation fines/costs into community service hours. Furthermore, the program is staffed by clerks managed by Court Administration. The Drive Legal program uses computer access to both local court records and DHSMV records to ensure that clearing up a driver's license (fines/cost) does not result in a subsequent suspension. Individuals apply for the program or are referred to the program by the courts. Individuals who are accepted into the program pay a \$150 processing fee. It was agreed that even though the Task Force decided not to pursue any further action on this issue several months ago since the scope only included misdemeanor DUS cases; the inclusion of civil traffic citations changes the nature of the issue. There was a brief discussion about existing (and previous) programs in the county (e.g., Public Defender's Office in the county jail as part of the re-entry strategy). Judge Kroll noted that her concern includes individuals who are not yet in the criminal justice system. It was agreed that we would continue to study this policy issue and perhaps invite the Drive Legal Program.

- c. **Bond Jurisdiction** – Chairman Goldberger quickly noted the draft Administrative Order (drafted by Assistant Public Defender John Rivera) would provide limited authority for a county court judge to set a bond amount for a case that has been "up-filed" felony to circuit court. Allowing the county court judge to set the bond may reduce the need to hold an accused in the county jail before getting a bond hearing. Alan Johnson emphasized that Notice to Appear (NTA) accused would have to be booked, as part of this process and hopefully would not spend a night in jail as a county judge would be able to set the bond. John Rivera noted that he did not include any wording related to a "booking" as it was presumed that regardless of the case (NTA or otherwise), the accused would be booked (or booked again if they were booked on the misdemeanor). Chief Judge Kroll noted that there is already an Administrative Order (perpetual order) on file that makes every county judge a circuit court judge, noting that they already have the authority to act in this capacity. Mr. Rivera noted we may be able to address this issue by informing county court judges that they already have the authority act in this capacity and set bonds on "up-filed" cases; rather than issuing another Administrative Order. Judge Marx and Mr. Rivera were asked to report back to the Task Force if the Administrative Order is needed or if educating the judiciary would suffice.

8. Updates

- a. **Electronic Discovery.** Chair Goldberger noted that he was working with a committee to examine the proposed protocol for electronic discovery with the State Attorney's Office. Alan Johnson noted that they were working primarily with the Public Defender's Office trying to get law enforcement agencies to upload case information into the State Attorney's STAC system so that the Defense Bar and now primarily the Public Defenders have access to this information in preparing their case. Once all of the operational concerns are addressed, it will be made available to the Private Defense Bar as well. The system should save time and money for all sides involved in the court process.
- b. **Drug Court.** Ms. Nicole Saunders, Justice Services Director, noted that Criminal Drug Court is operating and will continue to operate until further notice. Some members agreed to make that point to their staff as recent rumors abound that the Drug Court was being dismantled. Ms. Saunders noted that the court is fully funded and that they are moving forward. She noted that they were currently serving 299 participants that they are providing treatment and drug testing. The Court is reviewing 19 applicants who are waiting to start to the program. She noted that the 15th Judicial Circuit is considering relocating for the court – from Gun Club to Downtown. This is still being considered and no decision has been taken. Ms. Saunders noted that they are currently renewing all of the treatment contracts for FY09. Ms. Grant and others noted that the current plans may be a good time to take a closer look at the operations of the Drug Court. She noted that a sub-committee of the CSTF (called the

Drug Court Screening Committee) was responsible developing the standards and procedures for the current drug court. This Committee met quarterly to review caseload and screening criteria; and she is unsure why the group stopped meeting. Some suggested that the sub-committee should be reconvened to examine a number of issues such as sentencing disparity simple possession (not sellers), and the selection practices that may be more focused on positive outcomes rather than the offenders needs or pre-defined selection criteria. Chief Judge Kroll suggested that Justice Services reconvene the screening committee with the assistance of the Criminal Justice Commission. She also suggested that we examine the drug offenders assigned to PTI and the Sheriff's Drug Farm.

- c. **Corrections Task Force.** Alan Johnson provided a brief update; noting that Ms. Gibson, Criminal Justice Commission Staff, outlined various alternatives to incarceration. This is on-going and the Task Force is moving ahead with trying to reduce the population in our county jail.
- d. **BANNER.** Mr. Louis Tomeo, Clerk & Comptroller's Office noted that he had no updates.
- e. **Juvenile Drug Court:** Ms. Cristy Altaro noted that they now have 2 participants. Ms. Altaro noted that they are looking for ways to increase referrals.
- f. **Community Justice Service Center:** Ms Rowlands provided a brief update, noting that their caseload did decrease over the summer months; however, they now anticipate an increase as they have integrated with existing programs such as the Public Defender's driver's license program. The Center is also working with the HOT Team (Homeless Outreach Team) which should increase their caseload.

9. Adjournment

Given that there were no other agenda items; the meeting was adjourned at 1:15P.M. The next meeting will be on October 14, 2008. Mr. Alan Johnson will be chairing the meeting as Chair Goldberger will be absent.