



PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

CORRECTIONS TASK FORCE/ Public Safety Coordinating Council

Palm Beach County Governmental Center
301 N. Olive Avenue, 10th Floor, Criminal Justice Commission
West Palm Beach, Florida 33401

Wednesday, February 4, 2015; 12:00 P.M.

http://www.pbcgov.com/criminaljustice/task_force/corrections/

- MEETING MINUTES -

MEMBERS PRESENT:

Chairman Douglas Duncan, Roth and Duncan, P.A.
Rosalyn Baker, Florida Department of Corrections
Ted Booras, Judge, 15th Judicial Circuit
Glenny Cueto, Professional Probation Services, Inc.
Brian Fernandes, Office of the State Attorney
Jenise Link, Manager, Palm Beach County Pretrial Services Agency
Brandy Macaluso, Victims Rights Coalition
Alfonso Starling, Captain, Palm Beach Sheriff's Office
Alton Taylor, Executive Director, Drug Abuse Foundation
Louis Tomeo, Director Criminal Court Services, Office of the Clerk and Comptroller
Caroline Shepherd, Judge, 15th Judicial Circuit

MEMBERS ABSENT:

Paulette Burdick, Commissioner, Palm Beach County
Jeffrey Colbath, Administrative Judge, 15th Judicial Circuit
Michelle Dyer, Workforce Alliance
John Kastrenakes, Judge, 15th Judicial Circuit
Leonard Hanser, Administrative Judge, 15th Judicial Circuit
Joseph Marx, Judge, 15th Judicial Circuit
S. John Pruitt, Chief, Jupiter Inlet Colony Police Department
Tommy Richards, Palm Beach County Bail Bond Association
Barbara White, Public Defender's Office

GUESTS PRESENT:

Colleen Farnsworth, DCF Legal
Michelle Gearty, Intern, Coalition for Independent Living Options, Inc.
Yasmin Rivera, Florida Department of Corrections
Stewart Saalfield, Court Administration
Schnelle Tonge, Public Defender's Office

CJC STAFF PRESENT:

Michael L. Rodriguez, Executive Director
Damir Kukec, Research and Planning Manager
Jacquelyn Esposito, Criminal Justice Analyst
Katherine Hatos, Senior Criminal Justice Analyst
Rosalind Murray, Criminal Justice Program Development Specialist
Allison Orr, Administrative Assistant
Craig Spatara, Criminal Justice Programs Manager
Candee Villapando, Criminal Justice Analyst

I. Welcome, Opening Comments by Chairman Douglas Duncan

II. Roll Call and Introduction of Guests

III. Approval and/or Additions to the agenda

The agenda was approved. (Note: Prior to the approval of the agenda, item VI. A. Old Business, the 12th Floor Jail Population Update by Schnelle Tonge, Public Defender's Office was presented out of order.)

IV. Approval and/or Amendments to the January 7, 2015 Minutes of the Corrections Task Force/Public Safety Coordinating Council Meeting

The minutes of the January 7, 2015 meeting were approved.

V. Reports

A. Jail Population Report

Captain Alfonso Starling reported that the average jail population was 2,137.

B. In House Arrest Report

Total In-House Arrest population was 239: 129 pretrial (including 2 direct filed juveniles); 98 county sentenced – 6 misdemeanor probation, and 6 DJJ; and zero AO. Chair Duncan noted that IHA is up; Capt. Starling noted that it was in the last three months. Pay-N-Gos for January was 203.

C. Pretrial Services Report

Ms. Jenise Link reported that SOR population continued to stay high. As of February 2nd, there were a total of 947 defendants on SOR; 613 of these individuals were on SOR only, and 334 were on SOR with accompanying money bond. Of the 613 on SOR only, 19 remained in custody; 7 awaiting treatment, and 12 due to other charges or holds. Of the 334 individuals on SOR with a bond,

74 remained in custody due to holds or bonds. Total SOR population out of custody was 850. Chair Duncan requested Ms. Link to bring last year's comparison for the month of March to the next meeting.

D. Juvenile Detention Center Report

No report was presented.

E. Misdemeanor Probation Report

Ms. Glenny Cueto reported that they received 216 new cases for the month of January. Total active cases were 2,156. Total cases terminated were 274. They closed out 143 cases successfully). In the past months total active cases have continued to decline; the number of cases they close out is more than the new cases they take in. They realized that there have been more Plea & Pass cases in the courtroom, and less PTI. In some courtrooms, there was not even a court event form for PTI, particularly in Judge Bonavita's courtroom. Mr. Fernandes wanted clarification whether there were simply no court even forms available; or whether there were not court even forms because no Plea & Pass sentences were given? Ms. Cueto said the later; Chair Duncan said he will check to see what was going on regarding this.

VI. Old Business

A. 12th Floor Jail Population Update

Ms. Schnelle Tonge stated that their committee is seeking to address the question whether there has been an increase in the 12th floor population; and if yes, what was the reason for the increase. However, throughout the course of the past meetings, other concerns related to the 12th floor jail population have come up and some members wanted to also address these issues, but there were also other members who thought this may be outside of the task assigned to the committee by the CJC. To help address these other concerns, Captain Fuhrman coordinated a tour of the 12th floor jail with the Criminal Justice Mental Health and Substance Abuse Committee on Juvenile Populations, on January 27, 2015. This gave the people in the tour a chance to interact with the juvenile inmates, and ask questions after the tour. Ms. Tonge also gave an example of a typical day of a juvenile inmate on the 12th floor.

Mr. Brian Fernandes suggested finishing first what the committee started, and then expanding the issues after the original questions have been answered. Ms. Tonge remarked that the concern was that there are a lot of other various committees looking at the same issue, and so why not look at it simultaneously. Chair Duncan recalled that some issues are beyond the original request, and it was hoped that some of the concerned parties will have gotten together and answer the questions outside of the subcommittee. Ms. Tonge agreed that some of the concerns are outside of the subcommittee's goal and are the purview of the

Sheriff's Office, so she wanted to know if the subcommittee should just focus on their original goal. Chair Duncan concurred. Mr. Brian Fernandes made a motion to keep focus on the primary goal of finding out if there is an increase in the 12th floor population, and the reason behind this increase. The members voted and the motion carried. Chair Duncan thanked Ms. Tonge; Ms. Tonge said she will report back to her committee.

VII. New Business

A. Veterans' Court

Chair Duncan remarked that the Veterans' Court is one of the very successful endeavors that they have, so he invited Judge Ted Booras to give an update. There have been 961 cases referred to Veterans' Court. A newspaper reported that a referral at one time of 854 equated to \$923,000 savings in incarceration costs; in addition to the service it provides in honor of the individuals that served our country.

Judge Booras noted that they are now on their 5th year. He said just met Congressman Murphy who is very interested, and will be their guest speaker next year. Unlike drug court, Veterans' Court is not a diversion court; it is a resolution court. Judge Booras gave an overview of how the court operates, as well as the advantages it provides. He noted that their numbers will always be artificially low, because he just found out from court administration that if a person pleads downtown and is transferred to Veterans' Court, the Clerk does not change the designation.

Ms. Colleen Farnsworth asked about the duration of the mentor-mentee relationship; Judge Booras said it ends at completion of the program. Ms. Baker commended Judge Booras for his commitment to this endeavor, which has expanded to other counties, with Judge Booras as the lead in how to do this, and not just in the courtrooms, but also in prisons, and out in the field. Chair Duncan also thanked Judge Booras; the success of the court is in large part due to his leadership, as well as the cooperation of the SAO, PD, DOC, misdemeanor probation, etc.

B. Pretrial Administrative Order No. 4.206

Jenise Link referred to the actual signed order included in the packet. This AO resulted out of her meeting with Judge Kastrenakes when they realized that there has not been an AO for pretrial release programs. This gives their office the mechanism to standardize what they do. The main changes in the operations were: 1) previously a pretrial officer had discretion on placing an SOR defendant on telephone reporting; now only the judge has that discretion (#5); and 2) previously they did not have the mechanism to communicate back to the court on a defendant's status, now they have the attached form, Exhibit "A" they can fill out to inform the court on any changes on a defendant's status (#9).

Mr. Fernandes asked, in terms of the requirements dealing with dangerous crimes, whether there is some way of distinguishing or delineating this so the Judges are informed. Ms. Link said right now they use a point scale for risk assessment which has the same language that is in the statute. So for a defendant that has a dangerous crime, they will check off not eligible for SOR release. Mr. Fernandes clarified whether it is for SOR only; Ms. Link said it can be done also with any monetary bond attached.

C. Accessing Services at DAF Following CARP Closure

Mr. Alton Taylor provided a handout containing FAQ information on accessing services at DAF following closure of CARP. He announced that the CARP facility was sold to a private organization and they are in the process of closing the facility down and he understands that it will open as a private for-profit venture. So DAF and other publicly supported substance abuse providers are working with the managing entity (ME) to transition the existing clients out, which they expect to be completed by next week. Fortunately, according to Mr. Taylor, they have the capacity to take in the new clients by opening some wings. He added that DAF will be launching a new initiative very shortly, wherein a group of case managers will serve as liaisons with the courts and will work with individuals and families in ensuring smooth access to indigent services. They expect the program to be ready in a couple of weeks.

Chair Duncan asked Judge Caroline Shepherd about her concerns. Judge Shepherd first thanked Mr. Taylor with whom she has been in communication with as to how this will impact defendants from First Appearance. Primarily, she is also concerned about drug court participants. She said that as early as Friday, all the in-patient clients would have been moved from CARP to DAF. She had prepared the order so on Monday; there will not be one at drug court receiving any services from CARP. Judge Shepherd had sent emails yesterday to the Chief Judge, all circuit criminal judges, the First Appearance Judge, Capt. Fuhrman, informing them about what happened and instructing them not to transport anyone to CARP. Judge Shepherd's concern is that drug court clients are safe and are getting the services they need with little to no interruption as possible. She said Mr. Taylor has helped with this, and she is also working with Ms. Baker. Judge Shepherd noted that she has spoken with Mr. Petrie about an hour ago and she said Mr. Petrie specifically said that they are going to remain a non-profit organization with CARP's original mission. But that she was not sure if this was a result of recent conversation with the board of directors. Mr. Taylor said they may remain not-profit, but may not be taking indigent clients. Ms. Baker reported that they also had contracted with CARP. They have about 35 people they are in the process of transitioning, which they hope to be completed by next week.

Chair Duncan remarked that he believes they need to be proactive with the new board of directors. He wanted to know if the committee has the ability to act or do they need the full CJC to encourage the new entity to remain non-profit. Mike Rodriguez thought the committee has that ability, but that he will inform the full

CJC about the situation to be sure. Chair Duncan expressed concern that if DAF finds itself in a similar financial situation that they will have any place. Ms. Link suggested inviting the managing entity because they are the ones that decided to end the contract; it was because of failure to address the corrective action plans. Mr. Taylor agreed about inviting the ME, to know what they are doing, their plans, and to make sure there are no gaps in services. He clarified with Chair Duncan that CARP's issue wasn't financial. He added that it will also be a good idea to encourage the County to keep the money in the public domain, as with CARP.

Mr. Rodriguez asked if they were providing indigent beds. Judge Shepherd responded that they are not providing any beds right now. Mr. Rodriguez wondered if there is still time to try to influence their decision to remain non-profit, or is it too late. Mr. Taylor said the only issue was whatever the board of directors of CARP negotiated in the sale. It was his understanding that there should be a provision in the sale that a few indigent beds will be provided, but he was not sure if this indeed went through in the final sale. Chair Duncan requested to get a letter to them as soon as possible, inviting them to the meeting and that the committee is very interested in hearing from them. Mr. Rodriguez also asked Ms. Link about pretrial defendants, and she replied that they are working on that this week.

VIII. Additional member and guest comments

No additional member and guest comments.

IX. Adjournment

Next Meeting: March 4, 2015; 12:00 P.M.