

M I N U T E S

MONDAY, DECEMBER 16, 2019

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Marcia Andrews
Dave Aronberg
Barbara Cheives
Rachel Docekal
Douglas Duncan
George Elmore
Carey Haughwout
Joseph Ianno, Jr.
Randolph Johnson, Sr.
Kevin Jones
Dave Kerner
Nellie King
Christina Morrison
Krista Marx
Gerald Richman

Members Absent:

Frank Adderley
Michael Barbercheck
Sharon Bock
Ric Bradshaw
Sheldon Burkett
Ellen Cohen
William Dames
Justin Fleck
Keith James
Michelle Johns
Kathleen Kroll
Frank Mercurio
Tina Polsky
Stephen Stepp
Greg Starling
Lee Waring

Guests Attending:

John Van Arnam, Deputy County Administrator
Louis Tomeo, Clerk & Comptroller's Office
Dave Bernhardt, PBC BOCC District 3
Mike Edmondson, State Attorney's Office
Mike Gauger, PBSO
Alfonso Starling, PBSO
Judge Jonathan Gerber, 4th District Court of Appeals
Jean Williams, Assistant County Attorney
Cassandra Atkin-Plunk, Florida Atlantic University
Stephen Plunk, Plunk Designs
Dave Talley, PBC CareerSource
Michelle Cruz, Court Administration
Daniel Svec, Court Administration
Lauren Whetstone, Greenberg Traurig, LLC
Victoria Nolan, PBC Legislative Delegation
Hannah Morse, Palm Beach Post
Arlene Griffiths, PBC Public Safety
Alia Spencer, PBC Public Safety

Staff Present:

Brad Allen, Criminal Justice Analyst
Jonathan Hackley, Sr. Criminal Justice Analyst
Kristina Henson, Executive Director
Damir Kukec, Manager, Research & Planning
Allison Orr, Administrative Assistant
Jacqueline Schoenfeld, FUSE Program Coordinator
Katherine Shover, Senior Criminal Justice Analyst
Bert Winkler, Manager, Program Development

- I. Chairman Gerald Richman called the meeting to order and extended a welcome to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chair Richman invited guests to introduce themselves.
- IV. The Agenda for the December 16, 2019 meeting was unanimously approved upon a motion by Mayor Dave Kerner and a second by Mr. George Elmore.
- V. The Minutes of the November 25, 2019 meeting were unanimously approved upon a motion by Mayor Dave Kerner and a second by Mr. Randy Johnson, Sr.

VI. Chairman's Comments

- A. Chairman Gerald Richman congratulated Mr. George Elmore for recognition from the County Commission which proclaimed December 8 as "George Elmore Day", on the occasion of his 90th birthday.
- B. Chair Richman reminded those present that the next CJC meeting will be on January 27, 2020, and wished everyone Happy Holidays and Happy New Year.

VII. Executive Director Comments:

- A. Executive Director Kristina Henson informed members the Florida State University College of Criminology and Criminal Justice has contracted with the Florida Legislature to conduct racial and ethnic impact statements of proposed criminal justice legislation for the upcoming 2020 session. This is the first time proposed legislation will be reviewed for its potential impact on people of color.
- B. Director Henson referenced a Palm Beach Post article of November 27, "Accused Boca bank robber, 73, will be released from jail, judge rules". She said this release was made possible through MacArthur grant funds, and she thanked Public Defender Carey Haughwout for acknowledging the grant in the article.

VIII. Old Business:

- A. Chairman Gerald Richman recognized Judge Jonathan Gerber who addressed the Judge Marvin Mounts Prison Tour scheduled on March 18-19, 2020. The tour is an annual event, this new year will mark its 47th anniversary. He thanked the CJC and staff for providing funding and accommodations for the charter bus.
- B. Chair Richman recognized Mr. Douglas Duncan, Chair of the Corrections Task Force (CTF)/Public Safety Coordinating Council (PSCC), who gave background information and an overview of the PBSO Work Release Program Evaluation Report requested by Sheriff Bradshaw. Mr. Duncan stated the CTF/PSCC was tasked by the CJC to study all aspects of the program from January 1, 2014 through August 31, 2019, without regard to specific cases. Mr. Duncan said there are currently two individuals participating in the program and the Sheriff has suspended the program until the evaluation study is complete. Mr. Duncan noted staff recommended discontinuance of the program, citing the financial and operating costs outweigh the benefits of the program itself. He said the CTF/PSCC voted to recommend continuance of the program, as the impact to the jail is minimal due to the low number of participants and determined there is a need for the program. The CTF/PSCC cited sliding scale fees, separation of PBSO policies of Work Release and In-House Arrest programs and eligibility requirements for personal medical insurance were areas of concern and should be reviewed and updated to meet current program costs and liability issues. PBSO Chief Deputy Michael Gauger stated Sheriff Bradshaw's position is in agreement with staff that the work release program be discontinued. Deputy Gauger said PBSO Alternative Custody Unit will no longer refer participants or set eligibility parameters, it will function only with policy enforcement and monitoring duties. Deputy Gauger stated the parameters will be set by the judges. He said PBSO will work with the judiciary to establish appropriate parameters for the judiciary to follow. Chief Judge Krista Marx agreed the parameters should lie solely with the judiciary. She said judges could deem it appropriate to allow a participant to work as a condition of house arrest. Public Defender Carey Haughwout said the County should look into more alternative programs to incarceration and appropriately refer those in need of services to providers outside of law enforcement to help reduce recidivism. Ms. Barbara Cheives questioned the time spent by staff on the report and stated the timing of this decision by the Sheriff was politically motivated. Mayor Dave Kerner supported the need for county run alternative programs. He asked for future discussions and research into alternative program models being used in other national and state locations. Ms. Haughwout suggested the CTF could gather research to determine a feasible model that can be used in the County. A motion was made by Mr. Doug Duncan to adopt the recommendations of the CTF/PSCC, and upon a second by Ms. Christina Morrison, the motion passed with 2 nays from Chief Judge Krista Marx and Mr. George Elmore. Ms. Carey Haughwout made a motion to refer to the CTF/PSCC a review of alternative to

jail programs in Palm Beach County, and upon a second by Ms. Barbara Cheives, the motion passed unanimously.

- C. Mayor Dave Kerner acknowledged and thanked outgoing Chairman Gerald Richman for his many years of valuable service to the CJC and as Chair for the last two years. Chairman Richman thanked the CJC and staff and encouraged Palm Beach County to continue to fund the important work of the CJC.
- D. Chief Judge Krista Marx delivered the oath of office to the new 2020 Chair, Mr. Joseph Ianno, Jr., and subsequently swore in the new officers for 2020:
 - i. Rev. Kevin L. Jones, Vice-Chair
 - ii. Ms. Rachel Docekal, Treasurer
 - iii. Ms. Nellie King, Secretary

IX. New Business:

- A. Executive Director Henson informed members of an invitation to participate in a new MacArthur Safety and Justice Challenge targeted technical assistance opportunity with the Bazelon Center for Mental Health Law. This project assistance will be provided in concert with the Policy Research Institute (PRI) to examine how possible changes to “big ticket” state programs may assist further reductions in arrests and incarceration of people with serious mental illness. Some of these programs might include the state Medicaid program, state-administered housing programs and jail provider contracts. Director Henson asked the CJC for direction on whether they wanted to participate in this project. She stated this opportunity is available because the MacArthur Foundation has recognized the many initiatives the Core Team has put into place and the commitment shown by taking advantage of various paths of technical assistance. Mayor Dave Kerner voiced support for the opportunity and asked that the team keep the chosen “big ticket” item in line with BOCC priorities. Upon a motion by Mr. Randy Johnson, Sr., to participate in the technical assistance opportunity provided by Bazelon and PRI, and a second by Ms. Christina Morrison, the motion passed unanimously.

X. Update on CJC Initiatives:

A. MacArthur Safety and Justice Challenge:

- i. Director Henson gave a brief review of the Florida State University Pretrial Assessment Validation Study presented on December 3. FSU found that those assessed by the tool in the two-year project experienced a pretrial failure rate of 14%, which is in line with other jurisdictions across the country. They also found that the tool had a 60% rate of predictability which is also in line with other tools being used nationwide. She said the Pretrial Team will determine how to proceed. Public Defender Carey Haughwout voiced concern that the study found a bias exists in the tool toward black males which needs to be considered in moving forward. .

XI. Member Comments:

None

XII. Adjourn:

With no further member comments, newly installed Chairman Joe Ianno, Jr. Adjourned the meeting at 9:02 a.m.