

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
PROBATION ADVISORY BOARD

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

May 12, 2016 – 12:15 p.m.

MINUTES

Members Present

Leonard Hanser, Chairman	Administrative Judge, County Criminal Court
Rosalyn Baker	Department of Corrections
Steven Cohen	Private Defense Attorney
Adrienne Ellis	State Attorney's Office
Louis Tomeo	Clerk and Comptroller's Office

Guests Present

Richard Clausi (by telephone)	State Attorney's Office
Glenny Cueto	Professional Probation Services, Inc.
Jim Eisenberg	Private Defense Attorney
Federico Forero	Professional Probation Services, Inc.
Beth-Kaye Levinson	House Arrest Services, Inc.
Michelle Spangenberg	Court Administration
Mark Strach	Department of Corrections
Thomas York	Professional Probation Services, Inc.
Ashley Zuckerman (for John Rivera)	Public Defender's Office

CJC Staff Present

Damir Kukec	Research & Planning Manager
Candee Villapando	Criminal Justice Analyst
Bert Winkler	Criminal Justice Analyst

I. Welcome/Opening Comments

Chair Judge Leonard Hanser welcomed everyone to the Probation Advisory Board meeting.

II. Roll Call and/or Introduction of Members & Guests

Members and guests introduced themselves.

III. Approval and/or Amendments to the Agenda

The agenda was approved without amendments.

IV. Approval and/or Amendments to the January 27, 2016 meeting minutes

The minutes from the January 27, 2016 PAB subcommittee meeting were approved.

V. Old Business/Updates

A. Alternative Sanctions for Misdemeanor Offenders

Judge Hanser announced that they now have an AO. He then asked Tom York to discuss a recent case at the Fourth District Court of Appeal, the essence of which was that for a probation case to be tolled there either needs to be a notice to appear, a VOP warrant on a new charge, or a warrantless arrest. He expressed concern how this new ruling will affect their office as they issue an affidavit and VOP on a violation, which would no longer toll under the new ruling. The committee discussed the implications of the new ruling, and how this would affect the new AO.

B. Visual Alcohol Monitoring

Beth Kaye-Levinson, Director of House Arrest Services, Inc., gave an update on the issue discussed at the last meeting regarding her getting certified to recalibrate their equipment, arising from questions or concerns regarding the accuracy, reliability, or validity of their equipment. After discussions with the manufacturer, their company determined that there is no need for them to have a calibration machine in Palm Beach County and Ms. Kaye-Levinson presented their reasons. She contended that each machine is calibrated by the manufacturer before being sent to them, and that each time the machine is sent back for recalibration, it will be returned with an affidavit signed by the person who performed the calibration with the date calibration was done. Richard Clausi reiterated that there was still the issue regarding the validity of the equipment that remains. Judge Hanser concurred. Ms. Levinson expressed that they would like to continue working this out and working with Palm Beach County.

C. ICE Operations at PPS Office

Mr. York reported that ICE agent from the Broward Office of the Department of Homeland Security had been hanging around below their office asking probationers who appear to be of Hispanic descent about their papers. Recently these agents have asked their probation officers to provide them dates on when the probationers are scheduled to report to their office. Mr. York asked for advice whether they should give information, and what kind of information. He said this has posed a problem for them because some of the probationers have been afraid to report to their office. Bert Winkler suggested seeking the

counsel of the County Attorney's Office; Mr. Kukec said staff will contact them right after the meeting.

D. Annual Monitoring Review for FY 2014-15

Mr. Kukec reported that staff is in the middle of file review which is nearing completion and that the report should be available by the next meeting.

VI. New Business

No new business discussed.

VII. Member and Guest Comments

No member and guest comments.

VIII. Next Meeting

Proposed date was June 30th.

IX. Adjournment