

M I N U T E S

MONDAY, February 25, 2013

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Daniel Alexander
Rosalyn Baker
James Barr
Nelson Berrios
Peter Blanc
Douglas Duncan
George Elmore
Carey Haughwout
Randy Johnson, Sr.
Dave Kerner
Nellie King
William Kramer
Kathleen Kroll
Gerald Richman
Valentin Rodriguez
Chuck Shaw
Priscilla Taylor
Lee Waring

Barbara Cheives
Ex-Officio/Past Chair

Guests Attending:

August A. Bonavita, 15th Judicial Circuit (for Peter Blanc)
Mike Edmondson, State Attorney's Office
Pamela Eidelberg, County Attorney's Office
Michael Gauger, Palm Beach Sheriff's Office (for Ric Bradshaw)
Barry Krischer, Incoming CJC Member
Lawrence J. Leon, School District Police Chief
Jenise Link, Public Safety
Jennifer Loyless, Public Defender's Office
Melissa McKinlay, PBC Legislative Affairs
Debra Oats, Court Administration
David Shane, Florida House of Representative
Louis Tomeo, Clerk & Comptroller's Office (for Clerk Bock)

Members Absent:

Dave Aronberg
Sharon Bock
Ric Bradshaw
Steven Burdelski
Vincent Demasi
Mike Driscoll
Rolando Garcia
Feirmon Johnson
John McKenna
Robert Shirley

E. Wayne Gent
Ex-Officio Exec. Cmtee

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Assistant
Shahzia Hashmi, Criminal Justice Analyst
Katherine Hatos, Senior Criminal Justice Analyst
Damir Kukec, Research & Planning Manager
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Craig Spataro, RESTORE Initiative Program Manager
Mike Szakacs, Financial Analyst II
Candee Villapando, Criminal Justice Analyst
Becky Walker, Criminal Justice Programs Manager

- 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 welcome back Mr. Barry Krischer to the CJC as a private sector member. Mr. Krischer was recommended by the Economic Council and is awaiting approval by the Board of County Commissioners (BCC) .
- IV. The agenda was unanimously approved after motion by Mr. George Elmore and second by Commissioner Priscilla Taylor.
- V. The minutes of the January 28, 2013 meeting were unanimously approved after motion by Mr. George Elmore and second by Mr. Lee Waring.
- VI. Chairman's Comments - None
- VII. Under Executive Director's comments, Mr. Rodriguez:
 - A. Reminded members and guests of the annual planning meeting scheduled to take place at the Clayton Hutcheson Agricultural Center, 559 N. Military Trail, West Palm Beach, on Monday, March 25, 2013 from 8:00 a.m. to 1:00 p.m.
 - B. Invited members and guests to the Palm Beach County 24th Citizens Criminal Justice Academy's final class and graduation scheduled to take place at the West Palm Beach Police Department's community room on Thursday, March 14, 2013 at 6:00 p.m. He thanked Chief Demasi for continued use of the Police Department's community room.
 - C. Announced incoming members Barry Krischer and Christina Morrison who are awaiting the BCC's approval, as well as Harvey Oyer pending approval by the Economic Council of Palm Beach. The Council is also in the process of identifying another member to complete the private sector contingent.
 - D. Announced the Legislative session from March 5th through May 2nd.
 - E. Remarked about the sequestration and the possible impacts on funding.
- VIII. Business Consent Item

There were no business consent items.

IX. Old Business

There were no old business items for discussion.

X. New Business

A. Probation Contract Compliance Report

Judge August Bonavita thanked CJC staff and committee members for compiling the Probation Contract Compliance Report. In his presentation, Judge Bonavita noted that this was a historic report as the scope of work is basically the same each year, though it was the first since the new provider, Professional Probation Services took over probation services in Palm Beach County. He commented on the cooperativeness of Pride staff in providing information. Judge Bonavita highlighted the number of clients, cases and files reviewed, and the number of offenses from West Palm Beach, Belle Glade and Delray Beach offices. He noted that West Palm Beach accounted for 75% of the overall cases, also 76% of total cases involved misdemeanor probation while 24% were pretrial intervention. He said that 71% of the probations were male, 81% white, 55% single, and approximately 75% completed education up to 12th grade or GED. Most had annual income of less than \$10,000, and the largest age group ranged 21 to 34 years. Other statistics provided include the fact that 47% of those on probation had no previous arrest and just under half the probation cases were DUI.

Members sought and got clarification on some statistics presented. Mr. Rodriguez noted that all the issues with the previous provider (Pride) had been resolved and Judge Bonavita stated that Pride was in 100% compliant.

B. Juvenile Civil Citation

Mr. Rodriguez noted that juvenile citation is a method by which any first time non violent juvenile offender is given a citation and sanctions without being further involved with the formal juvenile system, and include some exclusionary charges. He advised that several groups including the Juvenile Justice Board and the Juvenile Detention Alternatives to Incarceration Committee have been looking at the issue locally. The Law Enforcement Planning Council is also scheduled to do a presentation on the issue. He mentioned House Bill #603 that is being introduced in the Legislature that changes a word in the language, from law enforcement officer "may" issue a civil citation to "shall" issue a civil citation, and wondered whether the CJC wants to weigh in on the Bill.

Chairman Duncan asked whether every municipal law enforcement agency in Palm Beach County has its own diversionary program.

Judge Blanc commented on the language indicating that a juvenile has to admit to committing a misdemeanor, saying he was not sure how it plays out on the street. Chief Lawrence Leon added that the School District's Juvenile First Offender (JFO) program has been existence for a long time and that

they work well with all the municipalities that are a part of the program, and that this takes away the officers discretion from the front line. Chief Alexander advised that the issue came before the Chiefs of Police Association some months ago, saying that the JFO is a countywide program and that if an individual agency doesn't have the program, they would go through an agency that has it or through the School District program. He further noted that there are existing diversion programs and that the Association voted to not change the language.

After further discussion and questions from members, Ms. Melissa McKinlay of the Legislative Affairs office commented that the legislation that implemented the civil citation program was modeled after the program in Miami Dade, and that "may" was used at the request of the law enforcement community to ensure that discretion ability. She further stated that the reason for wanting it change to "shall" is that many organizations don't use their civil citation or other similar programs as they should, and said that this will ensure consistency and address the disproportionate minority contact. She noted that when this is entered into the system it goes into a statistical database (JJIS) that is meant solely for tracking programs to determine if they are working and not to create a record for the child.

Public Defender Haughwout thinks there is a concern about disproportionate minority impact, and noted the concern of her office with the lack of JFO statistics. She said that Palm Beach County should be concerned about the disproportionate impact on minorities of the juvenile justice system, and that while she understands the concern about it been mandatory, she doesn't understand why it matters if it is being done for all first time offender. She said that lots of kids that are going through diversion programs are in the criminal justice system and therefore sees the the need for a consistent equal application of diversion for all kids in the County.

Commissioner Taylor commented about zero tolerance which she said started the discussion during her time in the Legislature. She said that she supported civil citation then as some areas were giving the kids records and that this would make it uniform even if it takes away some discretion. After further discussion, Representative Kerner noted the need for the CJC's consensus on the issue as it would be helpful for him to have that input since he will be voting on it in the three committees that it will go through.

Chief Judge Blanc remarked about discussing the issue among members as it relates to the Sunshine Law, but a consensus was reached that the matter was at a fact finding stage. Assistant Attorney Pamela Eidelberg provided clarification on the fact finding, noting that as long as the fact finding group list everything, they could still make a recommendation to the deciding body.

Chairman Duncan indicated that the JFO will be included on the annual planning meeting agenda for further discussion.

C. Department of Corrections (DOC) Cost Shift

Mr. Rodriguez directed members to a handout in the agenda packet that contained a series of presentations to the Legislature by various bodies. He highlighted the presentation that deals with cost savings by the DOC to change the state law that requires all inmates at the time of sentence with a year or less remaining, to remain in county jail. He advised that the Florida Sheriffs Association opposed the change which he said would be a huge cost to the county. He noted that DOC and the Governor also oppose the change.

Public Defender Haughwout remarked about the Schedule 8 budget reductions each year saying that DJJ has done it and has identified closing all detention centers for pre disposition detention which leaves four centers open in the state for post disposition. This she said would see the county taking over the detention facilities if the cuts take place.

At the end of the discussion, members unanimously agreed to oppose the change.

XI. CJC Initiatives/Updates

A. Sunshine Law, House Bill 361

Representative Kerner reported that House Bill 361 passed unanimously in the Criminal Justice Sub-committee. He noted that the two basic amendments were the exemption of all Commission members and that there is no public record exemption. He said that the Bill has a good chance of passing but requested support letter from the CJC and other agencies including the Chiefs of Police Association, Economic Council of Palm Beach among others. He said that the Bill will go through two other committees for approval. Members unanimously agreed to provide a support letter from the CJC.

B. DUI Court

Mr. Rodriguez reported that the DUI court and Adult Civil Citation were discussed at the Court Systems Task Force meeting as possible areas to work on in the future. He sought permission for staff to do some fact finding on both issues to take back to the CJC for further review.

Mr. Val Rodriguez remarked about the diversionary programs in Orange and Dade Counties. Chairman Duncan noted that the program in Orange County is working well.

XII. Under Member Comments

- A. Mr. Barry Krischer commented on the civil citation saying he supports it but is concerned that the kids must admit to committing a misdemeanor with no adult or lawyer present in order to be in the program. He also commented on the shifting of inmates to local jails, which he said often comes up and the Legislatures get around it by dropping the sentencing guidelines which reduce the scores and avoids prison time, resulting in less people going to prison.

XIII. The meeting adjourned at approximately 9:05 a.m.