

M I N U T E S

MONDAY, October 24, 2016

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Dave Aronberg
Roselyn Baker
Barbara Cheives
Jeffrey Colbath
Douglas Duncan
George Elmore
Joseph Ianno, Jr.
Keith James
Randolph Johnson, Sr.
Kevin L. Jones
Dave Kerner
Nellie King
William Kramer
Kathleen Kroll
Bryan Kummerlen
Karl Martin
Frank Mercurio
Christina Morrison
Gerald Richman
Greg Starling
Lee Waring

Members Absent:

Sharon Bock
Ric Bradshaw
Michael D'Alonzo
Rolando Garcia
Carey Haughwout
Frank Kitzerow
Barry Krischer
John McKenna
Debra Robinson
Robert Shirley
Priscilla Taylor

Guests Attending:

Jon Van Arnam, PBC Deputy County Administrator
Louis Tomeo, Clerk & Comptroller's Office
Jim Brako, PBC Assistant County Attorney
Lincoln Sloas, FAU
John Smykla, FAU
Cassandra Atkin-Plunk, FAU
Seth Fallile, FAU
Will Hauser, FAU
Arlene Griffiths, PBC Public Safety Department
Jennifer Loyless, Public Defender's Office
Mike Edmondson, State Attorney's Office
Al Johnson, State Attorney's Office
Michelle Spangenberg, Court Administration
Eliot Kleinberg, Palm Beach Post
Mark Strach, Florida Dept. of Corrections
Olufemi Sodipo, Florida Dept. of Corrections
Sylvia Moffett, City of West Palm Beach

Staff Present:

Kristina Henson, Executive Director
Damir Kukec, Manager Research and Planning
Danny Kreshak, Financial Analyst
Katherine Hatos, Senior Criminal Justice Analyst
Rosalind Murray, Senior Criminal Justice Analyst
Jacquelyn Esposito, Criminal Justice Analyst
Allison Orr, Administrative Assistant
Pamela Williams, Temporary Staff

- I. Chairman Lee Waring called the meeting to order and extended a welcome to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chairman Waring invited guests to introduce themselves.
- IV. The Agenda for the October 24, 2016 meeting was unanimously approved after motion by Mr. Doug Duncan, second by Chief Judge Jeffrey Colbath.
- V. The Minutes of the September 26, 2016 meeting were unanimously approved after a correction was made by Representative Dave Kerner, to reflect that guest David Bernhardt is the Legislative Assistant in District #87, he was incorrectly listed as representing FAU.

VI. Chairman's Comments:

1. Lee Waring welcomed Mr. Frank Mercurio to the CJC as the new Florida Department of Law Enforcement representative.
2. Mr. Waring announced the date for the 2017 CJC Annual Planning Meeting on February 27, 2017 from 9:00 a.m. to 1:00 p.m. at the Palm Beach County Convention Center.

VII. Executive Director Comments:

1. Kristina Henson announced the first session of the 30th Criminal Justice Citizen's Academy took place last week with close to 60 participants, with an overviews of the Clerk's Office, the Court System and the CJC.
2. Ms. Henson announced the Criminal Justice and Community Forum event on October 25 at Palm Beach State College with four CJC members participating on the panel.

VIII. Old Business:

1. MacArthur Safety and Justice Challenge Update: Mrs. Henson introduced the three-minute lightning round video featuring Chief Judge Jeffrey Colbath that was shown at the All Sites meeting in Seattle October 4 through the 7th. Judge Colbath who attended the all-site meeting with Deputy Chief Mike Gauger from PBSO gave an overview of the meeting. Some topics he covered were the FUSE project, the continuation of Operation Fresh Start, and issuance of a

mission statement for Court Administration staff. He also explained an idea he learned of in Seattle regarding first appearances having both secured and unsecured bonds. He said that even though six members of the local team were unable to attend due to Hurricane Matthew, it was a fruitful event that highlighted the county's efforts. Ms. Henson mentioned the next grant application will be due in June. She explained that MacArthur has reserved two-million dollars for each partner site and in order to receive the funds the grant application must show significant progress from last year which she is confident we will. Both Chair Waring and Ms. Henson strongly encouraged the members of the CJC to attend the December 19 meeting when Director Laurie Garduque from the MacArthur Safety and Justice Challenge will be here for a site visit.

2. CJC Host Agency for the Bryan Stevenson Speaking Event: Ms. Barbara Cheives thanked the members for their support as a host agency for the Bryan Stevenson speaking event with over 500 attendees. Ms. Cheives recommended all read Mr. Stevenson's book "Just Mercy" and brought some calendars from the event for anyone who would like one.
3. Body-Worn Cameras, Follow-up Discussion on CJC Direction: Chair Waring introduced the topic of body-worn cameras as a follow-up to the discussion from the September 26, 2016 full CJC meeting. He asked for input on whether the CJC should make recommendations, or if further study is needed. Mrs. Henson explained the matrix included in the agenda packet showing various law enforcement agencies' status on the use of body-worn cameras. She noted that during the last legislative session, a bill was passed requiring that agencies adopt a policy if they implement the cameras but that the bill provided no specifics on policy provisions. She explained that because this is new technology that is challenging laws and law enforcement operations and that the technology is changing so quickly, the CJC will serve as a clearinghouse for information on policy provisions, lessons learned, pros and cons, legal challenges, and research studies. She said that the City of West Palm Beach has contracted with Florida Atlantic University (FAU) to evaluate their body camera project. She added that at the CJC Annual Planning Meeting in February there will be a demonstration of body cameras including how they work and how data is stored and maintained. FAU will also participate to educate the CJC on their research findings. CJC staff will be adding to the matrix information such as startup costs, and staffing needs resulting from public records requests. There will also be a second matrix established to map key aspects of policy provisions. In the event a new department is looking at deploying body-worn cameras this can be a resource kit and establish one complete source for information. Chair Waring asked Chief Bryan Kummerlen to summarize his experience with implementation and use of body cameras in the City of West Palm Beach. Chief Kummerlen stated the department's implementation was based on information from Daytona Beach as this was the closest similar size department. He also stated he is in support of the clearinghouse idea, as the most difficult aspect is formulating policy, particularly on the storage and dissemination of evidence. Representative Dave Kerner added his experience

as a ranking member of the Judiciary Committee as the Legislature made an effort to mandate body camera use. At the time, he tried to curtail the effort, as he believes it is not a legislative decision. He worked to shepherd a series of policies consistent with Chapter 119 (Public Records Exemptions). Representative Kerner stated the clarification of what can and cannot be disclosed to the public is the proper role of the Legislature. He added that privacy issues will be difficult to adjudicate in years to come, and Palm Beach County should take the lead in developing policy. Mr. Randy Johnson asked about the cost of the cameras. Chie Kummerlen responded the cost of the camera is minimal; it is the storage and dissemination of data that is the cost concern. Ms. Henson added the higher the storage capacity of the camera needed, the higher the acquisition cost will be. She cited a demonstration she attended with the Palm Beach Gardens Police Department which is using an easy system like West Palm Beach for storage and maintenance of the videos through Evidence.com. Their cost for approximately 112 officers was close to \$300,000.00. As technology is changing so rapidly, there is a cost concern to keep up with the change in technology. Chief Kummerlen added that the City of West Palm Beach contracted with Taser for \$840,000.00 for five years including an upgrade after two-and-a-half-years. Mr. Al Johnson from the State Attorney's Office added that the redaction process is significant and will increase back-end costs. Ms. Nellie King added her support for the need for information and further policy decisions. Chair Waring suggested assigning study of these issues to the Law Enforcement Planning Council (LEPC). Judge Colbath agreed the CJC should be involved and Chair Waring asked Ms. Barbara Cheives as co-chair of the Community Engagement Task Force (CETF) if that would be an appropriate forum as well. Ms. Cheives stated the public will want to know what the County is considering. She agreed the LEPC would be a proper forum but should not be the only place to give consideration, and there should be some cross pollination with both committees. Mr. Gerald Richman added the public disclosure policy issue as a cutting edge question to consider. He also supported the idea of the CJC studying and recommending policy. Mr. George Elmore added the importance of public records requests and the costs involved and suggested that many changes need to be made in the system. Ms. Cheives suggested this issue does not belong squarely in either the LEPC or Community Engagement Task Force and suggested a separate subcommittee be formed. Mr. Frank Mercurio suggested allowing the LEPC to gather information and to look at policy and technology. Then the LEPC would bring it back to CJC to consider all matters. He cautioned the members that body-worn cameras are not the answer to all the law enforcement controversies. He added that FDLE is responsible for conducting investigations of officer-involved shootings in Miami-Dade, Broward and Palm Beach Counties. The FDLE encourages releasing information to the public, as long as it does not interfere with criminal investigations. Judge Colbath and Ms. King both voiced support for Ms. Cheives' suggestion for a separate subcommittee. Chair Waring asked if there were any objections to proceeding with a new subcommittee with a component from courts, law enforcement and community. With no objections

made, Chair Waring stated the CJC will proceed in that manner.

4. John Jay Research Network on Misdemeanor Justice: At the September 26 CJC meeting it was agreed to submit an application for this project. Mrs. Henson announced the application has been made with letters of support from CJC, FAU and the Chiefs of Police Association and that we are waiting for an answer.

IX. New Business:

1. State Attorney Dave Aronberg Sober Home Task Force Briefing: Mr. Aronberg introduced both Mr. Al Johnson and Mr. Mike Edmondson from his office. He gave an overview of the history of legally and illegally dispensed opioids in Palm Beach County and how the use of this has evolved into the current heroin epidemic. This epidemic fueled the rise of sober homes and while they are important, they are unregulated and many abuses within the insurance system has forced the existence of the Sober Homes Task Forces led by Mr. Al Johnson. The purpose of these Task Forces in conjunction with law enforcement is to stop the illegal flow of money and to clean-up the relationship between outpatient treatment centers and sober homes. Mr. Al Johnson gave statistics on the sober homes in the county. He and Mr. Aronberg warned that one result of shutting down these illegal operations, will be a rise in homelessness. He informed the CJC that Congresswoman Lois Frankel has asked for federal clarification on the question of what municipalities can do to regulate sober homes and is still awaiting an answer. Commissioner Keith James applauded the efforts of the State Attorney's Office in dealing with this problem as he is well aware of how helpless municipalities are to do anything at the moment. Chair Waring tasked Ms. Henson to meet with the State Attorney and staff to strategically coordinate efforts.

X. CJC Initiatives – Presented by Executive Director Kristina Henson

1. Ms. Henson announced that the annual law enforcement coordination meeting between the LEPC and the U.S. Attorney's Office was very successful and included a large delegation of federal agencies. U.S. Attorney Wifredo Ferrer, heads of other federal agencies, and the local chiefs introduced themselves and their agencies. They discussed cooperative efforts and prevalent issues in the South Florida area.
2. Ms. Henson said that the Corrections Task Force had a presentation by the new vendor at the Palm Beach Youth Academy, Sequel Inc. She said members were pleased to hear about the changes at the Academy in light of abuses found last year. She referred members to a letter from Florida Department of Juvenile Justice Secretary Christina Daly informing us of the change in vendor.

XI. Member Comments:

Legislative Representative Dave Kerner requested Mrs. Henson to have CJC staff poll the South Florida Regional Transit Authority (Tri-rail), Florida Highway Patrol, and the Florida Fish and Wildlife Commission, as to whether or not those agencies use or will use body cameras. Ms. Henson agreed and will report back those

findings.

With no further comments, Chairman Waring adjourned the meeting at approximately 9:12 a.m.