

M I N U T E S

MONDAY, July 9, 2012 – 8:00 a.m.

**PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
EXECUTIVE COMMITTEE**

McEaddy Conference Room
12th Floor, 301 N. Olive Avenue
West Palm Beach, Florida 33401

Members Present:

Rosalyn Baker
James Barr
Peter Blanc
Douglas Duncan
George Elmore
Carey Haughwout
William Kramer
Gerald Richman
Lee Waring

Barbara Cheives
Ex-Officio Executive Committee

Members Absent:

Feirmon Johnson
James Kelly

E. Wayne Gent
Ex-Officio Executive Committee

Guests Attending:

Pamela Eidelberg, County Attorney's Office
Barbara Cox-Gerlock (via phone)
Jenise Link, PBC Public Safety
Louis Tomeo, Clerk & Comptroller's Office
FAU Student

Staff Present:

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

- I. Chairman Douglas Duncan called the meeting to order at approximately 8:03 a.m.
- II. Roll call was taken and a quorum was present.
- III. Chairman Duncan welcomed members and invited guests to introduce themselves.

- IV. The agenda was unanimously approved after motion after motion by Mr. Elmore and second by Mr. Waring.
- V. The minutes of the June 11, 2012 meeting were unanimously approved after motion by Mr. Waring and second Mr. Elmore.
- VI. Under Chairman's Comments, Chair Duncan:
 - A. Expressed condolence on behalf of members and staff to James Kelly on the passing of his dad. Mr. Kelly was absent from the meeting.
 - B. Reported on the local reentry public forum hosted by Secretary of the Department of Justice, Kenneth Tucker on Tuesday, June 27, 2012. The forum was attended by Chair Duncan and other CJC members, and Chair Duncan commented on the positive feedback. He noted that Secretary Tucker was extremely complementary on the County's reentry program, and thanked Public Defender Hangout, Rosalyn Baker, Craig Spatara and team members for their efforts in this regard. Secretary Tucker plans to return to Palm Beach County for continued discussion as he hopes to model the County's reentry program.
- VII. Under Executive Director's comments, Mr. Rodriguez:
 - A. Congratulated Katherine Hatos on her promotion to Senior Criminal Justice Analyst.
 - B. Advised that the MPSCC/\$12.50 issue would be further discussed at the August CJC meeting, and that he will meet with Chief Mangold and Audrey Wolf prior to the meeting.
- VIII. Business Consent Item
There were no business consent items.
- IX. Old Business
Under old business, Mr. Damir Kukec provided a brief report on the misdemeanor probation service that was presented at a previous CJC meeting. At that time Commissioner Taylor and other CJC members requested further analysis to better address the discrepancy between the race characteristic of people on probation.

The areas highlighted included the distribution of race/ethnicity across the census, county court and misdemeanor areas for which he provided a comparison, charges adjudicated guilty by county court, charges by sentence combination by race/ethnicity, DUI charges adjudicated guilty by county court, and DUI charges by sentence combination by race/ethnicity. In his conclusion, Mr. Kukec noted that the nature of county court caseload is a function of local law enforcement and the State Attorney's office. He also noted that the differences between white and black offenders serving misdemeanor probation may reflect the nature of offenses and demographics. Similar conviction rates for overall charges and DUI were noted, and data also suggest some differences in sentencing.

The issue was extensively discussed and members provided feedback through suggestions and recommendations such as the inclusion of poverty rates by percentage. A suggestion was also made to include footnotes on the document, and specific areas identified for Corrections Task Force to look at.

Chief Judge Blanc commented on the charges by sentence combination which indicates a clear disparity by race. He suggested a further break down by offence, looking also at prior probation history to show a better picture of who is getting jail time versus probation. Public Defender Haughwout remarked that DUIs may not be worth looking at because of the mandatory sentence. She further noted from the Public Defender's perspective, that the effects of poverty does not make probation a good option for the poor as they are at times in custody and not able to bond out thereby pleading the time serve to get out of jail. As such her office typically does not recommend that they take probation pleas when they don't believe they are able to make it due to lack of transportation, funds to pay the cost, among other issues that potentially sets them up for violation.

Mr. Waring questioned whether this raises the validity of the numbers provided as it is heavily skewed towards certain ethnic groups because of the poverty issue. Ms. Cheives reiterated the need to look at arrest by rates and to be sure of what the document is saying before it is widely distribution.

Chairman Douglas agreed with the comments made to look at the various areas and include disclaimers in the document before it gets distributed. He also encouraged Mr. Kucec to get Judge Bonavita and other judges involved in the process. Chief Judge Blanc advised Mr. Kucec to approach Michelle Spangenberg for assistance in this regard as she too was researching the issue.

X. New business

A. Response to recommendations from the Criminal Justice Mental Health and Substance Abuse Juvenile Population Committee.

Executive Director Rodriguez pointed to the recommendations from the committees on assessment and evidence based program which were presented at the annual planning meeting. Ms. Becky Walker highlighted the issue which she said relates to the youth being assessed over and over using multiple tools. She said that the aim is to combine and limit them. She stated that the recommendations are to involve the Department of Juvenile Justice (DJJ) at the state level to assist in this process, and to engage the managing entity for the Substance Abuse and Mental Health to work together with the help of the juvenile judges. Mrs. Cox-Gerlock argued that this will be prove complicated since many of the service providers in the community have applied to be the managing entity for substance abuse and mental health, which if awarded the contract will be evaluating themselves.

Chairman Douglas recommended that recommendation number two to

have a forum among the local judges to get their recommendations before statewide discussion be first priority. Mrs. Cox-Gerlock noted that they are somewhat connected since the state determines the local assessments. Mr. Rodriguez expressed hesitation with having the local judges meet and not been able to discuss it after being put on the agenda, and recommended that we wait to see how the management entity plays out before proceeding with the discussion. Mrs. Cox-Gerlock said that additionally, as of July 11 most of the staff at DCF Mental Health and Substance Abuse office have been terminated, and that there is a lot of money at stake.

Public Defender Haughwout suggested that a letter be sent to the current secretary of DJJ to determine her support of this effort.

A motion was made by Mr. Barr and second by Mr. Waring to table the decision to make any recommendations for the assessment committee until a managing entity is identified. Members unanimously approved the motion.

Members also unanimously approved motion to table recommendations for evidence based programs to serve the youth.

In the interim, staff will proceed with exploring the cost and what is involved.

- B. Staff requests CJC's approval to contract with the University of South Florida (USF) to provide an evaluation of the Florida Department of Children and Families (DCF) grant for the Supportive Housing Program, contracted with the Jerome Golden Center for Behavioral Health, Inc. Assessment Committee.

Mr. Rodriguez advised that the amount totaling \$45,000 is part of an existing grant from DCF to be used will be over a two year period and will involve no new money.

Staff request to contract with the University of South Florida (USF) was unanimously approved after motion by Mr. Elmore and second by Mr. Barr.

XI. CJC Initiatives/Update

Mr. Gerald Richman reported on the Sunshine Sub-committee meeting held on June 29th. He noted that the sub-committee explored ways of getting the bill pass, noting that while it can be done, it will be an uphill battle. He said that the current State Attorney, Peter Antonacci attended the meeting and is on board to identify a legislative fix. He expressed the need for support from agencies such as the County Commission, the local delegation and the press. He pointed out that members liked the draft prepared by Attorney Glen Torcivia and added that the main change is to include a definition of the Criminal Justice Commission. Mr. Richman noted that the discussion included the likely person to introduce the bill, and outlined the assignments going forward in terms of various persons to be contacted. These include county commissioners, Dave Aaronberg, and

the Palm Beach Post. It was however suggested that all three candidates for State Attorney be contacted and not limiting to one. The White Paper is expected to be completed prior to making contacts, but the time-line is by November.

- XII. Under member comments, Mr. Waring requested that a summary of information for the MPSCC discussion be provided in advance of the CJC meeting. It was also suggested that recommendations from the Chief of Police Association and the County be requested for review and discussion.

Chairman Duncan agreed to send letter regarding time limit for presentation to Chief Robert Mangold and Ms. Audrey Wolf.

The meeting was adjourned at approximately 9:12 a.m.