

M I N U T E S

MONDAY, September 22, 2014

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Chris Allen
Dave Aronberg
Roselyn Baker
James Barr
Nelson Berrios
Barbara Cheives
Jeffrey Colbath
Carey Haughwout
Randy Johnson, Sr.
Dave Kerner
Nellie King
William Kramer
Barry Krischer
Kathleen Kroll
Bryan Kummerlen
Christina Morrison
Gerald Richman
Valentin Rodriguez
Chuck Shaw
Lee Waring

Members Absent:

Kirk Blouin
Sharon Bock
Ric Bradshaw
Timothy Donovan
Douglas Duncan
George Elmore
Rolando Garcia
Duane Little
Marshall Manley
John McKenna
Robert Shirley
Greg Starling
Priscilla Taylor

Guests Attending:

Alexcia Cox, State Attorney's Office
Pamela Eidelberg, County Attorney's Office
Adrienne Ellis, State Attorney's Office
Brian Fernando, State Attorney's Office
Michael Gauger, PBSO (for Sheriff Bradshaw)
Marsha Guthrie, Children Services Council
Kyle Haas, PBSO
Jenise Link, Pretrial/PBC Justice Services
Jennifer Loyless, Public Defender's Office
Pam O'Brien, Aid to Victims of Domestic Abuse (AVDA)
Michelle Spangenberg, Court Administration
Louis Tomeo, Clerk & Comptroller's Office (for Clerk Bock)
Jennifer Rey, Aid to Victims of Domestic Abuse
Clay Walker, Department of Children and Families

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Assistant
Katherine Hatos, Senior Criminal Justice Analyst
Shahzia Jackson, Senior Criminal Justice Analyst
Damir Kukec, Research & Planning Manager
Craig Spatara, Criminal Justice Programs Manager
Elizabeth Williams, Financial Analyst II

Temporary Staff:

Pamela Williams

- I. Chairman William Kramer called the meeting to order and extended welcome to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chairman Kramer invited guests to introduce themselves.
- IV. The agenda was unanimously approved.
- V. The minutes of the May 27, 2014 meeting were unanimously approved.
- VI. Under Chairman's Comments, Chairman Kramer:
 - A. Announced that the Criminal Justice Commission would participate in a Board of County Commissioners (BCC) workshop, presenting on ex-offender reentry in Palm Beach County.
 - B. Announced the 2014 Nominating Committee meeting to be held in October 2014.
- VII. Under Executive Director's comments, Mr. Rodriguez:
 - A. Congratulated staff members Arlene Griffiths, Damir Kukec, and Brenda Oakes on their selection as 2014 Golden Palm winners. He noted that the annual award given by the County Administrator recognizes and rewards, and promotes employee accomplishments.
 - B. Congratulated Arlene Griffiths on the birth of her grand-daughter Lillian Sophia Blake born on September 14, 2014.
- VIII. Old Business

There were no old business items for discussion.
- IX. Under New Business, Chairman Kramer commented on the recommendations by the Finance Committee regarding allocation of funds for 2015. He noted that one of the issues was the recommendation to use approximately \$250,000, which was earmarked for domestic violence by statute that restrict the funds for use only to reduce the cost of incarceration and to train law enforcement. Since the funds have been accumulated over several years and not used because of the restrictions, he

noted the possibility of the funds being transferred to the County's general fund to be used for a broader range of issues. As such, the CJC Finance Committee recommended that \$200,000 of the total funds be turned over to the County which raised further issues resulting in the CJC seeking clarification from County Administration and legal opinion from the County Attorney. Chairman Kramer invited Assistant County Attorney Pamela Eidelberg to comment on the issue.

Ms. Eidelberg remarked about not offering a legal opinion about what should be done, saying that it is a financial matter, but reiterated the restrictions of the use of the Domestic Violence Trust Funds as stated in the statute. She further stated that it is not illegal for the County to use the money in the Trust Fund to defray the cost of incarcerating, thereby allocating funds from alternate source for use on non-domestic violence programs. She provided additional details regarding the procedures for spending the funds.

State Attorney Aronberg concurred with Ms. Eidelberg regarding the proper use of the funds. Chief Judge Colbath questioned whether the County has the lawful authority to take the money out of the Trust Fund and put in the general fund if it is not used. Ms. Eidelberg said the County does not have the lawful authority to do so until it is disbursed for the two purposes earmarked by statute.

Executive Director Michael Rodriguez noted that the Finance Committee's original thought was that the County bears all the cost of incarcerating offenders including domestic violence offenders, which is more than \$200,000 per year. He inquired about the county taking that \$200,000 from the trust fund for domestic violence and putting it, for example, in the Sheriff's budget and taking an equal \$200,000 from the general fund to be used for any purpose, to which Ms. Eidelberg said would not be illegal.

Mr. Barry Krischer remarked about money laundering and proceeded with a motion that the money in the trust fund be set aside for its intended purposes to be spent on law enforcement training for domestic violence. Judge Kathleen Kroll inquired about the period of time that the dollars have been accumulated and asked why steps were not taken to spend it. She further commented on the BCC workshop on drug court that was held in May 2014, and expressed the need for a dedicated funding for drug courts. Mr. Rodriguez in his response provided a history of the trust fund and what transpired over the years.

Mr. Clay Walker of the Department of Children and Families presented a proposal for training for three years for law enforcement to properly handle domestic violence.

Ms. Nellie King questioned whether there is a need for the training proposed and wondered if it was put together because there are available funds, and further explained how the issues of drug court and domestic violence are related. Mr. Krischer noted that the proposal is for something that should have already been in place.

Ms. Barbara Cheives expressed concerns about how the issue would play out in the media if the CJC were to proceed with the recommendation. She inquired if

there were enough funds to fund drug court and the training proposed for law enforcement. She also asked Representative Dave Kerner about the possibility of expanding the definition of the use of the Domestic Violence Trust Funds. Representative Kerner concurred with Judge Kroll about the need for dedicated funding for drug courts and said that it is something the CJC and the legislative delegation could take on. He expressed his willingness to assist with drafting the amendments and seeking legislative help on both issues. Mr. Richman agreed with proceeding to amend the statute and focus on getting a dedicated funding source for drug court.

Mr. Rodriguez offered a solution that he said could be a win for all parties, but said that it would require moving forward with the Finance Committee's recommendation of moving the \$200,000 from the Domestic Violence Trust Fund to the General Fund. He outlined the amount of funds available in the CJC's budget and proposed that drug courts be funded in the amount of \$215,000 and two of the three years of training proposed. He said that enough funds would be accumulated in the Trust Fund by the third year for that third year funding. He noted the alternative is to leave all the money in the Trust fund, proceed with the training and provide partial funding for drug court with \$108,000 identified in the budget and not yet allocated.

Public Defender Carey Haughwout noted that she did not see the issue as money laundering but rather the County saying that there is no money to fund drug court, but that if they get some funds that can allow them to free up other monies, they are able to budget accordingly. She expressed concerns with the proposals presented and questioned why the training was not done before, since there is a genuine need. She added that she was not comfortable with the proposal and generally how the issue is handled. She also thinks that the issue should be examined because of the clear ties between domestic violence and substance abuse. Ms. Haughwout also expressed concerns with the CJC's inability to not know the amount of funds available in the budget.

Members further discussed the issue and expressed various concerns with not being able to use the trust fund money as well as funding drug courts.

A motion made by Mr. Krischer to allow the funds to remain in the Domestic Violence Trust Fund for the purpose of law enforcement training failed 7 to 12.

At the request of State Attorney Dave Aronberg, Mr. Clay Walker outlined in details, the proposal presented in the agenda packet. Ms. Pam O'Brien of the Aid to Victims of Domestic Abuse presented an overview of how the agency assists victims of domestic abuse, and expressed support in training for law enforcement.

Following Chairman Kramer's options for proceeding, Chief Judge Colbath made the motion to spend some of the available funds for law enforcement training for one year, and for the County to be petitioned to make available sufficient funds to operate the drug courts.

Chairman Kramer also recommended that the \$108,000 identified be allocated to drug courts.

Ms. Rosalyn Baker asked that consideration be given to the probation officers for training under the program as well. Ms King remarked about alternatives to incarceration and wondered if there were other ideas that the funds could be utilized for under the two categories stated in the statute.

Mr. Walker was asked to fine tune the proposal for presentation to the Finance Committee before going to the full commission for approval.

X. CJC Initiatives/Updates

Due to time constraints, the following items were tabled for the October meeting:

- A. Third Quarter Programmatic Reports
- B. Probation Advisory Board Report
- C. Law Enforcement Planning Council

XI. Member Comments

There were no member comments.

XII. The meeting adjourned at approximately 9:20 a.m.