

Criminal Justice Commission  
Court System Task Force  
Final Minutes

Tuesday, October 12<sup>th</sup>, 2010 – 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  
Judge August Bonavita, County Criminal Court  
Judge Jeff Colbath, Circuit Criminal Court  
Capt. Ed Jablonski, Palm Beach County Sheriff's Office (proxy Sergeant Craig Laufer)  
Wanda Joiner, PRIDE Integrated Services  
John Riviera, Public Defender's Office  
Yasmin Rivera, Dept. of Corrections  
Michelle Spangenberg, Court Administration  
Louis Tomeo, Clerk and Comptroller's Office

**Task Force Members absent:**

Cherry Grant, Public Defender's Office  
Feirmon Johnson, Department of Juvenile Justice  
Capt. Alan Ortman, Palm Beach County Sheriff's Office  
Elizabeth Parker, State Attorney's Office  
Nicole Saunders, Justice Services  
Terri Skiles, State Attorney's Office  
Chief Clay Walker, Manalapan Police Department

**Staff present:**

Becky Walker, Criminal Justice Commission

**1. Welcome**

Chair Jack Goldberger called the meeting to order, 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 minutes for the September 14<sup>th</sup>, 2010, meeting was approved.

**5. Chairman's Comments**

A. No comments:

**6. New Business**

- A. **Florida Sunshine Legislation:** Leonard Berger, Assistant County Attorney. Mr. Berger provided an overview of the Sunshine Legislation. He noted that in general it means that all meetings by government entities must be conducted in the “sunshine”. Meetings must be held in locations accessible to the public, notices of all meetings must be made in advance, and minutes must be published for all meetings. These requirements are handled by staff. Furthermore, members of committees are not permitted to discuss voting items outside of the public meetings. Mr. Berger emphasized that the court interpreted the law to mean that it covers every step of the decision making process. This includes no passing notes, emails, texts, or other form of communication is permitted. If for some reason you want to add a voting items on the agenda, such requests should be made through staff. Willful violation of the Sunshine Legislation is a second degree misdemeanor and civil penalty of \$500. He noted that any contract or agreement can be made void if it can be traced to a violation of the Sunshine Legislation regardless of when it occurred in the process. In response to a couple of questions, Mr. Berger noted that the County may provide legal counsel for County staff violating the Sunshine Law. He stated that this will depend to a great deal of the nature of the violation itself. He also stated that different members of different board may discuss voting items that are before their respective committees. Lastly, Mr. Berger informed members that to his knowledge, since the inception of the law there have been no more than three charges filed; one just recently and the other two may have been dismissed. Chairman Goldberger thanked Mr. Berger and Damir Kukec informed members that there is a hand out in their agenda packets that was prepared by Mr. Berger. Judge Colbath highlighted the fact that the “Sunshine” law does not apply to state legislators.
- B. **Electronic Monitoring:** Damir Kukec, Research and Planning. Damir Kukec noted that he placed this on the agenda following Chairman Goldberger's call for new ideas and items to study. He noted that Commissioner Aaronson often raises this issue asking why don't we place more individuals on electronic monitoring to offset the cost of incarceration. Damir Kukec stated that he wanted to raise it to see if the committee was interested in further examining the use of electronic monitoring. Chair Goldberger noted that he was unsure given the breadth of use – as a sentence and a condition of pretrial release. He also noted that he wasn't sure about how often it was used in the circuit and county court. He asked the two judges to give us their experience. Judge Bonavita explained that it was not often used in county court, and most of the time it may be used for Driving Under the Influence (DUI) cases for monitoring offenders. In some county court cases that result in jail time, it is up to the Sheriff's Department to determine if an offender can serve the sentence in whole or in part on electronic monitoring (house arrest). Judge Colbath confirmed that in circuit court there is a standing order that if the court does not object, the Sheriff may then place the offender on electronic monitoring in place of jail time. If the judge does not object, the discretion is with the Sheriff to determine based on their criteria to place an offender on electronic monitoring. He also noted that the monitoring technology has improved considerably and is quite advanced. Ms. Yasmin Rivera informed the task force that last week, Judge Kastrenakes place approximately 25 offenders from the Drug Farm on electronic monitoring maintained by the Department of Corrections. Chair Goldberger also noted that some of his clients had problems with the technology, which may reflect the Sheriff's use of older technology. Chair Goldberger noted that he would like to do something with electronic monitoring. He asked staff to assemble documentation concerning this issue and possibly invite someone from the Sheriff's Office for our next meeting.

## 7. Old Business:

- A. **ATM at Booking:** Judge Colbath raised this as an issue and requested that staff explore the possibility of installing an automated teller machine (ATM) in the booking intake area of the jail. Damir Kukec noted that he consulted with Michelle Delaura, Property Manager, Corrections Division, Palm Beach Sheriff's Office (PBSO). He noted that the booking staff at intake works with accused to process them

as quickly as possible; which also includes helping them access funds to bond out or to contact someone outside to bond them out. Current accused have access to Western Union; however, this typically requires accused to contact someone on the outside to complete the transaction. In addition, there is a kiosk that enables contacts on the outside to credit an accused account which can be used to pay for their bond. This includes a \$25 service fee which must be paid in addition to the full bond amount. Ms Delaura also noted that they were working on a process with a potential vendor (Government Payment Services), which would enhance their current procedures. This would include tamper proof property bags designed to hold credit cards which could be easily accessed. Accused with a credit card would be able to contact the vendor and quickly bond out of jail. If a credit card was not available, Government Payment Services would attempt to contact someone on the outside on behalf of the accused. It was noted that bonds over \$5,000 would likely continue to be handled by the bond agencies. Damir Kukec suggested that we could have Ms. Delaura come before the taskforce to let us know how it system is working once it is implemented. Judge Colbath mentioned the issue of accused with a low bond sitting in the jail for longer than 30 days, with minor offenses, and with no previous history. He was wondering if we have some sort of process to deal with this issue. Judge Colbath mentioned Judge Ted Booras as someone who is familiar with this issue. Chairman Goldberger asked staff to further investigate this issue and bring it back before the task force.

- B. **Skype Access to Clients:** At the last meeting, Judge Colbath asked staff to research the possibility of getting access to video conferencing via Skpe like technology for jail clients and their attorneys. Charles Frazier, Facilities Management and Operations stated that currently there are plans to install one video conference kiosk at the main court house for private attorneys and their jail clients. There is an opportunity to install four more units; however, we are waiting on court administration before proceeding. The implementation plan includes video visitation and a kiosk for private attorneys at the West County detention center. There are plans for future implementation in South, North, and the main detention Center (Gun Club). It was noted that the Public Defender's Office has been using video conferencing to interview their clients at Gun Club for some time now. Expanding this type of communication using Skype would likely present specific challenges from a network security and policy perspective. As part of the future, he noted that they are looking into the implementation of secure IP based connections. Judge Colbath noted that he was using the reference to Skype generically. He wondered if there is something that the criminal bar can do to speed up the implementation process recognizing that they would likely pay for the service to be installed. Chairman Goldberger asked if they could be invited to attend the next meeting of the task force. Judge Colbath wondered if this project can be leveraged with the pilot project he has in his court room which allows jailed defendants to appear in court via the video reducing the need for transportation and other associated costs. It also makes accommodations for private communications between clients and attorneys during the court proceeding. Damir Kukec agreed that he would have a discussion with facilities prior to the meeting and invite them to attend.
- C. **Access to Probable Cause Affidavits:** Chair Goldberger stated that he still wants to investigate the possibility of accessing probable cause affidavits online, rather than having to go down to the main court house. Mr. Louis Tomeo commented that this issue relates to the Florida Supreme Court decision which restricts the release of such documents over the internet to the public (AOSC07-49). Furthermore, he noted that a probable cause affidavit can be obtained online by the attorney of record only. Ms. Joiner noted that at this time Manatee County approved a pilot which enables anyone to access probable cause affidavits online, regardless of whether you are the attorney of record. It was also noted that a not-for-profit company is responsible for the portal which provides online access to such records. For this site, users must be registered users with a userid and password before they have access to the records.

## 8. Updates & Initiatives

- A. **Adult Drug Court:** Dorrie Tyng, Justice Services, provided brief report on the activities of Adult Drug Court. She noted that they currently 224 clients in the program, 27 of which are co-occurring and 13 graduated this September. She noted that they were hoping to have at least 250 drug court participants this year as their goal. As well, they now have a drug education phase where clients can be in and out within six months – target clients who don't need intensive drug treatment.
- B. **BANNER / SHOWCASE & Electronic Access to Probable Cause Affidavit Images:** Louis Tomeo, Clerk & Comptroller's Office, explained that data is being converted from BANNER to the SHOWCASE system. It is scheduled to be rolled out in February 21, 2011. Mr. Tomeo also informed members that they would be invited to attend a workshop displaying how the new system would work prior to release.
- C. **Delinquency Drug Court:** Cristy Altaro, Court Administration, she noted that they will have a fourth graduation tomorrow, and there are currently 19 youth enrolled in the program. Due to a smaller budget they are able to accommodate about 20 youth per year. She noted that they too are looking at a "fast track" model for youth that don't require intensive treatment.
- D. **Community Service Justice Center:** Becky Walker, CJC, stated that the Community Justice Service Center is still open as they obtained a grant extension from FDLE until December 31, 2010; although they will most likely run out of funds in mid December. The Center on Westgate is still open for business and is holding court. Ms. Walker noted that the city does not appear to be interested in the court aspect of the center and is looking to use the site for other purposes. There is discussion that the center may be used to support re-entry, since we received funding through a competitive grant.
- E. **Member and Guest Comments**
- F. **Adjournment**

The next meeting will be held on November 9<sup>th</sup>, 2010.