

Criminal Justice Commission  
Court System Task Force  
Minutes

Wednesday, November 12<sup>th</sup>, 2008 – 12:00 noon  
McEaddy 12<sup>th</sup> Floor Conference Room  
301 N. Olive Avenue  
West Palm Beach, FL 33401

**Task Force Members present:**

Jack Goldberger, Chairman  
Alan Johnson, State Attorney's Office (Vice-Chair)  
Journey Beard, CJC Staff Researcher  
Cherry Grant, Public Defender's Office  
Feirmon Johnson, Department of Juvenile Justice  
Judge Laura Johnson, County Court  
Judge Krista Marx, Circuit Court  
Michelle Spangenberg, Court Administration  
Louis Tomeo, Clerk and Comptroller's Office  
Yasmin Rivera, Florida Department of Corrections

**Task Force Members absent:**

Capt. Frank De Mario, Palm Beach Sheriff's Office  
Judge Nancy Perez, County Court (Video Conference Gun Club)  
Barbara Dawicke, Court Administration  
Chief Clay Walker, Manalapan Police Department  
Gena Rowlands, Palm Beach Sheriff's Office

**Others present:**

Marcella Millet, Court Administration  
Mary Quinlan, Court Administration  
Johanna Rivera, Public Defender's Office  
John Rivera, Public Defender's Office  
Nicole Saunders, Justice Services  
Fay Hewitt – Elder Justice  
Dorrie Tyng – Drug Court  
Shelby King – Palm Beach County Sheriff's Office  
Wanda Joiner – PRIDE Integrated Services

**Staff present:**

Candee Villapando, Criminal Justice Analyst  
Kristie Slinsky, Criminal Justice Commission  
Dolores Cutlip, Criminal Justice Commission

**1. Welcome**

Chair, Jack Goldberger called the meeting to order at 12:09 p.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 October 14<sup>th</sup>, 2008 meeting were approved without amendments.

#### 5. Chairman's comments

- a. Chair Goldberger thanked Vice Chair Al Johnson for presiding over the October 14<sup>th</sup> meeting.
- b. Chair Goldberger noted that the Criminal Justice Commission will be holding its Annual Planning Meeting on November 17<sup>th</sup>, 2008, at the West Palm Beach Convention Center. Registration will begin at 7:30 a.m. and the formal program will begin at 8:30 a.m. All are invited to attend and members who would like to participate in the meeting were asked to contact Arlene Burton at [aburton@pbcgov.org](mailto:aburton@pbcgov.org).
- c. Chair Goldberger welcomed Journey Beard as the new CJC liaison / staff researcher to the Court Systems Task Force.

#### 6. New Business – No New Business

#### 7. Old Business

**No Contact Orders** – Michelle Spangenberg, Court Administration, referred to Administrative Order (AO) 4.307 (Rescission of No Contact Order) attached to the Agenda, and noted that Section 1 indicated six (6) instances when rescission of a No Contact Order would occur. Additionally, she noted that, in Section 3, the Clerk is directed to provide immediate electronic notification of the rescission to the PBSO Central Records Office, and this provision is currently being done. Judge Johnson commented that sometimes people are getting arrested for a violation of the No Contact Order even when it had been rescinded. Michelle Spangenberg remarked that a listing of rescission orders was being provided to PBSO, but she was unsure what action was being performed by PBSO.

**CHARGES NOT FILED WITHIN 30 DAYS** = Al Johnson commented that a problem existed with Section 1(c) which stated *"The rescission of a No Contact Order shall occur when .. the State has not filed charges within thirty (30) days of the arrest;"* because SAO has a substantial minority of cases where charges may not be filed by the thirtieth (30<sup>th</sup>) day. Under the current AO language, a victim in the case would lose protection from the No Contact Order, and he suggested the AO be re-issued without the 30-day time limit, or in the alternative, with a 45 or 60-day time limit. Judge Johnson commented that a victim would have the remedy of a Restraining Order. There was considerable discussion concerning the ramifications of a 30-day time limit.

**OR RELEASE** = Al Johnson commented that an OR release, by definition, includes no contact with the victim. He suggested that some mechanism be implemented to notify the defendant that, upon OR release, a statutory requirement existed that no contact with the victim was permitted.

**PROBATION TERMINATED** = Judge Johnson commented that if the person is put on probation, the No Contact should be a condition of probation, not a condition of pre-trial release. Judge Marx suggested that when probation is terminated, there could be an additional line on the AO stating that "all conditions of probation have been satisfied, and the No Contact Order is terminated" and a copy could be sent to PBSO. There was discussion about possible language being added to this AO, or a separate AO be drafted, that stated "upon successful termination of probation, Probation is required to notify PBSO that the No Contact provision has been complied with." Michelle Spangenberg remarked that when the clerk docket the Rescission of the No Contact Orders, that action triggers a form so that PBSO is notified immediately. Yasmin Rivera stated that successful termination of probation letters are generated, and a copy is provided to the Clerk's office. Judge Marx suggested that when Probation sends a termination of probation letter to the Clerk's Office, language might be added directing "part of the probation stating there was to be no contact with the victim shall be rescinded by the Clerk". In the AO, it could be added, "Upon receipt of termination letter from Probation, indicating that defendant has successfully completed, Clerk's Office is directed to rescind the No Contact Order.

Chair Goldberger asked that Staff talk with Michelle Spangenberg, Al Johnson, Judge Marx, Judge Johnson, and the PBSO staff who are receiving and inputting this data in order to create a game plan concerning the best way to handle the issues.

- a. **Bond Jurisdiction** - Judge Krista Marx reported there has been an AO drafted by Chief Judge Kroll stating that county court judges have the power to act as circuit court judges pursuant to Administrative Order 11.110-9/08\* (Appointment of Circuit Court Judges Acting as County Court Judges / County Court Judges Acting as Circuit Court Judges). If County Court judges do conduct a first appearance in these up-filed felony cases, the defendant waives his/her right to a first appearance before a different judge the next morning. It was also agreed that, in these up-filed cases, any pre-existing bond from the former charge(s) must be discharged before a new bond on the up-filed charge(s) could be issued. Judge Johnson commented that she would specifically speak with the county court judges about conducting a first appearance. Chair Goldberger asked Michelle Spangenberg to confirm whether Chief Judge Kroll has signed the above AO, and report back to the Task Force at the next meeting.
- b. **Miami-Dade Drive Legal Program** – Al Johnson, State Attorney's Office, commented on the Oct. 14<sup>th</sup> Drive Legal Program by Miami Dade Associative Administrative Judge Steve Leifman, and inquired whether PBC had the money and resources to provide assistance to 135,000 non-licensed drivers. John Rivera, PBC Public Defender's Office, believed about 25% of PBC county court caseloads are Driving Under Suspension (DUS) cases. He remarked that the majority of these people would be eligible and could get their license back. Johanna Rivera, PBC Public Defender's Office, had been involved in a similar pilot project in her office, and suggested that Community Court may be a place for this project. Cherry Grant said the Miami Dade Drive Legal program periodically advertised the program. Nicole Saunders said that Charlie Trotta, PBC Justice Services, had managed a similar program for PBC during 1996 – 2000. Chair Goldberger asked staff to invite Charlie Trotta to attend the next meeting and describe his experiences.
- c. **Master Calendar** - Chair Jack Goldberger asked members whether they had any interest in examining this issue further. There was no interest.

## 8. Updates

- a. **Drug Court.** Ms. Nicole Saunders, Justice Services Director, noted that she is putting together the advisory committee, and is meeting with Chief Judge Kroll on Nov. 19<sup>th</sup> to finalize their scope of work and committee members. There is going to be pending legislation for a \$6 fee to help fund drug court, and she would like their advisory committee to provide a letter of support. As for regular business for drug court, Ms. Saunders noted that drug court is currently serving 216 participants in drug court, have capacity for 250 total participants, and there are nine (9) current applicants. There has been one (1) drug-free baby born this month, and have had 28 total drug-free babies born from females participating in this program. Drug Court has graduated a total of 837 participants.
- b. **BANNER.** Mr. Louis Tomeo, Clerk & Comptroller's Office noted they have hired a consultant from Denver who is helping them develop their system requirements, and the vendor is currently on-site for six weeks meeting with the different criminal justice partners (Courts, SAO, PD). He projected the system would be operating by 2011.
- c. **Juvenile Drug Court.** Chair Goldberger announced the statistics reported by email from Christy Altaro indicating they have 3 participants, and one participant has advanced to Phase II.
- d. **Community Justice Service Center:** No updates.

## 9. Adjournment

Given that there were no other agenda items; the meeting was adjourned at 1:07p.m. The next meeting will be held on December 9<sup>th</sup>, 2008.