



Court Systems Task Force

Robert Weisman Governmental Center
12th Floor, *McEaddy Conference Room*
301 N. Olive Avenue, West Palm Beach, FL 33401

MINUTES

Wednesday, May 29, 2024, 12:00 PM

MEMBERS PRESENT:

Alan Johnson, State Attorney's Office
Judge April Bristow, Chair, 15th Judicial Circuit
Andrea Rocha, Manager, Clerk of the Circuit Court & Comptroller, Criminal Division (Paulina Pasquarelli)
Cheo Reid, State Attorney's Office, 15th Judicial Circuit
Judge Daliah Weiss, 15th Judicial Circuit
Derek Gibson, Circuit Administrator, Department of Corrections
Glenny Cueto, Assistant Director, PPS Inc.
James Snowden, Public Defender's Office, 15th Judicial Circuit
Shantel Drayton, Manager of Court Services, Public Safety

MEMBERS ABSENT:

Alfonso Starling, Colonel, Palm Beach County Sheriff's Office
Barbara Dawicke, Trial Court Administrator, 15th Judicial Circuit
Judge Bradley Harper, 15th Judicial Circuit
Michelle Cruz, Director of Case Management, Court Administration, 15th Judicial Circuit
Judge Ted Booras, 15th Judicial Circuit

CJC STAFF PRESENT:

Brad Allen, Criminal Justice Analyst
Damir Kukec, Research and Planning Manager
Christopher Slydell, Criminal Justice Analyst
Katherine Shover, Criminal Justice Systems Manager
Margo Smith, Criminal Justice Analyst

GUESTS PRESENT:

Edward Rufus, Department of Corrections
Lance Weiss, Judicial Intern, 15th Judicial Circuit, Judge April Bristow

- I. Welcome and Opening Comments** – *Judge April Bristow, Chair*
Welcomed members of the Task Force along with guests.
- II. Roll Call and Introduction of Guests** – *Christopher Slydell, Criminal Justice Analyst*
Conducted roll call and established there was a quorum to meet.
- III. Approval of and/or Additions to the Meeting Agenda**
CJC Analyst, Mr. Slydell, requested to add CJC Staff, Margo Smith, to the Agenda in order to briefly go over the most Mobile Probation Unit data. Chair, Judge Bristow, made a motion to add the item onto the Agenda for discussion and all approved in favor to add the item.



IV. Approval of Minutes for the April 24, 2024 Meeting

Chair, Judge Bristow, made a motion to approve the minutes, it was seconded by Judge Daliah Weiss and passed unanimously.

V. Discussion Items

A. Recommended Continuation Policy by the National Center for State Courts-

Christopher Slydell, Criminal Justice Analyst

(attachment, [file:///C:/Users/CSlydell/Downloads/ctadmin_1254%20\(1\).pdf](file:///C:/Users/CSlydell/Downloads/ctadmin_1254%20(1).pdf), pg. 7).

- CJC Analyst, Mr. Slydell, briefly discussed a “Model Continuation Policy” as provided by the National Center for State Courts (NCSC).
- Chair, Judge Bristow, stated that while there is no global policy, upon reviewing the document, it’s similar in language to what judges are currently using in their courts; a confirmation we are headed in the right “direction/trajectory” when it comes to meeting state court standards.

B. Follow up to Probation Work Group – *Derek Gibson, Department of Corrections*

- Proposed Orders Terminating Probation:
 - What parties receive copies of the order once signed by the judge?
 - The Clerk of the Court receives a termination summary from DOC (identifies any monies to be paid to the court along with any balance owed) along with the probationer who receives a letter confirmed the completion of their probation along with the term date (*if a victim is involved, they receive a letter information them of the term of probation as well from DOC*).
 - Does the Task Force desire/need to further examine how cases can be early terminated based on the group’s efforts?
 - Mr. Gibson stated that probationers are incentivized to end their probation earlier by way of obtaining their Degree, completing education from a technical school, or completing community service hours (*there have been no issues with these incentives*). Once a probationer is eligible for early termination DOC is immediately notified and the process to early terminate beings.
 - No data has been captured to determine the true effects of the incentives over the past year (program started one year ago), but a dashboard has been created to capture the information/data. There is a plan to provide this data to the CJC for further assessment.

Questions, Answers & Statements:

1. Q-Chair, Judge Bristow: If someone is eligible for probation but the State Attorney’s Office doesn’t agree, do they stay on probation? Is there an issue due to the fact the probationer is no longer legally represented?

A-Mr. Gibson: Correct, the individual will stay on probation with DOC. The individual is provided with information in case they’d like to hire an attorney to raise the matter of early termination before the court.

2. Q-Alan Johnson: Is there any rule of thumb as to when DOC will deem that a person can early terminate their probation, & who does DOC contact?

A- Mr. Gibson: Halfway through being on probation is the typical benchmark. DOC ensures all monies have been paid along with any conditions. Once that is confirmed, the verification of such facts is provided to the SAO to determine if early termination will be granted. More specifically, the



person over the actual division is contacted and provides an answer as to if the probation can be early termed or no; there have been no issues with the SAO responding as well.

Q-Mr. Johnson: *As a failsafe, requested for DOC to add the Court Division to the probation order to ensure it's received by an attorney and responded to in a timely fashion (requests for early termination).* Mr. Gibson stated that he will inform his supervisor so this can hopefully be implemented in all seven (7) courtrooms.

James Snowden: Confirmed to the SAO that if any client's needs representation (requesting early termination if it has been denied by the SAO), then the SAO "Lead" can contact the Public Defender's Office to support the individual (there is a staff person dedicated to those type cases, Mr. James Rose). Mr. Snowden also stated there are times the SAO leaves the discretion to early terminate probation to the courts due to time constraints, and typically the SAO agrees to early termination when they've had time to review the case file.

C. Mobile Probation Unit Data- Margo Smith, Criminal Justice Analyst

- Briefly discussed statistics (211 probationers were seen from as far south as Boca Raton to as far north in Riviera Beach to as far west as Pahokee) on the Mobile Probation Unit for the month of May. **The CJC will also capture the race and gender of those who violate their probation.**
- Professional Probation Services Inc., Monthly Report - *Glenny Cueto, Director of Operations, PPS, Inc. (attachment, pg. 8-17).*
 - Discussed April's Monthly Report and how misdemeanor cases are early terminated and confirmed that PPS, Inc. receives a direct order from the courts (PPS completes the documentation for the judge to sign off on... the original goes to the Clerk of the Court, PPS retains a copy, and the "defendant" receives a copy as well.
 - Discussed how phone visits were implemented post Covid-19 and is being maintained as an incentive.
 - Phone visits act as an incentive for those who've completed the terms of their probation but aren't granted early termination (they receive a call for the following six weeks).
 - Discussed the PPS, Inc. monthly report (number of probationers/active cases, monies received, what case is in which division, cases terminated, person's in-custody on ICE hold, technical violations, etc.).
 - Discussed unsupervised as well as administrative probation (conditions of anger management, fines and court costs, etc. are being imposed by the courts). While they do not report to probation, there case is being monitored by PPS (no new charges, no violation on the conditions of probation, etc.).
 - **Chair, Judge Bristow:** Suggested for Ms. Cueto to raise any concerns regarding Administrative Probation (imposition of inappropriate terms of probation, processes that are not working, etc.) to Judge Ashley Zuckerman.

D. Jail & Court Data – Judge April Bristow, Chair

- Define:
 - Number of case continuances by case type(s)
 - Number of case continuances by requested & granted orders
 - *How much data to be captured (one year, last quarter, etc.)*
- Michelle Cruz provided a document to the Chair, Judge Bristow, that was provided



to the Task Force clarifying “case types” that exist for Felony, Criminal Traffic, & Misdemeanor cases (this information ties back directly to the last CSTF Meeting and determining which cases would be potentially reviewed by CSTF for “an amplified efficiency” in case processing).

- The team discussed how all First Degree Case Types are not created equal, therefore this data dive will allow the team to determine if our case processing is close to Supreme Court guidelines on how long it should take before a case goes to trial, or we may find that some cases (regular second and third degree felonies) are taking up to 18 months, two years and so on to be resolved, which would be a high a concern.
- **Chair, Judge Bristow:** As of last year our court system has been well under the guidelines as a circuit from open to close, but this team will specifically look at how many continuances there are, supporting courts in making more informed decisions (*this will support the CJC’s overall goal of safely reducing the jail population by 2-3 days on average. Judges may decide to implement a standard of 25 days for a continuance and after a third continuance set a calendar call or something similar...establishing a “firmer” continuance policy*). Palm Beach County Courts case processing was studied and Mr. Kukec confirmed that we are beating national court standards. Chair, Judge Bristow exclaimed on how attempting to improve those statistics is our task under the CSTF; providing recommendations to the court.
- The team determined not to review cases in Specialty Court (i.e. competency, mental health, & veterans) due to the number of continuances that can ensue so participants can comply with their conditions.
- **Chair, Judge Bristow, will obtain clarification from Michelle Cruz regarding how “CT” court types are broken up to determine the difference between traffic criminal & misdemeanor.**
 - Mr. Kukec stated he will pull the numbers from the Clerk of the Court and provide them at the next CSTF meeting (September) for further discussion amongst the team. Mr. Kukec also plans to send this information out to CSTF to review prior to our next meeting.
 - This information will be extremely useful to Mr. Johnson as he’s noticed a number of old cases (*some criminal cases are being sent into next year which is a high concern*) that have yet to move the court system due to continuances and noted that the SAO has not requested continuances; it depends on the Division per Mr. Snowden and Mr. Johnson. ***Researching this information will be useful and of value in determining court efficiency along with increasing any areas of improvement.
 - The Task Force will look at cases by Court Division, not by the Judge (looking at cases under Circuit Felony and the Direct Files... in this scenario, Direct Files mean the defendant hasn’t been arrested yet, once arrested the status changes to the CF “court type”).
- The group discussed/defined what a continuance is based on court event codes. For example, one judge may set calendar call after calendar call, and another may set a status check after status check...essentially the same thing in effect. The main



court events, in terms of likely continuances, are Status Check, Status Conference, Case Disposition and Calendar Call. Below are additional codes and if their deemed a continuance or not.

- Future Court Event= Continuance
- Future Disposition or Status= Continuance
- Sentencing= Post Judgement (Not a continuance, won't address)
- Plea Conference= Not a Continuance, won't address
- FTA's= On a continuance basis (Not a continuance, won't address)
- First Appearance= Not a continuance, won't address

E. Case Processing Study- ISLG Court Data- *Damir Kuvec, Research & Planning Manager*

- Mr. Kuvec provided a historical background on the work accomplished with the MacArthur Foundation's support since 2014. ISLG conducted a deep dive researching case processing and how it effects in those in our jail. Over two (2) years of court data was provided to ISLG from the CJC (warrant tables & court events) to determine any possible effects.
 - **Chair, Judge Bristow, clarified that unless there's a plea or jury trial, if a court event is set after first appearance, that court event is deemed a continuance.**
 - Chair, Judge Bristow, & Andrea Rocha defined different types of warrants:
 1. Pluries Capias- When an individual uses an alias (multiple names)
 2. Criminal Case- When an individual receives a Bench Warrant
 3. Arrest- The initial warrant singed from the investigation
 4. Warrantless- When an individual is remanded in court or similar
 5. Order to Show Cause- Contempt of Court (not a warrant, but the courts charging document to issue a contempt proceeding)
 6. Summons- Not a warrant, but a notice to appear in court on a Misdemeanor case
 7. Capias Issue= Criminal Capias Warrant
 8. Bench Warrant Issued= Bench Warrant
 9. Direct File Capias Warrant- Filed or arrested before the information is charged
- Mr. Kuvec will provide a comprehensive list to Ms. Rocha for definitive purposes and to ensure the metadata matches up to the reports.
- Chair, Judge Bristow, discussed how Palm Beach County Courts tend to be more generous with continuances for out of custody individuals versus in custody and believes this Task Force should break down the continuances for in custody and out of custody cases.
 - Chair, Judge Bristow, and Judge Weiss also recognized how nuanced and contextual cases can be (in or out of custody) when it comes to resolving them, but the main focus is based on an efficiency model (the court will be more apt to make changes to case processing).

VI. Member Comments-

Judge Daliah Weiss: Discussed the success so far on a new pilot program with the electronic court probation orders and its expansion into another division under Judge Willis. She stated so far that all involved are pleased at this time and the judges have been turning orders around quickly.



Derek Gibson: DOC is working with ministers from local churches in order to place their Mobile Probation Unit at more sites for better access to probationers. **DOC also plans to extend their hours of operation past 5pm during the weekday, and open on some Saturday's for probationer reporting purposes.** DOC also has employed a new Employment Specialist and hope to retain them to gain traction in that arena for probationers **(employment data will be provided by Mr. Gibson to the CJC moving forward as well).**

- VII. **Guest Comments- NONE**
- VIII. **Adjournment- ADJOURNED**

Action Items:

The Task Force will look at cases/data by Court Division, not the Judge.

1. Mr. Johnson requested for DOC (Mr. Gibson) to add the Court Division to probation orders to ensure it's received by an attorney and responded to in a timely fashion (*requests for early termination*).
2. The CJC will capture the race and gender of those who violate their probation (Mobile Probation Unit; Margo Smith).
3. Chair, Judge Bristow, will obtain clarification from Michelle Cruz regarding how "CT" court types are broken up to determine the difference between traffic criminal & misdemeanor.
4. Mr. Kukec will determine the difference between traffic criminal & misdemeanor court types by pulling the information from the Clerk of the Court and will discuss this data at the next CSTF meeting (September) for further discussion amongst the team. Mr. Kukec also plans to send this information out to CSTF to review prior to the meeting in September.
5. CSTF will look at misdemeanor cases & CF cases (excluding SVU, Murder & VOP's).
6. Mr. Kukec's team will gather data to determine the average number and length of time of case events & continuances.
 - a. Cases will be broken down into in custody & out of custody cases.
 - o **WE WILL NOT LOOK AT:**
 - Sentencing= Post Judgement (Not a continuance, won't address)
 - Plea Conference= Not a Continuance, won't address
 - FTA's= On a continuance basis (Not a continuance, won't address)
 - First Appearance= Not a continuance, won't address
7. Mr. Kukec will provide a comprehensive list of "type of warrants" to Ms. Rocha for definitive purposes and to ensure the metadata matches up to the reports.
8. Mr. Kukec will inquire as to why the CJC wants the CSTF to look at cases post-judgement in addition to pre-judgement for clarification (Judge Weiss and Bristow are curious to know as the subset of data comes from a different set of circumstances).
9. DOC plans to extend their hours of operation past 5pm during the weekday and open their office on some Saturday's so probationer can report.

Next Meeting: TBD, September, 2024 - 12 PM (TENTATIVE)

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