



## **PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION**

### **CORRECTIONS TASK FORCE/ Public Safety Coordinating Council**

Palm Beach County Governmental Center  
301 N. Olive Avenue, 12<sup>th</sup> Floor, McEaddy Conference Room  
West Palm Beach, Florida 33401

Wednesday, September 7, 2016; 12:00 P.M.

[http://www.pbcgov.com/criminaljustice/task\\_force/corrections/](http://www.pbcgov.com/criminaljustice/task_force/corrections/)

### **- MEETING MINUTES -**

#### **MEMBERS PRESENT:**

**Chairman Douglas Duncan**, Roth and Duncan, P.A.  
**Paulette Burdick**, Commissioner, Palm Beach County  
**Clarence Ellington**, Senior Chaplain, Palm Beach Sheriff's Office  
**Glenny Cueto**, Professional Probation Services, Inc.  
**Brian Fernandes**, Office of the State Attorney  
**John Kastrenakes**, Judge, 15<sup>th</sup> Judicial Circuit  
**Jenise Link**, Manager, Palm Beach County Pretrial Services Agency  
**Tommy Richards**, Palm Beach County Bail Bond Association  
**Caroline Shepherd**, Judge, 15<sup>th</sup> Judicial Circuit  
**James Smigel**, Captain, West Palm Beach Police Department  
**Louis Tomeo**, Director Criminal Court Services, Office of the Clerk and Comptroller

#### **MEMBERS ABSENT:**

**Rosalyn Baker**, Florida Department of Corrections  
**Jeffrey Colbath**, Administrative Judge, 15<sup>th</sup> Judicial Circuit  
**Michelle Dyer**, Workforce Alliance  
**Leonard Hanser**, Administrative Judge, 15<sup>th</sup> Judicial Circuit  
**Brandy Macaluso**, Victims Rights Coalition  
**Joseph Marx**, Judge, 15<sup>th</sup> Judicial Circuit  
**Alfonso Starling**, Major, Palm Beach Sheriff's Office  
**Alton Taylor**, Executive Director, Drug Abuse Foundation  
**Barbara White**, Public Defender's Office

#### **GUESTS PRESENT:**

**Manny Alvarez**, Palm Beach Youth Academy, Sequel  
**Mevsim Bocaksiz**, Drug Abuse Foundation  
**Steve Brown**, Department of Juvenile Justice  
**Linda Kane**, Southeast Florida Behavioral Health Network  
**Alan Johnson**, Office of the State Attorney  
**Tanya Meade**, Coalition for Independent Living Options  
**Danielle Ouellette**, Southeast Florida Behavioral Health Network  
**Michelle Spangenberg**, Court Administration

**Mark Strach**, Florida Department of Corrections (*for Rosalyn Baker*)  
**Robert Tutko**, Captain, Palm Beach Sheriff's Office (*for Major Alfonso Starling*)

**CJC STAFF PRESENT:**

**Kristina Henson**, Executive Director  
**Damir Kukec**, Research and Planning Manager  
**Jacqueline Esposito**, Criminal Justice Analyst  
**Danny Kreshak**, Financial Analyst  
**Allison Orr**, Administrative Assistant  
**Candee Villapando**, Criminal Justice Analyst  
**Bert Winkler**, 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 without changes.

**IV. Approval and/or Amendments to the June 1, 2016 Minutes of the Corrections Task Force/Public Safety Coordinating Council Meeting**

The minutes of the June 1, 2016 meeting were approved without amendments.

**V. Reports**

**A. Jail Population Report**

Captain Robert Tutko gave the report on behalf of Major Alfonso Starling. He reported that the total inmate population was 2,097 – broken down as: Main Detention Center 1,468; and West Detention Center 629.

**B. In House Arrest Report**

Pay and go for the month of August was 183. Total In-House Arrest population was 229.

**C. Pretrial Services Report**

Ms. Jenise Link reported that as of yesterday there were a total of 921 defendants on SOR; 565 of these individuals were on SOR only, and 356 were on SOR with accompanying money bond. Of the 565 defendants on SOR only, 17 remained in custody for other holds or bonds. The total out-of-custody SOR population was 823. Compared to the last report, it was very similar. But

compared to this month last year, they were down by about 125. The total SOR violations for August was 85; the main category was new charges which was 32.

#### **D. Juvenile Detention Center Report**

No report was presented.

#### **E. Misdemeanor Probation Report**

Glenny Cueto reported that for the month of August they had 168 new cases; total active cases of 2,127; 129 successfully completed cases; 36 cases were revoked; total cases terminated was 165.

### **VI. Old Business**

#### **A. Palm Beach Youth Academy / Palm Beach YA Substance Abuse – *Manny Alvarez, Facility Administrator***

Chair Duncan referred to the letter from the Department of Juvenile Justice from February this year advising the selection of Sequel TSI of Florida as the new service provider for Palm Beach Youth Academy. Chair Duncan introduced and thanked Manny Alvarez, the facility administrator. Mr. Alvarez likewise thanked the committee for inviting them to come back, since their last visit in August last year. Mr. Alvarez gave some background information on Sequel TSI, a nationally based company, and its local operations in the state of Florida. Effective August 1<sup>st</sup>, with the change in contract and provider, some of the changes at the facility included a reduction in population, increase in support services rendered, and increase and changes in staffing pattern. Mr. Alvarez also talked in detail about their new programs, their involvement with the community, and visits from outside guests. Mr. Alvarez invited everyone to visit their facility to learn more about them.

Chair Duncan was extremely impressed and thankful for the changes that were made, and asked Mr. Brown to express their appreciation to Secretary Daly for making a great choice in the new provider. Chair Duncan asked if preference is given to PBC youth to be placed in this facility. Mr. Alvarez replied that DJJ makes a very conscious effort to place local kids in local centers in an effort to promote family reunification and involvement, but still in consideration of the needs of the kids and the type of beds that they have. Chair Duncan also asked about the reduction of bed from 118 to 70; whether there are plans of increasing that number. Mr. Alvarez said that there are no plans, but that number seemed to be a good fit for that type of facility. Commissioner Paulette Burdick asked about female inmates; Mr. Alvarez said that there is no female residential facility in PBC. Commissioner Burdick commended Mr. Alvarez for their various career and training programs and asked to collaborate with them in helping improve the reading skills of the kids.

Chair Duncan invited Mr. Alvarez to the monthly meetings. Mr. Brown added that they are very proud of Mr. Alvarez and his team in terms of what they have accomplished in the last 12 months, and reiterated Mr. Alvarez's invitation to anyone interested in making a site visit.

**B. Southeast Florida Behavioral Health Network Initiatives Update –**

*Linda Kane, Housing Coordination Manager, SEFBHN*

Linda Kane came on behalf of Becky Walker to give an update on the grant application they submitted for a central receiving system in partnership with the Health Care District of PBC, and the PBC Sheriff's Office which would be a 5-year grant for \$1.5M with \$750,000 match. Ms. Kane discussed more details about the grant and the central receiving system process. The grant is due in February 2017.

**C. Bond Schedule Review Update – Chairman Douglas Duncan**

Chair Duncan presented the recommendations of the Subcommittee to the Corrections Task Force and the members voted on each recommendation as follows:

1. Add to "Crimes Not Eligible For Bond Prior To First Appearance" an arrest for a second DUI within five years of a prior DUI conviction.
2. Add to "Crimes Not Eligible For Bond Prior To First Appearance" the Second Degree Felony of Fleeing and Eluding.
3. Agreed to keep the standard bond schedules for First Degree Felonies at \$15,000 for PBC residents, \$20,000 for Florida residents, and \$25,000 for out-of-state residents.
4. By a vote of 10-3, the Committee voted to increase the standard bonds for Second Degree Felonies from \$5,000 to \$7,500 for PBC residents; from \$7,500 to \$10,000 for Florida residents; and from \$10,000 to \$12,500 for out-of-state residents.\*
5. Agreed to make no changes in the standard bond schedules for Third Degree Felonies meaning a \$3,000 bond for PBC residents; \$4,500 bond for Florida residents; and \$5,000 for out-of-state residents.
6. Regarding the discussion in reference to investigating whether any incarcerated individuals who have \$3,000 bond for a Third Degree Felony remain incarcerated, and that such individual's case be reviewed to determine if any changes should be made to the \$3,000 bond – the Subcommittee did not make any decision but thought that it is something worth looking into.

\*Notes:

When Chair Duncan presented the 4th recommendation of the Subcommittee he noted that three (3) of the eight (8) subcommittee

members who voted for the change are bondsmen. Chair Duncan stated that he was not picking on or suggesting anything improper, but instead noted that he should have not allowed three (3) individuals from the same representative body to have served on the Subcommittee.

Also, during discussion before the vote, Bert Winkler expressed several concerns about increasing the bond schedule for Second Degree Felonies for three reasons: 1) it seemingly contradicts what they are trying to do with the MacArthur project; 2) it bucks the national trend in the movement in criminal justice reform which is to reduce rather than increase the reliance upon monetary bail; and, 3) it raises the possibility of further punishing poor people. He also asked what the rationale was and what data was relied upon to make that recommendation. Brian Fernandez argued that public safety is not in contradiction with any pursuit in criminal justice, including MacArthur, and the fact that there has been no increase in bonds over ten years. Also, looking at Second Degree Felonies, most of them are serious offenses for which an offender cannot even get a withhold adjudication. Mr. Fernandes further clarified that what they are talking about is a schedule of bonds for the initial placement of restrictions over which the First Appearance Judge has total discretion. Judge John Kastrenakes commented that the Subcommittee looked at a corresponding Circuit (Orlando) with which the bonds are in line, and that a bondsman pointed out at the Subcommittee meeting that the highest rate of bond failures is for Second Degree Felonies. Chair Duncan added that in terms of statistics, there was no data presented that showed any scientific reliability that says Second Degree Felony offenders do not show up frequently as others; only opinions, which was why he voted against it. Chair Duncan thanked the Bond Schedule Review Subcommittee.

#### **D. MacArthur Foundation Safety & Justice Challenge Project –**

*Kristina Henson, Executive Director*

Kristina Henson gave updates on: 1) FUSE (Frequent User System Engagement) program: They are now in the planning process with stakeholders and social service entities to come up with an implementation plan by around spring of next year. They are currently looking at jail data which they are matching with homeless and behavioral health data to identify individuals to be targeted for the project; 2) Pretrial Pilot Project: They have selected a Risk Assessment instrument, which is being used in the state of Virginia and a lot of other jurisdictions in the nation. They are working with the team to put in place the second phase of the risk assessment process which is establishing a risk assessment management matrix, with the idea of laying a basic foundation where everybody is assessed in the same manner and the judges can go above and below based upon mitigating and aggravating circumstances, while working with the pretrial service agency. They will also be contracting with the Florida State University College of Criminology and Criminal Justice, collaborating with Mr. Kukec, Research Planning Manager, to look at a variety of

aspects of our system, including helping do a pilot with the risk assessment instrument, and help look at FUSE and MacArthur project overall.

Ms. Henson announced that a MacArthur delegation of eight will be at Seattle, Washington on October 4-7 for the all-sites (20 sites) meeting, paid by the grant, to look at the next phases. While in Seattle, they will also look at the LEAD program, a best-practice program looking at pre-arrest diversion of people with substance abuse, primarily opiate, issues.

Lastly, Ms. Henson was excited to announce the “Lightning Round” video, a three-minute video filmed by each site talking about what they are doing. Judge Jeffrey Colbath did the video for Palm Beach County. They will bring it to the next meeting, after it is finalized.

**VII. New Business** – No new business.

**VIII. Additional member and guest comments**

Mevsim Bocaksiz, from the Drug Abuse Foundation, discussed about the alarming opiate death numbers not only in PBC, but also around the nation. Mr. Taylor wanted to increase the attention being paid to this serious issue.

Alan Johnson added some statistics in PBC related to this epidemic and invited everyone to the Heroin Overdose Task Force meeting at the WPB Police Department Community Room on September 13.

Ms. Henson mentioned that the county commission has asked staff to keep them informed about both the heroin and sober home task forces.

Judge Kastrenakes remarked that this epidemic touches every part of our society more than the Zika virus, and therefore we need to escalate the concern and attention it receives.

Judge Caroline Shepherd shared that the other problem with this issue is that it is hard to help people who are not ready to get help; so maybe it is best to focus or concentrate efforts on those that are want treatment.

Lastly, Mr. Johnson added that looking forward to about a year, once they have had a handle on the corruption in the sober home industry, they will be looking at a bigger homelessness issue as illegal sober homes close.

Chair Duncan asked to put this issue on next month’s agenda.

**IX. Adjournment**

**Next Meeting: October 5, 2016; 12:00 P.M.**