



Palm Beach County
Criminal Justice Commission
Improving Justice Outcomes

Public Safety Coordinating Council

301 N. Olive Ave., 12th Floor, McEaddy Conference Room
West Palm Beach, FL 33401

Minutes

Wednesday, November 1, 2023, 12:00 PM

Members Present:

Commissioner Michael A. Barnett, *Chair*

John Viola, *PBC Bail Bond Association*

Jessica Durant, *Regional Community Forensic Liaison, Office of Substance Abuse & Mental Health, Florida Dept. of Children and Families*

Andrea Rocha, *Criminal Courts Director, Clerk of the Circuit Court & Comptroller (nominee)*

Nellie King, *Criminal Defense Lawyer*

Dan Eisinger, *Assistant Public Defender, Public Defender's Office, 15th Judicial Circuit*

Nancy McConnell, *Lived Experience Representative (nominee)*

Judge Ashley Zuckerman, *Administrative Judge, County Criminal Court, 15th Judicial Circuit (nominee)*

Barbara Dawicke, *Trial Court Administrator, 15th Judicial Circuit, Represented by Michelle Cruz*

Pretrial Intervention Program seat (vacant), *represented by Jessica Hidalgo, Manager, Criminal Justice Programs*

Judge Ashley Zuckerman, *Administrative Judge, County Criminal Court, 15th Judicial Circuit (nominee)*

Members Absent

Judge Daliah Weiss, *Administrative Judge, Criminal Division, 15th Judicial Circuit*

Major Michael Devoter, *Commanding Officer, Palm Beach County Sheriff's Office*

Chief Gregory Starling, *Chief Probation Officer, Department of Juvenile Justice*

Derek Gibson, *Circuit Administrator, Region IV Circuit 15, Florida Department of Corrections*

Alton Taylor, *President and Chief Executive Officer, Drug Abuse Foundation of PBC, Inc.*

Chief Gus Medina, *President, Association of Chiefs of Police, Chief of Tequesta Police Department*

Julia Dattolo, *President and Chief Executive Officer, CareerSource PBC*

Mornae Randall, *Lived Experience Representative*

Jan Underwood, *Lived Experience Representative*

Nicole Bishop, *PBC Director of Justice & Victim Services*

Daniel Ramos, *Senior Program Manager, PBC Community Services Department*

Ann Berner, *Chief Executive Officer, Southeast Florida Behavioral Health Network*

Jenica Lopez, *Assistant State Attorney, State Attorney's Office, 15th Judicial*

CJC Staff Present:

Regenia Herring, *Executive Director, CJC*

Dawn Caveness-Davenport, *Senior Criminal Justice Analyst, CJC*

Katherine Shover, *Criminal Justice Systems Manager, CJC*

I. Welcome and Opening Comments – Commissioner Michael A. Barnett, Interim Chair



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II. Roll Call and Introduction of Guests – *Dawn Caveness-Davenport, Senior Criminal Justice Analyst, CJC*

III. Approval of and/or Additions to the Meeting Agenda for November 1, 2023- approved by John Viola and seconded by Nellie King. **Unanimous approval.**

I. Approval of Minutes from the August 15, 2023 meeting- approved by John Viola and seconded by Nellie King. **Unanimous approval.**

II. Discussion Items:

A. Pretrial Legislative Changes- *Kasey Denny, Director of PBC Legislative Affairs* – A discussion was held regarding House Bill 1627. The bill required the Florida Supreme Court to adopt a unified Bond Schedule. If a Chief Judge wants to set a higher local bond schedule, they can do so. If they wanted to set a bond that was lower than what the Florida Supreme Court says, they have to petition the Supreme Court. The goal was to set the floor for bond and consistency across all of the judicial circuits in the state of Florida. It also provides circumstances in which a person cannot be released. There is a long list included in the bill. A few are if a person was on Pretrial Release, Probation, or community control, if the person was designated as a sexual offender or sexual predator, if they were arrested for violating a protective injunction, if they were released from supervision, if they have been sentenced as a prison release reoffender, habitual violent felony offender, three-time violent felony offender, violent career criminal, if they have been arrested three or more time in the six months immediately proceeding their arrest for the current offense or if their current offense is one of 14 listed etc. (please see attached bill 1657 for your review).

The new legislation also authorizes a court to revoke pretrial release and order detention if the court finds probable cause to believe the defendant violated any condition of that release. It includes DUI manslaughter, trafficking in fentanyl, extortion, and written threats to kill in the terms of a dangerous crime. It then says that a person arrested for a dangerous crime may not be granted non-monetary pretrial release at first appearance. If the court has determined probable cause that a person has committed the offense. While still discussing dangerous crimes, if the defendant is



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arrested for a dangerous crime, that is a capital life or first-degree felony, and the court determines probable cause that they have committed the offense. The state attorney or the court shall motion for pretrial detention.

The court is required to order pretrial detention if they find a substantial probability that someone has committed the offense based on past and present behavior patterns. Those criteria that were just discussed and any other relevant facts that no conditions of release would either protect the community, ensure the presence of the defendant, or assure the integrity of the judicial process is when the court is required to order a pretrial detention. It also clarifies that an arresting agency can detain a defendant pending the completion of the pretrial detention hearing, and if a motion for pretrial detention is required, the hearing must be held within five days of the first appearance, or if there is no first appearance hearing, it has to be five days after arraignment. John Viola advised that a draft of the bond schedule was received and offered to send Ms. Denny what he had. Ms. Denny provided her email address (kdenny@pbcgov.org) for any questions that come up later while reviewing the bill, legislation, or statute.

B. Mr. Viola asked for clarity stating all second-degree felonies are no bonds, all first-degree felonies are no bond, and they want arrests for misdemeanors; all misdemeanors have bonds now, which they never had before, so there will be DUI misdemeanors. Richard Riffland confirmed Mr. Viola's statement. Mr. Viola agreed to send out a tentative bond schedule that has yet to be adopted so the group could review it. Executive Director Herring advised that the PSCC should be looking at bond schedules. Nellie King questioned if the CJC has looked as far as an impact study on the jail, on the cost, on the other components such as the societal cost of people losing their jobs by the time somebody gets to a hearing, particularly on misdemeanors, or if they don't have the money to bond out on a misdemeanor. The CJC has yet to pursue a study. Ms. King would like the Chief Judge to look and see if the bond schedule is appropriate especially around misdemeanor and low level offenses. Ms. Herring is scheduled to meet with the Chief Judge next week and can ask him. It may be beneficial if he can come to the next PSCC meeting. Ms. King requested an impact study. Mr. Viola advised a review is done



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every year. So, every county can input their findings annually. Someone is now charged explicitly in the Supreme Court to make bond changes and suggestions. So, it may be more prudent to see what happens and then provide them with suggestions or recommendations at that time. Ms. King suggested being proactive before the changes become the culture. Lastly, Ms. Denny advised that, looking forward to the 2024 legislative session, legislators are already meeting in committee. They have yet to consider any legislation, but the legislative session runs 60 days, starts January 9th, and is slated to end on March 8th. So, bills have already been filed by Senators and House members relating to parole for nonviolent offenders, treatment of inmates, law enforcement training requirements, etc. Members were encouraged to go to floridahouse.gov and/or floridasenate.gov for more information. On the CJC side, the Executive Director suggested a legislative group to study the changes.

C. Alternative Custody discussion with *Deputy Aaron Jones, PBSO* - An alternative custody unit for the Palm Beach County Sheriff's Office (PBSO) means GPS monitoring within the county. Therefore, house arrest consists of a GPS monitor from the Sheriff's Office permanent custody unit. They usually monitor individuals within the PBC. Still, we also have individuals out of the county that are considered in our jurisdiction, such as those as far north as St. Lucie County, Martin County, Broward County, Okeechobee County, and Hendry County. They currently have about 175-180 inmates in the program, consisting of pretrial inmates, county sentence inmates, Department of Juvenile Justice (DJJ) individuals/Direct Files Juvenile, and probationary inmates. Mr. Viola asked the average wait time to get on the GPS. Deputy Jones answered due to a lot of protocols the program has because of liability, once they have received all the documentation, such as driver's license info, verifying the address, making sure they submitted their weapons, etc., it takes an average of two to three days to get an individual out. Additionally, they must have 24-hour access to the individuals to come in and search for their well-being. They cannot be around any illegal drugs or alcohol. Also, they need a hard telephone line. Ms. King asked, "Equipment and technology have come a long way from the hard line into the wall. And has the Sheriff's Office



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considered moving to the next generation of technology?" Deputy Jones shared they have researched other providers GPS, which is accurate but needs to be more precise. The phone line is a way to hold individuals more accountable. If an individual moves too far out of that zone trying to go next door or if they're in an apartment complex and they leave and go next door, PBSO is going to know they are there because that one piece that's hooked up to the phone is always looking for the device connected to the individual. That is the main importance of the phone line. It is accurate. As discussion ensued regarding the cost an individual has to pay to be on a monitor. It was stated the price was \$300-\$500 monthly. This includes a \$168 initial program placement fee and \$42 a week, which is \$6 a day to stay on the program. It will double to \$12 a day, which is \$84 a week to stay on if they work. The judge is the only one with the power to waive or eliminate the fees. Dan Eisinger stated Department of Corrections (DOC) uses non-landlines for individuals who have been convicted. Executive Director Herring suggested the group inquire why there is no consistency between PBSO and DOC's monitoring systems. Katherine Shover suggested that the PSCC look at the comparison of the different agencies and how they utilize the monitoring systems and bring back to this body a comparison of the differences to ensure equity.

D. Development of a Work Plan/Committee Priorities for 2024 – The board discussed the work plan for 2024, which was a big question for the group due to the many items the board can address. Dan Eisinger suggested "I would move to people have to submit their ideas and I think put it into some form of a poll survey because I think we've seen this before." Everybody can submit two or three items for the work plan to see if there is a consensus; start with two or three and then work from there. Nicole Bishop suggested, "So if there's already data collected that we could put out there as known issues. Then I would suggest starting with those things." Executive Director Herring suggested continuing to look at the Pretrial data collected and asking in the survey what



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additional data we should collect. It was also suggested to look at the priority areas the Reinvestment grant will outline. Mr. Eisinger stated that they had started this misdemeanor division, T2, a misdemeanor mental health court, which has gotten support from Mayor Weiss and others in the county. There have been discussions about expanding it to cases where competency is not an issue, where just mental health is the real reason for the arrest, which are minor offenses such as trespass and resisting, where it is usually a medical situation. And even the sheriff has expressed interest in participating. Ms. King suggested that if the board could get some priorities on paper, they could workshop through those meetings.

E. The Sequential Intercept Mapping (SIM), which took place September 13-14, 2023 and the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant- *Regenia Herring, Executive Director, CJC* - Katherine Shover gave an update on the SIM. It was a great turnout with over 70 participating. Palm Beach State College, Criminal Justice Commission, and the MacArthur Foundation hosted the event. The CJC just received a draft report and once ready, it will be sent out to the partners to review and give input. The Palm Beach County School District received a grant to fund the SIM for juveniles. There was also a Stress test too, to see what policies need to change.

III. New Business

A. Appointment of a Chair - John Viola nominated Commissioner Michael Barnett to chair the PSCC. The board voted to have Commissioner Michael Barnett as the chair and he accepted. The vice chair nominee was postponed.

IV. Old Business

A. **None-** During the meeting, the board was advised by CJC staff that they would try to have Well Path at the next meeting because they could not attend today.



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V. Attachments

A. PBC Pretrial Services Program Public Safety Coordination Council Report

VI. Next Meeting: Wednesday, *December 6, 2023, location TBD*

VII. Adjournment