

ANNUAL REPORT
PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

December 14, 1989

EVOLUTION

On March 19, 1987, approximately 100 persons representing various segments of the criminal justice community met in Miami for a county wide assembly in order to focus on Palm Beach County's criminal justice system. The purpose of the assembly was to establish a set of goals and policy recommendations for crime prevention with a view toward improvement of our criminal justice system. Seven major areas of concern were identified, and included intergovernmental relations, criminal justice administration, crime prevention, corrections, the court system, the drug problem and juvenile justice.

The assembly noted that the criminal justice system in Palm Beach County embraces different levels of government as well as numerous municipalities, the County, criminal and civil courts, and local, state, federal and regional agencies. Despite positive and successful efforts to enhance coordination between these various agencies and units of government, the assembly concluded that the County's criminal justice system was fragmented and lacked coordination. Accordingly, it was recommended that the Board of County Commissioners establish the Criminal Justice Commission in order to coordinate and improve the criminal justice system in Palm Beach County.

It was suggested that membership on the Commission include representatives from health and human services, social services, our educational system, key policy makers from the county and various municipalities, principal officials of the criminal justice system, as well as prominent members from the private sector. Notably, it was emphasized that the Commission should have complete independence in order to objectively fulfill its responsibility of improving the criminal justice system, reducing the incidence of crime and providing a decent quality of life for the residents of this community.

The ordinance establishing the Commission specifies that it is to be comprised of members from the public and private sectors. A list of the membership is contained in Appendix A.

COMMISSION STAFF

The Commission currently employs three attorneys and an administrative secretary. Peter L. Yellin, a graduate of Columbia Law School, and former Chief of Staff to the New York and Arkansas Attorneys General, was appointed Acting Executive Director on September 14, 1988. Mr. Yellin served in that capacity until he was unanimously elected by the Commission as their permanent Executive Director on April 20, 1989, which appointment was unanimously approved by the Board of County Commissioners on May 23, 1989. Patricia B. Sheffield, a Law Review Graduate of John Marshall College of Law, Cleveland State University, and a former member of the Oakland County Prosecutor's Office in Michigan, and Shari L. Platt, a Law Review Graduate of Capital Law School, subsequently joined the Commission staff. Jennifer Sauer serves as the Commission's Administrative Secretary.

COMMISSION BUSINESS AND MEETINGS

The organizational meeting of the Commission was held on September 14, 1988. Officers were elected and proposed amendments to the bylaws were discussed. Jon C. Moyle was unanimously elected as the Commission's first President.

Mr. Moyle received his Bachelor of Arts Degree from Duke University and his Juris Doctor from the University of Florida. He is a distinguished attorney and the Senior Partner in the law firm of Moyle, Flanigan, Katz, FitzGerald and Sheehan in West Palm Beach. Mr. Moyle is a former Chairman of the Economic Council of Palm Beach County, a past Chairman of the Florida Democratic Party, and a member of the Barnett Bank Board of Directors.

The inaugural meeting of the Commission was held on December 14, 1988, at the Royce Hotel in West Palm Beach, whereby, an Executive Committee composed of public officials and private sector members was appointed by the President, and the amended bylaws were adopted. New York Attorney General Robert Abrams and Florida Attorney General Bob Butterworth were the keynote speakers. Both Attorneys General fully endorsed

the Commission and pledged their support. Mr. Abrams emphasized the importance of conducting an independent, objective analysis of the County's criminal justice system to ensure its maximum effectiveness. The membership agreed that a comprehensive analysis of the justice system should be undertaken.

The Criminal Justice Commission conducts regularly scheduled monthly meetings on the third Thursday of each month, commencing at 3:00 P.M. in the Twelfth Floor Conference Room at the Governmental Center in West Palm Beach. These meetings were initially structured around prominent featured speakers who are criminal justice specialists in the various disciplines, and were designed to acquaint the membership with all aspects of the justice system. Featured speakers included the United States Attorney for the Southern District of Florida, the State Attorney, the Public Defender and prominent federal and state court judges.

The Commission's Executive Committee conducts meetings two weeks prior to the full Commission meetings in order to review the agenda, and discuss other business and issues which may come before the entire membership.

The Commission has hosted special meetings squarely focusing on specific problems facing the residents of Palm Beach County. A significant meeting addressed the cocaine epidemic plaguing our residents, and was so successful that a Special Cocaine Committee was established and has become a permanent standing committee of the Criminal Justice Commission, chaired by Commissioner Carol J. Elmquist. This committee has been divided into four subcommittees so as to identify and resolve certain problem areas, including: 1) Education; 2) Treatment; 3) Law Enforcement; and 4) Prosecution, Judiciary and Legislation.

Another highly successful session addressed the crisis that is facing our juvenile justice system in Palm Beach County. Panelists at this meeting included Gerald A. Williams, a prominent attorney who chairs this committee, Judge Emery J. Newell, Administrative Judge of the Juvenile Division, the State Attorney, the Public Defender, the District IX Administrator of the Department of Health and Rehabilitative Services, a Representative of the School Board, and members of the Palm Beach County Legislative Delegation.

THE JUSTICE STUDY

President Jon Moyle appointed Chief Judge Hurley as Chairman of a Special Selection Committee to interview and recommend the most prominent consultants in the country to undertake an analysis of the criminal justice system in Palm Beach County. Executive Director Peter Yellin prepared a detailed Request for Proposal which ensured that the analysis would be broad in scope and would include a comprehensive analysis of the current criminal justice system operating within Palm Beach County. Special emphasis was placed on the effectiveness of each of its components, namely, all courts, the State Attorney, the Public Defender, all law enforcement agencies, the Clerk of the Court, corrections, probation, victim services, health and rehabilitative services, and the representation of indigent defendants in multiple defendant or conflict situations. The scope also included the evaluation of the impact of other entities on the criminal justice system in Palm Beach County, including, but not limited to, the educational system, health and mental health agencies and substance abuse agencies.

The Notice of the Request for Proposals was advertised in The Palm Beach Post and The New York Times, and various universities and private corporations submitted sealed bids.

Judge Hurley's Committee conducted in-depth interviews with each of the respondents, and three finalists were recommended to the Commission membership. The Selection Committee was expanded to include the full Commission membership and, subsequent to interviews with the three finalists, MGT of America, Inc. was selected as the consulting team that would undertake the justice study.

On July 27, 1989, the Economic Council of Palm Beach, Inc. entered into an agreement with MGT of America, Inc. to perform the initial phase of the justice analysis in the amount of \$90,000. On November 7, 1989, the Board of County Commissioners approved the contract with MGT of America, Inc. for the completion of the study in the amount of \$128,000. The final report is to be issued by the consultants on March 15, 1990.

MGT has contacted numerous health and human service agencies and criminal justice officials, and has gathered and compiled substantial data in connection with the various disciplines. Members of the consulting

team have conducted personal interviews with key officials in our educational, health and human service and criminal justice systems, and progress reports have been furnished to the Commission membership periodically. The consultants have expressed their appreciation with respect to the cooperation received from those agencies contacted.

COMMISSION ACHIEVEMENTS

The Criminal Justice Commission has achieved a number of notable successes during 1989. Significantly, as a direct result of the Commission's efforts, a second federal judge will be chambered in West Palm Beach for the first time in the County's history. At the present time, there are thirteen federal judges adjudicating cases in the Southern District of Florida, which encompasses a nine county area. The present allocation for the District is fifteen judges. Two vacancies exist due to the recent impeachment of Judge Alcee Hastings and the attainment of senior status by Judge Aronovitz. It appears that Congress will allocate an additional judgeship position, thereby, bringing the total allocation in the District to sixteen. Significantly, the Southern District of Florida has the highest caseload per judge in the nation, as this area is the drug import capital of the country.

Additionally, Chief Judge Hurley, President Jon Moyle and Executive Director Peter Yellin testified before Florida's Chief Judge Raymond Ehrlich, and as a direct result of this testimony, three circuit court judges and one county court judge will be added to the Fifteenth Judicial Circuit, effective January 1, 1990.

Other important Commission accomplishments include:

1. The establishment of a Criminal Justice Coordinating Council to implement uniform computerization and witness management.
2. The creation of an Assault Weapons Subcommittee to track legislation and prepare position papers in connection with the prohibition of assault weapons in Florida. Members of this subcommittee testified before the House Subcommittee on Prosecution and Punishment in Tallahassee urging the elimination of the sale of assault weapons.

3. The sponsoring of a special single agenda meeting focusing on the cocaine epidemic that is prevalent in Palm Beach County. The Commission heard testimony from medical experts, law enforcement officials, a recovering addict, and citizens whose lives and homes have been devastated from the proliferation of crack houses throughout various neighborhoods in Palm Beach County. As a direct result of this hearing, Commissioner Carol J. Elmquist was appointed Chairman of a Special Cocaine Committee to specifically focus on the drug problem raging in Palm Beach County. Commissioner Elmquist created four subcommittees to review specific aspects of the crack cocaine epidemic. These included Education, Treatment, Law Enforcement, and Prosecution, Judiciary and Legislation.

The goals of the Law Enforcement Subcommittee include:

- a) A review of law enforcement resources which are allocated throughout the county to combat the cocaine problem;
- b) An analysis of county wide coordination and communication among all local, state and federal law enforcement agencies;
- c) A review of present law enforcement efforts to fight the cocaine problem;
- d) A review of possible enhanced law enforcement efforts specifically directed at cocaine dealers and users; and
- e) The utilization of various organizations designed to assist law enforcement efforts, such as Crime Stoppers and neighborhood watch groups.

The goals of the Prosecution, Judiciary and Legislation Subcommittee include:

- a) The expeditious prosecution of all drug offenders;
- b) A review of current bail procedures, specifically the bond schedule which allows an offender to post bond prior to appearing before a judge;

- c) An analysis of down-charging and plea bargaining procedures in drug cases; and
- d) An analysis, and possible amendment, of the current State Sentencing Guidelines established in 1983, which permit a drug dealer to go virtually unpunished despite the fact that the dealer has been convicted of four prior felonies involving drug sales.

The objectives of the Education Subcommittee include:

- a) A review of current preventative programs;
- b) The targeting of specific "at risk" children who may be especially susceptible to the use of drugs;
- c) The enhancement of existing programs aimed at alerting children to the dangers of the use and abuse of dangerous drugs; and
- d) The encouragement of the business community and various civic organizations to become involved in the drug education programs.

The objectives of the Treatment Subcommittee include:

- a) A review of existing treatment programs;
- b) Proposals to add innovative and creative programs in order to address addiction;
- c) A review of the availability of bed space for addicts in both not-for-profit and for-profit treatment centers; and
- d) The enhancement of the capacity for providing immediate treatment to indigent addicts.

Each of these four subcommittees held extensive meetings and formulated specific conclusions which were submitted in a special report to the Commission. The Cocaine

Committee and each of its four subcommittees are to be permanent standing committees of the Criminal Justice Commission.

4. The establishment of a Juvenile Justice Committee to identify and resolve the problems currently existing in our juvenile justice system. This committee sponsored a special hearing on September 27, 1989, and heard testimony from key officials of the Department of Health and Rehabilitative Services, our educational community, law enforcement agencies and state legislators. A distinguished panel composed of Judge Emery J. Newell, Administrative Judge of the Juvenile Division, Robert Williams, Administrator, District IX, Department of Health and Rehabilitative Services, Dr. Joseph Orr, Associate Superintendent of Instruction of the Palm Beach County School Board, the State Attorney, the Public Defender, members of the Palm Beach County Legislative Delegation, President Jon Moyle, and Chairman of the Committee, Gerald A. Williams heard important testimony.

As a result of this extensive hearing, the panel concluded that our juvenile justice system is in a state of crisis. The committee recommended: a) That the number of state programs for juveniles be increased; b) That steps be taken to ensure that children are referred to the appropriate programs; c) That immediate steps be taken to increase the number of juvenile probation officers so as to reduce their caseloads and provide more one-on-one counseling to the child and the child's family; d) That community volunteers be utilized to assist the Department of Health and Rehabilitative Services in its counseling efforts; e) That a strong liaison be established and maintained between HRS and the School Board in order to identify potential dropouts and target "at risk" children, and that the officials of each agency begin a series of meetings to accomplish these goals; f) That local government officials be invited and encouraged to participate in juvenile programs; g) That a leadership role be taken by the business community in resolving the juvenile justice crisis; h) That the panel reconvene in January, 1990 to review the juvenile justice situation and recommend

proposals on how the system should deliver services on a local level; i) That the total membership of the Palm Beach County Legislative Delegation be encouraged to attend the next workshop so that they may become personally acquainted with the problems and crises existing in the criminal justice system; j) That when the panel reconvenes in 1990, the Secretary of HRS, his top deputies, key legislative leaders, including the President of the Senate and Speaker of the House, be invited to attend and participate; and k) That the Juvenile Justice Committee become a permanent standing committee of the Commission so as to provide the leadership necessary to address and resolve the many problems inherent in the system.

5. The establishment of an Auto Theft Subcommittee chaired by Chief B.R. Riggs in order to reduce the high incidence of auto theft in Palm Beach County. New York Attorney General Robert Abrams, the President of the National Association of Attorneys General, has indicated that the Association may co-sponsor a resolution with the Commission calling for federal legislation mandating newly-manufactured automobiles be equipped with auto theft protective devices. Florida's Insurance Commissioner, Tom Gallagher, indicated that his Department may offer insurance discounts to automobile owners whose vehicles are equipped with such devices.
6. The endorsement of the Drug Abuse Resistance Education (DARE) Program so as to ensure that this effective program is available to students in all public, private and parochial schools in Palm Beach County.
7. The endorsement of the Cities in Schools Program which is aimed at ensuring that our children graduate from high school.
8. The endorsement of the Law Enforcement Assistance Foundation (LEAF) which aids families of critically injured and murdered police officers.
9. The endorsement, by resolution, of the Sheriff's request for the dedication of county owned land for use as a Substance Abuse Awareness Program (SAAP Farm).

10. The endorsement, by resolution, of the Governor's Drug Free School Zone Program which enhances the penalties for drug trafficking within 1,000 feet of a school.
11. Perhaps the most significant accomplishment of the Commission is the creation of a forum, whereby, federal, state and local officials involved in the criminal justice system, as well as key administrators in our education, and health and human services offices, in Palm Beach County meet regularly to address mutual problems and concerns. The Criminal Justice Assembly in 1987 concluded that our criminal justice system was fragmented and lacked coordination. The Commission, in establishing a professional atmosphere, whereby top officials in all disciplines regularly communicate, has taken strong measures to end the fragmentation and begin the coordination so vital toward ensuring an effective criminal justice system.

1990

MGT's final report on the justice study is scheduled to be received by the Commission on March 15, 1990. It is anticipated that, consistent with the Request for Proposal, the report will: 1) Identify the strengths and weaknesses of each component of the criminal justice system; 2) Define and evaluate the interrelationships of the various entities in the system; 3) Identify the role that our educational system and preventative programs play with respect to crime prevention in Palm Beach County, with special emphasis on our elementary, middle and high schools; 4) Identify and describe the role of all nonprofit organizations that have as their central purpose the establishment of community coalitions against criminal activity; 5) Identify and describe the role of private, for-profit agencies which may impact upon our criminal justice system; 6) Document all observations, findings and conclusions and list specific recommendations with respect to improving the overall quality of criminal justice in our community; and 7) Suggest methods for implementing these recommendations.

This report will necessarily involve constitutionally elected officials including judges, the State Attorney, the Public Defender, the Sheriff and the Clerk of Court,

all of whom are members of the Criminal Justice Commission. It is anticipated that the membership will carefully review the consultants' analysis and recommendations and work cooperatively in implementing those recommendations which will serve to enhance our criminal justice community.

The Commission will continue to monitor proposed federal and state legislation which necessarily impacts the justice system in Palm Beach County. Specifically, the Assault Weapons Committee, chaired by Al Coogler, will sponsor a special meeting in early Spring to focus squarely on the dangers posed by assault weapons and the devastating effect these weapons have in firefights involving our law enforcement officers. The Commission will invite representatives from all law enforcement agencies, our Legislative Delegation, as well as other key legislators, business and civic leaders, representatives from our educational system and the print and electronic media to attend this meeting. All confiscated assault weapons retained by the various law enforcement agencies throughout Palm Beach County will be placed on display at this meeting, which will also feature a live fire power demonstration illustrating the disparity between the weapons carried by our law enforcement personnel and those carried by criminals. Special Supervisory Agent Gordon McNeill of the Federal Bureau of Investigation, who was one of the agents critically wounded in Miami on April 11, 1986 during one of the worst shootouts in F.B.I. history, will be the featured speaker.

The Commission, speaking with one voice, intends to defeat the National Rifle Association lobby, and exert significant pressure on members of the Florida Legislature in order to persuade them to enact responsible legislation in the 1990 Legislative Session prohibiting the sale of assault weapons.

Congress, in passing the Anti-Drug Abuse Act of 1988, appropriated \$450 million to the states in order to enforce state and local drug laws and to treat addiction. Florida is to receive \$17 million with the state retaining \$5.5 million and the remaining \$11.5 million to be divided among the 67 counties. Palm Beach County is targeted to receive up to \$805,000.

The State's Administrative Rule, specifying the allocation and administration of these funds, encourages the appointment of a Substance Abuse Policy Advisory Board, the membership of which shall include, at a

minimum, the Chief Circuit Court Judge, the State Attorney, the Public Defender, the Sheriff, the President of the Police Chiefs' Association, the Jail Administrator, the Clerk of the Court, the Superintendent of Education and a representative from a local drug treatment program. It is anticipated that the Commission will serve as this Advisory Board, and will act as the primary body for coordinating drug efforts throughout the County undertaken with funds provided by the Anti-Drug Abuse Act of 1988. A substantial percentage of these funds may be received by Palm Beach County in early 1990.

The permanent standing Cocaine and Juvenile Justice Committees will continue to carefully monitor and address the serious problems in our juvenile justice system and the cocaine epidemic impacting our residents. Specific recommendations emanating from these sessions will be implemented by the membership. Community involvement will be the key to successful resolution of these pressing concerns.

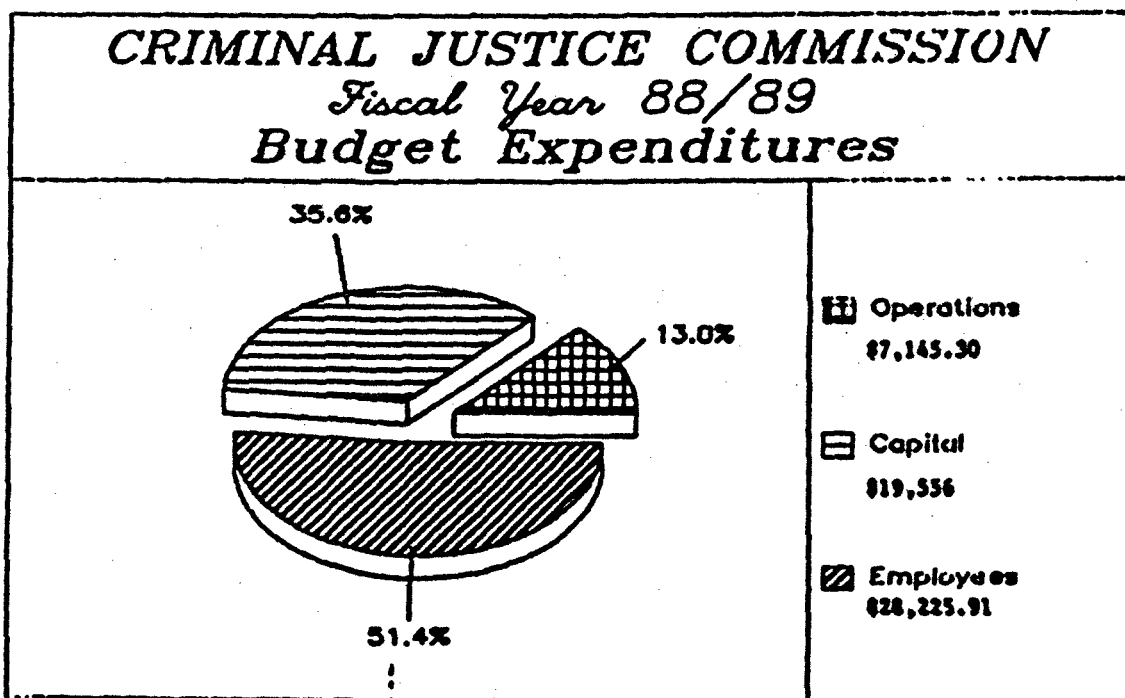
The Commission will continue to assist the Department of Health and Rehabilitative Services by reaching out to various universities and professional organizations for volunteer support in their counseling programs. The membership intends to exert pressure at the legislative and administrative levels in order to ensure that Palm Beach County receives an equitable distribution of funds and counselors to assist our troubled youth. It has been established that the juvenile delinquents of today become tomorrow's adult felons. Early intervention and counseling will continue to be the Commission's priority.

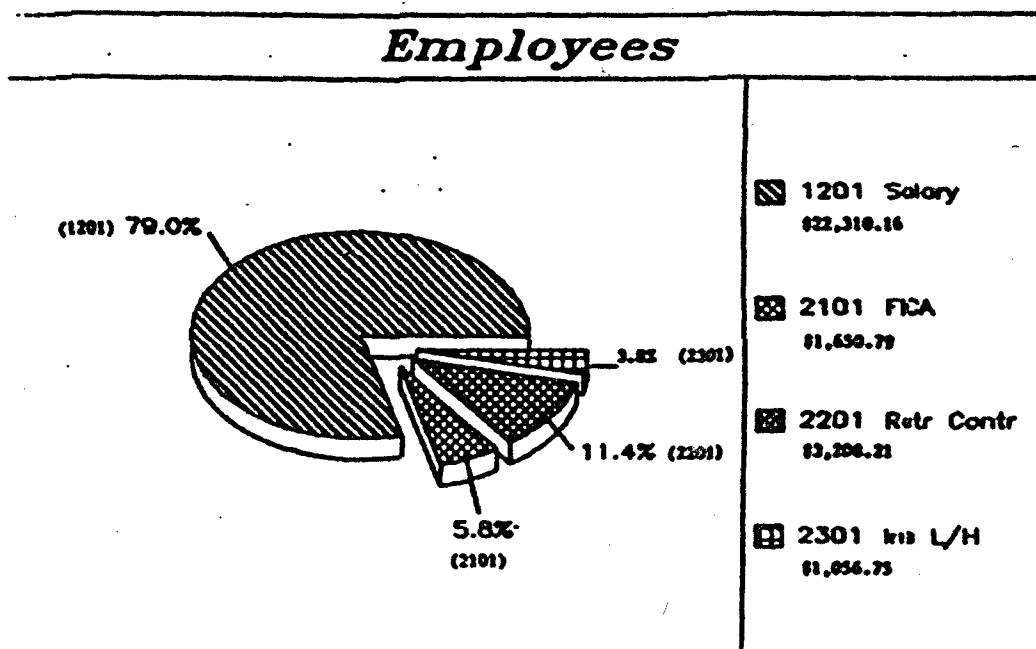
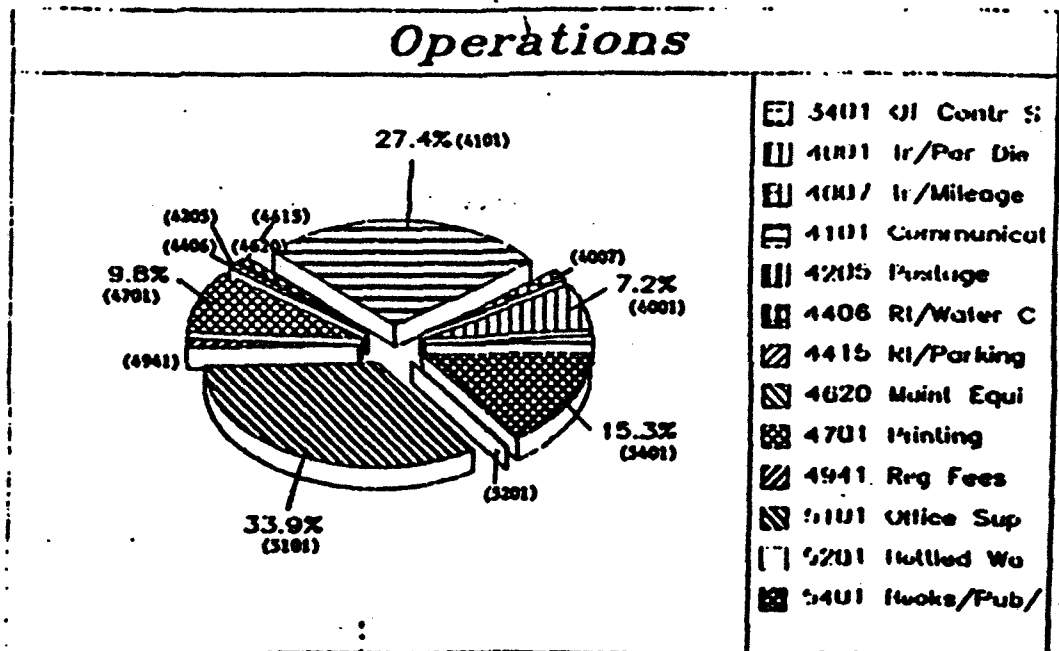
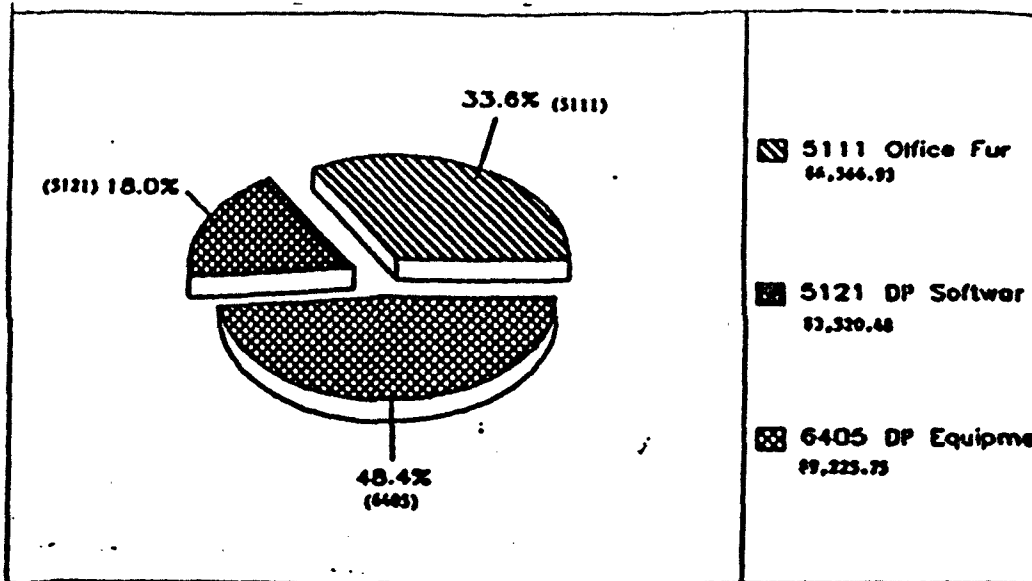
The Commission will provide the necessary forum to ensure that all officials in the criminal justice community continue to engage in constructive and meaningful dialogue so as to enhance cooperation and coordination among all components. This linkage is essential to providing an effective criminal justice system in Palm Beach County.

FISCAL ANALYSIS

The Commission's original budget for FY 88-89 was \$50,000. This was increased to \$68,939 when staff was hired. The expenses for that fiscal year amounted to \$55,089.37. A complete breakdown of the budget and expenditures is illustrated in the graphs below.

The Commission's budget for FY 89-90, totals \$379,393 which includes \$128,000 for the justice study. Two planning positions were transferred from the Criminal Justice Division, Department of Public Safety, to the Criminal Justice Commission in April, 1989.





CRIMINAL JUSTICE COMMISSION
Fiscal Year 88/89
Budget Expenditures

		BUDGET	EXPENDITURE:
Employees			
1201	Salary	30,215.00	22,310.16
2101	FICA	2,269.00	1,650.79
2201	Retr Contrb	4,324.00	3,208.21
2301	Ins L/H	1,417.00	1,056.75
	SUB TOTAL	38,225.00	28,225.91
 Capital Expenditures			
5111	Office Fur/Equip	6,491.00	6,566.93
5121	DP Software/Acc	3,779.00	3,520.48
6405	DP Equipment	9,470.00	9,469.50
	SUB TOTAL	19,740.00	19,556.91
 Operations			
3401	OT Contr Svc	600.00	87.00
4001	Tr/Per Diem	700.00	513.00
4007	Tr/Mileage	318.00	117.00
4101	Communications Ser	2,542.00	1,959.90
4205	Postage	100.00	75.00
4406	Rent/Water Cooler	8.00	8.00
4415	Rent/Parking Lot	0.00	52.86
4620	Repair/Maint Equip	760.00	0.00
4701	Printing/Binding	1,626.00	702.14
4941	Reg Fees	100.00	100.00
5101	Office Supplies	2,800.00	2,421.44
5201	Mat/Sup Oper	0.00	16.50
5401	Books/Pub/Sub	1,255.00	1,092.46
	SUB TOTAL	10,809.00	7,145.30
8201	Contr N-Ga	162.00	161.25
	GRAND TOTAL	68,936.00	55,089.37

*Includes \$1,944.60 Purchase Order 9R-24890 which was incorrectly billed at \$256.00. OFMB is investigating the problem.

REFLECTIONS

This has been an especially exciting and rewarding year for me. I have been privileged to work with prominent leaders of the business community and key public officials in achieving the Commission's goal of enhancing our criminal justice system. President Jon Moyle and other members of the Commission have volunteered literally hundreds of hours of their time toward ensuring the Commission's success in addressing the needs of our community. The support provided by Chairman Carol J. Elmquist and other members of the Board of County Commissioners, as well as by County Administration, is sincerely appreciated. I and the Commission's attorneys look forward to assisting the membership in addressing and resolving the many difficult issues ahead.

As a final note, in April, 1989, following a meeting chaired by Chief Judge Hurley involving the design of the new jail, I invited State Attorney David Bludworth and Public Defender Richard Jorandby to lunch. After exchanging social niceties, these key officials generally discussed matters of mutual concern involving their respective offices and staff. This luncheon lasted approximately two and one half hours, and I consider this brief meeting and mutual exchange to be one of the most significant accomplishments of the Criminal Justice Commission. An ideal justice system involves quality people communicating with each other. This occurred at the April, 1989 luncheon, and continues to occur at the Commission's regularly scheduled and special meetings.

APPENDIX A

OFFICERS:

Jon C. Moyle, Esq., President
Moyle, Flanigan, Katz, FitzGerald & Sheehan, P.A.

Leo A. Vecellio, Jr., First Vice President
President, Ranger Construction

Monroe A. Coogler, Jr., Second Vice President
Adams, Coogler, Watson and Merkel, P.A.

Bill Burson, Secretary
Area Manager, Southern Bell

Richard L. Jorandby, Treasurer
Public Defender

MEMBERSHIP:

David H. Bludworth, State Attorney

Donald K. DeWoody, Laventhol & Horwath

John B. Dunkle, Clerk of the Courts

Carol J. Elmquist, Chairman, Palm Beach County
Board of County Commissioners

Raymond Funk, Vice President, Police Chiefs' Association

Michael Gilles, President, Crime Prevention Officers'
Association

Tom Giuffrida, Publisher, The Palm Beach Post

Carol Hanson, Chairman, Palm Beach County Legislative
Delegation

Edward G. Hillery, Jr., President, Police Chiefs'
Association

James T. Howell, Acting Director, Palm Beach County
Health Department

Daniel T. K. Hurley, Chief Judge, Fifteenth Judicial
Circuit