

**M I N U T E S**

**MONDAY, September 9, 2013 – 8:00 a.m.**

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

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

***Members Present:***

Rosalyn Baker  
James Barr  
Jeffrey Colbath  
Douglas Duncan  
George Elmore  
Carey Haughwout  
Gerald Richman  
Chuck Shaw  
Lee Waring

Barbara Cheives  
Ex-Officio

***CJC Members Attending:***

Daniel Alexander  
Dave Aronberg  
Dave Kerner  
Barry Krischer  
Greg Starling

***Guests Attending:***

Jody Abrams, Guest of DA Office  
Angela Bess, PBC School District  
Todd Banlarron, PBC Legislative Affairs  
A. Drake, Clerk & Comptroller's Office  
Michelle Dryer, Workforce Alliance  
Mike Edmonds, State Attorney's Office  
Pamela Eidelberg, County Attorney's Office  
Senator Greg Evers, Florida House of Senate  
Bernard Featherman, PBCJS  
Jenise Link, PBC Justice Services  
Jennifer Loyless, Public Defender's Office  
Melissa McKinlay, PBC Legislative Affairs  
Rachel Merlan, PBC Legislative Affairs  
Yasmin River, Department of Correction

***Members Absent:***

Rolando Garcia  
William Kramer

E. Wayne Gent  
Ex-Officio Executive Committee

Felecia Scott, City of Riviera Beach  
Rick Swearingen, Adult Education Center  
Louis Tomeo, Clerk & Comptroller's Office

**Staff Present:**

Michael L. Rodriguez, Executive Director  
Arlene Griffiths, Administrative Secretary  
Shahzia Jackson, Criminal Justice Analyst  
Katherine Hatos, Criminal Justice Analyst  
Damir Kukec, Research & Planning Manager  
Rosalind Murray, Criminal Justice Program Development Specialist  
Brenda Oakes, Youth Violence Prevention Planning Coordinator  
Craig Spatara, RESTORE Initiative Program Manager  
Becky Walker, Criminal Justice Programs Manager  
Danielle Oullette, Student Intern  
Samantha Santiago, Student Intern

- I. Chairman Douglas Duncan called the meeting to order.
- 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 by Mr. George Elmore and second by Mr. James Barr.
- V. The minutes of the August 12, 2013 meeting were unanimously approved after motion by Chief Judge Jeffrey Colbath and second by Mr. Lee Waring.
- VI. Under Chairman's Comments, Chairman Duncan:
  - A. Extended special welcome to Senator Greg Evers, Chairman of the Criminal Justice Committee for the Senate.
  - B. Congratulated Mr. Feirmon Johnson on his retirement, and welcome Mr. Greg Starling who will take over as chief probation officer at the Juvenile Detention Center (DJJ). Chairman Duncan announced that Mr. Johnson and former Chief Judge Peter Blanc will be recognized at the September 23rd CJC meeting.
  - C. Expressed condolence to Chief Demasi on the passing of his dad.
  - D. Reminded members of the resumption of full meetings on Monday, September 23, 2013.
- VII. Under Executive Director's comments, Mr. Rodriguez:
  - A. Announced the 25<sup>th</sup> Citizens Criminal Justice Academy commencing on Monday, September 30, 2013 from 6:00 p.m. to 9:00 p.m. for 11 consecutive Mondays. He advised that classes would primarily be held

at the West Palm Beach Police Department community room located at 600 Banyan Boulevard, and would include tours of the Detention Center, the Courthouse, and the Medical Examiner's Office. Persons were asked to refer interested participants to the CJC.

- B. Congratulated Ms. Rosalyn Baker, Circuit Administrator as the recipient of the Florida Council on Crime and Delinquency (FCCD) 2013 Re-Entry Award.
- C. Congratulated Mr. Craig Spatara, a 2013 Golden Palm winner for developing the Re-Entry Network client database to track arrests and released felons. The County Administrator's Golden Palm Award recognizes, reward and promote employee accomplishments. Mr. Spatara will be presented with his award at the October 30<sup>th</sup> BCC meeting.

VIII. Business Consent Item

There were no business consent items.

IX. Old Business

There were no old business items for discussion.

X. New Business

A. Recommended Bond Schedule

Chairman Duncan commented on Administrative Order 4.202 that list certain crimes where persons arrested must go to first appearances to see a Judge before being released on bond. He said that the list is reviewed by the bond schedule review subcommittee each year to determine if any offences should be removed from or added to the list. The list is then presented to the Corrections Task Force and Public Safety Coordinating council for recommendation to the CJC. He noted that the review subcommittee include of representatives from the State Attorney's Office, the Public Defender's office and Court Administration, and Probation.

Public Defender Haughwout inquired if there were any significant changes to the list. Chairman Duncan noted that the recommendation relates mainly to the addition of child pornography and sex offenders failure to register. He further noted that there were other technical statutory terms dealing with first and second degree felony. Mr. Rodriguez added that the section highlighting two justice service centers were deleted since there is currently one justice service center. Punishable by Death (PBL) and Felony Capital (FC) designations under the degrees felonies were also deleted. These recommendations are made to the Chief Judge for approval.

Members unanimously approved the recommendations as presented.

B. Administrative Order dealing with Felony VOP

Chairman Duncan advised of Administrative Order 4.401 that assists judges in determining how to deal with certain procedures. He explained the procedures involved in misdemeanor offences, commenting that it is felt that the judge who places an individual on probation should be the judge to release him/her on bond for violating probation since there is no constitutional right to bond out of violation of probation. He noted that it works well for misdemeanor, but said that the committee felt it was necessary to amend the Administrative Order for consistency. This would provide a similar provision where individuals arrested under felony VOP would see the judge that places them on probation the next business day.

C. CJC Legislative Issues

Mr. Rodriguez provided a brief overview of the CJC for the benefit of Senator Evers. He outlined the legislative issues brought forward for the upcoming session and commented on the following:

- 28-24 Service charges by clerk of the circuit court – He noted that this statute delineates who the clerks are required to provide information to at no charge, and said that the desire is for the CJC to be included in the statute to be provided information at no charge.
- 951-26 Public safety coordinating councils – Mr. Rodriguez commented on the language as it relate to members and term limits saying that it perhaps need to be clearer in the statute.
- 985 – Summary of significant changes in DJJ: Draft Proposal – Ms. Brenda Oakes highlighted the proposed changes to the statute that guides juveniles that are in the juvenile justice system. One issue is the enhancement of the juvenile records protection that she said has been requested and worked on as a Juvenile justice board and the CJC, in partnership with the Legislative Affairs for the last three years. Other issues include allowing for expansion of the civil citation program, creation of evening reporting centers where families and children can be served while awaiting court hearings, removal of barriers for youth on probation, and the provision of additional sentencing options.

She noted that the idea for the rewrite is for youth and the consequences for their actions to be looked at. She further remarked about the CJC and the great partnerships with criminal justice partners coupled with funding through the BCC and financially assisted agencies, as well as formula and competitive grant funding. This she said, has resulted in major accomplishments and changes in Palm Beach County in terms

of providing alternative to secure detention and diversion programs. To this end, Ms. Oakes expressed the wish for DJJ or the State to provide financial incentives for all circuits/counties to institute more diversion programs.

Mr. Krischer expressed concerns with the rewrite and its impact on law enforcement, suggesting that the matter be referred to the Law Enforcement Planning Council (LEPC) for their input. Public Defender Haughwout concurred with Mr. Krischer's recommendation as she too has concerns with the rewrite, and further recommended that a subcommittee be established to look at the rewrite if the CJC wishes to take a position.

Members unanimously approved the recommendation for the establishment of a subcommittee after motion by Chief Judge Colbath and second by Public Defender Haughwout.

Chairman Duncan suggested the make-up of the subcommittee to include representatives from the Public Defender and the State Attorney's office, law enforcement, courts, DJJ, the School Board, and Ms. Barbara Cheives from the private sector.

- Re-Entry: Title XLVIII ch. 1001

Public Defender Haughwout provided an overview of the CJC's involvement in reentry, which she said is very active since it has been a priority of the CJC for a number of years. She spoke about the partnerships and funding for the reentry program and gave a summary of its accomplishments. She highlighted some of the legislative issues affecting reentry such as education saying that the statute prohibits funding against providing services for federal and state inmates, and that the Reentry Task Force is seeking to have that changed.

Members unanimously approved a motion to request the County Legislative Affairs staff to assist in amending the Statute that prohibits the County State College from providing services to inmates during the reentry process. The motion was made by Public Defender Haughwout and second by Chief Judge Colbath.

Other issues include a proposed Bill for the issuance of social security cards and State issued identification cards to inmates that are being released. She noted that this Bill was introduced last year but was not approved, and that it is also an issue the Task Force seeks assistance in resolving.

Senator Evers commented that a part of the problem with this particular Bill has to do with the mechanics of it, and further remarked about preventing violation of certain Department of Corrections (DOC) regulations. He feels however that every

prisoner should be put in a work release center where this could be accomplished thereby making it easier for offenders. He further stressed the importance of them obtaining a job if they are to be rehabilitated when they get out of prison, as they may revert to how they got to prison in the first place. Senator Evers commended the CJC on the tremendous job it is doing, and reported how well represented the CJC is by Todd, Melisa, and Rachael in Tallahassee. He noted that the idea of local government making decisions locally is great, and remarked about the CJC coordination, saying that it makes common sense.

State Attorney Dave Aronberg thanked Senator Evers for visiting and commented on his working relationship with the Senator while in Tallahassee. He spoke about the Senator working with Representative Dave Kerner and Senator Abruzzo in getting the Sunshine Law Bill relating to the CJC passed.

Mr. Krischer commented on the free issuance of drivers license/state identification cards to inmates, but Public Defender Haughwout noted that although funding is required for that initiative, it is a public safety issue and is therefore not just a benefit to inmates. Chief Judge Colbath remarked that if the id cards are given to the inmates at a reduced or no cost, the information could be attached that it is given for free by the Sheriff's Office or by the community service people. The he said could possibly make them feel like they are welcome back to society and, may have a psychological effect on them.

Mr. Spatara who oversees the reentry program argued that the issue is not about the money, but rather the process as according to him "You can't get a State id without a social security card, and you can't get a social security card without an id." Mr. Rodriguez agreed that there is grant funding to cover the actual cost but that the process is the issue.

- Marchman Act

Ms. Becky Walker advised that the CJC has been looking into the Marchman Act with a view to making some changes to the civil drug commitment process. She noted that the committee is seeking legislatively to propose an extension of time to the current treatment order of 60 days as that is not sufficient for substance abuse treatment. The committee is also proposing that the court retains jurisdiction for up to one year to allow going back into treatment more easily if someone relapse, instead of starting all over, and to also hold people until the next business day when an assessment is done and treatment is needed. She added that CJC staff, County Attorney's Office, and Legislative

Affairs are working together and has completed a draft. She also said that meetings were held with the managing entity to determine their support for the changes. The next step she noted is to meet with the Florida Alcohol and Drug Abuse Association (FADAA) and the Department of Children and Families (DCF) for their support.

- Criminal Justice Standards and Trust Funds

Mr. Rodriguez reported that it was recently brought to his attention that training of officers will be significantly reduced due to the decrease in the trust fund. Chief Daniel Alexander noted that it will be a legislative priority for the FDC.

XI. CJC Initiatives/Update

There were no initiatives/updates reported.

XII. Member Comments

There were no member comments, but Mr. Todd Bonlarron, advised that Senator Evers was invited to visit as the Chairman of the Criminal Justice Committee for the Senate. He said that this is one of the most important committees for impulse issues dealing with criminal justice, and noted that his team tries to reach out to people at this high level position where decisions are made. He wanted the Senator Evers to see the CJC at work, and advised that he will also meet with the Public Defender, the State Attorney and the Sheriff, in addition to visiting some criminal justice facilities to get a first hand and to meet with the people who deal with the issues on a daily basis. He said that Senator Evers has been very helpful to them in both the House and the Senate, and thanked him for taking the time out of his busy schedule to visit Palm Beach County.

Senator Evers again thanked the CJC for the work it is doing saying he was amazed at how engaged and involved the CJC meeting was, and wished that other counties were doing like Palm Beach in this regard. He further stated that the requests made by the CJC for the legislative agenda are not far-fetched though they might require some tweaking.

Chairman Duncan thanked Senator Evers for his visit and also for his help with the passage of the Sunshine Law Bill. He noted that the success of the CJC is all the members and partners working together.

The meeting adjourned at approximately 9:05 a.m.