

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: 02/06/07

☒ **Consent** ☐ **Regular**
☐ **Ordinance** ☐ **Public Hearing**

Department:

Submitted By: PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

Submitted For: PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

I. EXECUTIVE BRIEF

MOTION AND TITLE: Staff recommends motion to approve: A) a Budget Transfer of \$60,000 in the JAG-Local Law Enforcement Block Grant (LLEBG) 04/08 Fund to establish budget for an assistant State Attorney for gun crimes committed by youthful offenders; B) a Budget Transfer of \$60,000 in the JAG-LLEBG 05/09 Fund to establish budget for an assistant State Attorney for gang related crimes committed by youthful offenders; C) a Budget Transfer of \$60,000 in the Criminal Justice Reserve Fund to provide continuation funding for a Criminal Justice Analyst for crime data research and analysis; D) a Budget Transfer of \$60,000 in the General Fund to recognize the transfer of funds for the Criminal Justice Analyst; and E) the Eighth Amendment to the agreement (R99-2416D, dated 12/21/1999) with the Office of the State Attorney for the Community Based Anti-Crime Task Force (COMBAT) to expand the agreement to include services of the two (2) additional Assistant State Attorney's for the Youth Violence Prevention Initiative.

SUMMARY: On September 27, 2005, the Board of County Commissioners (BCC) approved the submittal of a grant application (R2005-1922) for a Justice Assistance Grant (JAG) awarded effective October 1, 2004 – September 30, 2008 for \$330,435. \$60,000 of the 04/08 JAG grant is currently budgeted in reserves for new projects. The budget transfer is necessary to appropriate the reserve funds to the State Attorney to expand the COMBAT by adding an Assistant State Attorney for gun crimes.

On April 18, 2006, the BCC approved the submittal of a grant application (R2006-0728) for a JAG awarded effective October 1, 2005 to September 30, 2009 for \$191,726. \$60,000 of the 05/09 JAG grant was awarded for the Crime Data Research and Analysis Program, however, will now be used to expand the COMBAT by adding an Assistant State Attorney for gang related crimes. Staff recommends the use of Criminal Justice Reserve Funds to replace the JAG funds originally committed for the Crime Data Research and Analysis Program. The budget transfer and amendment is necessary to establish appropriate budget.

An amendment to the agreement with the State Attorney's Office is required for legal services in order to expand the COMBAT to include the services of the two additional Assistant State Attorneys for the Youth Violence Prevention Initiative. It is intended to maintain these services for three years. Countywide (DW)

BACKGROUND AND JUSTIFICATION: On February 15, 2005, the BCC provided direction for the Youth Violence Prevention Initiative and authorized the creation of a Youth Violence Prevention Steering Committee to provide overall direction and support for the research and development of a strategy to combat youth violence in targeted areas of Palm Beach County. Palm Beach County continues to see a rash of shooting, generating tremendous concern on the part of the BCC, Criminal Justice Commission members, local law enforcement, educators and the community. The Steering Committee finds that the assistance of a specifically assigned gang related crime prosecutor and a youthful offender prosecutor will be advantageous to accomplishing the goal of reducing youth violence.

The Youth Violence Prevention Initiative falls within the purpose area of the JAG program to provide local units of government with funds to underwrite projects to reduce crime and improve public safety and the Crime Data Research and Analysis Program fall within the purpose area established for use of Criminal Justice Reserve funds.

Attachments:

1. Budget Transfer (Fund 1503)
2. Budget Transfer (Fund 1505)
3. Budget Transfer (Fund 1507)
4. Budget Transfer (Fund 0001)
5. 2 Originals of Eighth Amendment to the Agreement with the State Attorney's Office

Recommended by: L. V. Cunningham 12/27/06
Department Director (Final 1) Date

Approved By: Walter J. Delmonico 1/31/09
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2007 | 2008 | 2009 | 2010 | 2011 |
|--|----------------|------|------|------|------|
| Capital Expenditures | | | | | |
| Operating Costs | <u>180,000</u> | | | | |
| External Revenues | <u>120,000</u> | | | | |
| Program Income (County) | | | | | |
| In-Kind Match (County) | | | | | |
| NET FISCAL IMPACT | <u>60,000</u> | | | | |
| # ADDITIONAL FTE POSITIONS (Cumulative) | | | | | |

Is Item Included In Current Budget? Yes X No

Budget Account No.: Fund 1503/1505/1507/0001 Dept. Unit Object
Fund Dept. Unit Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

| | |
|--------------------------------------|----------|
| JAG-LLEBG Fund (1505) | \$60,000 |
| JAG-LLEBG Fund (1503) | \$60,000 |
| Criminal Justice Reserve Fund (1507) | \$60,000 |

C. Departmental Fiscal Review: *[Signature]*

III. REVIEW COMMENTS


A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB 1-2307
ms
1/17/07 DM
1-12-07

Legal Sufficiency:

B. Legal Sufficiency:

**This amendment complies with
our review requirements.**


Assistant County Attorney

C. Other Department Review:

Department Director

07 -

BUDGET TRANSFER
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

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Advantage Document Numbers:

BGEX

BGRV

Fund 1503 JAG - Local Law Enforcement Block Grant (04/08)

Use this form to provide budget for items not anticipated in the budget.

| ACCT.NUMBER | ACCOUNT NAME | ADOPTED BUDGET | CURRENT BUDGET | INCREASE | DECREASE | ADJUSTED BUDGET | EXPENDED/ ENCUMBERED AS OF | REMAINING BALANCE |
|-------------------------------------|--------------|-------------------|-------------------|----------|----------|--------------------|----------------------------------|----------------------|
| <u>Expenditures</u> | | | | | | | | |
| 1503-762-7675-8101 | | 10,000 | 10,000 | 60,000 | 0 | 70,000 | 0 | 70,000 |
| 1503-762-7675-9908 | | 60,000 | 60,000 | 0 | 60,000 | 0 | 0 | 0 |
| Total Appropriations & Expenditures | | 70,000 | 70,000 | 60,000 | 60,000 | 70,000 | | |

Signatures

Date

By Board of County Commissioners

Criminal Justice Commission

At Meeting of

INITIATING DEPARTMENT/DIVISION



12/21/06

February 6, 2007

Administration/Budget Department Approval

Deputy Clerk to the
Board of County Commissioners

OFMB Department - Posted

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BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

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Advantage Document Numbers:
BGEX
BGRV

Fund 1505 JAG - Local Law Enforcement Block Grant (05/09)

Use this form to provide budget for items not anticipated in the budget.

| ACCT.NUMBER | ACCOUNT NAME | ADOPTED BUDGET | CURRENT BUDGET | INCREASE | DECREASE | ADJUSTED BUDGET | EXPENDED/ ENCUMBERED AS OF | REMAINING BALANCE |
|--|---|-------------------|-------------------|---------------|---------------|--------------------|----------------------------------|----------------------|
| <u>Expenditures</u> | | | | | | | | |
| 1505-820-7670-9000 | Transfer to the General Fund 0001 | 101,726 | 101,726 | 0 | 60,000 | 41,726 | 0 | 41,726 |
| 1505-762-7670-8101 | Contributions Other Governmental Agency | 45,000 | 45,000 | 60,000 | 0 | 105,000 | 0 | 105,000 |
| Total Appropriations & Expenditures | | <u>191,726</u> | <u>191,726</u> | <u>60,000</u> | <u>60,000</u> | <u>191,726</u> | | |

Signatures

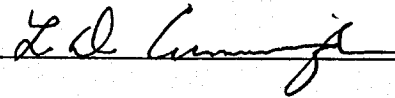
Date

By Board of County Commissioners

Criminal Justice Commission

At Meeting of

INITIATING DEPARTMENT/DIVISION

12/21/06February 6, 2007

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BUDGET TRANSFER
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

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Advantage Document Numbers:

BGEX

BGRV

Fund 1507 Criminal Justice Reserve Fund

Use this form to provide budget for items not anticipated in the budget.

| ACCT.NUMBER | ACCOUNT NAME | ADOPTED BUDGET | CURRENT BUDGET | INCREASE | DECREASE | ADJUSTED BUDGET | EXPENDED/ ENCUMBERED AS OF | REMAINING BALANCE |
|--|-----------------------------------|-------------------|-------------------|---------------|---------------|--------------------|----------------------------------|----------------------|
| <u>Expenditures</u> | | | | | | | | |
| 1507-820-7607-9000 | Transfer to the General Fund 0001 | 720,545 | 1,096,905 | 60,000 | 0 | 1,156,905 | 0 | 1,156,905 |
| 1507-820-9901-9902 | Operating Reserves | 783,192 | 416,832 | 0 | 60,000 | 356,832 | 0 | 356,832 |
| Total Appropriations & Expenditures | | <u>1,737,007</u> | <u>1,737,007</u> | <u>60,000</u> | <u>60,000</u> | <u>1,737,007</u> | | |

Signatures

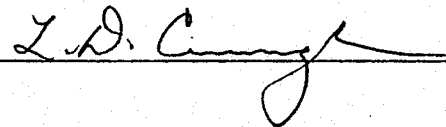
Date

By Board of County Commissioners

Criminal Justice Commission

At Meeting of

INITIATING DEPARTMENT/DIVISION



1/11/07

February 6, 2007

Administration/Budget Department Approval

Deputy Clerk to the
Board of County Commissioners

OFMB Department - Posted

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BUDGET AMENDMENT
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

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Advantage Document Numbers:

BGEX

BGRV

Fund 0001 General Fund

Use this form to provide budget for items not anticipated in the budget.

| ACCT.NUMBER | ACCOUNT NAME | ADOPTED BUDGET | CURRENT BUDGET | INCREASE | DECREASE | ADJUSTED BUDGET | EXPENDED/ ENCUMBERED AS OF | REMAINING BALANCE |
|------------------------------------|-------------------------|----------------------|----------------------|----------|----------|----------------------|----------------------------------|----------------------|
| <u>Revenues</u> | | | | | | | | |
| 0001-762-7662-8237 | Transfer from Fund 1505 | 60,000 | 60,000 | 0 | 60,000 | 0 | 0 | 0 |
| 0001-762-7662-8239 | Transfer from Fund 1507 | 0 | 0 | 60,000 | | | | |
| Total Receipts and Balances | | <u>1,031,254,533</u> | <u>1,032,964,132</u> | <u>0</u> | <u>0</u> | <u>1,032,964,132</u> | | |

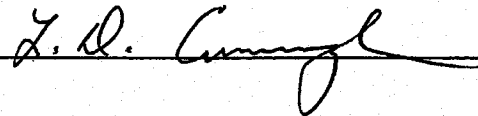
Signatures

Date

By Board of County Commissioners

Criminal Justice Commission

INITIATING DEPARTMENT/DIVISION

12/21/06

At Meeting of

February 6, 2007

Administration/Budget Department Approval

Deputy Clerk to the
Board of County Commissioners

OFMB Department - Posted

CONTRACT
PENDING
SIGNATURE

(from State Attorney)



Criminal Justice Commission
301 N. Olive Avenue, Suite 1001
West Palm Beach, FL 33401-4705
(561) 355-4943
Fax: (561) 355-4941
www.pbcgov.com/cjc

■

**Palm Beach County
Board of County
Commissioners**
Addie L. Greene, Chairperson
Jeff F. Koons, Vice Chair
Karen T. Marcus
Warren H. Newell
Mary McCarty
Burt Aaronson
Jess R. Santamaria

**Criminal Justice
Commission Officers**
Harry A. Johnston, II, Chairman
James Barr, Vice Chairman
Feirmon Johnson, Secretary
Barbara Cheives, Treasurer

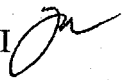
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County Administrator
Robert Weisman

Executive Director
L. Diana Cunningham
E-mail: dcunning@co.palm-beach.fl.us

"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

DATE: December 22, 2006
TO: Barry Krischer
State Attorney
FROM: Shairette Major
Financial Analyst II 
SUBJECT: Amendment to Expand the COMBAT Program

Enclosed is the Eighth amendment to expand our Legal Services Agreement to include the services of two additional Assistant State Attorneys for the Youth Violence Prevention Initiative and the Gang Initiative. Funding will be provided from the County's Justice Assistance Grants.

Please sign the two (2) originals and return them to me at your earliest convenience. These items will be submitted for approval by the Board of County Commissioners and included on the February 6, 2007 agenda.

Please call me at 355-4939 if you need any further information.

EIGHTH AMENDMENT TO LEGAL SERVICES AGREEMENT

THIS EIGHTH AMENDMENT, dated this _____ day of _____, 2007, to the Agreement (R1999-2416D) of December 21, 1999, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as COUNTY, and the Office of the State Attorney, Fifteenth Judicial Circuit, a Florida Constitutional Officer, hereinafter referred to as OFFICE.

WITNESSETH:

WHEREAS, the parties have entered into the Agreement of December 21, 1999 under which the OFFICE agrees to provide the services of two Assistant State Attorneys under the COMBAT Unit, as more specifically set forth in the Scope of Work as detailed in "Exhibit A" of said Agreement; and

WHEREAS, the COUNTY has agreed to reimburse the OFFICE from Federal Edward Byrne Memorial Justice Assistance Grant (JAG) funds and Criminal Justice Reserve Funds for the salaries and benefits of two (2) Assistant State Attorneys under the COMBAT Unit; and

WHEREAS, the term of said Agreement as amended is from October 1, 1999 through September 30, 2007; and

WHEREAS, the parties mutually desire to expand the Agreement to include the services of two additional Assistant State Attorneys for the Youth Violence Prevention Initiative and the Gang Initiative; and

WHEREAS, the COUNTY agrees to reimburse the OFFICE from Federal Edward Byrne Memorial JAG funds for the two additional Assistant State Attorneys.

NOW, THEREFORE, in consideration of the mutual covenants and agreement expressed herein, the COUNTY and OFFICE agree as follows:

1. The OFFICE agrees that it shall provide two additional Assistant State Attorneys who will fill the position for the Youth Violence Prevention Initiative and the Gang Initiative, as more specifically set forth in the Scope of Work as detailed in "Exhibit D" and is attached hereto; and
2. Subject to the receipt of the applicable Federal funding, the total amount to be paid by the COUNTY for the additional services for the period October 1, 2006 through September 30, 2007 under this Eighth Amendment shall not exceed One Hundred Twenty Thousand Dollars (\$120,000) from the COUNTY'S JAG (04/08 & 05/09 funds).
3. Based on the additional funding, the COUNTY's entire financial obligation shall be Two Hundred Forty Five Thousand Dollars (\$245,000) for the fiscal year 2006-2007.
4. The OFFICE agrees to provide, in writing, to the COUNTY, the name of the four Assistant State Attorneys assigned pursuant to this Agreement and agrees to require the four Assistant State Attorneys to provide written monthly progress/activities report to the Youth Violence Prevention Initiative and the Gang

Initiative.

Attachment 5

5. The OFFICE shall supervise the Assistant State Attorney's' duties as contained in the job description in Exhibits "A", "C" and "D".
6. The OFFICE and the COUNTY shall designate one person from each organization to meet on a monthly basis to evaluate the performance of the four Assistant State Attorneys. If for any reason, the COUNTY is not satisfied with the performance of the Assistant State Attorney which the OFFICE provides hereunder, the OFFICE agrees to provide a substitute Assistant State Attorney or resolve the performance issue within thirty (30) days of the date of such written notice by the COUNTY to the OFFICE.
7. The OFFICE shall bill the COUNTY on a monthly basis within 10 days of the end of each month for the services of the four Assistant State Attorneys. All requests for payment of expenses eligible for reimbursement under the terms of this Agreement shall include copies of payroll register, paid receipts, copies of check, invoices and/or other documentation acceptable to the Palm Beach County Clerk & Comptroller Finance Division. Invoices to the COUNTY shall include a reference to this Agreement, identify the project and identify the amount due and payable to the OFFICE. Invoices received from the OFFICE will be reviewed and approved by the COUNTY's CJC Executive Director, indicating that expenditure has been made in conformity with this Agreement and then will be sent to the Palm Beach County Clerk & Comptroller Finance Division.
8. Notwithstanding the forgoing, the parties agree to act in good faith in resolving any disputes as it relates to the OFFICE's four Assistant State Attorneys.

All other provisions of said Agreement are hereby confirmed, and except as provided herein are not otherwise altered or amended. All the terms and conditions of the Agreement of December 21, 1999 as amended, and are hereby confirmed and remain in full force and effect.

In accordance with Palm Beach County Code, Chapter 2, Article III, Section 2.51., this Eighth Amendment shall not take effect until executed by the OFFICE and COUNTY.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Contract on behalf of the COUNTY and OFFICE has hereunto set its hand the day and year above written.

ATTEST:
SHARON R. BOCK,
Clerk & Comptroller

By: _____
Deputy Clerk

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS:

By: _____
Addie L. Greene
Chairperson

OFFICE OF THE STATE ATTORNEY
FIFTEENTH JUDICIAL CIRCUIT:

By: _____
Barry E. Krischer
State Attorney

Witnesses:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

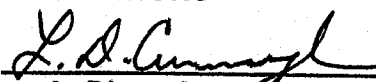
By: 
L. Diana Cunningham
Executive Director

Exhibit D

YOUTH VIOLENCE PREVENTION ASSISTANT STATE ATTORNEY
Scope of Work

The purpose of the Youth Violence Prevention Program is to: 1) reduce the rate of violent firearm crimes by youthful offenders in Palm Beach County (for the purposes of this document a youthful offender is any individual up to and including the age 29) ; 2) provide youth, ages 13-18 with activities, services and programs identified as a specific need in each location; 3) divert youthful offenders from the juvenile justice system and provide the judiciary with additional sanctions; 4) increase the use of local law enforcement and law enforcement resources to aid in the prevention violent crime. All of these goals require planning, involving local community persons, organizations and law enforcement. The Steering Committee finds the assistance of a specifically assigned prosecutor advantageous to accomplishing the goal of reducing youth violence.

The Assistant State Attorney assigned to the Youth Violence Prevention Program will be responsible for:

- Coordinating the filing of all violent firearms cases committed by youthful offenders within Palm Beach County.
- Reviewing the violent firearm crime filing packets involving youthful offenders that have not already been assigned to a specific prosecutor in the COMBAT Unit of the Office of the State Attorney and determining the appropriate charges to be filed in those cases. (For purposes of this agreement a violent firearm crime is defined as any crime in which a firearm is used or threatened to be used). Any homicide or sexual battery crime involving the use of a firearm by a youthful offender will be prosecuted through the specialized divisions of the State Attorney's Office already established for these prosecutions. The Assistant State Attorney assigned to the Youth Violence Prevention Program will coordinate with prosecutors in these specialized units to fulfill the goals of the Program.
- Establishing a protocol for violent firearms cases involving youthful offenders coordinating with the line prosecutors to ensure referrals and assistance on cases to be prosecuted.
- Identifying those youthful offenders who qualify for enhanced sentencing based on their status as Prison Release Re-offenders, Violent Career Criminals, etc. and attempt to have these offenders sentenced under the enhanced sentencing guidelines.

- Providing continuous support and assistance to the law enforcement officers working in the jurisdictions of the five targeted areas in obtaining search warrants and arrest warrants targeting youthful violent crime offenders.
- Provide necessary training for law enforcement officers assigned to gun violence reduction strategies; i.e. the Violent Crimes Task Force and designated officers assigned within the five target geographic areas
- Provide monthly statistics on prosecution data of the violent firearms arrests involving youthful offenders

The State Attorney shall provide the assistance of one Assistant State Attorney as described in the Scope of Work and who will dedicate 100% of his/her time to the prosecution of violent firearms crimes involving youthful offenders in Palm Beach County.

Exhibit D

Youth Violence Prevention Gang Prosecutor Scope of Work

The purpose of the Youth Violence Prevention Program is to: 1) reduce the rate of violent firearm crimes by youthful offenders in Palm Beach County (for the purposes of this document a youthful offender is any individual up to and including the age 29) ; 2) provide youth, ages 13-18 with activities, services and programs identified as a specific need in each location; 3) divert youthful offenders from the juvenile justice system and provide the judiciary with additional sanctions; 4) increase the use of local law enforcement and law enforcement resources to aid in the prevention violent crime. All of these goals require planning, involving local community persons, organizations and law enforcement. The Steering Committee finds the assistance of a specifically assigned gang prosecutor advantageous to accomplishing the goal of reducing youth violence.

The Assistant State Attorney assigned to gang prosecutions will be responsible for:

- Coordinate the filing of gang related cases by Juveniles and Adults.
- Provide necessary training for law enforcement officers involved in Gang related cases.
- Establish criteria for processing gang cases and work as a liaison with line prosecutors in both juvenile and adult courts.
- Provide training to ASA's on the issues of gang prosecutions and local intelligence as well as creative sentencing that will assist law enforcement in their attempts to reduce violence in our communities.
- Provide statistics on prosecution data on gang related cases
- Review the filing packets of "gang related" crimes that have not already been assigned to a specific prosecutor in the COMBAT Unit of the Office of the State Attorney and determine the appropriate charges to be filed in those cases. Any homicide or sexual battery crime involving the use of a firearm by a gang member will be prosecuted through the specialized units of the State Attorney's Office already established for these prosecutions. The Assistant State Attorney assigned to the Youth Violence Prevention Program will coordinate with prosecutors in these specialized units to fulfill the goals of the Program.
- Identify gang member defendants who qualify for enhanced sentencing based on their status as Prison Release Re-offenders, Violent Career

Criminals, etc. and attempt to have these offenders sentenced under the enhanced sentencing guidelines.

The State Attorney shall provide the assistance of one Assistant State Attorney as described in the Scope of Work and who will dedicate 100% of his/her time to the prosecution of gang related crime in Palm Beach County.