

**M I N U T E S**

**MONDAY, November 25, 2013**

**PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION**

McEaddy Conference Room  
12<sup>th</sup> Floor, 301 N. Olive Avenue  
West Palm Beach

***Members Present:***

Daniel Alexander  
Chris Allen  
Dave Aronberg  
Roselyn Baker  
James Barr  
Barbara Cheives  
Jeffrey Colbath  
Douglas Duncan  
George Elmore  
Carey Haughwout  
Randy Johnson, Sr.  
Dave Kerner  
William Kramer  
Barry Krischer  
Kathleen Kroll  
Duane Little  
Christina Morrison  
Gerald Richman  
Valentin Rodriguez  
Greg Starling  
Lee Waring

***Members Absent:***

Nelson Berrios  
Sharon Bock  
Ric Bradshaw  
Vincent Demasi  
Timothy Donovan  
Rolando Garcia  
Nellie King  
Marshall Manley  
John McKenna  
Chuck Shaw  
Robert Shirley  
Priscilla Taylor

***Guests Attending:***

David Shane, Rep. Kerner's office  
Vern Crawford, Palm Beach County School District  
Michael Gauger, PBSO (for Sheriff Bradshaw)  
Mike Edmondson, State Attorney's Office  
Pamela Eidelberg, County Attorney's Office  
Dorrie Tyng, Drug Court - Court Administration  
Lawrence J. Leon, School District Police Chief  
Kirk Blouin, PBC Chiefs Association  
Seth Bernstein, Boys Town  
Melissa McKinlay, PBC Legal Affairs  
Sarah Vizcarrondo, 2<sup>nd</sup> Chance Foundation  
Louis Tomeo, Clerk & Comptroller's Office (for Clerk Bock)  
Debra Oats, Court Administration

**Staff Present:**

Michael L. Rodriguez, Executive Director  
Arlene Griffiths, Administrative Assistant  
Katherine Hatos, Senior Criminal Justice Analyst  
Shahzia Jackson, Criminal Justice Analyst  
Damir Kukec, Research & Planning Manager

**Student Intern:**

Samantha Santiago, Florida Atlantic University  
Danielle Ouellette, Florida Atlantic University

**Temporary Staff:**

Pamela Williams

- I. Chairman Douglas Duncan called the meeting to order and extended welcome 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.
- V. The minutes of the October 28, 2013 meeting were unanimously approved.
- VI. Under Chairman's Comments, Chair Duncan congratulated:
  - A. Commissioner Taylor on her election as Mayor of Palm Beach County.
  - B. Mr. Chuck Shaw on his recognition as a "local hero" by the Benoist Farms Elementary School.
- VII. Under Executive Director's comments, Mr. Rodriguez:
  - A. Announced the continuation of the 25<sup>th</sup> Citizens Criminal Justice Academy that takes place each Monday from 6:00 p.m. to 9:00 p.m. through December 16, 2014 when the graduation will take place.
  - B. Reminded members of the Judge Marvin Mount's prison tour on March 26 to 27, 2014.
- VIII. Business Consent Item  
There were no business consent items.
- IX. Under old business, Program Monitoring and Evaluation Sub-Committee Chairman Lee Waring presented the Monitoring and Evaluation report that he noted contains summary results based on the minimal performance indicators and available data for the following programs: a) City of Riviera Beach Civil Drug Court; b) Delinquency Drug Court, c) Pre-Released Reentry Program, and d) Pre-Trial Adult Drug Court. He noted that evaluation of the Law Enforcement eXchange (LEX) and the Youth Empowerment Centers will also be completed.

Mr. Damir Kukec commented that the process of determining the purpose of the

subcommittee and how the overall process would be completed was challenging, but noted that this was an accomplishment for the CJC as for the first time, minimum performance of the programs being funded have been documented in a report. He highlighted the indicators that were used, and further noted that this will be used to monitor and evaluate the delivery of programming.

Mr. Waring provided clarification and answers to various questions, and added that the trend line of the results were good.

The report was unanimously accepted as presented.

Chairman Douglas thanked Mr. Waring and his committee for the work done.

## X. New Business

### A. Nominating Committee

Nominating Committee Chairman James Barr reported that the committee met on November 6, 2013 and recommended the following officers and executive members for 2014:

- William Kramer – Chairman
- Lee Waring – Vice Chairman
- Gerald Richman – Treasurer
- Carey Haughwout – Secretary

Members completing the executive committee:

- Dave Aronberg            Jeffery Colbath
- Rosalyn Baker            George Elmore
- James Barr                Barry Krischer
- Barbara Cheives        Randy Johnson
- Douglas Duncan, Ex-Officio (immediate past president)
- E. Wayne Gent, Ex-Officio

Members unanimously approved recommendation of the 2014 officers and executive committee by the Nominating Committee as presented by Mr. Barr.

### B. DCF Reinvestment Act Match

Executive Director, Michael Rodriguez advised of the captioned grant from the Department of Children and Families (DCF) totaling almost \$2M over three years, for criminal justice mental health and substance abuse. The grant asked for a cash match of \$40,000 in the second and \$60,000 in the third year. He said that the match is not a requirement, but that it gives extra points in the scoring process. Mr. Rodriguez noted that the application is due for submission in a couple of days.

Public Defender Carey Haughwout expressed concerns with the population targeted for this grant, saying that there is a serious need for mental health for juveniles but questioned whether there is an identified need and whether this

will make first offender services more complicated and difficult to achieve. She also wondered how much of the grant dollars would be going to services versus dollars going to administration.

Judge Kathleen Kroll remarked that she was seeing the grant for the first time and inquired if certain committees, the Chief Judge Colbath or Judge Alvarez were aware of it. She further stated that there is a committee that has looked at kids with mental health issues, and that she would want their input.

Mr. Rodriguez noted said that the committee in question was made aware and is supportive of the grant. He also stated that this grant was reissued about four times.

Mr. Barry Krischer made a motion to proceed with application of the grant with the understanding that if the CJC would keep it if received and like it, or reject if they and didn't like it. Mr. Randy Johnson questioned the resistance with the grant and proceeded to second the motion. Public Defender Haughwout explained that the difference with this grant is the financial commitment for future funding. According to Mr. Krischer the motion did not include the financial commitment for future funding that would allow the extra points. Mr. Waring suggested that the grant be presented to the finance committee for purposes of alignment with the CJC priorities and also to ensure that it is included in the CJC's funding mechanism.

Public Defender Haughwout expressed further concerns with committing to this grant, noting that she was not in favor of the concept of going after money when a need is not specifically identified. She also asked who would be run the program. Mr. Rodriguez responded that it would be run primarily by Boys Town and the School Board Police as well as other agencies, but said that if funded, the CJC would evaluate and monitor same.

Assistant County Attorney Pamela Eidelberg provided an input from a legal stand point, based on information gathered, saying that it was more of a programatic issue. She noted that signing for this particular grant was an all or nothing, but that there was the option after applying or awarded, to reject it. At this point, Mr. Krischer withdrew his original motion. After further discussion, members approved a new motion to proceed with the application and to determine between the time of application and receipt, whether to accept or reject. This motion was seconded and unanimously approved.

C. In Custody Batters Intervention Programs (BIP); Assessment of Out of Custody; and Investigation of ACF Mileposts Foundation and the Drug Diversion Program

Mr. Rodriguez advised of the captioned programs that were brought to his attention by Mr. Krischer. The first program, in custody batters intervention involves the Sheriff office using Domestic Violence Trust Fund money to create it. The second he said, is the assessment of out of custody that was explored by the CJC years ago but he said that the providers had no interest in this regard. The third is the investigation of ACF Mileposts Foundation and the Drug Diversion Program. He noted that there is currently a drug diversion

program used at first appearances where there is one private company offering services for this program, which he said raised questions if that was the best way to handle it. Mr. Rodriguez noted that his biggest concern is that it involves a lot of private companies that are not county funded and if the CJC staff were to explore these, they would need the CJC's full support. He also thinks this is valuable work that the CJC should be doing.

Mr. Krischer concurred that there was an in custody batterers intervention program years ago, and that there are dollars available which would be a good use for this program. He reported that the State Attorney's office met with the Sheriff's office and reviewed the program and said that the Sheriff's office is in favor of same. He noted that since these dollars would be spent, the CJC would probably review the value of the in custody program, which would make sense to review the out of custody program as well. Regarding the third program, Mr. Krischer said that they have been promoting competition among providers but that there is a single provider that has a monopoly on the program that would be worth looking into.

Public Defender Haughwout remarked that she would fully support the in custody batterers program because it is state mandated that anyone convicted of a domestic battery can complete this program which would be great. She thinks however, that the national consensus is that the BIP programs are of no value, and said that for purposes of evaluation, if possible, the CJC could look at it as a legislative item to change the statute that mandates it, as a lot of people end up in jail for not completing the 26 week program. She further stated that she would not want staff to forego the evaluations of the CJC's funded programs in order to evaluate an unfunded program, since there are several programs yet to be evaluated.

Judge Kroll inquired if the in custody would be opened to dependency fathers because one of the problems is getting their treatment while in custody. Deputy Chief Gauger said he would not have a problem opening it to dependency fathers. Judge Kroll echoed Mr. Krischer's comments that there is no research showing that these programs are beneficial, and would welcome the evaluation.

Chairman Duncan agreed with the need for evaluation, and recommended that it be explored by the Court Systems Task Force, but agrees with Public Defender Haughwout that it should be a legislative item.

Melissa McKinlay commented that Mayor Taylor asked legislative staff to include legislative priority in their annual program related to domestic violence. She said that the legislative program was passed by the Board of County Commission. The domestic violence issue contains three components: allowing victims of domestic violence to obtain unemployment compensation if they meet specific requirements; allowing victims to be released from any leases if the same requirements are met; and to look at chapter 741 of Florida Statute to change the language from allowing a judge to have the discretion to ordering a batterers intervention program to requiring them to order for those with domestic violence charges.

Chief Judge Colbath added that it was a good intention when the batterers intervention program first started but said that it later proved to be more educational than counseling, noting that to help people break the cycle of domestic violence takes a lot. He further noted that while he is in support of the in custody batterers intervention program, and while those in the program completes it, he does not think the program has an effect on whether they reoffend.

Deputy Chief Gauger agrees with Chief Judge Colbath but noted that about 85% of the cases always involve substance abuse, hence the need for the evaluation to go along with the program.

Mr. Kukec recommended that the CJC send a letter to the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete a review of the out of custody providers since this is a legislative requirement.

After further discussion, Chairman Duncan concluded that the issues be referred to the Court Systems Task Force for further action.

XI. Under CJC Initiatives/Updates

Mr. Rodriguez advised that Florida Statute 985 fourth re-write regarding proposed changes to FS 985 relating to juvenile has been released, and that the Department of Juvenile Justice (DJJ) would not entertain additional drafts until the Bill is filed. He noted that the CJC Sub-committee will also meet at that time.

XII. Member Comments

A. Mr. Randy Johnson inquired about the status of the Ordinance/Bylaws. Mr. Rodriguez advised that staff and the County Attorney office were reviewing both and would provide updates to the CJC.

B. Mr. Waring advised of the grants management worksheet included in the agenda packet, and noted that quarterly updates would be provided.

XIII. With no further items for discussion, the meeting adjourned at 9:10 a.m.