

M I N U T E S

MONDAY, June 8, 2009 – 8:00 a.m.

**PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
EXECUTIVE COMMITTEE**

McEaddy Conference Room
12th Floor, 301 N. Olive Avenue
West Palm Beach, Florida 33401

Members Present:

James Barr
Barbara Cheives
Douglas Duncan
George Elmore
Carey Haughwout
Feirmon Johnson
Randolph K. Johnson, Sr.
William Kramer
Kathleen Kroll
Michael McAuliffe

Members Absent:

Ric Bradshaw
Matt Immler
Art Johnson (ex officio
Committee)
Harry Johnston, II (ex officio
Executive Committee)

CJC Members Attending:

Max Davis
Marti LaTour

Guests Attending:

Peter Blanc, Court Administration
Mark Broderick, Clerk & Comptroller
Maxine Cheesman, PEACE
Commissioner Jeff Koons
Paul A. Rasmus, People Engaged in Active Community Effort
Wayne Reynolds, First UU of Palm Beach County
Nicole Saunders, Court Administration
Stephanie Sejnoha, Office of Financial Management & Budget

Staff Present:

Michael L. Rodriguez, Executive Director
Journey Beard, Crime Prevention Project Specialist
Arlene Burton-Griffiths, Administrative Secretary
Wayne English, Sr. Criminal Justice Analyst
Katherine Hatos, Criminal Justice Analyst
Damir Kukec, Research & Planning Manager
Jenise Link, Sr. Criminal Justice Analyst
Rosalind Murray, Program Development Specialist
Glenna Nowalk, Clerical Specialist

Brenda Oakes, Youth Violence Prevention Planning Coordinator
Mike Szakacs, Financial Analyst II
Becky Walker, Criminal Justice Programs Manager
Candee Villapando, Criminal Justice Analyst

- I. Chairman Barr called the meeting to order at approximately 8:05 a.m.
- II. Roll call was taken and a quorum was present.
- III. Chairman Barr welcomed members and invited guests to introduce themselves.
- IV. The agenda was approved unanimously after amended by State Attorney Michael McAuliffe to add under new business item, a summary and discussion of the Grand Jury Report and how it might relate to the CJC.
- V. Approval of the minutes of the April 13, 2009 Executive Committee meeting was deferred to the next scheduled meeting to accommodate corrections by Chief Judge Kroll as well as comments made by Dr. Art Johnson.
- VI. Under Chairman's comments, Chairman Barr reminded the meeting :
 - A. To use the microphone when speaking so that persons can hear you clearly and for recording purposes.
 - B. That there are no scheduled full Commission meetings for the months of June, July and August, but as always, if the need arises, a special meeting will be called.
- VII. Executive Director's Comments
There were no Executive Director comments.
- VIII. Business Consent Item
There were no business consent items.
- IX. Old Business
Executive Director, Michael Rodriguez reported that there have been no changes to the budget since May's full CJC meeting. He advised that the Board of County Commissioners (BCC) approved all the recommendations made for the Justice Assistance grant allocations as presented, and announced that a budget workshop was scheduled to begin at 9:30 a.m. to which he invited members interested in attend.
He added that the CJC received the 51% required from the cities to proceed with the grant, but noted that the state requested a revision of the letters submitted to the cities which has slightly delayed the process. He expects no problems going forward.
Chairman James Barr welcomed Commissioner Jeff Koons to the meeting and invited him to provide an update on the budget situation.
Commissioner Koons commented that the BCC recognized the mental health and criminal justice system as big cost factors in terms of jail and probation. He noted that the goal of the administration is to try to put more resources in that area in the future. He said that Mr. Weisman is recommending a roll back number which could get worse if the commissioners want to cut more. He noted however that the Sheriff received a slight

increase in his budget, but stated that if there are going to be cut backs, it could be within the CJC and could get even worse next year. He urged the CJC to take a strategic look at what it wants to do for the coming year.

He expressed his appreciation for all the work CJC has been doing over the years while ensuring that the resources are used as effectively as possible.

Mr. William Kramer commented on the difficulty experienced by the CJC in drawing the line between how the funds are theoretically disbursed and where the responsibility lies among the state, county and cities.

Commissioner Koons responded that the BCC relies on the CJC to make sure that the dollars are spent where they can to be most efficient.

X. New Business

A. Neighborhood Accountability Boards

State Attorney Michael McAuliffe advised of a letter sent to Mr. Rodriguez some weeks ago regarding a public commitment he made at a meeting a couple months ago with the People Engaged in Active Community Efforts (PEACE). This was to put the viability or the appropriateness of a neighborhood accountability board model for restorative justice on the agenda for discussion. He said that in theory, it is always good to divert matters where appropriate from the formal court system. He advised of his previous discussion with PEACE regarding the diversionary program in the county, particularly with the school district and Youth Corps, and said he thinks it is a matter worth exploring. He further mentioned that if there is a current structure in place, he would be willing to divert some matters on a pilot basis.

State Attorney McAuliffe recommended that the first step however, would be for CJC staff to carry out a survey to determine existing neighborhood accountability boards in the county and/or region to see how they are structured and funded, and present findings to the CJC. He advised that Broward has a fully developed program.

Public Defender Carey Haughwout fully supports the idea of the CJC looking into the issue, noting that it combines community involvement with our children and comes at a very important time when the Department of Juvenile Justice (DJJ) is severely suffering from lack of dollars. She commented that even though a lot of kids are diverted out of the system, close to 50% of the cases in juvenile courts are missing. She explained the concept as community boards which structure, sanction and oversee cases with the idea of restorative justice, giving back to the community and the community being more involved with these children.

She also agrees that the first step would be to refer this to a task force. She added that PEACE has done a great job of researching the issue and would be a good resource already available to the CJC.

Mr. Rodriguez said that the CJC staff will do a preliminary survey while the Court Systems Task Force is on meeting breaks and present to them upon resumption of their meetings in September 2009.

Ms. Barbara Cheives commented that she has worked with PEACE and was privy to a lot of the discussion, adding that it is a phenomenal thing for the CJC to investigate. She noted that her understanding of the program in Broward is that it started at the State Attorney's office and was later handed over to the Sheriff's office. Ms. Cheives recommended that the CJC seek the assistance of Dr. Bazemore since he has some expertise in the establishment of neighborhood accountability boards. She also added that PEACE has approximately 20 churches engaged in neighborhoods, which would be a plus for the CJC since it had previously discussed about adding clergy to its membership.

Members unanimously agreed to pursuing the matter and reporting back to the CJC during the fall after motion by State Attorney Michael McAuliffe and second by Public Defender Carey Haughwout.

Mr. Rodriguez pointed to the process and criteria handout included in the agenda packet which explains how CJC does business. He urged members to stick with the process as it is usually comforting for him and staff to be directed by members on the issues in which to invest staff time.

B. Statewide Drug Testing for Drug Court Research

Mr. Rodriguez reported that the issue came up at the Drug Court Advisory Board. He noted that funding for drug testing has always been an issue in the county, and as such, the board requested CJC's assistance in determining how this is done in other counties.

Chief Judge Kathleen Kroll added that Ms. Nicole Saunders did a lot of research on a county level for the committee.

Ms. Saunders reported that a large percentage of the dollars spent for drug court comes from drug testing. She noted that a lot of other agencies that are court and county involved such as pretrial, teen courts and county probation utilize drug testing. She said the idea of the research was to find out how much these entities spend on drug testing and whether all this testing could be aggregated into one entity, like Volusia County did to fund a county self-supported drug testing lab, hence the request for CJC's assistance in researching. She also said that in addition to establishing the county self-supported drug testing lab, the board needed to know how much money Palm Beach County was spending on drug testing and whether that could be used as a buying power for the drug testing that the court currently does.

Chief Judge Kroll added that drug testing is also done at the Juvenile Assessment Center (JAC). She said that Commissioner Jess Santamaria sits on the Drug Court Advisory Board and is also interested in the idea.

Mr. Rodriguez commented that it would make sense to do the research as he doesn't think anyone knows the different ways drug testing is done.

It was agreed to proceed with the research.

C. Grand Jury Report

State Attorney McAuliffe referred to the report, noting that the county's grand jury issued a presentment of reviewing county governance which was broken down into six topic areas as captured in the report. He noted that his reason for presenting the report to the CJC is to highlight the issue of funding as it relates to the recommendation for creating an office of inspector general and an ethics commission with a broader ethics ordinance that would cover conduct of elected and appointed officials. He commented that the stimulus funds coming through the CJC for criminal justice related issues could be one source of non recurring seed money funding for this purpose. He asked if Mr. Rodriguez and staff could determine the stimulus monies coming through the CJC for year two and see whether the office of inspector general and an ethics commission meet the criteria for funding.

Chairman Barr remarked that his understanding from reading the report, is that the county commissioners would fund or review the recommendations relative to moving in the direction they see fit.

Ms. Cheives commented on discussions held at the end of a CJC meeting some months ago regarding what Leadership Palm Beach County was doing as well as what has been put in place by county administration according to Commissioner Marcus. She questioned whether the grand jury report caused a change in that direction.

State Attorney McAuliffe stated that in his opinion, the grand jury report highlights some of the principal areas of review, made specific findings and recommendations, as well as acknowledged the significant steps taken in the right direction by the county commission and county governance. He also thinks that the Economic Council, the Business Forum, the Voters Coalition and Leadership Palm Beach County are all forming a consortium to assist the community and the county commission through the next phase of the discussions.

Mr. George Elmore inquired which department budget the inspector general would be overseeing.

State Attorney McAuliffe responded that the grand jury's recommendation is for the office of inspector general to be organized under a county ordinance and have jurisdiction over all county departments and operations including any entity that received or operated on county funding.

Mr. Elmore further questioned why each department could not pledge one tenth of one percent of their budget to underwrite this cost, considering the stimulus money will not always be available.

State Attorney McAuliffe said that there are different financial models that could be used to make it a self sustaining entity, but that his idea was to have the seed money to provide the start up cost.

Mr. Kramer remarked that a dependence on stimulus money for this purpose would be very non committal, and noted that this is a mandate for county funding and not federal government. He also added that the CJC has used all the

stimulus monies for the next three years, and has no knowledge at this time where the funding will be next year. He reiterated that the CJC is an organization to do background studying and coordinating and not long term funding.

State Attorney McAuliffe said his view is not to have permanent funding through stimulus money, but argued that the CJC has funded some projects for a decade.

Ms. Cheives inquired about a new inspector general that was recently hired by the Clerk and Comptroller's office.

State Attorney McAuliffe said that there is a new certified inspector general but noted that there are some differences as it relates to specific job functions.

Chief Judge Kroll remarked that the report is directed to the BCC, and wondered if they should not be allowed to provide the direction as to how it should happen.

Commissioner Koons commented on the auditing process he has been involved with over the last five years, noting that there is always the opportunity to improve the county's audit function to make it bigger and more independent. He thinks that the ethics commission process is very important and needs to be looked at, and said that the CJC would be valuable in assisting the county in proceeding even though the BCC might take it to the voters.

Public Defender Haughwout remarked that while she has no opinion on whether a new inspector general is appropriate at this time, she does have concerns with the CJC's role in this. She said that while she sees the overlap in ethics in criminal violations, more important are strictly ethical issues rather than where they overlap in the criminal justice system. She would therefore prefer that the discussion be an advisory one from the perspective of the criminal justice system. She added that the perspective of the non-profit and the business community is also needed.

Commissioner Koons remarked that the BCC does need the expertise of the CJC and not funding.

After further discussion the CJC members agreed to leave the matter open for further discussion.

Chairman Barr thanked the State Attorney for bringing the report to the CJC's attention.

There being no further business before the Commission, the meeting was adjourned at approximately 8:55 a.m.