

M I N U T E S

MONDAY, April 25, 2011

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Rosalyn Baker

Peter Blanc
Barbara Cheives
Douglas Duncan
George Elmore
Carey Haughwout
Feirmon Johnson
William Kramer
Kathleen Kroll

Marti LaTour
Michael McAuliffe
Gerald Richman
Chuck Shaw
Lee Waring
Clarence Williams
Susan Yoffee

James Barr, Ex-Officio Executive Committee

Members Absent:

Stephen Barborini

Mack Bernard
Sharon Bock
Ric Bradshaw
Steven Burdelski
Delsa Bush
Mike Driscoll
Rolando Garcia
Randolph K. Johnson,
Sr.
Nellie King
Wesley Lauer
John McKenna
Valentin Rodriguez
Priscilla Taylor
Carmen Veneziano

Bill Malone, Ex-Officio
Executive Committee

Guests Attending:

Sarah Alsofrom, State Attorney's Office
Cerina Anderson, Delray Beach Police Department
Jeannie Damato, OFMB
Jennifer Loyless, Public Defender's Office
Stephanie Patterson, West Palm Beach Police Department
Javano Sims, Delray Beach Police Department
Geoff Sluggett, Sluggett & Associates
Inda Spence, Riviera Beach Weed & Seed
Louis Tomeo, Clerk and Comptroller (for Clerk Bock)
Suzanne Turner, YWCA
Dorrie Tyng, Court Administration

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Secretary
Shahzia Hashmi, Intern
Katherine Hatos, Criminal Justice Analyst
Jenise Link, Sr. Criminal Justice Analyst
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Craig Spatara, RESTORE Initiative Program Manager
Becky Walker, Criminal Justice Programs Manager

- I. Chair Barbara Cheives called the meeting to order at approximately 8:07 a.m. Welcome was extended to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chair Cheives invited guests to introduce themselves.
- IV. The agenda was unanimously approved after motion by Mr. Duncan and second by Mr. Waring.
- V. The minutes of the March 28, 2011 meeting were unanimously approved after motion by Mr. Elmore and second by Mr. Barr.
- VI. Under Chairman's Comments, Chair Cheives encouraged members to attend the May 23rd meeting which will be the last full meeting before the summer break. She also extended special welcome to new member Susan Yoffee.
- VII. Under Executive Director's comments, Mr. Rodriguez:
 - A. Welcome back Jenise Link from maternity leave.
 - B. Reported that the Law Enforcement Planning Council (LEPC) has decided to use the Domestic Violence Funds to provide training materials for domestic violence training for law enforcement countywide as well as overtime payment for some officers to attend the training. He noted that Liz Parker from the State Attorney's Office made a presentation to the LEPC about the training to be pursued.
- VIII. Special Presentation

Ms. Suzanne Turner from the Young Women's Christian Association (YWCA) made a presentation on the national life effort which was started in Princeton, New Jersey a number of years ago. Various organizations were asked to participate in a pledge against racism. She noted that this was their first effort in Palm Beach County and that major organizations would be hosting special events on Friday, April 29, 2011 in an effort to stand against racism and discrimination. The CJC staff has partnered with the YWCA in this effort and persons were asked to sign the poster and take a pledge against racism.
- IX. Under New Business Public Defender Carey Haughwout reported that her office has been looking at the various services available to people in the pretrial stage at Gun Club. She said that while there are a variety of ongoing initiatives, she was not

sure of an overall view or sufficient coordination to maximize the dollars spent on pretrial services. She commented on the timeliness, as it appears that the pretrial release bill is going forward with certain passage which will significantly impact the current SOR.

To this end, Ms. Haughwout suggested that the CJC and Corrections Task Force do a comprehensive overview of the pretrial services both diversion and other programs to determine what are being done, what needs to be done, and appropriate responsibilities. She remarked that this is one of those appropriate areas to be looked at by the CJC with input from the private sector as we tackle the issue of where to spend dollars for the greatest impact.

Chief Judge Peter Blanc concurred with Ms. Haughwout, noting that more information is always better, but expressed his concern with member's ability to discuss the issue while looking at the justice system on a whole.

Ms. Haughwout advised that there is currently a mental health diversion program for misdemeanor and serious repeat offenders which the CJC is currently involved in. She further explained that she is referring to programs at Gun Club that are directed to a pretrial status.

State Attorney Michael McAuliffe added that it would be a worthy exercise, and recommend that a fact finding exercise be carried out prior to CJC making its decision as there are potential overlapping.

Chief Judge Blanc inquired how this would relate to Commissioner Marcus' request of the CJC to look at the services for duplication, at which point Mr. Rodriguez explained the difference and recommended that it be treated separately since the Commissioner wants every program to be included in that exercise. Mr. Rodriguez further suggested that Corrections first look at the issue and report to the CJC.

X. Old Business

A. CJC 2012 Budget

Mr. Rodriguez reported that there were no further meetings since no firm dollars have been allocated, but noted that communications from the feds indicated that there would be a 17% reduction in formula grant dollars to the CJC. He also noted that the CJC recently applied for an anti gang prevention and intervention grant and was informed that there were no available dollars.

B. Sunshine Law

Chair Cheives provided an overview and current status of the discussions on the sunshine law, highlighting that the CJC has been having discussions surrounding the issue of the constitutional officers not being able to effectively do their job due to the inability to discuss matters that could foreseeable come before the CJC outside of the meetings. She stated the Sunshine Law Committee's recommendation to keep the ordinance status quo, review the CJC agenda, while pursuing a legislative fix.

Public Defender Haughwout reiterated her position that the CJC remain as is

and go forward with a limited view of the issues coming before the CJC with a possible review after six months to see if that might be a solution to the problems.

Mr. Gerald Richman concurred with Ms. Haughwout saying that would be the best option as he wasn't sure how the CJC could effectively function without the constitutional officers at the table.

State Attorney McAuliffe said that he would be happy to draft a proposed legislation for the next legislative session regardless of how the issue is resolved, noting that it makes sense to have an exemption, but that it would be an uphill battle. He commented on the restrictions identified, saying that it might be more visible for him since the office falls under his enforcement role as State Attorney.

Chair Cheives commented that if the CJC should open up the ordinance to allow for designees, that it might lose the incentives of going forward with creating an amendment.

Mr. George Elmore advised that following the last CJC meeting, he approached a number of attorneys and inquired if they would be willing to do a search of the system to determine an alternate and the procedures for requesting an exemption. He said both attorneys informed him that it was late for this session, and that it would have to be a sole issue bill for the next session, but that they could have a written response in the next couple of weeks for presentation at the next CJC meeting.

After further discussion, Ms. Marti LaTour moved the motion for the CJC ordinance to remain as is, that the CJC limit its agenda, and include time limits, and proceed with the exemption request for next legislative session. The motion was seconded by Mr. James Barr and approved by members with Mr. McAuliffe opposing.

Mr. Rodriguez provided the process and criteria to be used for issues coming before the CJC, as well as a list of the items covered by the taskforces. Chief Judge Blanc requested that the document be further broken down to show the decision for proceeding on a fact finding basis only in order to limit the period of time for recommendations while clearly designating the steps to be taken next.

XI. CJC Initiatives/Updates

No initiatives or updates were reported.

- XII. Under member's comments, Mr. Richman informed the meeting of various legislative proposals to amend the Florida Constitution that would significantly change the structure of the Florida Supreme Court by increasing the number of Justices to ten at a cost of \$21M and an annual increase of \$3M per year. Doing so would split the Court into two divisions, modifying the court's jurisdiction and significantly increasing the costs to the taxpayers in staff and support, and severely impact the criminal justice system in Florida. He also noted that there was no study

showing that this would improve the administration of justice nor was there any demonstrated need for the change. Mr. Richman said that the legislatures have also tied a permanent funding source for the judiciary to one of the provisions in the bill but that it was very vague.

Mr. Richman moved the motion for the CJC to take a position opposing the current legislation and instead have the legislature designate and appoint a commission to study the issue to determine its necessity and to make the recommendations at the next legislative session. Chief Judge Blanc seconded the motion, noting that the courts have struggled for years to get the legislatures to designate a specific funding source for the courts, but that the way the legislation is proposed is a bad idea, and that it would not make the courts more efficient.

State Attorney McAuliffe amended the motion which was unanimously approved after seconded by Chief Judge Blanc. He said that it is draconian, inappropriate, and will severely limit his ability to perform investigations and appropriately prepare cases for trial, and will also affect the Public Defenders ability to professionally and confidently represent her clients in the criminal justice system.

Public Defender Haughwout concurred that there was no study or evaluation as to the appropriateness of such massive redistribution, and said that it will impact the quality of justice in Palm Beach County.

The CJC will submit letters to the relevant parties opposing the current legislations.

There being no further item for discussion, the meeting was adjourned at approximately 9:10 a.m.