

M I N U T E S

MONDAY, April 23, 2012

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Rosalyn Baker
James Barr
Peter Blanc
Mike Driscoll
Douglas Duncan
George Elmore
Carey Haughwout
Feirmon Johnson
Randolph K. Johnson, Sr.
James Kelly
Kathleen Kroll
Mary Olsen
Chuck Shaw
Priscilla Taylor
Lee Waring

Barbara Cheives, Ex-Officio Immediate Past Chair

Members Absent:

Peter Antonacci
Steven Burdelski
Mack Bernard
Sharon Bock
Ric Bradshaw
Daniel Dooley
Rolando Garcia
Nellie King
William Kramer
John McKenna
Gerald Richman
Valentin Rodriguez
Carmen Veneziano
Susan Yoffee

E. Wayne Gent,
Ex-Officio Exec. Cmtee.

Guests Attending:

David Benhalt, West Palm Beach Police Department
August Bonavita, County Court Judge (PAB)
Todd Bonlarron, PBC Legislative Affairs
Kevin Coppin, West Palm Beach Police Department
Wanda Joiner, Pride Integrated Services
Minerva King, Florida Community Alliance
Jenise Link, Court Services - Department of Public Safety
Jennifer Loyless, Public Defender's Office
Melissa McKinlay, PBC Legislative Affairs
Geoff Sluggett, Sluggett & Associates
Loius Tomeo, Clerk & Comptroller's Office (for Clerk Bock)
Dorrie Tyng, Drug Court - Department of Public Safety
Keith Ward, Professional Probation Services, Inc.
Thomas York, Professional Probation Services, Inc.

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Secretary
Becky Walker, Criminal Justice Programs Manager
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Damir Kucek, Research & Planning Manager
Katherine Hatos, Criminal Justice Analyst
Craig Spatara, RESTORE Initiative Program Manager
Candee Villapando, Criminal Justice Analyst

- I. Chairman Douglas Duncan called the meeting to order at approximately 8:06 a.m. Welcome was extended to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chairman Duncan invited guests to introduce themselves.
- IV. The agenda was unanimously approved after motion by Mr. R. Johnson and second by Mr. Elmore.
- V. The minutes of the March 26, 2012 business meeting were unanimously approved after motion by Commissioner Taylor and second by R. Johnson.
- VI. Under Chairman's Comments, Chairman Duncan congratulated Public Defender Carey Haughwout on being reelected. He also congratulated Chief Judge Peter Blanc and Judge Kathleen Kroll on their reelection.
- VII. Under Executive Director's comments, Mr. Rodriguez:
 - A. Provided an update on current grants. He noted that a total of 11 federal grants are currently being worked on, seven of which CJC staff will work directly on while partners have been identified to spear head the others. These grants include the Second Chance Act, Community Based Violence Prevention, Juvenile Reentry Implementation Substance Abuse and Mental Health, and the Criminal Justice Innovation which are all due in the next month.
 - B. Advised that Judge Bonavita and Candee Villapando would be presenting the annual review on Pride misdemeanor services. He advised that the purchasing process regarding the potential new vendor for the misdemeanor probation services would not be discussed as the County Administrator and Purchasing Director have asked that any discussion by the CJC be postponed until the review process has been completed. He further noted that a protest has been filed and that a hearing before a special magistrate is scheduled for May 9th after which a decision will be presented to the Board of County Commissioners (BCC) for their review.
 - C. Congratulated Arlene Griffiths on being awarded the prestigious Jacki Tuckfield Academic Scholarship. Arlene and Katherine Hatos are currently pursuing a Master's Degree in Public Administration at Nova Southeastern University, and will graduate in June of this year.

Mr. Rodriguez also noted that the CJC was recognized by Palm Beach County Administration as part of a countywide fitness initiative in the category of “Highest Miles per Participant”.

VIII. Business Consent Item

There were no business consent items.

IX. Old Business

There were no old consent items for discussion.

X. New Business

A. Monitoring Study of Misdemeanor Probation Services

Probation Advisory Board (PAB) chairman, Judge August Bonavita reported that a two-year monitoring study of misdemeanor probation services for Palm Beach County completed by CJC staff and approved by PAB will be presented for CJC’s before submitting to the BCC for their review. He thanked the CJC for the opportunity to present the study and thanked PAB members for the hard work and time put into the study. Special thanks were also expressed to CJC staff, particularly Damir and Candee for their efforts in completing the study.

Judge Bonavita also remarked about the issue of improper use of restitution funds by Pride Integrated Services that was uncovered two years ago. He noted that Pride was very cooperative with the request for information and took immediate corrective actions, and since then all restitution moneys were put back into the escrow account.

Ms. Villapando provided a brief overview of the study which covered a two year period from October 1, 2008 to September 30, 2010 to review Pride’s compliance with regards to the service contract and scope of work requirements. The study examined misdemeanor and pretrial intervention terminated cases. Staff analyzed electronic data for 9907 cases and reviewed physical case files for 615 cases. Client Notes and Pride’s personnel files were also reviewed, and Pride staff interviewed to obtain additional information. Of the three offices that were examined (West Palm Beach, Delray Beach and Belle Glade), West Palm Beach accounted for 75% of the clients, followed by Delray Beach with 22%, and Belle Glade with only 2%. Clients were reviewed by case types and demographics in determining their success rate. One of the areas highlighted was the race characteristics which showed 81% whites compared to 18% blacks on probation. The findings revealed that Pride is in compliance with the general requirements. Full compliance was however not seen with restitution payments in 2009 but Pride became fully compliant by the 4th quarter of 2010 after corrective measures were put in place.

A list of recommendations were presented including the development of specific monitoring criteria and checklist as well as the need to explore options for conducting the annual review by contracting with outside contractors.

Member discussions surrounded the general characteristics of probationers, and Commissioner Taylor requested more information with respect to the percentage of whites versus blacks on probation. Public Defender inquired whether people on probation were less likely to reoffend.

Ms. Cheives inquired about the expiration of the contract extension with Pride, and was advised by Mr. Rodriguez that a second six month extension is being prepared to allow time for the purchasing process

Chairman Douglas thanked Judge Bonavita and Candee Villapando for presenting.

B. Finance Committee Recommendations

Finance Committee Chairman Lee Waring presented the Finance Committee's recommendations for allocation of the FY12 Edward Byrne Memorial Justice Assistance Grant (JAG) totaling \$175,501 as set out below. He noted that this amount represents a portion of the total funding being looked at by the CJC. Mr. Waring emphasized that the decision for distribution is in line with the priorities identified at the annual planning meeting.

- \$94,037 for two Reentry positions administered by the Public Defender's office (1 Reentry Social Worker and 1 Reentry Paralegal)
- \$81,464 Adult Drug Court Treatment (40 participants)

Members unanimously approved the recommendations as presented.

C. Sunshine Law – Economic Development Council Concerns

Mr. George Elmore commented on the sunshine law discussion that was ongoing at the CJC, expressing concern that it was never fully addressed and that the CJC should revisit and bring closure to the issue. He further noted that the Economic Development Council was having difficulties finding volunteers to serve because of the sunshine issue. He remarked about the five constitutional officers being able to have designees attend the meetings, saying if that were allowed, he too would want that option as he would not want to attend if the five constitutional officers were not. He feels that the issue should be addressed before the new state attorney gets on board. Mr. Elmore stated that other counties have received letters from the Attorney General with regards to allowing designees to attend for the constitutional officers. This information will be verified and presented accordingly.

Members agreed to reestablish the sunshine law committee to explore a legislative fix. Mr. Gerald Richman will continue to chair the committee along with the original members (Barbara Cheives, Todd Bonlarron, Mack Bernard, James Kelly, William Kramer and Clarence Williams). George Elmore will replace Marti LaTour on the committee.

Members were reminded that a decision was reached to have items on the agenda for a limited period of time then taken off to allow members, particularly the constitutional officers to carry out their normal business. Chief

Judge pointed out that it was also decided that if the item was for information gathering only, it would not create a conflict and could therefore be discussed, but that items for advisory purposes would be treated differently. Ms. Cheives and Mr. Waring concurred with Chief Judge Blanc.

Mr. Rodriguez agreed with the discussion and the need for a decision on the issue, and added that the interim state attorney would not be attending the meetings because of sunshine.

Public Defender Haughwout questioned whether the Sheriff was advised of the CJC's discussions to arrive at a possible solution with regards to sunshine.

Chairman Duncan noted that the CJC will seek to have the issue resolved so that the Sheriff can resume attending CJC meetings, as well as the State Attorney.

XI. CJC Initiatives/Updates

Legislative Update

Todd Bonlarron and Mellisa McKinlay from the Legislative Affairs Department provided an update on the 2012 legislate issues. Mr. Bonlarron noted that it was an interesting year which saw session started earlier than usual in an effort to complete reapportionment. Regarding the many issues, he said that while the house maps were approved, the court was still in the process of making a decision on the senate and congressional maps. Another issue of interest according to Mr. Bonlarron, was the leadership struggles and positioning for future leadership battles in the senate which he said lead to some close calls on legislation.

He noted that the legislatures passed a \$70B budget minus \$150M in vetoes. The budget included the creation of a new 12 state university as well as increases in tuition in major institutions to offset some reductions to the state university system, but that there was also a total of \$1.1 B in new dollars to fund education K through 12. A total of 4,400 job cuts were included in the budget, representing about 3.6% of the overall public workforce, many of which were in the Department of Corrections (DOC) which saw the closure of six prisons. The good news he said is that core criminal justice agencies such as the State Attorney's office, Public Defender's office, Guardian Ad Litem, and Criminal Council stayed relatively constant without major reductions. The Clerk of Courts around the state also saw reduction of approximately 900 jobs. On the legislative side, he noted that Palm Beach County advocated for many legislative priorities and thanked the CJC for the support in this regard as they were able to keep pretrial legislation out of this session. Other successes he spoke about were the Good Samaritan legislation out of the Sheriff's office and the Veterans Court Traumatic Brain Injury legislation that became law this session.

Mr. Bonlarron noted that great strides were made on reentry this session despite the Governor's veto on this legislation that dealt with non violent third

degree felons, but emphasized the need to continue working with the Governor regarding the importance of this issue.

Ms. McKinlay commented on the juvenile justice issues which they were not very successful in getting passed. The three bills include the expunging of juvenile records which died in committee, the zero tolerance legislation which involve school personnel, and the bill to improving the juvenile justice education programs in detention centers or residential facilities. She spoke about their efforts in trying to change the cost of respite beds split between the County and the Department of Juvenile Justice (DJJ) on detention care cost. This ended up failing in the budget process but noted that a legislation that was signed into law will allow counties to use respite beds for juveniles convicted of domestic violence charges. A bill to allow female offenders to stay with their child in a juvenile residential facility as well as covering funeral expenses for juveniles died while in the custody of DJJ was also passed.

Public Defender Haughwout commented on the Good Samaritan bill and wondered if the County might undertaken a public education campaign as it is about calling for help and not worrying about potential criminal liabilities.

With no further items for discussion, the meeting adjourned at 9:05 a.m..