



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, October 7, 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.
Rosalyn Baker, Florida Department of Corrections
Glenny Cueto, Professional Probation Services, Inc.
Leonard Hanser, Administrative Judge, 15th Judicial Circuit
John Kastrenakes, Judge, 15th Judicial Circuit
Brandy Macaluso, Victims Rights Coalition
Caroline Shepherd, Judge, 15th Judicial Circuit
James Smigel, Captain, West Palm Beach Police Department
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
Barbara White, Public Defender's Office

MEMBERS ABSENT:

Paulette Burdick, Commissioner, Palm Beach County
Jeffrey Colbath, Administrative Judge, 15th Judicial Circuit
Michelle Dyer, Workforce Alliance
Brian Fernandes, Office of the State Attorney
Jenise Link, Manager, Palm Beach County Pretrial Services Agency
Joseph Marx, Judge, 15th Judicial Circuit
Tommy Richards, Palm Beach County Bail Bond Association

GUESTS PRESENT:

Ann Berner, CEO, Southeast Florida Behavioral Health Network
Colleen Farnsworth, DCF Legal
Alan Johnson, Office of the State Attorney
Latronda Hayes, Palm Beach County Pretrial Services Agency
Greg Kridos, Office of the State Attorney
Kelly Landers, President, CARP
Keri Sampson, Coalition for Independent Living Options
Michelle Spangenberg, Court Administration

CJC STAFF PRESENT:

Michael L. Rodriguez, Executive Director
Jackie Esposito, Criminal Justice Analyst
Damir Kukec, Research and Planning Manager
Allison Orr, Administrative Assistant
Candee Villapando, Criminal Justice Analyst

I. Welcome, Opening Comments by Chairman Douglas Duncan

Chair Douglas Duncan announced regrettably that Mr. Michael Rodriguez has resigned as Executive Director of the Criminal Justice Commission to take a position in Texas. Chair Duncan said that has worked with Mr. Rodriguez in the Corrections Task Force for many years and that Mr. Rodriguez has always been fantastic in making this committee the success he believes it is. Chair Duncan thanked Mr. Rodriguez on behalf of the committee and of Palm Beach County for his work and dedication, and wished him well. Mr. Rodriguez likewise expressed appreciation for Chair Duncan for his work on the committee over the years. He will be missed.

II. Roll Call and Introduction of Guests

Damir Kukec did the roll call.

III. Approval and/or Additions to the agenda

The agenda was approved without changes.

IV. Approval and/or Amendments to the September 2, 2015 Minutes of the Corrections Task Force/Public Safety Coordinating Council Meeting

The minutes of the September 2, 2015 meeting was approved.

V. Reports

A. Jail Population Report

Major Alfonso Starling reported that the average jail population as of that day was at 2,279.

B. In House Arrest Report

Total In-House Arrest population was 216; pretrial 106 (including 1 direct filed juvenile); 101 county sentenced – 9 misdemeanor probation, zero DJJ; and zero AO. Pay and go was 162.

C. Pretrial Services Report

Ms. Latronda Hayes reported that as of October 5th, there were a total of 1,076 defendants on SOR; 589 of these individuals were on SOR only, and 487 were on SOR with accompanying money bond. Of the 589 on SOR only, 15 remained in custody; 6 awaiting treatment, and 9 due to other charges or holds. Of the 487 individuals on SOR with a bond, 106 remained in custody due to holds or bonds. Total SOR population out of custody was 955. Compared to last month, the numbers were similar; but compared to this time last year, total numbers were up by 175. Chair Duncan observed that the 6 awaiting treatment is a little higher than normal and asked for explanation other than the facilities are full and the loss of CARP. Ms. Hayes responded no, these individuals are just waiting to be placed, with a couple going to DAF, one to Jerome Golden, and the rest to other facilities.

D. Juvenile Detention Center Report

There was no representative from the detention center at the meeting. Mr. Kukec noted however that we have contacted and invited the Superintendent, and were under the impression that she would be coming. Chair Duncan said that we will keep issuing the invitation.

E. Misdemeanor Probation Report

Ms. Glenni Cueto reported that new cases received for the month of September was 163. Total active cases were 1,936 cases. Successfully completed cases were 133, revoked 49, for total terminated cases of 182.

VI. New Business

A. Marchman Act and Baker Act Bill

Mr. Alton Taylor, Drug Abuse Foundation of PBC (DAF) Executive Director and CEO, and Ms. Ann Berner, Southeast Florida Behavioral Health Network (SEFBHN) CEO led the discussion on the consolidation of the Marchman Act and Baker Act. Ms. Brenner first gave an overview of the issue, after which Mr. Taylor provided a discussion from a provider's perspective. Ms. Berner noted that the ultimate cost or impact on the system of the pending legislations is relatively unknown because Marchman Act is not typically or routinely used where it could have been appropriately applied. One of the issues is that with Federal Block Grants, Marchman Act cases do not fall within the priority population categories, so they

usually fall to the bottom of the list, unless they are IV drug users, or pregnant, etc. Ms. Berner said they will be continuing to work with the legislation staff, and she would like to come back at the next meeting to provide more specifics that will be coming out from Department of Children and Families that will show how some of the existing legislation is leveraged around Baker Act and aligning that toward having more involuntary restrictions on individuals that fall under the Marchman Act. These will be coming within the next four to six weeks so when the legislative sessions start in January, there will be a fully developed and more vetted revision to the Marchman Act.

Mr. Alton Taylor discussed the Senate and House bills affecting Marchman Act and Baker Act. He talked about the challenge of sending Marchman Act cases into a detox centers that do not have the capability of receiving the cases, and they have concerns about potentially where this might go. Mr. Taylor provided a report showing data from their emergency services from January 1, 2015 which illustrated that only a very small portion of the cases they received were Marchman Act cases. While he acknowledged that this is a problem, Mr. Taylor wondered if moving lots of resources from the front end to solve this problem would be justifiable at the expense of not dealing with the other needs throughout the care system. Ms. Berner added focusing on the chronic population that they are trying to tap into and provide them with treatment services at the right time and being able to pull them out of the really deep-end, acute care in the continuum of care. She said that DAF has been really instrumental in helping them work through the closure of CARP which was a significant hit to the community overall. They have also been working with South County Mental Health Center and Jerome Golden Center, and continue to address the co-occurring element of treatment.

Judge Leonard Hanser asked what legislation is planning to do, whether to keep the Acts separate, or consolidate them as they did in 1993. Mr. Taylor noted that there are these two bills that did not pass in the last sessions because of issue that still need to be resolved. His reading of the bills was that they do not mandate that the services be put together, but essentially just give CSUs (Crisis Stabilization Units) the ability to hold a Marchman Act individual, or hold them in ARFs (Addictions Receiving Facilities), which the state of Florida has not funded a lot. Judge Hanser asked if one of the distinguishing characteristics of an ARF is that it is a secure facility. Mr. Taylor said that for all intents and purposes an ARF is similar to CSU. The whole concept that the legislation is trying to move in is that there is no wrong door; you are going to get the right service whether you show up at an ARF or Baker Act unit. Ms. Berner said that their facility is co-occurring expectant. Judge Hanser shared his frustrations when he was a magistrate, that when they get Marchman Act or Baker Act petitions, was that some substance abuse facilities would not accept patients on psychotropic drugs, and would like to know if this a problem that is being addressed. Mr. Taylor said that about 40% of their clients are on some form of psychotropic drugs. Generally speaking their focus is high-substance abuse and low-psych. One of the holes in our care system is that we need more beds for co-occurring cases that deal with high-psych issues; we need to look at this issue as a community. Ms. Rosalyn Baker referred to page six of the

bill which included all the required elements for the bill to be put in place. Ms. Berner noted that other needs of the individual in addition to substance abuse and psychological issues, including primary care and other underlying health care issues, also need to be looked at.

Ms. Barbara White asked if there is a waiting list for detox beds now. She mentioned about an individual in the jail arrested the night before who was offered a time-served plea, and he asked if he could stay in jail because he needed to detox. If the jail is not the place for this person, do they (PD) need to ask if this person can be transported to a detox bed, and does this happen often? Major Starling said that he has not seen a high number, but that he will look at the numbers. And normally, if someone comes in that need detox, they keep them in the medical area. Mr. Alan Johnson talked about a collateral issue where if there is going to be Baker Act type involuntary commitments in Marchman Acts, who is going to represent the State? Right now, the State is at the Baker Acts. It is an unfunded mandate but there would be more Marchman Acts; it is going to dwarf Baker Acts. This is a huge issue resource-wise, and they think that the AG or the County Attorney's Office may be better suited for Marchman Act type of commitments. Mr. Johnson reiterated that this would be a collateral issue but it needed to be addressed, and that he has also talked with Mr. Todd Bonlarron about it. Chair Duncan asked Mr. Taylor what action he needed from the committee regarding this issue. Mr. Taylor said he just wanted to make sure that the committee knows what is going on because this policy will affect our community. Chair Duncan asked Mr. Taylor about their plan, whether they will be going to make some recommendations regarding the legislation before the sessions begin in January so that we are up front? Speaking for providers, Mr. Taylor said that their association, FADAA (Florida Alcohol and Drug Abuse Association), will be making some recommendations. As for the managing entity, Ms. Berner said that DCF is spearheading a state-wide task force which incorporates a whole array including law enforcement providers (e.g., Sheriff's Association), etc., to look at the implementation. There will have very targeted response and recommendations that will address all the different aspects. They want to speak as one voice in order to have a consolidated and solid bill that the legislation can support. They will be working on procedural issues, and will count on the committee for support if there will be an advocacy issue at some point. Chair Duncan asked to keep the committee updated, and offered to go to the full commission if they need to be more active in advocating the position.

At this point, Chair Duncan remembered to ask the guests to introduce themselves.

VII. Old Business

A. 12th Floor Jail Population Update

Ms. Katherine Hatos reported that they recently received information from the State Attorney's Office that they are currently reviewing, and that additional information will be coming. Once they have all the information, this data will be then submitted to the Florida Department of Law Enforcement to pull criminal history information. There is however a limitation to the information in that they can only get felony information, and not a complete background. They recently went through a very extensive FDLE technical audit and there are additional security measures they want to be put in place which they are currently working on. They have a signed privacy and security agreement for the data so once they have approved everything they can go ahead and proceed. Ms. Hatos referred to data on the average daily population table in the packet, provided by the Sheriff's Office. It shows that the number of juvenile inmates is continuing to decline it shows a decline with a high of 55 in February and now down to 38.

VIII. Additional member and guest comment

No additional member and guest comments.

IX. Adjournment

Next Meeting: November 4, 2015; 12:00 P.M.