



PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

CORRECTIONS TASK FORCE/ Public Safety Coordinating Council

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

Wednesday, December 2, 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.
Paulette Burdick, Commissioner, Palm Beach County
Glenny Cueto, Professional Probation Services, Inc.
Brian Fernandes, Office of the State Attorney
Leonard Hanser, Administrative Judge, 15th Judicial Circuit
John Kastrenakes, Judge, 15th Judicial Circuit
Jenise Link, Manager, Palm Beach County Pretrial Services Agency
Tommy Richards, Palm Beach County Bail Bond Association
Caroline Shepherd, Judge, 15th Judicial Circuit
Alfonso Starling, Major, Palm Beach Sheriff's Office
Alton Taylor, Executive Director, Drug Abuse Foundation
Louis Tomeo, Director Criminal Court Services, Office of the Clerk and Comptroller

MEMBERS ABSENT:

Rosalyn Baker, Florida Department of Corrections
Jeffrey Colbath, Administrative Judge, 15th Judicial Circuit
Michelle Dryer, Workforce Alliance
Brandy Macaluso, Victims Rights Coalition
Joseph Marx, Judge, 15th Judicial Circuit
James Smigel, Captain, West Palm Beach Police Department
Barbara White, Public Defender's Office

GUESTS PRESENT:

Mevsim Bocaksiz, Drug Abuse Foundation
Colleen Farnsworth, DCF Legal
Kai Li Fouts, Palm Beach Association of Criminal Defense Lawyers
Alan Fuhrman, Captain, Palm Beach Sheriff's Office
Richard Lubin, Palm Beach Association of Criminal Defense Lawyers
William Minton, Office of the State Attorney
Stewart Saalfied, Court Administration

CJC STAFF PRESENT:

Damir Kukec, Research and Planning Manager

Allison Orr, Administrative Assistant

Candee Villapando, Criminal Justice Analyst

I. Welcome, Opening Comments by Chairman Douglas Duncan

II. Roll Call and Introduction of Guests

Damir Kukec did the roll call and guests introduced themselves.

III. Approval and/or Additions to the agenda

The agenda was approved without changes.

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

The minutes of the October 7, 2015 meeting was approved.

V. Reports

A. Jail Population Report

Major Alfonso Starling reported that the population as of that morning was at 2,133.

B. In House Arrest Report

Total In-House Arrest population for the end of November was 236; pretrial 127 (including 3 direct filed juveniles); 98 county sentenced – 11 misdemeanor probation, zero DJJ; and zero AO. Pay and go was 193.

C. Pretrial Services Report

Ms. Jenise Link reported that as of yesterday there were a total of 1,019 defendants on SOR; 538 of these individuals were on SOR only, and 481 were on SOR with accompanying money bond. Of the 538 on SOR only, 12 remain in custody; 7 awaiting treatment, and 5 due to other charges or holds. Of the 481 individuals on SOR with a bond, 80 remained in custody due to holds or bonds. Total SOR population out of custody was 927. Compared to last month, the numbers were very similar; compared to this time last year, total numbers were about 100 more. Chair Duncan thanked Ms. Link for breaking down the violations. Ms. Link noted that they just started doing it in their monthly reports.

The main categories were failure to show for their very first appointment (orientation) and the weekly appointments.

D. Juvenile Detention Center Report

No report was presented.

E. Misdemeanor Probation Report

Ms. Glenny Cueto had not arrived yet, but Chair Duncan referred to a report included in the packet.

VI. New Business

A. Concerns on conditions at Palm Beach County Jails - Kai Li Fouts, President, and Richard Lubin Palm Beach Association of Criminal Defense Lawyers (PBACDL)

Chair Duncan introduced the issue. As a criminal defense lawyer, he received an email from Ms. Fouts, President of PBACDL, soliciting from the local criminal defense lawyers any concerns on the conditions at the Palm Beach county jail. Mr. Duncan contacted Ms. Fouts and told her of this committee which he chairs, and encouraged Ms. Fouts to come before this committee, first and foremost because they have a wonderful relationship with their colleagues and friends at the PBC jail. In his long history in the committee, Chair Duncan found that whatever issues they bring to the committee related to the conditions in the jail, the jail personnel have always been receptive; listening to and addressing their concerns, and many times they reach a solution. So Chair Duncan invited Ms. Fouts to come before the committee to present the concerns. Mr. Richard Lubin, also past president of the PBACDL, also came to the meeting. Chair Duncan noted that advance notice was given to Major Starling and others at the jail so they will not feel “ambushed” at the meeting. Chair Duncan acknowledged the presence of Captain Alan Fuhrman as well. Lastly, Chair Duncan clarified that the concerns are not an indictment, nor is this fact finding, but just an open dialog.

Ms. Kai Li Fouts thanked the committee for the invitation. She gave a brief background on how the issue came up. They reached out to their membership to see if they could develop a concentrated effort in addressing these issues in concert with the Sheriff’s Office, and effect positive change. Ms. Fouts clarified and noted that they wanted to have this discussion with the jail personnel because these issues may be things that have not trickled to higher ups, so they may not even be aware of these issues. Their concerns basically develop around issues related to: 1) Food (rocks found in food, uncleanliness of the trays, food served cold, spoiled milk); 2) Toilet facilities (unclean conditions and lack of access to cleaning supplies); 3) Mental health (people suffering from mental health issues getting charged with crimes in the mental health unit; 4) Regular health/medical/dental care (proper and timely treatment of wounds, etc.,

timeliness of medication for serious mental health issues); and 5) Apparent different culture among the employees at the jail (e.g., among different floors, or Gun Club vs. Belle Glade). As a result of food concerns, inmates go to canteen which is incredibly costly, especially for indigent clients.

Mr. Lubin has a long historical perspective on the issue as he has been visiting clients in the Palm Beach County jails for 41 years. He said he had seen the jail when it was a real disaster. But what he wanted to share was his perspective on the jail in the last three to four years when he saw a bit of a change. He echoed the issues Ms. Fouts talked about. He also reminded everyone that most of the people in the jail have not been convicted of a crime; they are being held there pretrial. Mr. Lubin also thanked everyone for listening. Ms. Fouts added that in their survey, they also asked PBACDL members for positive experiences with the jail. She mentioned from her personal experience about this 14 year-old boy on the 12th floor who said that his life is better now than it was on the outside, and that every single deputy there looks out for him. A suggestion from one of their member is to ask whether there is a chance for members of the Corrections Task Force to spontaneously go over to the jail and look and see. And if there is something they can do amongst their membership to help or keep the Sheriff's Office informed, they also welcome this opportunity.

Before turning over the discussion to the Major Starling or Captain Fuhrman for their response, Chair Duncan passed along a message he received via a phone call from Undersheriff Mike Gauger indicating that he would like to come to a meeting of the PBACDL. Ms. Fouts thanked Chair Duncan and said that they would love that. Captain Fuhrman said that the complaints that were brought forward are the same complaints that he has heard in the 33 years that he has been working at the Sheriff's Office. Regarding the food, the Sheriff's Office has a dietician on staff who certifies that their food have the appropriate amount of calories, nutritional values, etc. They cannot change the menu unless approved by the nutritionist; there is a process they have to follow to change it, and will have to report it to the state. The Sheriff's Office is accredited by the State of Florida, by national standards, and they are audited. Captain Fuhrman mentioned that he is an assessor and goes to other agencies, and that compared to these other agencies, the Sheriff's Office is doing a lot better. He said that they are receptive to address issues, but one of the difficulties in bringing up issues like these in a public forum is that it looks like one blanket issue for everything. Captain Fuhrman talked about how he has talked and worked together with individual attorneys, family members, etc., to resolve issues. He pointed out that they can all agree that the jail is not the most appropriate setting for individuals with mental health issues; that it is the courts, the state, and the whole system that need to try and fix it. But they are very receptive, and they try to do their best, and he encouraged everyone with an issue to call them, and they will address the issue.

Major Starling echoed and elaborated a little bit more on what Captain Fuhrman talked about. He assured everyone that the Sheriff's Office does not have a policy that allows any staff to treat any one poorly. They would need to know who the

individual is, however, so they can take corrective actions with this individual who may not be fulfilling his role. Regarding the cleaning supplies, as Captain Fuhrman had said, they need to keep them locked up for safety reasons. Like Captain Fuhrman, he said that if you reach out to them, they will address the issue right then.

Chair Duncan shared his perspective on the difference in the climate in the state prisons versus the county jails in that jail inmates are not yet sentenced and still presumed innocent so they couldn't care less how they behave; while state prisoners are already sentenced and therefore tend to be in their best behavior to get gain time because they want to go out earlier. It just gives one a perspective of why county jail inmates' behavior may be more difficult to manage. Chair Duncan said he appreciated the dialogue, and repeated Undersheriff Mike Gauger's desire to come to and address the PBACDL. He is sure Major Starling and Captain Fuhrman will be available as well. Ms. Fouts said they will definitely extend the invitation to Undersheriff Gauger.

Judge Hanser asked if pretrial inmates mixed in with the county-sentenced inmates. Captain Fuhrman said they are kept separate. By statute, pretrial inmates cannot be compelled to work; the only inmates that work to maintain the jail are the county-sentenced inmates. Tommy Richards commented that every time they have sat down with the Sheriff's Office, they got results, and they appreciate that. The Sheriff's Office always address their concerns and try to make things better, and he is hoping the same will happen with the attorneys' concerns. For the record, Chair Duncan noted that Judge Caroline Shepherd had joined the meeting a while ago; Mr. Minton, a candidate for the position of Executive Director was present as well. Chair Duncan thanked him for being there.

VII. Old Business

No old business.

VIII. Additional member and guest comments

Chair Duncan wanted the members to note that the January meeting will be pushed back to January 13, 2016 (from the 6th).

IX. Adjournment

Next Meeting: January 13, 2016; 12:00 P.M.