

M I N U T E S

MONDAY, May 23, 2011

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Rosalyn Baker
Delsa Bush
Douglas Duncan
George Elmore
Carey Haughwout
Feirmon Johnson
Randolph K. Johnson, Sr.
Kathleen Kroll
Marti LaTour
Wesley Lauer
Gerald Richman
Chuck Shaw
Priscilla Taylor
Lee Waring
Clarence Williams

James Barr, Ex-Officio Executive Committee

Guests Attending:

Sarah Alsofrom, State Attorney's Office
Jeannie Damato, OFMB
Sean Hawkins, Be The Oak Foundation, Inc.
Jennifer Loyless, Public Defender's Office
Louis Tomeo, Clerk and Comptroller (for Clerk Bock)
Sandra Reynolds, Palm Beach County Victim Services
Pat Sheffield, Juvenile Detention Alternatives Initiative

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Secretary
Katherine Hatos, Criminal Justice Analyst
Jenise Link, Sr. Criminal Justice Analyst
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Craig Spatara, RESTORE Initiative Program Manager
Mike Szakacs, Financial Analyst II

Members Absent:

Stephen Barborini
Mack Bernard
Peter Blanc
Sharon Bock
Ric Bradshaw
Steven Burdelski
Barbara Cheives
Mike Driscoll
Rolando Garcia
Nellie King
William Kramer
Michael McAuliffe
John McKenna
Valentin Rodriguez
Carmen Veneziano
Susan Yoffee

Bill Malone, Ex-Officio
Executive Committee

Becky Walker, Criminal Justice Programs Manager

- I. Vice Chairman Douglas Duncan called the meeting to order at approximately 8:05 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 Commissioner Taylor and second by Mr. Waring.
- V. The minutes of the April 25, 2011 meeting were unanimously approved after motion by Mr. Elmore and second by Commissioner Taylor.
- VI. Under Chairman's Comments, Vice Chairman Duncan announced that the full Commission will not meet during the summer unless there is a need for a special call meeting, but that the Executive Committee will continue to meet on June 13, July 11, and August 8, 2011. He encouraged all members to attend the Executive Committee meetings. The full Commission will resume meeting on September 26, 2011.
- VII. Under Executive Director's comments, Mr. Rodriguez:
 - A. Advised of members and guests of the Prescription Drug Abuse and Pain Clinic Summit II which will be hosted by the State Attorney and Sheriff's Offices on Thursday, May 26, 2011 from 9:00 a.m. to 12:30 p.m. at the Clayton Hutcheson Agricultural Center at 559 North Military Trail, West Palm Beach (Exhibit Halls A & B). The summit is free and open to the public but seating is limited.
 - B. Advised of portfolio changes in the CJC as follows:
 - Jenise Link – Reentry
 - Becky Walker - Criminal Justice Mental Health and Substance Abuse
 - Rosalind Murray – Court Systems

VIII. New Business

- A. Members approved sending letter of support to the for Palm Beach County Rape Crisis Center. The Center which is run by the Justice Service Center.....

B.

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.

IX. 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.

X. CJC Initiatives/Updates

No initiatives or updates were reported.

- XI. 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.